

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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DUSTIN PARKER

*Petitioner,*

-against-

5:24-cv-886  
(BKS/TWD)

CLINT HALFTOWN, TIMOTHY TWOGUNS,  
DONALD JIMERSON, GARY WHEELER,  
MICHAEL BARRINGER and JONATHAN  
DEKANSKI, in their official capacities as members  
of the Cayuga Nation Council, and JOSEPH E. FAHEY,  
in his official capacity as Cayuga Nation Tribal  
Court Judge,

*Respondents.*

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**MEMORANDUM OF LAW IN SUPPORT OF  
MOTION FOR LEAVE TO FILE AN AMICUS BRIEF  
IN SUPPORT OF THE PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS**

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## INTRODUCTION

As detailed *infra*, the Court should grant the Proposed *Amicus* leave to participate as *Amicus Curiae* because the Proposed *Amicus* have a unique perspective that would provide helpful perspective, information, and insight to the court not available from the current parties. Respondents<sup>1</sup> represent only the portion of the Cayuga Nation directed by Clint Halftown, who the United States Bureau of Indian Affairs (“BIA”) designated as the Nation’s federal representative in 2016. *Cf. Cayuga Nation v. Campbell*, 140 N.E.3d 479, 482-83 (N.Y. 2019) (recognizing a division in the Cayuga Nation’s leadership). The Proposed *Amicus*, the Traditional Cayuga Nation Chiefs and Clan Mothers, are the leadership of the Cayuga Nation since time immemorial, recognized by its traditional citizens and the Haudenosaunee Confederacy.<sup>2</sup>

The views of Respondents and the Proposed *Amicus* drastically differ, and many of the Cayuga Nation citizens who live on the Nation’s reservation territory, including the Petitioner, adhere to the Nation’s traditional culture, custom, and practices (the “traditional citizens,” which includes the Petitioner); the Proposed *Amicus* and the traditional citizens that they steward will be greatly impacted by the issues at stake in this lawsuit.

## ARGUMENT

District courts have “broad discretion to grant or deny an appearance as *amicus curiae* in a given case.” *Hart v. Town of Guilderland*, No. 20-CV-475, 2020 WL 8411581, at \*1

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<sup>1</sup> Excluding Respondent Fahey; further references herein to “Respondents” similarly exclude Respondent Fahey, who is not a member of the Council.

<sup>2</sup> For the current membership of the Traditional Clan Chiefs and Clan Mothers, see *Current Clan Mothers and Chiefs*, Haudenosaunee Confederacy, <https://www.haudenosauneeconfederacy.com/government/current-clan-mothers-and-chiefs/> (last visited Mar. 12, 2026).

(N.D.N.Y. July 28, 2020) (quoting *Citizens Against Casino Gambling v. Kempthorne*, 471 F. Supp. 2d 295, 311 (W.D.N.Y. 2007)). This Court regularly allows the submission of amicus briefs. See L.R. 7.2(a); see also, e.g., *Cayuga Indian Nation of N.Y. v. Village of Union Springs*, 390 F. Supp. 2d 203, 206 n.5 (N.D.N.Y. 2005); *Onondaga Indian Nation v. New York*, No. 97-cv-445, 1997 WL 369389, at \*3 (N.D.N.Y. June 25, 1997); *Merola v. Cuomo*, 427 F. Supp. 3d 286, 293 (N.D.N.Y. 2019); *V.W. v. Conway*, 236 F. Supp. 3d 554, 571 n.8 (N.D.N.Y. 2017); *N.Y. State Elec. & Gas Corp. v. Saranac Power Partners, L.P.*, No. 97-cv-1169, 1998 WL 51912, at \*2 (N.D.N.Y. Feb. 5, 1998).

