

PRESS RELEASE
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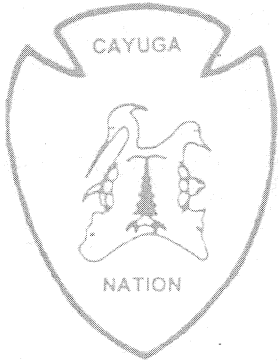
CAYUGA NATION VOICES CONCERNS OVER THE STATE'S
AGREEMENT WITH ONEIDA INDIAN NATION

In letters to the Governor and the Department of the Interior, the Cayuga Nation has stated its opposition to an agreement recently announced by the Governor that would grant exclusive casino-gaming rights to a large portion of the State, including Cayuga County, to the Oneida Indian Nation.

While the Cayuga Nation appreciates the Governor's recent efforts to resolve long-standing issues between the State and New York Indian nations, the Cayuga Nation has no choice but to object to and challenge any agreement that purports to limit the rights of the Cayuga Nation on its federally-recognized reservation in Cayuga County.

"The Governor's proposed grant of exclusivity to the Oneida Nation regarding lands within the Cayuga Nation's reservation will not and cannot stand under established federal law and long-standing treaty rights," said Clint Halftown, the Cayuga Nation's federally-recognized representative.

Copies of the letters sent by the Nation to the Governor and the Department of Interior are attached.



CAYUGA NATION

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VIA OVERNIGHT DELIVERY

May 21, 2013

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Re: Agreement Between New York State and Oneida Indian Nation

Dear Governor Cuomo:

On behalf of the Cayuga Indian Nation of New York ("the Nation"), we write to express our grave concerns regarding the agreement recently announced between New York State and the Oneida Indian Nation ("OIN"). The Nation has not had access to the full terms of the agreement and understands that it is not yet final. We understand from press releases and news reports, however, that the agreement purports to grant the OIN the exclusive right to conduct Class III gaming under the Indian Gaming Regulatory Act (IGRA) in a 10-county area of Central New York, including Cayuga County. The Nation believes that such a grant of exclusivity, if absolute, would contradict and thus be preempted by federal law.

As you likely are aware, IGRA permits tribal gaming on "Indian lands," which include "all lands within the limits of any Indian reservation." 25 U.S.C. § 2703(4)(A). In addition, if land is acquired by the Secretary of Interior in trust for the benefit of an Indian tribe after October 17, 1988 (IGRA's effective date), gaming is permitted if "such lands are located within or contiguous to the boundaries of the reservation of the Indian tribe" on that date. *Id.* § 2719(a)(1). The Nation has land in Cayuga County that falls into the first of these two categories today, and anticipates having land in Cayuga County that falls into the second of these categories.

First, as the federal government and multiple courts have recognized, the Nation maintains a reservation in New York State, including land in Cayuga County. The Nation's reservation was established by the United States in the Treaty of Canandaigua in 1794, and it has never been diminished or disestablished by Congress. Indeed, the New York Court of Appeals –

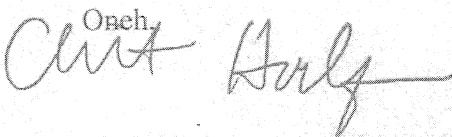
not to mention “every federal court” to consider the question – has held that the Nation’s reservation in New York State remains extant. *Cayuga Indian Nation of New York v. Gould*, 930 N.E.2d 233, 247 (N.Y. 2010) (collecting authority), *cert. denied*, 131 S. Ct. 353 (2010). The Nation therefore is currently eligible to conduct gaming pursuant to IGRA on lands in Cayuga County.

Second, and alternatively, the Nation has applied to have certain of its lands – including lands within Cayuga County – taken into trust by the Department of the Interior pursuant to 25 U.S.C. § 465. The Nation expects that its trust application will be approved. Thus, even if the Nation were not currently eligible to conduct gaming pursuant to IGRA in Cayuga County, it will be eligible to do so in the future.

