

Senecas: Buffalo casino open during legal fight

Niagara Falls, New York – The Seneca Indian Nation's temporary Buffalo casino will remain open and construction of a permanent facility will continue while a court battle over whether they are legal wages on.

Seneca President Maurice John said Wednesday that a federal court determination that casino gambling is not allowed on the Buffalo site did not contain an order to close the temporary casino, so for now, it's business as usual.

„The litigation is not final. All district court decisions are subject to appeal,“ John said in the lobby of the western New York tribe's successful Niagara Falls casino-hotel complex. He said the Senecas have enlisted U.S. Supreme Court scholar Laurence Tribe to help guide them through legal efforts to open a similar complex in Buffalo's Cobblestone District.

In a 127-page ruling Tuesday, U.S. District Judge William Skretny vacated a decision by the National Indian Gaming Commission to allow gambling on the off-reservation site.

The judge said that while the nine-acre parcel, purchased in 2005, qualifies as „Indian lands“ within the meaning of the federal Indian Gaming Regulatory Act, it is not eligible for gaming because it was not acquired as part of a land claim.

The ruling came in a lawsuit filed by groups of casino opponents against the federal government, which oversees Indian affairs. The Seneca Nation was not named in the suit but intervened as an interested party.

Both the Senecas and casino opponents expect Skretny's decision to be appealed. Tribal leaders said they are considering a new federal court action or getting involved in

an appeal, but said it was too early to discuss details of their plans.

„We will do whatever we need to do for our people and for western New York,“ the tribe’s treasurer, Kevin Seneca, said.

Also Wednesday, Erie County Executive Chris Collins said he hopes the Senecas will press on with what is one of the largest private projects ever undertaken in Buffalo.

„I can only hope for the sake of this community that this project does move forward and creates the jobs that we know are intended to be created, and that we in fact have a USD 330-plus million investment,“ he said.

Seneca leaders’ legal hopes are bolstered by the part of Skretny’s decision that recognized the Buffalo land as sovereign territory, as well as past decisions by the U.S. Justice Department, Department of the Interior and National Indian Gaming Commission to allow gaming on the site.

„The Seneca Nation has faced many challenges to our progress in our 1,000-year struggle of survival,“ John said. „This is but another. I am confident that we will be successful in achieving the destiny of the Seneca people.“