“The primary reason to allow *amicus curiae* briefing is that the *amicus curiae* ‘offer insights not available from the parties,’ thereby aiding the Court.” *Pratt v. Indian River Cent. Sch. Dist.*, No. 09-cv-0411, 2010 WL 11681606, at \*3 (N.D.N.Y. Dec. 6, 2010) (quoting *Andersen v. Leavitt*, No. 03-cv-6115, 2007 WL 2343672, at \*2 (E.D.N.Y. Aug. 13, 2007)); see also *Soos v. Cuomo*, 470 F. Supp. 3d 268, 284 (N.D.N.Y. 2020) (“The usual rationale for amicus curiae submissions is that they are of aid to the court and offer insights not available from the parties.” (quoting *Kearns v. Cuomo*, No. 19-CV-00902, 2019 WL 5060623, at \*5 (W.D.N.Y. Oct. 9, 2019))). This insight is provided “when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Pratt*, 2010 WL 11681606 at \*3 (quoting *Andersen*, 2007 WL 2343672, at \*2); see also *Soos*, 470 F. Supp. 3d at 284; *Onondaga Indian Nation*, 1997 WL 369389, at \*2.

“[T]here is no rule . . . that amici must be totally disinterested.” *Onondaga Indian Nation*, 1997 WL 369389, at \*3 (quoting *James Square Nursing Home, Inc. v. Wing*, 897 F. Supp. 682, 683 n.2 (N.D.N.Y. 1995)); see also, e.g., *C & A Carbone, Inc. v. County of Rockland*, No. 08-CV-6459-ER, 2014 WL 1202699, at \*4 (S.D.N.Y. Mar. 24, 2014) (“[A]mici need not be

completely disinterested in the outcome of the litigation.”). In fact, an amicus is “not normally impartial” anyway. *Onondaga Indian Nation*, 1997 WL 369389, at \*3 (quoting *Strasser v. Doorley*, 432 F.2d 567, 569 (1st Cir. 1970)). The idea that an amicus “acts as a neutral information broker, and not an advocate,” is a “fiction” that “is long gone.” *Prairie Rivers Network v. Dynegy Midwest Generation, LLC*, 976 F.3d 761, 763 (7th Cir. 2020). Courts affirm that a non-neutral amicus can assist the court “in clear and distinct ways,” including by “[o]ffering a different analytical approach to the legal issues before the court,” and “[h]ighlighting factual, historical, or legal nuance glossed over by the parties.” *E.g., Prairie Rivers*, 976 F.3d at 763.

Courts recognize the importance of *amici* who represent citizens who would be disproportionately impacted by the issues at stake in a lawsuit. *Auto. Club of N.Y., Inc. v. Port Auth. of N.Y. & N.J.*, No. 11 Civ. 6746, 2011 WL 5865296, at \*2 (S.D.N.Y. Nov. 22, 2011). Moreover, courts routinely grant *amici* participation to proposed *amici* whose perspective is helpful. *C & A Carbone*, 2014 WL 1202699, at \*4 (S.D.N.Y. Mar. 24, 2014).

Specifically, courts welcome proposed *amici* who can help ensure a complete examination of the issues at stake by “presenting ideas, arguments, theories, insights, facts, or data that are not found in the briefs of the parties” or that “the litigants have not adequately developed.” *Prairie Rivers*, 976 F.3d at 762–63 (citation modified); *see also, e.g., United States v. Gotti*, 755 F. Supp. 1157, 1158 (E.D.N.Y. 1991) (“[*Amici*] provide supplementary assistance to existing counsel and insur[e] a complete and plenary presentation of difficult issues so that the court may reach a proper decision.”).

**I. The Proposed *Amicus*, embroiled in a longstanding leadership dispute with Respondents, offer unique information, insight, and perspective critically important to the matter.**

The Proposed *Amicus* are the custodians of the Cayuga Nation’s culture and tradition, and preserve the language, history, beliefs, and practices of the Nation. The Proposed *Amicus* and their traditional citizens adhere to *Gayanashagowa* (the Great Law of Peace), an oral law and tradition. *Campbell*, 140 N.E.3d at 482. One of their core cultural values is “one dish one spoon,” which exemplifies sharing collectively with the community, taking only what one needs, and maintaining respect for other community members as moral equals. *See* Victor P. Lytwyn, *A Dish with One Spoon: The Shared Hunting Grounds Agreement in the Great Lakes and St. Lawrence Valley Region*, 28 Papers Twenty-Eighth Algonquian Conf. 210, 211 (1997).

