

Seneca Nation of Indians

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PRESIDENT'S OFFICE

March 10, 2006

Hon. Edward Davidowitz
New York State Supreme Court
851 Grand Concourse
Bronx, NY 10451

Re: SNI Court Justice System

Dear Judge:

Per your letters of December 8, 2005 and February 17, 2006, listed below is an outline of the Seneca Nation's Judicial System and enclosed is an updated Contact List.

Seneca Nation Constitution (Sec. I)

The Seneca Nation's Constitution sets forth that *"our government shall have a legislative, executive and judicial department."* The Constitution further provides that the President, Treasurer, Clerk as well as the judges are all elected. However, the judiciary officers are elected in November in a separate year and not in the same year where the executive (President, Treasurer, Clerk) and legislative officers (16 Councillors) are elected. The term of office for executive officers is for two years and executive incumbents can not succeed themselves. Also these executive officers rotate from one reservation (Cattaraugus, Allegany) to the other. There are 16 Councillors; eight from each reservation; elected for a four year term; Councillors can be re-elected.

Seneca Nation Constitution Peacemakers / Surrogate Courts (Sec. IV, ¶ 1)

The Tribal Trial Court is the Peacemaker and Surrogate who are elected for a four-year term. Section IV establishes a Peacemaker Court and a Surrogate Court for each Reservation (Cattaraugus/Allegany). Each reservation Peacemakers Trial Court has three (3) judges, *"any two of whom have power to hold court and discharge all the duties of the Peacemakers Court. The Surrogate Court shall be comprised of one judge each."* Incumbent judges may succeed themselves.

**Seneca Nation Constitution
Court of Appeals
(Sec. IV, ¶ 2)**

The Constitution also establishes a Court of Appeals “of six judges, any three of whom shall hear and appeal” and states that “the judges of the Court of Appeals be trained in the law.” Three of the judges are to be selected from each reservation for a four-year term and may succeed themselves.

**Seneca Nation Constitution
Supreme Court
(Sec. IV, ¶ 9)**

“All determinations of the Court of Appeals shall be subject to appeal to the Council upon granting of a Writ of Permission by a vote of not less than seven Councillors.”

**Supreme Court Practice Rules
Rules 2(a)**

“The president of the Nation shall be the presiding officer when the Court is in session. The President shall have no vote in deciding any appeal, motion or action before the Court..”

Election Day

Judges for the Court of Appeals, Peacemaker, and Surrogate Courts are elected for a four year term in a year other than the year when the Tribal Council or executive officials are elected.

**Appeals
Court of Appeals**

“All determinations and decisions of the Peacemakers and Surrogate Courts shall be subject to appeal to the Court of Appeals upon evidence submitted at the Tribal Court.”

Supreme Court

“All determinations of the Court of Appeals shall be subject to appeal to the Council upon the granting of a Writ of Permission by a vote of not less than seven Councillors.”

Finality

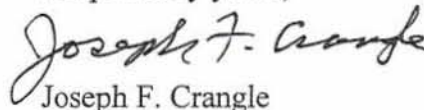
The decisions of the Council (Supreme Court) is final and no subsequent elected Councilor shall have the right to re-open, re-hear, reverse or affirm the decision of the present Council.

Rules

Each Court has a set of Civil Procedure Rules that have been adopted by the Council (Peacemakers Court and Surrogate Court Procedural Rules; Rules of Appellate Civil Procedure; Supreme Court Practice Rules, and the Judiciary Law, which includes election and definition terms, duties of each court; number of members for each court; impeachment and vacancy procedures; judicial administration, and judicial ethics).

The Judicial System of the Seneca Nation is predicated upon the language of the Seneca Nations 1843 Constitution as amended; Procedural Rules enacted by the Tribal Council for the Peacemaker and Surrogate Court Rules; Appellate Procedure Rules and Supreme Court Rules plus the Nation's Judiciary Law. The foregoing laws were adopted and amended by the Tribal Council which has the constitutional legislative authority to enact the Nation's laws.

Respectfully yours,



Joseph F. Crangle
Counsel

JFC/kw

enc: Seneca Nation Contact List

cc: Judge Pierce
Clerk Huff