

Myth vs. Fact Sheet



Situation

The Cayuga Nation (Nation) is a federally recognized sovereign Indian nation. In the 1794 Treaty of Canandaigua, the federal government recognized a 64,015-acre reservation for the Nation—located in what today are Seneca and Cayuga Counties in the State of New York. Despite the binding treaty with the U.S. government, in 1795 and 1807, the Cayuga Nation lost its land in transactions with the State of New York that federal courts later found to be illegal.

Recently, however, the Nation has reacquired a number of properties within its historic reservation and built thriving businesses that anchor a restored homeland. Further, every federal court to consider the question, as well as the highest court in New York, agrees that the Nation's 64,015 acre reservation continues to exist and has never been disestablished. The Nation continues to fight to have its fee-owned lands within the reservation held in trust by the U.S. government, but the lack of trust lands does not affect the Nation's sovereign authority over its reservation.

In 2002, the Cayuga Nation's Council, its governing body, designated Clint Halftown as the Nation's federal representative, serving as a point of contact between the Nation and the federal government. The Council also gave Mr. Halftown the formal responsibility to develop economic enterprises that would provide revenue for the Nation and its members. Unlike other sovereign governments, Indian nations often lack an economic base to generate tax revenue that funds the government and essential services, and land-based tax regimes are also largely unavailable or insufficient. Thus, economic enterprises fulfill this role. The businesses Clint Halftown developed have been successful and the proceeds were used to acquire a significant number of commercial and residential properties within the Nation's historic reservation. In addition to property acquisition, proceeds from the Nation's businesses and rental properties also fund financial distributions to all of the Nation's members.

Despite Mr. Halftown's lawful appointment as the Nation's federal representative and his and the Council's success in reacquiring reservation land through purchase and growing Nation-owned business, a small opposition group has sought to challenge Clint Halftown's leadership and disrupt Nation operations. In 2014, this group violently seized control of several Nation businesses created for the benefit of the Nation's members. Although the Nation was able to reclaim most of the seized properties, the group retained control of a gas station/convenience store for six years, operating it for their own benefit and stealing millions in revenue that should have gone to all of the Nation's members.

In 2016, the Council brought the leadership dispute directly to the Cayuga Nation's members in a process monitored and recognized by the Federal Bureau of Indian Affairs (BIA)—and one in which the opposition group participated. Ultimately, more than 62 percent of all Cayuga Nation adult, voting-age members supported Clint Halftown and the Halftown Council—a margin of support greater than any U.S. President in recent history has ever enjoyed. The BIA recognized this process as a valid resolution of the leadership dispute in accordance with Cayuga Nation law and the Department of Interior affirmed the BIA's recognition in a lengthy decision issued by the Assistant Secretary for Indian Affairs in July 2017. The opposition group's last legal challenge to the BIA's determination was soundly rejected in federal court and is settled law after the group chose not to appeal that decision.

The Nation has now finally entered a period of restoration, even though the Nation's Council continues to face opposition from an exceedingly small but vocal minority that threatens this newfound peace and restorative action taken by the governing leaders. The following reflects some of the common misinformation surrounding the actions of the Cayuga Nation's recognized leadership.

Myth

The Cayuga Nation does not have an appointed leader.

The Cayuga Nation does not support Clint Halftown or the Halftown Council as governing leaders of the Nation.

The Cayuga Nation is evicting the tenants who refuse to pay rent.

The tenants occupying the 14 properties have only lived there during the pandemic.

The unlawful tenants have the support of the Cayuga Nation.

The continued refusal to pay rent only impacts Clint Halftown.

Whether or not the Nation is in compliance with HUD does not affect the Nation at large.

Fact

In 2002, the Cayuga Nation governing Council designated Clint Halftown as the Nation's "federal representative" and gave him authority to develop economic enterprises for the Nation's benefit. In 2016, Clint Halftown's leadership was affirmed directly by the Cayuga Nation people with more than 60 percent of all Cayuga Nation adult, voting-age members supporting the Halftown Council. The BIA assisted with this process to ensure it was fair, reviewing and verifying the sworn and signed statements of Cayuga Nation members. In 2017, the Department of Interior affirmed the BIA's recognition of the Cayuga Nation membership's decision. Clint Halftown is the leader of the Cayuga Nation with broad support from the Cayuga Nation members.

Determined through a Nation-wide campaign, more than 60 percent of all Cayuga Nation adults support the Halftown Council and its proposed governance laws to resolve future leadership disputes. Clint Halftown's role as the Cayuga Nation's federal representative is not disputed.

