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**Central New York Towns of Vernon and Verona File Lawsuit
Challenging Cuomo's Deal with Oneida Indians on Proposed
Constitutional Amendment**

Acting State Supreme Court Justice Roger D. McDonough today (8/19/13) signed an Order directing Governor Cuomo or his counsel to appear in court on September 13 to show cause why the Court should not declare illegal the agreement he entered into last May with the Oneida Indian Nation, guaranteeing the Tribe a monopoly on gambling in Central New York in exchange for their support of a proposed Constitutional amendment to legalize casino gambling. That proposed amendment is scheduled to be on the statewide ballot in this November's election.

The Oneida County towns of Vernon and Verona allege that the Governor exceeded his authority in entering into the Agreement, which also gives the Oneidas tax exempt status and the right to take up to 25,000 acres of land in Central New York and remove it from the sovereign jurisdiction of the State of New York, all without opposition from the State. "It is essentially a *quid pro quo* in order to silence opposition from the Oneidas who in the past voiced opposition to the proposed Constitutional amendment to legalize gambling. Passage of the amendment would have posed a competitive threat to the Tribe's Turning Stone casino," said Cornelius D. Murray, the Albany attorney representing the Towns. "But now the Governor has bought them off by assuring them that there will be casinos to compete with them and, in addition, the State will drop its lawsuit challenging the Tribe's attempt to place 25,000 acres of land into federal trust. The Governor, who strongly favors the Agreement, appears willing to put the Constitution up for sale," Murray said. "It may be good for the Governor politically, but it is devastating to the small towns of Vernon and Verona which will lose a major part of their tax base along with

the ability to regulate land use by the Tribe who will be free from zoning and other local government ordinances.”

Under the Agreement, the Oneidas will be able to continue to operate Turning Stone free from competition from any other operator, even if the Constitutional amendment should pass. The suit also alleges that legislation enacted by the Legislature as to how the legalization would be implemented was also premature and illegal because the Legislature had no authority to legalize or regulate casino gambling unless and until the People approve a Constitutional amendment. That cannot happen, if at all, before November.

“The issue in this case is not whether the Constitutional amendment to legalize gambling is good or bad policy,” Murray said. “That will be up to the voters. The important thing, however, is that the election should be a fair one and that the State should not be seeking to illegally affect the outcome by buying votes and silencing critics.”

Other plaintiffs in the lawsuit include individual citizens and taxpayers, including a member of the Oneida Indian Nation, who are opposed to the deal. Additional named Defendants include Assembly Speaker Sheldon Silver, and Senate Majority Leaders Dean Skelos and Jeff Klein, who voted to enact legislation ratifying the Agreement. For further background, attached is a copy of the Plaintiff’s Memorandum of Law.

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