

SENECA - CAYUGA NATION

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Two important court decisions impacting the Nation were issued recently. The Court of Indian Appeals denied the Petition for Rehearing by Paul Barton and others who previously unsuccessfully had tried to take over the tribal government after the 2016 General Counsel was adjourned. The trial court had ruled that the takeover attempt was unlawful. On June 2, 2017, the Court of Indian Appeals ruled that the trial court was correct and that Chief Fisher had the constitutional authority to adjourn that meeting of the General Council after the meeting got out of hand.

The trial court also entered various orders taking over the Nation's election process. The Business Committee and Election Committee appealed that election takeover by the court. Barton and others supported that court takeover. On appeal, the Court of Indian Appeals rejected Barton's position and adopted the Business and Election Committees' position. The Court of Indian Appeals found that in taking over the election, the trial court had violated the Nation's Constitution and violated the rights of the Nation and its members. The Court of Indian Appeals reversed the trial court's orders calling and controlling the election. Barton and others asked the Court of Indian Appeals to reconsider its order. That request by Barton further delayed a new election. On September 19, 2017, the Court of Indian Appeals denied Barton's Motion to Reconsider. That denial upheld the Business Committee and Election Committee on all issues and ended the case in their favor.

On September 21, 2017, the Court of Indian Offenses dismissed another case by Paul Barton and Cynthia Donohue, thereby ending their delay of a new election. The election monitor appointed by the Court of Indian Offenses had found the January 21, 2017, election unlawful. The Court of Indian Appeals had found the trial court orders controlling the election unlawful. The Business Committee and Election Committee had found the election results unlawful. Barton and Donohue had appealed the Business Committee's decision to the Court of Indian offenses, although the Nation's Election Ordinance did not allow an appeal. In court papers filed in June 2017, the Business Committee and Election Committee asked the court to dismiss Barton and Donohue's appeal (1) since the Election Ordinance did not authorize an appeal; and (2) since the Court of Indian Appeals in the earlier Barton and Donohue case held that the court orders controlling the election were unconstitutional.

In June, Barton and Donohue were given additional time to file court papers opposing the dismissal. That additional time further delayed a new election. Barton and Donohue failed to file any court papers opposing the dismissal. Because of their failure, the Court of Indian Offenses on September 21, 2017, dismissed their case and ruled in favor of the Business Committee and Election Committee.

As a result of Barton and Donohue's recent defeats in court, their delay of the new election is over. The Business and Election Committees will be moving forward with a new election free of unconstitutional court interference.

