



## PREDATORY GAMBLING IN NEW YORK

# Coalition Against Gambling in New York

Hon. John J. LaFalce,  
*Honorary Chairperson*

Joel S. Rose, *Chairperson*  
Rev. James David Audlin  
(Distant Eagle), *Vice Chairperson*  
Charlotte Nindl Wellins, *Secretary*  
Stephen Q. Shafer, M.D., M.P.H.,  
*Treasurer*

**310 Woodward Avenue  
Buffalo, New York 14214**

**<http://CAGNYinf.org>  
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*Directors-at-Large:*  
James E. Anderson  
Joseph P. Eldred  
Douglas M. George-Kanentio  
Rev. Duane R. Motley  
Damaris W. McGuire  
Xavier Rodriguez  
Joan U. Thursh  
Daniel T. Warren

## About CAGNY

### What is CAGNY?

- Coalition Against Gambling in New York – Information, Inc. (CAGNYinf) and Coalition Against Gambling in New York – Action, Inc. (CAGNYact) are non-profit corporations in the State of New York. We intend to apply for tax-exempt 501(C)(3) status for CAGNYinf and non-tax-exempt 501(C)(4) status for CAGNYact.
- Our mission statements:
  - The mission of the Coalition Against Gambling in New York - Action, Inc. is to stop predatory gambling in New York.
  - The mission of the Coalition Against Gambling in New York - Information, Inc. is to inform and empower our fellow citizens to support the effort to stop predatory gambling in New York.

### Where is CAGNY located?

- Throughout the Empire State, New York, and here and there among our friends in other states.
- From Buffalo to the Thousand Islands, out to Long Island, and many points in between, including Niagara Falls, Jamestown, Rochester, Vernon, Albany, and the Catskills.

### Who participates in CAGNY?

More than 100 individuals representing thousands of people in numerous affiliated organizations:

- |  |   |  |
|--|---|--|
| ○ American Muslim Council (Erie County)  | ○ Constitution Party of New York                                      | ○ O'Connell and Aronowitz, Attorneys at Law                                    |
| ○ Buffalo Diocese Roman Catholic Church  | ○ Don't Gamble Our Future (Sullivan County)                           | ○ Save the East End (Long Island)  |
| ○ Buffalo Niagara Partnership (not active participants)                                  | ○ Green Party of Erie County  | ○ Senecas Against Casino Compact   |
| ○ Casino Free Sullivan County  | ○ Joshua Revolution (statewide group headquartered in Niagara County) | ○ Senecas for Justice and Preservation   |
| ○ Citizens Against Casino Gambling in Erie County  | ○ National Coalition Against Legalized Gambling                       | ○ Reformed Church of the 1000 Isles  |
| ○ Citizens Equal Rights Alliance (national)  | ○ Natural Resources Defense Council                                   | ○ Saratoga County Chamber of Commerce  |
| ○ Citizens for Common Sense (Erie County)  | ○ Network of Religious Communities (Erie County)                      | ○ Southampton Office of the Town Attorney                                      |
| ○ Citizens Opposed to New Casinos in Established Residential Neighborhoods (Erie County) | ○ New Millennium Group (Buffalo)                                      | ○ Ulster County Citizens Against Casino Gambling                               |
| ○ Coalition Against Casino Gambling of the Catskills                                     | ○ New Yorkers for Constitutional Freedoms                             | ○ Upstate Citizens for Equality  |
| ○ Coalition Against the Casino on the East End (Long Island)                             | ○ NYS Christian Coalition   | ○ Village of Goshen  |
| ○ Concerned Citizens About Casinos (Niagara County)                                      | ○ NYS Episcopal Public Policy Network                                 | ○ Voice Of The Electorate (Sullivan County)                                    |
|  | ○ NoCasino Thousand Islands   | ○ other professional groups, businesses, community and religious organizations |
|  | ○ No Saugerties Casino  | ○ current and former public officials  |
|  | ○ NYS Catholic Conference   | ○ individuals not representing groups  |

