



July 21, 2003

Daniel T. Warren
Chairman
Niagara Frontier Chapter of
Upstate Citizens for Equality
836 Indian Church Road
West Seneca, New York 14224-1235

Dear Mr. Warren:

Thank you for your recent letter to the National Indian Gaming Commission ("NIGC"), received on June 20, 2003.

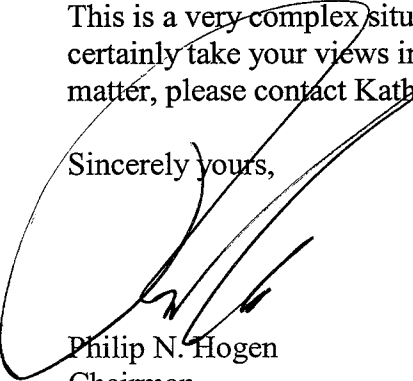
We are aware of the New York Court of Appeals' decision in *Saratoga County Chamber of Commerce, Inc. v. Pataki*, 2003 N.Y. LEXIS 1470 (N.Y. June 12, 2003), in which the Court invalidated a 1993 State-Tribal gaming compact between the St. Regis Mohawk Tribe and the State of New York. We continue to evaluate the decision's impact on tribal gaming in New York State. We are also aware that since June 12, the Court of Appeals issued a stay of its decision until August 1, 2003, at the request of the State of New York. The stay is based on the State's intention to file for a similar stay in the United States Supreme Court, as well as to file a writ of certiorari. It is our further understanding that, shortly after the June 12 decision, the 1993 compact was referred to the State Legislature for ratification. The compact was subsequently ratified by the Senate, but was not voted on by the Assembly. The parties anticipate that ratification of the compact will be given full consideration by the Assembly when it reconvenes either in the fall of 2003 or in early 2004.

In short, the parties to the original compact continue to seek a resolution of the situation in light of the appellate court's ruling. Remedies, both judicial and legislative in nature, are still being pursued. In a related matter, press reports note that, on July 19, 2003, the New York Supreme Court affirmed the ability of tribes to conduct Class III gaming in the State of New York.

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This is a very complex situation, which we continue to monitor. As we do so, we will certainly take your views into consideration. If you have any questions regarding this matter, please contact Katherine Zebell, staff attorney, at (202) 632-7003.

Sincerely yours,



Philip N. Hogen
Chairman

cc: Glenn T. Suddaby
United States Attorney
Northern District of New York

Aurene M. Martin
Acting Assistant Secretary
United States Department of the Interior
Bureau of Indian Affairs