

SUMMARY OF FEDERAL CLAIMS

The principal thrust of the lawsuit is that the federal legislation, under which the Defendants purported to act in approving gambling in the City of Buffalo, does not in fact or in law permit this activity in the circumstances of this land and this case.

We claim that the land at issue in Buffalo's old First Ward (or land that may be acquired elsewhere in the City, for that matter), does not qualify as the type of Indian-owned lands on which federal law permits gambling, because the statute under which the Senecas purport to have acquired the property for gambling and 'Indian sovereignty' purposes does not authorize the Defendants to create sovereign Seneca land absent compliance with federal procedures already established for that purpose.

In any event, even if it were determined that applicable federal laws might otherwise authorize the eventual incorporation of the Buffalo property into Seneca sovereign territory, we also claim that the Defendants did not comply with mandatory statutory procedures governing the approval of gambling on sovereign Indian lands acquired after 1988. Gambling on such lands is generally prohibited under the Act. In order to overcome that prohibition, the Defendants are required to comply with environmental and preservation statutes and to give careful consideration to the serious social consequences a casino will have for Buffalo. Experts agree: casinos increase family-destroying gambling addictions and economic hardships for surrounding neighborhoods, including overall job losses in excess of the modest jobs a casino might create.

The Defendants failed to comply with any of those requirements, and none of the statutory exceptions to the general prohibition against gambling on newly acquired Indian lands apply to the Buffalo property.

The Defendants are the Secretary of Interior, the Assistant Secretary of the Interior for Indian Affairs, the United States Department of the Interior, the National Indian Gaming Commission and the Commission's Chairman. The Plaintiffs are the Citizens Against Casino Gambling in Erie County, Coalition against Casino Gambling in New York – Action, Inc., The National Coalition Against Gambling Expansion, The Preservation Coalition of Erie County, Inc., The Campaign for Buffalo, Assemblyman Sam Hoyt, and individual residential and commercial property owners adjacent to the casino site.

Overall, our federal lawsuit is based on the failure of federal agencies to comply with laws that govern the federal approval process for gambling activities on Indian lands acquired after 1988. That failure renders the proposed Seneca Buffalo casino illegal.