The Cayuga Nation, like the other Nations in the Haudenosaunee Confederacy, is a matriarchal society. *See Campbell*, 140 N.E.3d at 481. Historically, the Nation’s Clan Mothers, through an intra-Clan process, select the male Chiefs to represent their respective Clans on the Cayuga Nation Council. *Id.* A Clan Mother similarly has the sole and exclusive authority to remove a Chief when, in her estimation, he no longer fulfills his responsibilities as Chief to the citizens of his Clan. *Id.* If a Chief of a Clan is unable to carry out his responsibilities, his Clan Mother can appoint a “seatwarmer” to function as the eyes and ears of his Clan. *Cf. George v. E. Reg’l Dir.*, 49 IBIA 164, 167 (2009) (“In the absence of condoled chiefs . . . the Council employs ‘seatwarmers,’ or representatives, to hold vacancies on the Council.”). The “seatwarmer” position is temporary by design and nature, and it does not possess the inherent authority of a condoled Chief representing his Clan.

In 1997, Respondent Halftown was appointed as a “seatwarmer” to remain on the Cayuga Nation Council temporarily, because the Chief of his Clan fell ill and was no longer able to carry

out his responsibilities. When the time came for Respondent Halftown to vacate his role as seat warmer in July 2004, and his Heron Clan Mother gave him the requisite warning to step down, he refused to do so. *See George*, 49 IBIA at 170. His Clan Mother attempted to remove him again in 2011, but he again refused to step down. *Cayuga Nation v. United States*, 594 F. Supp. 3d 64, 68 (D.D.C. 2022). Despite his refusals, the Cayuga Nation’s Chiefs and Clan Mothers considered Respondent Halftown’s continued claim to authority completely invalid, as the matter was resolved through the Nation’s internal leadership selection and dispute resolution processes.

Nevertheless, Respondent Halftown continued to petition the federal government, and continued to hold himself out as a recognized leader of the Cayuga Nation. His efforts, after some time, bore fruit; in 2006, the BIA recognized the Cayuga Nation as having a split Council. *See Cayuga Nation v. Tanner*, 824 F.3d 321, 326 (2d Cir. 2016). Three members of the Proposed *Amicus* were recognized as half of the six-member Council, while Respondent Halftown and his supporters—Tim Twoguns and Respondent Wheeler (collectively, the “Halftown Faction”)—were recognized as the other half. *See id.* A partial claim to authority, though, was insufficient for the Halftown Faction, which continued to scheme over a period of years in an effort to gain full control over the affairs of the Nation. In 2016, Respondent Halftown launched an operation—a “statement of support” campaign—to gain that full control, which was ultimately successful. *See Campbell*, 140 N.E.3d at 483. The statement of support campaign had no historical parallel for the Nation’s selection of leadership, and would not have been possible to undertake without the secretive assistance of the BIA, granted only to the Halftown Faction.

Because Respondent Halftown is not a condoled Chief and was removed by his Clan Mother from his temporary “seatwarmer” position multiple times over the preceding years, the

Proposed *Amicus* and many of the Nation’s citizens who reside on the reservation territory do not recognize, and will never recognize, Respondents’ claim of authority as the recognized leadership of the Nation. This fracture underlies the Nation’s ongoing leadership dispute, and precludes Respondents from presenting the unique information, insight, and perspective proffered by the Proposed *Amicus*.

**II. Unlike Respondents, the Proposed *Amicus* adhere to traditional Cayuga Nation customs and practices, which permit banishment for only the most serious of offenses.**

The Cayuga Nation, as a traditional Haudenosaunee Nation, has followed the Great Law of Peace for over 1,000 years, since the Peacemaker brought together the then-warring Five Nations to form the Haudenosaunee Confederacy on the shores of Onondaga Lake. One of the fundamental principles of the Great Law of Peace is “one dish, one spoon,” *see* Decl. of Att’y Michael D. Sliger (“Sliger Decl.”) ¶ 7; Ex. A ¶ 8, which mandates that Haudenosaunee leaders and nations govern all their citizens equally and fairly, and that all nation citizens be properly housed and cared for. The “dish” represents the land that is to be shared peacefully, and the “spoon” represents the individuals living on, and using the resources of, the land in a spirit of mutual cooperation. *See* Fred Glover, *A Dish with One Spoon*, *The Canadian Encyc.* (Mar. 31, 2020), <https://www.thecanadianencyclopedia.ca/en/article/a-dish-with-one-spoon>.

