



**Upstate Citizens for Equality  
Niagara Frontier Chapter**

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<http://www.upstate-citizens.org>

The people of Erie County and the State of New York was not properly and truly represented in the negotiation of the MOU and tribal-state compact between the Seneca Nation and the State nor in the authorizing legislation and should be given a voice in this matter.

The authorizing legislation passed in October of 2001 was combined with 26 other bills that included children's health care, preschool special education and other social programs not addressed in the 2001 State budget as well as aid for Manhattan from the devastation it suffered from the terrorist attacks of 9/11 and creating economic development zones throughout the state. In fact at least one State Legislator David Townsend said in effect that although he would have voted against this authorizing legislation if it was presented alone he was compelled to vote for it because to not to do so may have risked the necessary aid to Manhattan and other worthwhile programs. The bill that included the authorizing legislation was placed on our legislators desks less than 24 hours before they voted on it precluding any meaningful discussion or debate on this particular topic by them. This legislation is currently being challenged in court and is pending before the United States Supreme Court. There is also a bill pending in Congress that will prohibit commercial gambling on Indian land in states that do not allow commercial gambling by non-Indians (S.1518 by Senator Voinovich) and there will undoubtedly be future legal challenges to this casino and the land it is to be situated on.

Even if you support the casino it is a bad deal. The compact is only valid for 14 years from its effective date with a single automatic renewal for a term of 7 additional years. The compensation to be received by the state and host communities is based on the net drop of any gambling device that the Senecas have exclusivity to offer which currently is slot machines. Since the compact defines slot machines and video lottery terminals differently the Senecas may unilaterally elect to eliminate the slot machines and the State and host communities' right to a share of any revenue will be effectively ended. That although the compact is good for approximately another 18 years the land that will be taken into trust will be permanently and irrevocably lost. Regardless of how the Senecas want to use the land we will have no control over zoning, land use, health and safety regulations and real property taxation.

For all the reasons stated here today this is a bad deal and should be permitted to die. If the people of this state desire commercial gambling they can do so without making these bad deals. They can amend the State Constitution to allow it and let the communities decide by way of zoning laws where they may be located and the free market should decide its existence. It is competition in a free market with all playing by the same rules that will lead to economic revival not the granting of monopolies or exclusive privileges and franchises.

Sincerely,

Daniel T. Warren  
Chair  
Niagara Frontier Chapter of Upstate Citizens for Equality