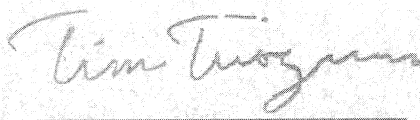
Against that background, the Nation believes it must jealously guard and preserve its right to seek a tribal-State compact under which it can conduct Class III gaming on Nation lands in Cayuga County. At such time as the Nation requests such a compact, IGRA obligates the State to negotiate in good faith on its terms. *See* 25 U.S.C. §§ 2710(d)(1)(C), (d)(3)(A) (“[U]pon receiving such a request, *the State shall negotiate with the Indian tribe in good faith to enter into such a compact.*” (emphasis added)). Although we have not seen the full text of the State’s agreement with the OIN, the press releases and news reports that we have read suggest that the State is committing itself *not to negotiate at all* with respect to Cayuga Nation efforts to undertake Class III gaming in Cayuga County. We believe that commitment cannot be squared with the State’s federal-law obligations under IGRA.

Because the Nation does not yet have a full understanding of the terms of the agreement with the OIN, and because the Nation understands that this agreement still requires legislative and other approval, the Nation is not today taking legal action against the agreement. But the Nation wishes to put the State on notice that should the agreement be approved, and should it purport to preclude the State from negotiating in good faith with the Nation regarding Class III gaming, the Nation is prepared to pursue all legal means to challenge and set aside the agreement. Neither the State nor the OIN has the right to exclude the Nation from exercising rights guaranteed by federal law.

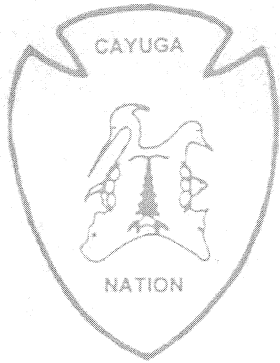
We are available to discuss this matter at your convenience.

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Clint Halftown
Federally Recognized
Tribal Representative



Tim Twoguns
Alternate Federally Recognized
Tribal Representative



CAYUGA NATION

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VIA OVERNIGHT DELIVERY

May 21, 2013

Secretary Sally Jewell
Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Re: Agreement Between New York State and Oneida Indian Nation

Dear Secretary Jewell:

On behalf of the Cayuga Indian Nation of New York ("the Nation"), we are writing to express grave concerns regarding the agreement recently announced between New York State and the Oneida Indian Nation ("OIN"). As explained in the attached letter sent to the State today, the Nation understands from press releases and news reports that, if finalized, the agreement will purport to grant the OIN the exclusive right to conduct Class III gaming in a 10-county area of Central New York, including Cayuga County. The Nation further understands that portions of the agreement will require approval by the Department of Interior.

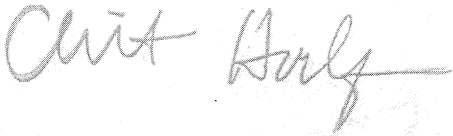
Based on what we have learned thus far, the Nation has serious doubts and concerns regarding the legality and enforceability of the agreement. The grant of gaming exclusivity, if absolute, would contradict and thus be preempted by the Indian Gaming Regulatory Act (IGRA). In particular, the Nation has reservation lands in Cayuga County, and has applied to have certain of its lands there taken into trust. IGRA therefore gives the Nation the right to seek to conduct Class III gaming on its lands in Cayuga County. When the Nation approaches the State about such gaming, IGRA requires that the State negotiate with the Nation in good faith regarding a tribal-State gaming compact. If, as suggested by press releases and news reports, the agreement between the State and OIN gives the OIN exclusive rights to conduct Class III gaming in Cayuga County, then the agreement would effectively prohibit the State from fulfilling its federal-law obligation to negotiate with the Nation in good faith.

We have not yet seen the text of the State's agreement with the OIN, and we understand that it is not yet final. Based on what we know now, however, the Nation believes that the agreement may unlawfully infringe upon the Nation's rights to conduct Class III gaming on its

Secretary Sally Jewell
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lands. Therefore, the Nation respectfully requests that the Department of Interior take no action concerning the agreement until it consults and with the Cayuga Nation and that the Department work cooperatively with all parties to protect the rights and interests of the Nation. We are available to discuss this matter at your convenience.

Oneh,



Clint Halftown
Federally Recognized
Tribal Representative



Tim Twoguns
Alternate Federally Recognized
Tribal Representative

cc: Franklin M. Keel, Regional Director
Bureau of Indian Affairs
Enclosure