

SENECA - CAYUGA NATION

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TO ALL MEMBERS OF THE SENECA-CAYUGA NATION

The Court of Indian Appeals in its Decision and Order of June 2, 2017, found as follows:

- (1) Paul Barton, Cynthia Donohue, Hoyit Bacon, and attorney Scott B. Goode's coup removing the elected officials was illegal:

This Court therefore agrees with the conclusions of the trial court that actions taken by persons present after the Chief's adjournment of the June 4, 2016 General Council annual meeting, including disenrollment of members of the Business Committee, declaration of offices as vacant and election of new members of the Business Committee, were not authorized by the Seneca-Cayuga Constitution and were null and of no legal effect and that the persons who comprised the Seneca-Cayuga Business Committee at the commencement of the annual meeting continued to hold their offices.

Decision and Order p. 13.

- (2) Chief Fisher had the constitutional authority to adjourn the General Council Meeting of June 4, 2016:

The Chief, as presiding officer, had inherent authorities in the conduct of General Council meetings by virtue of his constitutionally delegated duty prior to the adoption of the council resolution, and those inherent authorities remain.

Decision and Order p. 12.

- (3) The Magistrate's takeover of the election held on January 21, 2017, supported by Paul Barton, attorney Scott B. Goode and Cynthia Donohue was illegal and violated the due process rights of the Nation and its members:

However, the order reconvening was accompanied and intertwined with overreaching court directives regarding the reconvened meeting, **elections** and other matters. This Court recognizes and understands the trial court's motive to benefit the tribal process. However, this Court finds that the additional orders so entered **do not comport with the law** in two general respects.

Decision and Order p. 15. (emphasis added)

This Court finds that the additional injunctive orders are based on an erroneous view of the law, and as such their entry constitutes an abuse of discretion based on error of law. See *Community Communications Co. v. City of Boulder* at 708-09. **The additional orders must therefore be vacated.**

Decision and Order p. 17. (emphasis added)

The trial record does not contain findings of fact and conclusions of law regarding the additional injunctive orders. The issues related to these orders were not pled by the parties nor fully litigated at trial, nor is there a full record regarding these issues for this Court to examine. The parties to the case were not provided notice by the trial court that factual and legal issues related to these orders were being treated by the court as being in controversy in this case. Adequate opportunity to prepare and be fully heard regarding these was not provided the parties. **The additional orders have significant effect upon the rights of non-parties to this suit, including the Seneca-Cayuga Nation and the tribal membership, and notice and opportunity to be heard was not provided to such non-parties. The court's orders implicate the sovereign right of the Seneca-Cayuga Nation in "managing (its) own affairs, consistent with the Constitution." The Seneca-Cayuga Nation has not been joined as a party or afforded opportunity to object to joinder or to be heard regarding the import and enforcement of orders regarding the Nation.**

This Court finds the additional orders so entered to be violative of fundamental guarantees of due process of law. See *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950) ("the fundamental requisite of due process of law is the opportunity to be heard") (quoting from *Grannis v. Ordean*, 234 U.S. 385, 394 (1914)); and see Constitution of Seneca-Cayuga Nation, Article XII - Bill of Rights.

This Court finds that, in addition to being based on an erroneous view of the law, the additional injunctive orders were entered without due regard for the procedural requirements for orders for such relief, **and on such secondary basis their entry constitutes an abuse of discretion based on error of law and subjects them to vacation.** See *Community Communications Co. v. City of Boulder* at 708-09.

Decision and Order pp. 17-18. (emphasis added)

It is time to end the violation of the rights of our Nation and its people. We should all be thankful that the Court of Indian Appeals has protected us from illegal, unlawful attacks on our sovereignty. We look forward to a new, legal election so our citizens can elect officers that follow the law and protect citizens' rights.

Further updates and information may be found at www.sctribe.com

Sincerely,



William L. Fisher, Chief