

SENECA - CAYUGA NATION

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Seneca-Cayuga Tribal Citizens:

The Business Committee is committed to clear communications with tribal citizens, and we promised to update you on key governmental issues at the last address to the Nation's members. They are as follows:

Tribal Election. As many of you are aware, the June Tribal Election of officers has been postponed until conclusion of Court of Indian Offenses litigation. The postponement of the Election arises from two separate Temporary Restraining Orders issued to the Nation without notice. In the first matter, *Leroy Howard v. Seneca-Cayuga Nation et al*, Mr. Howard complained of the prohibition on Dual Enrollment passed by a vote of the Tribal General Council on June 6, 2015. Mr. Howard refused to sign an affidavit relinquishing membership with other tribe(s).

The Referendum proposed by the Business Committee was intended to conserve Nation resources by ensuring that benefits and services are distributed to those members that chose to remain Seneca-Cayuga members. In accordance with the passage of the Referendum, Seneca-Cayuga Tribal members that wish to remain on the rolls of the Nation are required to relinquish any other tribal memberships and sign an affidavit attesting to that fact. Legal review of the Constitutional effect of the Referendum disclosed that there were areas of the proposal that may require a Constitutional amendment that can only be conducted by the Bureau of Indian Affairs. A Constitutional Amendment would clarify and remove any doubt of the applicability of the dual enrollment issue. In addition, legal review brought to the forefront other Constitutional



membership concerns. Article III, Sections 3 and 4 of the Seneca-Cayuga Nation Constitution conditions Tribal membership, among other requirements, upon being “being born of a marriage.” This language contained within the Constitution has been in existence since the initial execution of the Seneca-Cayuga Constitution in 1937. It is unknown at this point how many Tribal members may be impacted if those requirements are enforced.

In consideration of those requirements and in order to provide resolution to the Dual Enrollment Referendum, the Business Committee submitted a proposed Constitutional Amendment to the Bureau of Indian Affairs for approval. Unfortunately, the Temporary Restraining Order issued by the CFR Court enjoined the Business Committee from continuing with the review of the proposed Constitutional Amendment with the BIA. As of this date, it has not been finally approved by the BIA for presentation to the General Council for consideration as a possible Constitutional amendment. This case has since been jointly dismissed by the parties

The second Temporary Restraining Order entered by the CFR Court without notice to the Nation or the Nation’s Election Committee is styled *Leroy Howard v. Seneca-Cayuga Nation and Election Committee et al* was dismissed at hearing by the Court on May 19, 2016. A final hearing on the merits has yet to be scheduled. This matter arises from a challenge to Mr. Howard’s eligibility to run as a candidate in the Nation’s election due to his alleged failure to qualify for membership under Article III, Section 4, of the Nation’s Constitution which requires that he be “born of a marriage” between a Tribal member and any other person .

Throughout the litigation instituted by Mr. Howard, the Business Committee has been unable to proceed to establish with the BIA an approved Constitutional amendment to present to the General Council for consideration that may alleviate such restrictions currently placed upon Tribal enrollment. In fact, strict adherence to the Seneca-Cayuga Constitution has been

demanded by Mr. Howard. The Business Committee is sworn to uphold the Nation Constitution and by-laws as a condition of elected office. It is anticipated that orders will be entered in the next few weeks by the CFR Court that will allow for the Re-scheduling of the postponed election. An unfortunate by-product of the postponed election is that the remaining elected positions await the resolution of this litigation.

NIGC letter of concern and requests for information. As announced in the last newsletter, the National Indian Gaming Commission has notified the Nation of “concerns” regarding contracts entered by the Seneca-Cayuga Nation and certain gaming vendors executed by the past administration. Those questions have since extended to other contracts entered with gaming vendors in the same Seneca-Cayuga Nation leadership era. The Nation is now presented with additional requests by the NIGC for information surrounding those vendor contracts. The Nation has complied with those requests and is hopeful that the NIGC will not penalize the Nation for its previous administrations actions with past gaming vendors.

In conclusion, please be advised that the Business Committee will continue to work diligently to resolve all of these issues in the best interest of the Nation’s members.

Sincerely,



William L. Fisher, Chief