The Cayuga Nation is not seeking eviction at this time—only to collect years of unpaid rent—even though the Nation has the ultimate authority to pursue eviction should they choose. The Nation has been attempting to work in good faith to resolve the dispute with the members who are illegally occupying the properties in question. However, should they continue to refuse these entreaties, the Cayuga Nation will have no other option but eviction and thus reserves the right to evict at a later date. The Nation's focus is, and always will be, doing what is in the best interest of the Cayuga Nation at large.

The Nation did not purchase these properties for the personal benefit of any specific members. Rather, the purchases were to provide suitable options for Nation members to rent residences within the Reservation. The tenants occupying the properties have refused to pay rent for several years, not just during the COVID-19 crisis. Their refusal to pay rent on these properties has cost the Nation roughly \$700,000 in lost housing fees, to the detriment of the Nation's members at large.

The Cayuga Nation is being harmed significantly by the actions of these tenants, and they do not have broad support from the Nation. A small group of housing activists, as well as friends and family who support the tenants, are misinformed about the circumstances under which the tenants are occupying the residences. The Nation is simply seeking the rent that is duly owed for the occupation to date and moving forward. The refusal to pay rent on the 14 properties has cost the Nation and its members roughly \$700,000 in lost housing fees to date. It should be noted that the Nation charges rent that is well below market rates and other tenants in Nation housing have faithfully paid their rent.

Funds generated by the Nation's successful businesses—including the housing in which the non-paying tenants reside—support the Nation's members through job opportunities, healthcare coverage, maintaining a government and police force, fresh produce, other resources on the land, and annual community events. These activities have allowed Cayuga Nation citizens to return to their homeland with an opportunity for housing and employment, which helps preserve the Cayuga Nation's culture. The tenants' refusal to pay rent on these properties has cost the Nation roughly \$700,000 in lost housing fees, to the detriment of the Nation's members at large.

Because a number of the properties in question were purchased through U.S. Department of Housing and Urban Development (HUD) grants, the continued illegal occupation has impacted the Nation's ability to fulfill HUD requirements. This has already forced the Nation to forfeit two years' worth of additional HUD grants that would greatly improve the well-being of its members at large.

The Halftown Council destroyed a school, daycare center and a traditional "longhouse," along with other essential community properties.

Possession of property was peacefully transferred in 2014 and was agreed upon by the Cayuga Nation's Council.

Clint Halftown did not attempt to reassert control over the stolen properties in a peaceful manner.

Clint Halftown destroyed the properties because he does not care about the Cayuga Nation.

The takeover and repossession of the Nation's properties was violent.

Clint Halftown does not have the best interests of the Cayuga Nation in mind.

These claims are patently and verifiably false. Neither a daycare nor traditional longhouse were demolished. After reasserting control over several businesses that were forcefully seized in 2014, several buildings—including a gas station, convenience store, and other small properties—were demolished. This decision was not made lightly, but was done to prevent them from becoming a continuing target for additional forceful takeovers by the illegal occupiers.

In 2014, a small group operating purely for personal greed violently seized several of the Nation's business operations in Seneca and Cayuga Counties. Prior to their seizure, these businesses benefitted the entire community. The small group continued to operate the businesses instead for their own benefit and stole all the profits from the seized businesses. The Council did not support this action and immediately took action to regain control of the businesses. The Council succeeded in immediately reclaiming all but a gas station/convenience store in Seneca Falls. Throughout the time that the illegal operators controlled the businesses, they kept all profits for themselves and remitted no financial benefits to the Nation. The total financial loss of revenue is more than \$5 million, in addition to \$1.4 million worth of inventory.

The Nation's Council attempted to work through the appropriate law enforcement and legal processes to resolve this property dispute, including actions in New York state court and the New York Court of Appeals over a five-year period. In 2019, the Court of Appeals stated that the Cayuga Nation needed to resolve the dispute concerning the properties on its own. After exhausting all legal remedies and left with no alternative, the Cayuga Nation Police Department reasserted control over the properties pursuant to Cayuga Nation Law in an operation that was immediately successful and without incident or harm to anyone.

The Nation brought down the buildings so that they would not remain a target of the people who violently seized them in 2014 and remain a safety threat. These buildings were violently invaded in 2014 and became the site of illegal activities including theft, drug use, and weapons possession. One violent invader drove a truck into a Nation office building; others physically assaulted Cayuga Nation employees and representatives; others possessed illegal automatic weapons and gun parts. The Nation could not let that happen again. The dismantling of the structures on the property was done carefully to avoid further internal conflict, unlawful seizures, and illegal ownership of properties. In advance of the peaceful takeover, Cayuga Nation Police Department officials notified local, state, and federal law enforcement who monitored the process. Plans to rebuild new structures and businesses on the bulldozed properties are underway.