## Who are CAGNY's Directors?

- **Joel S. Rose, Chairperson**

**Contact:** 310 Woodward Avenue, Buffalo, New York 14214; (716) 837-7175 or 491-0305, joelrose@buffalo.edu **Education:** University of Missouri, MA in Political Science. Indiana University, AB in Government. **Professional:** Software Development Manager, Computing and Information Technology, University at Buffalo (retired). Former Associate Director, Survey Research Center, University at Buffalo. Consultant, survey design and analysis, sampling, statistics, software. Former programmer, University of Missouri, Indiana University, University of Virginia, and University of Tennessee. **Community:** Former Vice-Chairperson, Stop Predatory Gambling (formerly National Coalition Against Legalized Gambling/National Coalition Against Gambling Expansion). Chairperson, Coalition Against Gambling in New York. Co-Chairperson, Citizens Against Casino Gambling in Erie County. Former member, ProZoo Board of the Buffalo Zoological Society. Former President, Committee to Keep the Zoo in Delaware Park. Former Vice Chairperson, Citizen Advisory Group to the (Buffalo) Police Commissioner. Former Vice President, Parkside Community Association. Former Vice President, United University Professions, SUNY/Buffalo chapter.

- **The Rev. James David Audlin, aka Distant Eagle, Vice Chairperson**

**Contact:** 41 Lapla Road, Kingston, New York 12401-7715; home: (845) 340-9906; distant\_e@yahoo.com **Personal & Professional:** born in Alexandria Bay, New York, a town currently threatened by casino interests, and lives at present in the Catskill Mountain region, which is likewise threatened. He is partly of Mohawk ancestry, and the author of the book *The Circle of Life* on that tradition. He has also written several novels and had his plays produced onstage; he also composes and performs music. He is an ordained clergyperson in the United Church of Christ, and presently is the pastor of two Reformed churches. He has been a newspaper opinion page editor and a college professor. **Community:** He is a sought-after speaker on many issues, including Native American casinos; he has spoken on that topic in Washington, D.C., Albany, Alexandria Bay, and throughout the mid-Hudson and Catskill regions.

- **Charlotte Nindl Wellins, Secretary**

**Contact:** 21494 Nindl Lane, Wellesley Island, New York 13640; home: (315) 482-6946, cell: (315) 778-6277, cwellinshphs@yahoo.com **Professional:** Retired educational administrator from the State of New Jersey. Currently an independent consultant. **Community:** While living in New Jersey, she saw first-hand the damage done in Atlantic City by the casino industry. She is currently co-president of NoCasino Thousand Islands, a group who successfully fought off Nevada Gold (aka Blue Diamond Resorts) when Nevada Gold bought 880 acres of land on Wellesley Island with the intentions of building a casino on that island. NoCasino was instrumental in getting a Restrictive Covenant on those lands and now is involved with research and educational programs having to do with gambling. Ms. Wellins has also donated much time over the past 40 years to researching and working with families with gambling problems and to being pro-active in the anti-gambling movement. She notes, "I started out being 'neutral' about gambling and not taking a stand--much the way many of our legislators say they are--but I have grown in knowledge--and courage ..."

- **Dr. Stephen Q. Shafer, Treasurer**

**Contact:** Anchorage Farm, 8 Mynderse Street, Saugerties New York 12477-1704; home: (845) 246-4947, sqs1@columbia.edu or shpcount@earthlink.net **Education:** Columbia University, MA, 1978; MPH, 1976; MD, 1970. Harvard University, BA, 1966. **Professional:** Clinical Professor of Neurology at Harlem Hospital Center, Columbia College of Physicians and Surgeons, current. Physician in upper Manhattan, 1970-present. With his wife, maintains a small sheep breeding farm in Saugerties, 1981-present. Now lives mostly in Saugerties. **Community:** "We have been involved in many environmental groups over the years. I learned about CAGNY on beginning last fall to work with No Saugerties Casino to face the threat of a Wilmot-Seneca-Cayuga casino in this small town, described in one poster as 'casino-free since 1688.'"

- **James E. Anderson, Director-at-Large**

**Contact:** 432 Eggert Road, Buffalo, NY 14215-2355; cell: (716) 903-5648; work: (716) 883-0821 or (716) 855-1522, x 3; aqejim@aol.com; **Professional/Community:** Chair, New Hope Baptist Church Deacon Board; Chair, Western New York Peace Center Board; Founding Member & Statewide Board Member, Alliance for Quality Education; Statewide Board Member, Citizen Action of New York; Vice President of Outreach, Network of Religious Communities; Commissioner, City of Buffalo, Living Wage Commission; Chair, Greater Buffalo Chapter of 100 Black Men Inc.

