



# ONEIDA FACT SHEET

## GAMING AT TURNING STONE RESORT CASINO



New York's highest court, the Court of Appeals, has held that the Indian Gaming Regulatory Act (IGRA) is the exclusive source and measure of the legality of tribal gaming. Through IGRA, Congress has given the federal government the exclusive jurisdiction to determine the legality of tribal gaming.—preempting the states in this area. Federal courts have held the same thing.

The Secretary of Interior published approval of the Oneida compact in 1993. The NIGC approved the Oneida Nation's gaming ordinance and maintains a current list of federally-approved gaming compacts, and the Oneida Nation's gaming compact is on that list. After a 2004 state court judgment in *Peterman v. Pataki* in Supreme Court in Oneida County, some questioned whether gaming at Turning Stone continued to be authorized under IGRA. The Department of Interior answered that question on June 13, 2007, saying that “the 1993 Compact remains ‘in effect’ for purposes of the IGRA.” Reaffirming that analysis in 2008, in the

Record of Decision announcing the Department of the Interior's trust decision with respect to Oneida land, the Department specifically reaffirmed that the Oneida Nation is “lawfully conducting” gaming at Turning Stone.

Since 1993, the Nation has been lawfully conducting Class III gaming at Turning Stone under IGRA. The casino is situated within the Oneida reservation on Indian lands as required by IGRA. The casino has been operating pursuant to a gaming compact between the State and the Nation that was approved by the Department in 1993 and that remains in effect.

The federal court has rejected challenges to the federal government's analysis of the lawfulness of the gaming at Turning Stone and to the fact that the federal government regulates the gaming and permits it to continue. When various plaintiffs sued in federal court to challenge gaming at Turning Stone, their claims were rejected.

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In addition to rejecting challenges concerning the Oneida gaming compact, the federal court also held that the Oneida reservation has not been disestablished, which means that Turning Stone is on reservation land. And the Department of the Interior's Record of Decision in the trust matter clearly states the Oneida reservation was not disestablished and also that Turning Stone is "lawfully conducting" gaming.

Every year, the New York State Legislature appropriates in the annual budget money specifically dedicated to support gaming at Turning Stone. These allocations specifically support the New York State Police Gaming Detail and the New York State Racing & Wagering Board Office located at Turning Stone.

Pursuant to the legislative allocations, the New York State Racing & Wagering Board and the NYS Police maintain an ongoing, 24 hour per day regulatory presence on site at Turning Stone. The Board's and State Police's authority to be present at Turning Stone is specified in the Oneida gaming compact and is possible only because of the compact.



## MAY 2014:

The Oneida Indian Nation reached an historic agreement with the State of New York to resolve all outstanding disputes regarding the status of the Nation's lands, property taxes, sales taxes and gaming at Turning Stone Resort Casino. In exchange for the Nation's agreement to share a portion of its gaming

revenues with the State, the State discontinued all legal challenges and ended longstanding opposition to the recognition of the Oneida Nation reservation. Additionally, the State agreed not to authorize any casinos in a broad, 10 county exclusivity zone.



## MARCH 2014:

The agreement received federal approval finalizing the historic agreement allowing the Oneida Nation and New York State to move forward together on a path of partnership and prosperity. Opened in 2015, Yellow Brick Road Casino is a \$20 million, smoke-free, 60,000-square-foot gaming venue located in Upstate New York in the Village of Chittenango that celebrates the community's connection with the iconic story, "The Wonderful Wizard of Oz." Yellow Brick Road Casino features more than 430 Vegas-style cash slot machines, table games, Keno and dining.