

# SENECA - CAYUGA NATION

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Dear Tribal Members:

This year the Nation has been involved in court cases that have delayed the 2016 election of the Business Committee and Grievance Committee offices. The Business Committee is working to conclude these matters so that an election may move forward at the earliest possible date.

Your right to vote in Tribal elections by mail-in or absentee ballot has been called into question before the Court of Indian Offenses (CFR Court). A group of Tribal members who conducted an illegal election at the June 2016 annual General Council meeting are seeking court orders to limit the election of the Nation's Government officials and Committee persons to be conducted by in-person voting only. If this group of Tribal members is successful, Seneca-Cayuga Nation elections in the future will be limited to voting by Tribal members who are able to attend and cast their ballots in-person only.

In recent newsletters and updates posted on the Nation's website, [www.sctribe.com](http://www.sctribe.com), the Business Committee has provided updates about continuing court cases in which the Nation is a party. Please continue to view the Nation's website for the most recent news. Below is a summary of the current Court Orders and discussion of the pending Court cases for those that may not have access to the Nation's website.

## **Current Court Orders:**

1. **Seneca-Cayuga Nation v. Paul Barton, Scott Goode, Hoyit Bacon, Cynthia Donohue, Diana Baker, Tonya Blackfox, and TeNona Kuhn**

The CFR Court Order entered on July 6, 2016 requires in-person voting only in all elections. After further hearing, the Court modified the Order on August 3, 2016, and now requires in-person voting for Grievance Committee positions.



The Defendants in that case, Paul Barton, Scott Goode, Hoyit Bacon, Cynthia Donohue, Diana Baker, Tonya Blackfox, and TeNona Kuhn, have argued that future elections should be conducted by in-person voting at the Nation's polling location. An Appeal of this Order has been filed on behalf of the Nation.

**2. Leroy Howard v. William Fisher et al.**

Also in recent months the Nation has been subjected to lawsuits by Leroy Howard, which by Court Order delayed the annual election scheduled for June 2016. At Mr. Howard's request the election continues to be stayed.

**Court Case Discussion:**

**1. Seneca-Cayuga Nation v. Paul Barton, Scott Goode, Hoyit Bacon, Cynthia Donohue, Diana Baker, Tonya Blackfox, and TeNona Kuhn**

During the June 2016 annual General Council meeting, the Defendants in this case along with other Tribal members disrupted Chief Fisher as he was calling the meeting to order. Chief Fisher adjourned the meeting after continued interruption. Paul Barton and his Co-defendants then proceeded to engage in an election wherein only those in attendance were allowed to run as candidates and only those present were allowed to vote. The unlawful General Council meeting resulted in:

- **The removal of all of the Business Committee from the Tribal Roll**
- **The removal of the entire Business Committee from Office**
- **Removal of the Grievance Committee from Office**
- **Removal of the Election Committee from Office**
- **A number of individuals were illegally elected from the floor to the Business Committee and Grievance Committee**
- **Attempted Break-in at the Tribal Offices**

The duly elected Business Committee has successfully sought and received relief in CFR court from the Defendants unlawful meeting, election from the floor and dis-enrollment. All Business Committee members, Grievance committee members, and Election Committee members were restored

to office. The Defendants Paul Barton, Scott Goode, Hoyit Bacon, Cynthia Donohue, Diana Baker, Tonya Blackfox, and TeNona Kuhn, are prohibited from making further false representations that they were elected officers of the Nation.

These Defendant's and their supporters continue their past efforts to establish in-person only voting in Nation elections. In an attempt to support the validity of their June 2016 election, Paul Barton and co-defendants presented to the CFR Court a June 7, 2008, General Council Resolution that purportedly outlawed mail-in or absentee voting. The Resolution was passed at an unlawful General Council meeting conducted by Leroy Howard and enjoined by the Tribal Court of the Seneca-Cayuga Nation. Ironically, that same year, Leroy Howard and other government officers supporting the in-person only election were elected by both mail-in ballot and in-person voting. Although that 2008 General Council Resolution and meeting, much like the June 2016 meeting, was thrown out by the Nation's Tribal Court in 2008, these Defendants continue to argue that it should be enforced to prohibit Tribal members from voting by mail-in or absentee ballot.

## **2. Leroy Howard v. William Fisher et al.**

Mr. Howard has sued Chief Fisher and the Business Committee in a matter arising from a challenge to his eligibility to run for elected office. In this case, it is alleged that Mr. Howard was admitted to Tribal membership based upon false information submitted to the Enrollment Committee. The election continues to be stayed until a final hearing can be conducted.

### **In closing:**

Leroy Howard along with Paul Barton and Co-defendants participated in the unlawful election and removal of Tribal members from Tribal membership at the June 2016, General Council meeting. Leroy Howard and Paul Barton along with Co-defendants falsely state that numerous Tribal members have been dis-enrolled from the Seneca-Cayuga Nation despite the fact that neither are able to provide

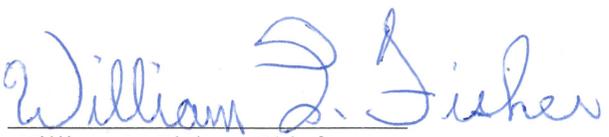
any evidence to support their claim. The only attempted removal from Tribal membership was carried out by Howard, Barton, the Barton Co-defendants, and their supporters at the June 2016 illegal meeting and election.

The Business Committee believes that the requirement of in-person voting only in elections of officers or Committee positions is contrary to tribal custom and a violation of Seneca-Cayuga Nation members right of equal protection of the law, as guaranteed by the Nation's Constitution and the Constitution of the United States. Accordingly, a notice of appeal of this CFR Court decision has been filed. The Business Committee continues to protect all Tribal member's rights to a full and fair election with participation by **all** General Council members.

If you need further information, please do not hesitate to contact your Business Committee members or check our website at [www.sctribe.com](http://www.sctribe.com) for regular updates.

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Sincerely,

  
William L. Fisher, Chief