This fundamental principle of respect for, and care of, all citizens encompassed by “one dish, one spoon” has been central to the traditional governance of the Cayuga Nation for centuries because “there cannot be true peace in the Cayuga Nation unless all individuals are cared for and protected.” Sliger Decl. ¶ 8; Ex. A ¶ 10. Its centrality is well-documented:

The term *a dish with one spoon* refers to a concept developed by the Indigenous peoples of the Great Lakes region and northeastern North America. It was used to describe how land can be shared to the mutual benefit of all its inhabitants. According to the Haudenosaunee (Iroquois), the concept originated many

hundreds of years ago and contributed greatly to the creation of the “Great League of Peace”—the [Haudenosaunee] Confederacy made up of the Seneca, Cayuga, Oneida, Onondaga, and Mohawk nations.

Glover, *supra*. The Proposed *Amicus*, as the Nation’s traditional leadership, still obey this sacred directive.

Pursuant thereto, Haudenosaunee culture promotes healing, not punishment. Sliger Decl. ¶ 9; Ex. A ¶¶ 11-14. Procedures and methods of addressing harmful behavior by Haudenosaunee citizens focus on remediation of the behavior through strengthening and maintaining clan and community bonds. In this context of mandated care for each citizen, banishment has only been utilized for the most extreme and violent behavior. Sliger Decl. ¶¶ 3-5; Ex. A ¶¶ 15-17, 24, 28-29; see also David E. Wilkins, *Exiling One’s Kin: Banishment and Disenrollment in Indian Country*, 17 W. Legal Hist. 235, 239–42 (2004). To wit:

[G]iven the familial, egalitarian, and adjudicatory nature of tribal societies—which were focused on mediation, restitution, and compensation aimed at solving the problem in such a manner that all could forgive and forget and continue to live within the tribal society in harmony with one another—permanent expulsion of tribal members was rarely practiced.

Wilkins, *supra*, at 239 (citation modified). And, specific to the Haudenosaunee:

[F]ormal punishment was disfavored in Seneca society; social pressure and mutual consent corrected nearly all deviant behavior and resolved most disputes. However, extreme violence, such as murder or the practice of witchcraft, were punishable by death or by restitution to the victim’s family. If the wrongdoer repented, he could offer goods and services, and the matter would be resolved. Traditionally, banishment (i.e., “complete ostracism”) from the Seneca society was rarely needed because public indignation was considered to be sufficiently severe punishment.

Patrice H. Kunesh, *Banishment as Cultural Justice in Contemporary Tribal Legal Systems*, 37 N.M. L. Rev. 85, 97-99 (2002) (citation modified).

Banishment from the Cayuga homelands would sever the Petitioner’s connection to his Clan, his community, traditional ceremonies—essentially, the entire Cayuga way of life. Sliger

Decl. ¶ 5; Ex. A ¶¶ 18-20. The damaging impacts of the Petitioner’s banishment would also produce extremely harmful effects on his family, particularly his children, because they would also lose their access to, and benefits from, language classes, ceremonies, and learning about Cayuga custom and tradition. Sliger Decl. ¶ 6; Ex. A ¶¶ 21-23. The asymmetric harshness and cruelty of Respondent’s attempted banishment cannot be overstated:

**What was historically a rare event—the forced and permanent expulsion of a relative who had committed a terrible offense—has tragically . . . [left] thousands of bona fide Native individuals without the benefits and protections of the nations they are biologically, culturally, and spiritually related to.**

[Neither] history [n]or tribal tradition affirm[] the oftentimes arbitrary power of some tribal institutions to categorically disenfranchise . . . tribal individuals, entire families and, in some case[s], large groupings of tribal members on specious and questionable grounds.

