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## *Court blocks illegitimate gambling growth*

“Though it was well overdue, the federal courts last week finally drew a line in the sand beyond which illegitimate gambling expansion cannot cross,” said National Coalition Against Gambling Expansion (NCAGE) chairman Dr. Guy C. Clark of Albuquerque, NM. Clark praised the decision in a New York case that “should slow the process by which tribes have been expanding their land holdings purely for the purpose of building casinos and circumventing state and local laws across the nation.”

Anti-casino activists in Buffalo, with support from the NCAGE, the Coalition Against Gambling in New York, and a variety of other groups and individuals, prevailed as a Federal District Judge ruled that the site of a proposed new mega-casino is not gambling eligible under the Indian Gaming Regulatory Act. Judge William Skretny ruled in *Citizens Against Casino Gambling in Erie County et al. v. Philip N. Hogen et al.* that land acquired using funds from the Salamanca Settlement Act of 1990 was not land acquired in settlement of a land claim. Because of that, the judge said, the land did not qualify for gambling eligibility under the 1988 Indian Gambling Regulatory Act (IGRA) (see <http://nocasinoerie.org/legal/Cacgec-v-Hogen/DecisionAndOrder20080708.pdf> for the full decision).

While the particulars of this case are unique to Western New York, it has national significance in two respects, Clark said. First, it represents a rare rebuke to the National Indian Gaming Commission, which has consistently put Indian gambling interests ahead of adherence to the requirements of the laws it is tasked with enforcing. Second, in declaring an existing, temporary casino illegal, it represents a rare rollback of existing gambling. Attorneys for CACGEC et al. are currently attempting to obtain a court order that would enforce the earlier ruling and force the closing of the temporary Seneca Buffalo Creek Casino.

This litigation has been financed largely by the Margaret L. Wendt Foundation.

Clark again called for reforms of the 1988 legislation, which he calls “one of the most misguided attempts at economic development ever contrived.” He charged “This much-abused law has cynically given tribes a general franchise on an addictive, corrupting menace to the national economy and to public health. The act pitted a federal agency, the Department of Interior, against states and communities, frequently overriding even state constitutions and the fervent objections of surrounding communities. To tell Native Americans, many of whom have suffered in poverty for centuries, that their only hope of economic parity is to damage the health, economy and families of their neighbors, is among the most despicable things the U.S. Congress has ever done,” Clark concluded.

“The time to draw the line has long since passed, and NCAGE rejoices at the success of CACGEC and its allies in defeating the combined resources of the National Indian Gaming Commission, the U.S. Department of the Interior, the U.S. Department of Justice, the Governor of the State of New York, the Mayor of the City of Buffalo, and the Seneca Gaming Corporation. This rare decision may be a turning point when the laws of the land will begin to be enforced.”