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Local News - Saturday, March 13, 2004

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Sides await decision on Seneca-Cayuga gaming hall in Aurelius

AP

SYRACUSE (AP) -- The Seneca-Cayuga Tribe of Oklahoma will wait a little longer until a federal judge decides whether it can resume building a \$25 million gaming parlor on land it owns in Upstate New York, a tribal spokesman said Friday.

"We understand that the judge is taking his time and if he errs, it will be on the side of caution," said Jay Whitecrow, a spokesman for the Oklahoma tribe.

The Oklahoma tribe last year started clearing 229 acres in the town of Aurelius for a gaming hall. The Seneca-Cayugas bought the parcel in November 2002 and claim it is sovereign territory not subject to local or state laws because it lies within the tribe's land.

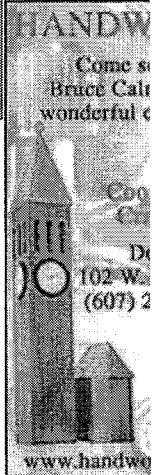
However, town and county officials sought an injunction to stop the construction, arguing the tribe must follow local zoning and building regulations and obtain the required permits and licenses. The tribe filed a countersuit.

U.S. District Judge Neal McCurn issued a temporary restraining order in September, preventing either side from taking action. On Thursday, McCurn listened to four more hours of arguments before reserving decision and continuing the deadlock. If the tribe receives a favorable ruling, it will take six to 10 months to finish construction, Whitecrow said.

The dispute revolves around whether the Oklahoma tribe is a "successor in interest" to the historic Cayuga Indian Nation that entered into the 1794 Canandaigua Treaty with the federal government. That agreement set aside some 64,000 acres in Cayuga and Seneca counties.

The tribe, which settled on federal land in northeastern Oklahoma 170 years ago, claims it is the direct descendant of the historic Cayugas.

In 2001, after ruling the state illegally acquired the reservation land from the



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Cayugas more than 200 years ago, McCurn jointly awarded \$247.9 million to the Seneca-Cayugas and the Cayuga Indian Nation of New York to settle their 1980 lawsuit to reclaim the land.

The ruling and award are being appealed and arguments will be heard March 31.

In court decisions leading up to the ruling, McCurn determined the Seneca-Cayugas have a legitimate claim to the land, said Glenn Feldman, one of the Oklahoma tribe's attorneys.

Lawyers for the towns of Aurelius and Montezuma, Cayuga County, the state and the Cayuga Indian Nation of New York contend the Seneca-Cayugas are a loose amalgam of other tribes who have no jurisdictional rights to the land granted under the Canandaigua Treaty.

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