David Wilkins, *Self-Determination or Self-Decimation? ‘Banishment and Disenrollment in Indian Country,’* ICT (Aug. 31, 2006) (emphasis added), <https://ictnews.org/archive/self-determination-or-self-decimation-banishment-and-disenrollment-in-indian-country/>.

Respondents’ present attempt to invoke the extreme sanction of banishment for minor civil fractions violates Cayuga Nation and Haudenosaunee custom and cultural practices.

Respondents are completely at odds with the Great Law of Peace and the tenet of “one dish, one spoon” that the Proposed *Amicus* and traditional citizens follow to this day—an indicator of the unique information, insight and perspective of the Proposed *Amicus*, that this Court should consider in rendering its judgment. *See Pratt*, 2010 WL 11681606, at \*3; *Soos*, 470 F. Supp. 3d at 284.

**III. Because Respondents have weaponized their law enforcement and courts against the Proposed *Amicus* and traditional Cayuga citizens that reside on the reservation, it cannot present the unique perspective, information, and insight offered by the Proposed *Amicus*.**

As discussed *supra*, the Proposed *Amicus*, the Petitioner, and traditional Cayuga citizens maintain the Haudenosaunee moral principle of “passing around one bowl and one spoon for all,” which signifies the equal moral worth and moral standing of—and respect, support, and protection for—all Cayuga Nation citizens. Ex. A ¶¶ 8-9; Sliger Decl. ¶ 7; *see also* Glover, *supra*. By contrast, Respondents have governed in violation of traditional citizens’ rights to life, liberty, and security, their rights against torture and cruel, inhumane, or degrading punishment, and their rights to free speech and free cultural expression. *See* Sliger Decl. ¶¶ 11-14; Exs. B, C.

Shortly after consolidating its claim to leadership of the Nation, Respondents hired a group of non-Cayuga, non-Indigenous mercenaries to ostensibly serve as the Cayuga Nation’s police department (“CNPDP”), but who in actuality constitute a paramilitary militia. *See* Gabriel Pietrorazio, *Fayette Resident Files Civil Lawsuit in Seneca County Against Cayuga Nation Police’s Superintendent, Pathfinder Solutions Company*, FingerLakes1.com (Feb. 26, 2021), <https://www.fingerlakes1.com/2021/02/26/fayette-resident-files-civil-lawsuit-in-seneca-county-against-cayuga-nation-polices-superintendent-pathfinder-solutions-company>. The CNPD serves at the behest of, and is accountable only to, Respondents, and the CNPD obeys and executes its orders without question. This obeisance extends to the all-too-frequent instances where Respondents weaponize the CNPD to subject the Proposed *Amicus* and traditional citizens to physical violence, evictions, incarceration, property crimes, and total expulsion (banishment) from the Cayuga Nation. *See* Sliger Decl. ¶¶ 11-14; Exs. B, C.

Similarly, Respondents recruited non-Cayuga, non-Indigenous judges (including Respondent Fahey) who can be removed by Respondents at will and without cause, to serve as

the judges of the Cayuga Nation Tribal Court (“CNTC”). Working in concert with the CNPD, the CNTC operates without compliance with extant laws, rules, and procedures, including due process for defendants—all of whom, to date, have been traditional citizens.

In short, over the past decade, Respondents have continuously and systematically violated the Proposed *Amicus*, the Petitioner, and traditional citizens’ human rights through intentional, arbitrary, retaliatory, and ruthless persecution via its purported law enforcement and judicial arms. The instances of this are myriad and well-documented. Local and federal elected officials, including New York’s senior United States Senator Chuck Schumer, the current Senate Minority Leader, have recognized and validated the Proposed *Amicus* and traditional citizens’ experience of Respondents’ human rights abuses and joined in denouncing Respondents’ governance as domestic terrorism.<sup>3</sup> The Seneca County, New York Board of Supervisors has observed that Respondents have engaged in a “pattern of oppression, violence, and threats of physical and economic abuse towards members of the Nation’s local community” and consequently caused ongoing “unrest, civil strife[,] and issues of public safety.” Ex. D, at 1; *see also* Sliger Decl. ¶ 13.<sup>4</sup>