## Who are CAGNY's Directors? (continued)

- **Joseph Eldred, Director-at-Large**

**Contact:** 21 Shuit Place, Central Valley, New York 10917; home: (845) 928-8794; joe\_liberty@yahoo.com  
**Personal:** Joe Eldred is a married father of three in Orange County. **Education:** He is currently working on a doctorate in American History in Pennsylvania. **Professional:** He has taught in public and private schools in New York State and currently teaches American History at a New Jersey college. **Community:** Secretary, Constitution Party of New York. A founding member of CAGNY.

- **Douglas M. George-Kinentiio, Director-at-Large**

**Contact:** Box 450, Oneida, NY 13421; (315) 363-1655; kanentiio@aol.com **Professional/Community:** Chairman of Round Dance Productions, Inc., a non-profit cultural foundation formed specifically for the preservation and development of indigenous North American language, history, music and art. As a former Mohawk Nation delegate to the Haudenosaunee Standing Committee on Burial Rules and Regulations, Kanentiio was involved in coordinating the return of Iroquois sacred objects from museums across the United States. From 1993-2000 his articles were published on a weekly basis in the *Syracuse Herald American*. His columns have also appeared in the *L.A. Times*, *The Washington Post*, *Toronto Star*, *Montreal Gazette*, *The London Free Press*, *Schenectady Gazette*, *Poughkeepsie Journal*, and the *Albany Times Union*. He is the former editor of *Akwesasne Notes* and *Indian Time*. He is a correspondent for *News From Indian Country* and *Akwesasne Notes*. He is the author of the books *Skywoman*, *Iroquois Culture and Commentary*, and *Iroquois on Fire: A Voice from the Mohawk Nation* as well as a contributor to *Treaty of Canandaigua*. During the 1994 UNITY conference in Atlanta, Georgia, Kanentiio was presented with the "Wassaja Award" for contributions to journalism, the highest honor bestowed by the Native American Journalists Association.

- **Damaris (Demi) McGuire, Director-at-Large**

**Contact:** 70 Chestnut Street, Albany, New York 12210; home: (518) 449-2539; cell: (518) 339-5040; work: (518) 462-8195; fax: (518) 465-1346; nyseppn@aol.com (preferred) or donaldatwoodlake@aol.com  
**Education:** BA in English from Barnard College, Columbia University. **Professional:** Executive Director, New York State Episcopal Public Policy Network. Former Executive Director, New Yorkers Against the Death Penalty. Former staff member of both New York State Senate and Assembly. Former Director of Cultural Voucher Program, Museums Collaborative, Inc. Former Executive Director of Arts Coalition of the Empire State. Former Legislative Director for CSEA. Former Director of the State Association of Women Office Holders. **Community:** Member, Public Policy Commission of the New York State Council of Churches. Member, Board of Directors, InterfaithIMPACT. Member, Board of Directors, New Yorkers Against the Death Penalty. Member, Board of Directors, CENSES. Albany-based advocate for Justice for Farm Workers Campaign. **Personal:** Property owner in Sullivan County for 35 years.

- **Rev. Duane R. Motley, Director-at-Large**

**Contact:** c/o New Yorkers for Constitutional Freedoms, Ltd., P.O. Box 107, Spencerport, New York 14559; work: (585) 225-2340, fax: (585) 225-2810, family@nyfrf.org **Professional and Community:** Founder and Executive Director (retired) of New Yorkers for Constitutional Freedoms (NYCF), 1982-2009. NYCF is a statewide, grass roots lobbying organization. Duane is a registered lobbyist in the New York State Capitol. He and NYCF were plaintiffs in two court cases opposing Indian gambling casinos and gambling expansion in New York State. Duane is a founding Board member of the Coalition Against Gambling New York (CAGNY). He served as the organization's Treasurer until 2009.

- **Xavier Rodriguez, Director-at-Large**

**Contact:** 26 Sussex Road, Elmont, NY 11003-1421; (516) 488-2858; mail@elmontcivic.com. **Education:** degrees in Music Education and Political Science from Hofstra University. **Community:** Secretary, Locustwood / Gotham Civic Association, a community organization that represents the area surrounding and including Belmont Park. Voting Delegate to the Elmont Community Coalition Board. Advocate for children safety and enrichment. Chairperson, Nassau County Division I Orchestra. Believes that the expansion of gambling at Historic Belmont Park is harmful economically and socially to the community.

