



Cayugas Say They will Obey State Court Order and Allow Testing of Gas Pumps

May 5, 2005 -- An attorney for the Cayuga Indian Nation of New York has advised Seneca County officials that the Cayugas will obey the court order directing them to allow Seneca County to test and inspect the Cayugas' gas pumps.

In a letter to Seneca County Attorney Steven Getman, dated April 29, attorney Daniel French stated that the "the Cayuga Nationits enterprises and its fifty employees have every intention of complying with the court's order of April 27, 2005."

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On Wednesday, a state court judge granted Getman's application for an injunction under the state's Agriculture and Markets law. The order directs that neither the Cayugas nor their employees may interfere with the county's testing of the fuel pumps or other devices at the store's gas station.

The order came approximately two weeks after the county's director of weights and measures was refused access to the station by the Cayugas. Based on that refusal, the County Board of Supervisors directed Getman to file a lawsuit against the Cayugas for violating the state weights and measures law.

French, in his letter to Getman, also stated that the Cayugas propose a negotiated agreement as an alternative to further litigation. The "interim access agreement" proposed by the Cayugas would allow the county to inspect and test the gas pumps at the nation's convenience store and gas station on Route 89 in Seneca Falls, without waiving any claim to sovereign immunity from county regulation.

The agreement would also allow official seals to be attached to the pumps if they meet accuracy standards.

Getman said that his office would review the proposal with the County Supervisors.

"Under state law, only the County Board of Supervisors has the power to settle or compromise a pending lawsuit on behalf of the county," Getman explained. "I am sure the board will want to make sure that every business is on equal footing and is giving the consumer exactly what they pay for."

Robert Shipley, Chairman of the Board, said he was pleased that the Cayugas were going to cooperate.


"Obeying the court order and allowing the county to inspect the pumps while we discuss a possible resolution of this matter will be a show of good faith on the part of the Cayugas," Shipley noted.

The move to inspect the station comes after the March decision by the U.S. Supreme Court in *City of Sherrill v the Oneida Indian Nation*. In that case, the high court ruled that an Indian tribe could not buy land and declare it sovereign unless and until the land was placed "in trust" by the federal government.

Based on that ruling Seneca and other counties have begun taking steps to tax and regulate Indian businesses in the same manner as other, non-Indian, properties.

The Cayugas have applied to the federal Bureau of Indian Affairs to take their property in trust to gain sovereign, tax-free status for their properties. That property includes the gas station in Seneca County.

The application process could take months or longer, Getman noted. During that process, he explained, local officials are given the chance by law to challenge the creation of a sovereign reservation and to provide other input.



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