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<sup>3</sup> In one instance, Halftown “sent bulldozers to demolish a working daycare center, store, [and] schoolhouse.” Carolyn Thompson, *Indian Nation Destroys Own Buildings over Leadership Dispute*, ABC News (Feb. 25, 2020), <https://abcnews.go.com/US/wireStory/indian-nation-destroys-buildings-leadership-dispute-69213147>; *see also* Andrew Naughtie, *Leadership Struggle in New York Tribe Descends into ‘Domestic Terrorism’ as Buildings Bulldozed*, The Independent (Feb. 26, 2020), <https://www.independent.co.uk/news/world/americas/us-politics/new-york-cayuga-indian-nation-tribe-building-bulldozed-clint-halftown-a9360001.html>.

<sup>4</sup> For further discussion of Seneca County’s support for the traditional citizens, see Gabriel Pietrorazio, “*There Is No Negotiating with Halftown*”: *Seneca County Recognizes Traditional Gayogohó:nq Sovereignty After Rule 29 Passes, Resulting in a New Letter to BIA*, FingerLakes1.com (Aug. 11, 2021), <https://www.fingerlakes1.com/2021/08/11/there-is-no-negotiating-with-halftown>.

The Proposed *Amicus*, the Petitioner, and the traditional citizens have witnessed, experienced, documented, and been victimized by Respondents' actions, which clearly demonstrates the Proposed *Amicus*' unique and critically important information, perspective, and insight, and the necessity of this Court to consider the same. *See Pratt*, 2010 WL 11681606, at \*3; *Soos*, 470 F. Supp. 3d at 284.

**IV. Because Respondent has denominated the Proposed *Amicus*, the Petitioner, and traditional Cayuga citizens that reside on the reservation as “not in good standing,” it cannot present the unique perspective, information, and insight offered by the Proposed *Amicus*.**

Respondents have also arbitrarily designated the Proposed *Amicus*, the Petitioner, and the traditional citizens as “not in good standing.” Sliger Decl. ¶ 15. Respondents levied this denominator against them without any notice, opportunity to be heard or any semblance of due process. *Id.* ¶ 16. Under the guise of this designation, Respondents preclude the Proposed *Amicus* and traditional citizens from access to quarterly financial distributions to which those citizens are legally entitled, civic updates about the Nation, the Nation's annual community picnic, copies of newsletters and other written information disseminated to citizens of the Nation, pandemic relief funds, children's financial accounts, and all other benefits otherwise afforded to the citizens of the Nation who do not question or challenge Respondents' claim to authority. *See id.* ¶¶ 17-19; Ex. B, at 5; Ex. C, sec. 2, at 7; Ex. E (containing a January 13, 2022 cover letter accompanying \$5,000.00 distribution check sent to Nation citizens “in good standing”); Ex. F ¶ 10 (“[T]he Nation's governing body, the Cayuga Nation Council, has determined that such individuals who are affiliated with this dissident group . . . are not qualified to receive distributions or any other discretionary funds from [the Nation].”).

Essentially, there are now two classes of citizens in the Nation: (a) the traditional citizens, the Petitioner, and the Proposed *Amicus*, who question the authority and heavy-handed governance of the Respondents, and (b) those whom the Respondent favors, because they do not.

Respondents' practice of arbitrarily selecting citizens for this punitive classification is secret and clandestine: there is no mention of "lack of good standing" on Respondents' website, no resolution or Nation law defining this punitive designation, no notification of its designation, no published criteria therefor, no right to be heard or contest the denomination, and no available information regarding the punitive sanctions which attach thereto. Indeed, due to this classification, the only communications from the Respondents that the Proposed *Amicus*, the Petitioner, and the traditional citizens have received are notices regarding the various lawsuits levied against them and, in the Petitioner's case, communications related to the banishment process. And, in contravention to their own governing documents, those labeled as "not in good standing" do not receive any notice of clan meetings, the opportunity to participate in those meetings, or the minutes that summarize their content. *See* Sliger Decl. ¶¶ 16, 20-21.

