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June 23, 2004

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## LOCAL NEWS

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Friday, May 21, 2004

### Land claim offer would give \$3M to counties

By DENISE M. CHAMPAGNE

Times Staff Writer

WATERLOO — Under a new proposed settlement to the state's 24-year-old land claim, the Cayuga Indian Nation would pay \$3 million a year for two decades to Seneca and Cayuga counties in exchange for a Catskills casino.

Details of the proposal will be presented Monday to the Seneca County Board of Supervisors by John O'Mara and Greg Allen, counsel to Gov. George Pataki, who met this week with the Cayuga County Legislature.

"We're hopeful," said Martin Gold, a lawyer representing the Cayugas. "The sooner, the better."

Todd Alhart, a Pataki spokesman, declined to comment on the negotiations.

The proposal would allow the Nation to build and operate a \$500 million casino in Monticello, about 90 miles northwest of New York City. The yearly payments would continue if the casino remains open after 21 years. The nation needs state and federal approval to open a gaming hall.

Richard Ricci, chairman of the Seneca County Indian Land Claim Committee, today expressed anger at Cayuga County Legislature Chairman Herbert Marshall for not including Seneca County officials in the talks.

"I was denied access to their meeting," he said. "[Marshall] called up and stated we would be allowed to send one person, but under no circumstances would it be Rich Ricci."



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Marshall said the meeting was called by the state. He said he suggested a joint meeting with Seneca County but was told many key leaders were out of town and would be unable to attend.

"I said it was not my meeting; that their chairman (Robert Shipley) should decide who should come to the meeting," Marshall said. "I can't tell who to come. It was not my meeting."

He said Assistant Seneca County Manager Sharon Secor later called and said she would be attending, which she did.

Marshall said the governor's office had asked for a small group of legislators from Cayuga County and five attended. He said he met Thursday to review the proposal with representatives from the affected towns, villages and school districts.

The next step is for the full Cayuga board to reach a consensus, a process Marshall said is taking place.

He said one thing he would like included is to have residents be held totally harmless for any loss of property or any loss of tax base. Seneca County passed a resolution demanding it be held harmless and asked Cayuga County to do the same, as well as pass three or four other resolutions, which Cayuga County has not done.

"Our position is (that) talking directly with the people who are going to make the decisions may be more productive than seeing how many resolutions we can make," Marshall said.

The notice for Monday's Seneca County meeting notes it will be in executive session. Ricci said he is going to call an Indian Land Claim Committee meeting for 5:20 p.m. and encourages the public to attend.

"I really feel it is the responsibility of this government to be up front — no backdoor deals," Ricci said. "It's already been in the paper. Let's hear it straight; no rumors.

"If we see fit to go into an executive session, then I guess we'll have to go into executive session, but that isn't my way of doing business. Let's be open, above board and deal with the issues."

*The Associated Press contributed to this story*

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## Reader Comments

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Posted: Saturday, May 22, 2004

Article comment by: [Scott E. Peterman](#)

The recent "settlement" of the Cayuga Indian land claim revealed in scant detail by the state should be absolutely rejected by Seneca and Cayuga Counties for a variety of very good reasons. It is clearly the wrong time, and we clearly have the wrong governor to be negotiating a settlement. An objective

look at Governor Pataki's record in dealing with the tribes can only lead one to conclude that he is working for the tribes, and not the landowners and taxpayers. Turning to the issue of Indian casinos, Pataki has steadfastly defended the obviously illegal Oneidas' compact against a legal challenge brought by the Upstate Citizens for Equality even though a UCE victory would have provided tremendous leverage for the state and counties in the negotiation of a settlement of the Oneida land claim. After being handed a sound defeat by the state's highest court in a case involving the legality of the St. Regis Mohawk casino compact, Pataki had the impertinence to petition the U.S. Supreme Court in an attempt to have that court overrule his own state's highest court! Even worse, Pataki has paved the way for 3 Seneca casinos without lifting a finger to settle the Seneca land claims. Turning to the issue of sales tax collection, the governor has steadfastly refused to enforce legislatively mandated tax laws requiring tribal businesses to collect sales tax from non-tribal customers. Instead of enforcing collection of the tax as required by law, he continues to negotiate away the state's revenue through "parity" agreements that allow the tribes to collect and keep the tax. From all appearances, the governor is now trying to give the Cayugas a casino in the Catskill area that could bring in over \$1 billion a year and for this windfall, he isn't even able to get the tribes to collect sales tax! If the governor isn't working for the Indians, he must have went to the school of "Negotiating Bad Deals." Let's not forget the governor also accepts campaign contributions from the tribes. How do you spell "conflict of interest?" Key to the victory of the Cayuga land claims in district court was the judicial precedent established by the first Oneida land claim. Unlike the Cayuga district court trial, the Oneida trial only took 3 days. The attorneys were in a hurry to get out to the golf course. Madison and Oneida Counties introduced NO expert witnesses, and the entire land claim case was looked upon as a joke that was going to go nowhere. Today's Oneida land claim, covering the rest of the land claim area, has already generated more than 200 thousand pages of papers. Expert testimony for the defense will be called, and a very different outcome may result. Moreover, the U.S. Supreme Court is currently deciding whether or not to hear a case that could dramatically affect the land claim litigation. While it is always the wrong time to allow Governor Pataki to negotiate for us, "NOW" is particularly the wrong time.

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