## Who are CAGNY's Directors? (continued)

- **Joan U. Thursh, Director-at-Large**

**Contact:** 25 Todd Road, Woodbourne, NY, 12788; (845) 434-7366; jthursh@hughes.net. **Education:** New York University; New School. **Professional:** Editor/writer consumer magazines, including Editor, *Modern Screen* and Articles Editor, *Good Housekeeping*. **Community:** Founding member, Sullivan County Peace & Justice. Past President, Casino-Free Sullivan County. Former Board Member, Sullivan Alliance for Sustainable Development

- **Daniel T. Warren, Director-at-Large and webmaster**

Contact: 836 Indian Church Road, West Seneca, New York; (716) 822-0476; d.warren@upstate-citizens.org  
**Education:** Currently a part time student working towards his bachelors degree. **Military:** United States Army, 1984-85. **Professional:** Information Technology Specialist, the New York State Insurance Fund .Former Information Technology Specialist, Kayak Manufacturing. **Community:** Chairman, Niagara Frontier Chapter, Upstate Citizens for Equality. Founding member and webmaster, CAGNY. Shop Steward, New York State Public Employees Federation.

## What is the history of the legal status of gambling in New York?

- Gambling (or lotteries as it was called then) was first banned in New York's second Constitution in 1821 except for gambling already authorized by law.
- In our third Constitution, adopted in 1846, the exception for previously authorized gambling was removed.
- In the fourth Constitution, adopted in 1894, the State Legislature was directed to enact laws to carry out the constitutional ban on gambling.
- The Constitutional Convention of 1938 did not write a new Constitution. It did succeed in getting voter approval of a number of significant amendments to the Constitution, none of which affected the prohibition on gambling.
- In 1939 the Constitution was amended to permit pari-mutuel betting on horse races.
- The Constitution was next amended on November 5, 1957 to permit the conduct of bingo games by certain charitable organizations under state regulation and local government supervision.
- Then on November 8, 1966 this provision was amended to permit state lotteries for the support of education in New York State.
- The next amendment to this provision passed on November 4, 1975 to permit the limited conduct of certain games of chance by religious, charitable or certain non-profit organizations.
- The last amendment to this provision was on November 6, 1985 to permit the dollar amounts of prizes for certain games of chance, previously restricted by the Constitution, to henceforth be changed by the Legislature.
- The most recent attempt to amend this provision of the State Constitution was initiated in 1995 when the legislature passed a bill that proposed amending the State Constitution to permit casino gambling in certain cities and counties of the State. This bill did not pass the in the 1997 session of the legislature and died there.
- Officials have used provisions of the 1988 Federal Indian Gaming Regulatory Act (IGRA) as a means to avoid the restrictions of the Constitution. A number of Indian casinos have been established.

## **What is the history of the legal status of gambling in New York? (continued)**

- Various legal challenges to the processes used to launch Indian casinos have had mixed success. The Oneida Nation's Turning Stone Casino has been found to be illegal on two counts: it stands on non-sovereign land, as a result of the U.S. Supreme Court decision in the Sherrill case, and the compact on which it is based was never authorized by the State Legislature, as required as a result of the decision in *Peterman & Upstate Citizens for Equality v. Pataki*. Yet Turning Stone remains open, awaiting the election of a Governor and Attorney General with the will to enforce the law. Currently there are seven active lawsuits either opposing the taking of land into trust or seeking the closure of Turning Stone Casino.
- The most fundamental challenge to the Indian casinos was raised in *Dalton v. Pataki*, asserting that IGRA could not grant powers to state officials that they did not possess under their own state constitutions and laws. That challenge was not sustained by the state courts, and the U.S. Supreme Court declined in November 2005 to hear an appeal. That case also challenged the legality of the video lottery terminals being installed at race tracks on the grounds that they are slot machines in all but name. The Court of Appeals held that VLTs are legitimate lottery devices. The court did sustain a second ground for the challenge to VLTs, namely that the money did not go entirely to education, as required for any lottery program. The legislature, however, quickly remedied that failing by substituting a direct subsidy to the racetracks for the percentage take on the VLTs.
- In Erie County, a temporary casino is in operation and a permanent a casino is already under construction while three separate lawsuits challenging State and Federal officials for failure to follow applicable laws in the approval process for that casino work their way through the courts. The Federal litigation – *CACGEC et al. v. Norton (Kempthorne) et al. (1)*, *CACGEC et al. v. Hogen et al. (2) & (3)* – has been based on plaintiffs' claim that the Buffalo Creek parcel was not obtained as part of the settlement of a land claim, and is thus ineligible for gambling under IGRA's ban on the use of after-acquired land for gambling. CAGNY-action has been among the plaintiffs in all three of these lawsuits.