The designation of "not in good standing" is also not reviewable by the CNTC. As the "Cayuga Nation Ordinance Establishing the Cayuga Nation Civil Court," dated May 12, 2020, states in relevant part:

Membership and Good Standing in Nation. The Cayuga Nation Civil Court shall not have subject matter jurisdiction to determine the requirements of eligibility for membership in the Nation or the membership status or **good standing** of any individual. The written statement of the Nation Secretary shall be conclusive and incontrovertible evidence as to membership in the Nation, eligibility therefore, or **good standing** thereof.

*Id.* ¶¶ 21-22 (quoting Resp't's Answer to Pet. for Writ of Habeas Corpus ("Answer") Ex. C, at SR 122, ECF No. 48-3). This is Respondents' sole law that bears any mention of "good standing," and is otherwise unpublished on the Nation's website. *Id.* ¶ 23.

Because the Respondents consider the Petitioner, the Proposed *Amicus*, and traditional citizens as “not in good standing,” they cannot offer the insight of those so characterized—another factor in the Proposed *Amicus*’ ability to provide this Court with unique, and critically important, information and perspective. *See Pratt*, 2010 WL 11681606, at \*3; *Soos*, 470 F. Supp. 3d at 284.

**V. Respondent excludes the Proposed *Amicus*, the Petitioner, and traditional citizens from its Clan structure, and so it cannot present the unique perspective, information, and insight offered by the Proposed *Amicus*.**

In Haudenosaunee systems, open clan meetings are essential to the government’s operations. At clan meetings, clan members have the right to be heard and to participate in clan decisions, particularly those of great significance—they are the functional equivalent of a true democracy. In instances of punishment or rehabilitation of a clan member, the clan’s role is similar to that of a grand jury; they are the first decider of any future course of action. *See Sliger Decl.* ¶¶ 9-10, 25-28.

In the process of obtaining their purported authority over the Nation, the Respondents submitted a governance document to the BIA for its approval and blessing. *See id.* ¶¶ 29-30; Ex. G. At its outset, this governance document claims that it “is a written description of the Cayuga traditional process” that, in a “unique” way, “draw[s] upon the Great Law of Peace.” *See Sliger Decl.* ¶ 29; Ex. G. As detailed herein, Respondents have completely divorced themselves of the tenets of that Great Law, particularly the “one dish, one spoon” concept of honoring and protecting all Nation citizens. From the perspective of the Proposed *Amicus* and traditional citizens that they represent, the Halftown government has abandoned traditional ways, starting at the most fundamental level—that of the Clan.

Section III of that governance document, “Cayuga Nation of New York Clan Meetings,” states the following:

Clan meetings **require at least fourteen (14) days’ notice** by regular mail. The official notice shall provide the date, time, and place of the meeting **to all members of a clan.**

. . . Clan members unable to attend a clan meeting may . . . be permitted to participate in a clan meeting by telephone. **Minutes of each clan meeting are to be drafted and provided to each clan member** by regular or electronic mail.

Sliger Decl. ¶ 30; Ex. G, at 2 (emphasis added). In practice, though, the Proposed *Amicus*, the Petitioner, and the traditional citizens are completely denied access to, and participation in, the Respondents’ Clan structure. They are given no notice of any Clan meeting, no option to attend via telephone or otherwise, and certainly no copy of any minutes generated therefrom. In short, they are completely excluded. *See* Sliger Decl. ¶¶ 24, 31.

This exclusion comes at a great cost, as illustrated by Respondents’ purported banishment of the Petitioner. The Petitioner received no notice that Irene Jimerson claimed to be the Heron Clan Mother, no notice that a radically-altered banishment process had been instituted, under which a citizen could be banished for “disrupt[ing] Nation business operations” or “failure to obtain a [business] license,” no notice or opportunity to attend the Heron Clan meetings held on October 22, 2022 and January 21, 2023—both of which dealt with his banishment pursuant to the new process—and no copy of the minutes from those meetings by which he could determine the nature of the Clan’s discussions. Answer Ex. C, at SR 8, 60, 63, 66. Most importantly, though, he was given no chance to personally address any of the charges levied against him at this critical first juncture. *See* Sliger Decl. ¶ 32.