Local, state and federal law enforcement monitored the takeover and were notified in advance, and the Nation's decision was disclosed to and supported by state and local law enforcement. The buildings were demolished safely and professionally pursuant to a demolition order issued under the Nation's health and safety ordinance. No one was injured as a result of the peaceful repossession of the previously seized businesses, nor were children present at the time of the repossession. No daycare or other center for children was demolished. Under political pressure, the federal government announced an investigation of the Nation's recovery of the properties. The Nation pledged full cooperation with any investigation and no action was ever taken.

Prior to Mr. Halftown's leadership, enrolled members of the Cayuga Nation received approximately \$22 per year in treaty payments from New York State. Due to the economic drivers Mr. Halftown has overseen, enrolled members now receive distributions of at least \$300 per quarter, a practice in place since 2006 and totaling more than \$9 million in member distributions since the beginning of the program. They also receive tuition assistance for schooling for themselves and their children, among other benefits. In total, the businesses and properties created or acquired under Clint Halftown's leadership now account for more than 95 percent of the Nation's operating budget. A recent Nation-wide campaign of support showed that at least 62 percent of the Nation's members support Mr. Halftown's continued leadership of the Cayuga Nation. Thus, Clint Halftown is not only the federally recognized leader of the Nation, he remains the Nation's duly-chosen and legitimate leader, as determined by its citizens.

Providing the Cayuga Nation with federally protected sovereign land held in the trust by the United States would cause public health and safety concerns.

This concern also is unfounded. Nations with lands in trust have enjoyed good relations with the U.S. government and state and local governments. Having lands in trust would dispel mistaken notions about the legitimacy of the Nation's 64,015 acre reservation and its authority as a sovereign nation and would lead to greater opportunities for government-to-government diplomacy and cooperation at the local, state, and federal levels.

The Cayuga Nation has always maintained adequate federal government oversight for purposes of resolving Nation disputes. A police force is unnecessary.

The Cayuga Nation long faced illegitimate and disingenuous (and frankly racist) challenges to its autonomy and sovereignty by those who wish to see the Nation fail. Questions about the legitimacy of the Nation's police force are just another example of this strategy.

The United States government does not support the Cayuga Nation's police force / The Cayuga Nation's police are not considered legitimate.

The Cayuga Nation's professional police force, established in 2018, is federally recognized and approved by the U.S. Department of the Interior. Like other sovereign nations, the Cayuga Nation has full authority to enforce the Nation's laws within the boundaries of its reservation. In June 2019, the U.S. Department of the Interior/Bureau of Indian Affairs (BIA) stated that the Cayuga Indian Nation Law Enforcement Division has full authority to enforce its own laws inside the Cayuga Indian Nation Reservation boundaries. Recent Supreme Court decisions build on this authority by reinforcing the validity of Indian law enforcement agencies. Therefore, the Cayuga Nation police force, consistent with federal law, serves as a protective unit to enforce Cayuga Nation laws and is deemed completely legitimate by the U.S. government.

Clint Halftown's lack of care for the Nation is evident by the remaining rubble from the demolition.

The Nation sought a permit to remove the debris from its property in Seneca Falls in March 2020, which included filing paperwork and paying a permit fee. Unfortunately, the permit was denied for failure to pay real property taxes based on a law the County passed that seemingly targets the Nation. The Cayuga Nation has said repeatedly to multiple Seneca County and Town of Seneca Falls officials that it would remove the debris immediately after it receives the permit. After the permit was refused for political reasons, the Nation, as a sovereign government, issued its own demolition permit and safely and expediently removed the debris.

The Cayuga Nation is required to pay taxes in order to acquire permits.

In June 2019, the U.S. Department of the Interior/Bureau of Indian Affairs (BIA) stated that both "Federal and State Courts have ruled that the Cayuga Indian Nation Reservation has not been diminished or disestablished" and "[w]hile the [Nation] does not have lands in trust, all lands within the exterior boundaries of the reservation are considered Indian Country under Federal Law." The New York Attorney General has also opined that a municipality may not condition the issuance of building permits on the payment of real estate taxes. The Cayuga Nation is being selectively targeted with a law that is likely illegal in the view of the New York Attorney General and ultimately not enforceable based on the Supreme Court's refusal to hear its challenge. Still, the Nation offered to seek a permit as a good neighbor, and, after that permit was continually refused, issued its own permit as a sovereign government to move forward with the debris cleanup.

The Cayuga Nation does not have a reservation or sovereign land.

The Cayuga Nation is a federally recognized sovereign Indian nation. In the 1794 Treaty of Canandaigua, the federal government recognized a 64,015-acre reservation for the Nation—located in what today are Seneca and Cayuga Counties in the State of New York. Reservations are established by Act of Treaty and can only be disestablished by an Act of Congress, which has not taken place.