## **Why does CAGNY object to state-sponsored and commercial gambling?**

- Three dollars leaves the host community for every dollar that a casino brings in, with a loss of two to three jobs for every casino job created.
- The number of pathological gamblers doubles within a 10-mile radius of a casino.
- Lives of friends and neighbors are ruined as they become pathological gamblers .
- Tax revenue and regulatory authority is lost on the land acquired by sovereign Indian nations for gambling.
- Gambling is expressly banned in the NY State Constitution, with specific exceptions provided by amendment. None of the exceptions provide for casino gambling or for video lottery terminals at the racetracks..
- The proper role of state government is to protect its citizens, not to exploit them.

## **What are CAGNY's specific concerns?**

The Coalition Against Gambling in New York (CAGNY) is made up of various individuals and organizations, including those who have challenged the constitutionality of specific forms of legalized gambling; others who question the further expansion of gambling; and a few who are opposed to gambling in all its forms. Following the lead of the National Coalition Against legalized Gambling/National Coalition Against gambling Expansion, which has changed its name to Stop Predatory Gambling, CAGNY has recently redefined its mission to be to stop predatory gambling in New York.

## **What are CAGNY's specific concerns? (continued)**

Specifically, we believe that the constitutional, legal, economic, and social issues associated with gambling must be addressed before any legislative or executive action is taken to expand gambling in New York State.

The bipartisan National Gambling Impact Study Commission recommended that states impose a moratorium on gambling expansion "to encourage governments to do what, to date, few, if any, have done: to survey the results of their decisions and to determine if they have chosen wisely; to ask if their decisions are in accord with the public good ..." We are proposing simply that New York State follow that recommendation, however belatedly.

The overall level of wagering in New York State has been growing substantially. Various sources have reported that the negative economic and social consequences of gambling are likewise increasing. The New York Council on Problem Gambling, for example, reported several years ago that 7.3% of New Yorkers are lifetime problem gamblers or potential problem gamblers. Other reports, including academic studies, have called into question the efficacy of relying on legalized gambling as a means of economic development. It is therefore our position that until a thorough, comprehensive, and unbiased study of these issues is completed, there should be no new or expanded gambling in New York State.

We are particularly concerned about various proposals to introduce casino gambling in the Catskill counties of Sullivan and Ulster, and in Western New York, where three casinos have been opened – in Niagara Falls, Buffalo, and Salamanca. We are also concerned about the expansion of video lottery terminals to the racetracks at Belmont and Aqueduct.

In the Catskills, the proposed casinos would have a profound effect upon the host counties and neighboring counties. In addition to substantial increases in school and county taxes, this multi-billion dollar industry would completely dominate the local economy. A rural paradise would become a traffic-clogged nightmare.

Former Governor Pataki tried to use the lure of gambling wealth to resolve quickly a series of festering tribal land claims, and he attempted to meet his obligations to the New York City School system largely at the expense of small counties of little political consequence. Accordingly, he attempted to rush the approval process, and did not allow the local people to take part in the decision making process. Now Governor Paterson is negotiating with the Seneca Nation of Indians, whose home is hundreds of miles to the West, for a casino in Sullivan County, apparently as a means of settling a tax dispute. He is also showing support for a constitutional amendment that would end the ban on commercial gambling, at least for Sullivan County.

Numerous surveys conducted by the press, the Sullivan County Planning Commission and even a Native American Tribe pursuing a casino in Sullivan, all demonstrated, in opposition to pro-casino claims, that there is no majority in the Catskills in favor of casino gambling. CAGNY supports the efforts of local groups in confronting the undemocratic processes that are being followed to promote casino gambling in the Catskills.