Like the Petitioner, the Proposed *Amicus* and traditional citizens are precluded from participating in Respondents’ clan structure, which means that they have no mechanism to weigh

in on any matter related to the Nation’s governance or to share their unique perspective and critically important information regarding the issues at stake in this suit. *See Pratt*, 2010 WL 11681606, at \*3; *Soos*, 470 F. Supp. 3d at 284.

**VI. The Proposed *Amicus* is not procedurally barred from *amicus* participation.**

The Proposed *Amicus* stands in opposition to Respondents and to their attempt to banish any citizen for minor, civil infractions. This, though, is no basis to exclude their participation as *amicus curiae*. Rather, the Proposed *Amicus* submits that Respondents’ opposition<sup>5</sup> to the proposed Motion for leave to file an amicus brief should not bar granting the application therefor. Courts routinely exercise their broad, inherent discretion to permit amicus participation notwithstanding objection from a party to the suit. *See, e.g., Grant v. Lockett*, 605 F. Supp. 3d 399, 409 (N.D.N.Y. 2022); *United States v. Adams*, 348 F.R.D. 408, 409-10 (S.D.N.Y. 2025); *SEC v. Collector’s Coffee Inc.*, 603 F. Supp. 3d 77, 88 n.5 (S.D.N.Y. 2022).

That the Proposed *Amicus* is “not . . . completely neutral is not a basis for denying its motion for leave to appear as amicus curiae.” *Onondaga Indian Nation*, 1997 WL 369389, at \*3. Any potential *Amicus* prejudice toward a party is a non-issue, since courts are free to set aside any arguments duplicative of those made by the supported party, and even a duplicative brief should be allowed if the court “finds the *Amic[us]*’s perspective to be helpful.” *C & A Carbone*, 2014 WL 1202699, at \*4. Indeed, any partiality is outweighed by the court’s need to ensure “full airing of the issues at stake.” *Id.*

The Proposed *Amicus* submits this Memorandum in support of the Petitioner’s Memorandum of Law filed on March 5, 2026 and have filed this Motion within seven (7) days of

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<sup>5</sup> The Petitioner supports the filing of this *amicus* brief. Respondents are opposed.

that Memorandum. The Proposed *Amicus* further posits that they do not anticipate that their filing will delay resolution of the matter.

### CONCLUSION

The Proposed *Amicus* and the traditional citizens follow the traditional Cayuga Nation and Haudenosaunee centuries-old customs, practices, and ceremonies, which only permit the invocation of banishment against a Cayuga Nation citizen for the most egregious of offenses. It is impossible for Respondents to present the important and unique perspective, information, and insight offered by the Proposed *Amicus*, given Respondents' claim that they can banish for minor civil infractions, their myriad attacks on the Proposed *Amicus* and traditional citizens, their designation of the Petitioner, the Proposed *Amicus*, and the traditional citizens as "not in good standing," and the Nation's ongoing leadership dispute. The viewpoint of the Proposed *Amicus* is critical to this matter, as they include and represent traditional citizens, including the Petitioner, who live on the reservation territory—the very people who will be the most affected by this Court's ultimate decision in this matter and who otherwise have no means to express their position.

Since obtaining power, Respondents have relentlessly targeted the Petitioner, the Proposed *Amicus*, and the traditional citizens under their protection, and this banishment attempt is a conclusive step in eliminating that political and cultural opposition. The foregoing history recounted is not mere background; it is the foundation of the unique perspective, information and insight of the Proposed *Amicus*. The abuses that the Proposed *Amicus* and traditional citizens have suffered at Respondents' hands, and the traditional values Respondents have systematically dismantled, are precisely the kind of firsthand experience that courts recognize as warranting *amicus* participation.

DATED: New York, New York  
March 12, 2026

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

DATED: New York, New York  
March 12, 2026

/s/ Michael D. Sliger  
Michael D. Sliger