

# Ruling lets Turning Stone casino stay open

Verona – Federal officials have decided the Oneida Indian Nation's lucrative Turning Stone casino can stay open, a tribal spokesman said Wednesday.

The U.S. Department of the Interior upheld the legality of the casino's 14-year-old gambling compact with the state of New York, said Oneida spokesman Mark Emery.

„This should put to rest for all time any question about the validity of the gaming compact. The state challenges should be no more. The uncertainty and anxiety experienced by our 5,000 employees and their families are over,“ the tribe said in a statement.

„The Nation can now move forward and continue helping its People overcome generations of poverty, continue being the engine for the central New York economy and continue growing the business and creating even more job opportunities. We hope the region and its elected leaders will now start building on the economic potential Indian gaming has for everyone,“ the statement said.

In an unprecedented step, the Interior Department had reconsidered its approval of the 1993 compact that allowed the tribe to operate the casino and resort complex 35 miles east of Syracuse.

The agency decided to review the Turning Stone compact after a series of court decisions ruling it illegal, and the subsequent failure of the tribe and state to negotiate a new deal.

The agency was also responding to a 2005 U.S. Supreme Court ruling that the tribe does not have sovereignty over the land

where the casino is located.

In a letter to the tribe released Wednesday, Associate Deputy Secretary of the Interior James Cason said challenges to an approved compact must be made within six years, or by June 16, 1999, in the case of the Oneida deal. Since no challenges were lodged, the 1993 compact continues to be valid, he said.

The tribe's top lawyer, Peter Carmen, had said it would sue to keep Turning Stone open if the federal government revoked its approval of the casino.

Even if the Interior Department had rescinded its approval, it would be left up to the National Indian Gaming Commission – a separate entity in the department – to order the casino closed.

Turning Stone, which attracts nearly 5 million visitors a year, includes a massive casino, three golf courses, three luxury hotels and a convention center and a showroom.

Turning Stone opened in 1993 after the Oneidas brokered a gambling compact with then-Gov. Mario Cuomo. That compact did not require the tribe to share any gambling revenue with the state. A recent state report found the Oneidas turned a profit of more than USD 115 million last year from its casino and other businesses.

But in 1999, Upstate Citizens for Equality, a grass-roots group opposed to Indian sovereignty, filed a lawsuit contending that Cuomo exceeded his authority by entering into the compact without legislative approval. A state judge in 2004 agreed with UCE, ruling the compact invalid because the Legislature had not ratified it.

A similar ruling involving the St. Regis Mohawk casino led to a new compact in which the Mohawks agreed to give the state a share of gambling revenue.

The Seneca Indian Nation also pays the state 25 percent of its slot machine revenue at the tribe's two western New York casinos.

The state has demanded a 33 percent cut of Turning Stone revenue to sign a new agreement, said Michael Smith, another tribal attorney.