## **What are CAGNY's specific concerns? (continued)**

We have observed that the expansion of gambling in New York State that has taken place in recent years, as well as that which is in the offing, raises serious public policy questions that are not presently being addressed. Accordingly, it is the position of CAGNY that there should be put in place a moratorium on all new forms of gambling and on the expansion of existing forms, until the public policy questions associated with gambling are addressed. Any expansions contemplated in previous compacts, memoranda, and acts of the Legislature but not yet finalized or implemented should be included in such a moratorium.

In Western New York, former Governor Pataki pursued the same course, in negotiating the Seneca Gaming Compact. He rushed the authorizing legislation through the Legislature without a meaningful deliberation and with no local role whatsoever. He then fast-tracked the BIA approval process. This has been a shameful, flagrantly undemocratic practice that must come to an end.

In Erie County, there are currently a number of lawsuits in both state and federal court over these issues; CAGNYact is a named plaintiff in a federal action. The County of Erie was for a time a plaintiff in these lawsuits as well. A federal action has been commenced by our Director-at-Large Daniel Warren that challenges the constitutionality of the Indian Gaming Regulatory Act as applied to New York. CAGNY supports all of these legal efforts.

In addition to the lawsuits there is movement in the U.S. Congress to change the Indian Gaming Regulatory Act to limit reservation shopping and there is a bill to prohibit commercial gambling on Indian land in states, like New York, that prohibit such gambling generally. CAGNY is watching these developments closely and is generally supportive of them.

There is a local effort in Elmont, site of Belmont Raceway, to fight the proposed racino, and CAGNY supports this effort.

## **What has CAGNY done?**

- The organization of what eventually became the Coalition Against Gambling New York was formed at a meeting held in Syracuse, New York on July 29, 2004. Approximately 40 people representing various groups and organizations who were concerned with the proliferation of gambling in New York were invited to attend. After this initial meeting the representative of these groups and organizations held a number of conference calls to perform the necessary organizational tasks to formally form a statewide organization and then on December 6, 2004, the formation of CAGNY was announced in our first press release.
- After our first face-to-face meeting in Syracuse, NY, we've been in contact with each other through regular conference calls, along with frequent e-mails and phone calls.
- On January 10, 2005 CAGNY representatives went to Albany for our first press conference and to introduce the organization to members of the New York State Legislature and to inform the legislators about the concerns we have regarding gambling in New York. Since this time CAGNY has regularly made contact with the leaders of the executive and legislative branches of our state government to keep them updated on these issues and concerns.
- We held a second press conference in Albany on February 28, 2005.
- On October 26, 2005, we held our second annual meeting, in Westmoreland, New York.

- **What has CAGNY done? (continued)**

- On October 6-7, 2006, we held our third annual meeting in Buffalo, New York, in conjunction with a regional conference of the National Coalition Against Legalized Gambling/National Coalition Against Gambling Expansion (now Stop Predatory Gambling/Stop Predatory Gambling Foundation).
- On September 8, 2007, we held our fourth annual meeting in Saugerties, New York.
- On August 23, 2008, we held our fifth annual meeting in Clayton, New York.
- On March 18, 2009, we returned to Albany to meet with legislators to oppose the proposals to expand legalized gambling recently introduced by the Governor. A press conference was held to highlight these meetings.
- On September 10, 2009, CAGNY had a conference call in lieu of its sixth annual meeting.
- CAGNY intends to have its seventh annual meeting in Albany, on May 12, 2010.
- CAGNY has created an Education Committee to develop a curriculum for use in colleges and universities in New York State. That work is just beginning.
- We coordinate our activities to bring attention to the widespread opposition throughout the state to ever-increasing state-sponsored gambling.
- We help our colleagues in other parts of the state with letter-writing campaigns.

## How can I help?

- **Join CAGNY!**
  - Call us at (716) 491-0305
  - Send e-mail to [info@CAGNYinf.org](mailto:info@CAGNYinf.org)
- Donate:

Make non-tax-deductible donations out to "CAGNYact" and send them to:

Dr. Stephen Q. Shafer, Treasurer, CAGNYact  
8 Mynderse Street  
Saugerties, NY 12477



**WE NEED YOU!**