

DIOCESAN NEWS

Residents grow uneasy over Cayugas' claim

By Kathleen Schwar
Staff writer

As a Cayuga Nation lawsuit to reclaim land in the Finger Lakes nears possible action in August in U.S. District Court, Cayuga and Seneca county residents are joining a new group, Upstate Citizens for Equality, Cayuga-Seneca Chapter, to fight it.

More than 1,200 turned out Feb. 23 for the chapter's first public information meeting, at the New York Chiropractic College in Seneca Falls.

Not only are residents concerned for their own properties, but also for their churches — St. Michael's in Union Springs, St. Joseph's in Cayuga and cemeteries belonging to St. Patrick's in Aurora and St. Patrick's in Seneca Falls.

The claim involves 64,000 acres and 7,000 properties around Cayuga Lake, according to Connie Tallcot, co-chair of the new UCE chapter. At the rally, she said, UCE gained at least 700 signatures, many representing couples.

Attorneys for the group contend the Cayugas will evict residents if they regain property sold to New York state in the late 1700s and in 1807.

The Cayugas, however, say they will not. Clint Halftown of Gowanda, a Cayuga Nation representative, said they have vowed, "We would not do to you what you have done to us. We would not evict you."

However, he said that various consequences will depend upon any rulings and negotiations.

Father Kevin McKenna, diocesan chancellor, said he was aware of the Cayuga claim but was just beginning to consult the diocese's attorneys about it.

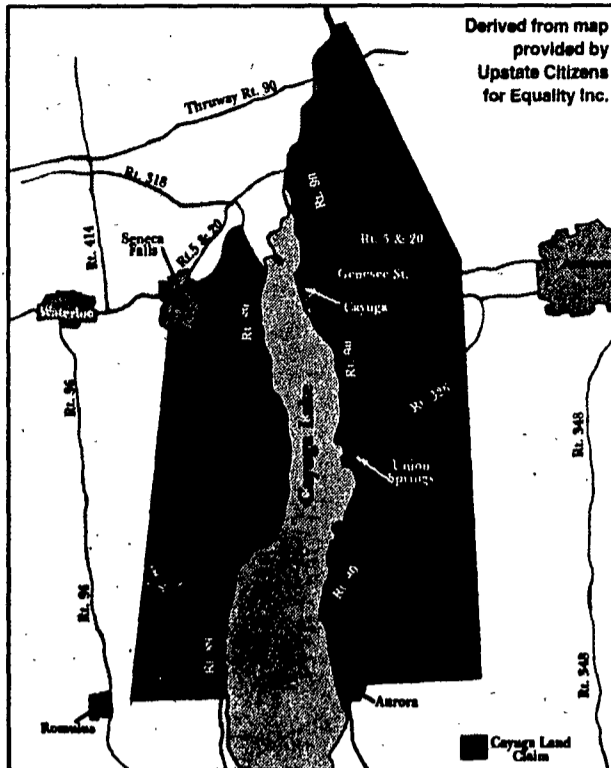
Tension is high, according to Christine Van Orman, office administrator of the Cayuga Team Ministry. The cluster of six churches includes those in Union Springs and Cayuga. She said she hears many rumors about the case.

"One lady heard the land was sold for \$10,000 and we were all being evicted," she said. "People are getting scared. I tell them, 'Calm down, it's not that bad, everything's going to be OK.' But I'm thinking to myself, 'Oh no.'"

Property values have been affected, she claimed. She noted that she and her husband Scott have been offered half of what their home in Hibiscus Harbor cost 15 years ago.

"It was almost insulting. It was how we found out about the land claim. The person said to us, 'How do you expect to get money out of this?'" she recalled.

John Kelly of St. Patrick's Church, Seneca Falls, moved to the area in 1993 and bought land near the Chiropractic College. That's when he learned of the Cayugas' land claim.



"When we went to sign papers for the house, we had to take out a title insurance policy," he said.

He estimated, his property already may have lost more than 8 percent of its value.

"The worst scenario for us is the land will lose a great deal of value," he added.

UCE literature outlines "the Cayuga Indian Land Claim Ploy," and notes also that "one scheme that has been considered is to transfer ownership to the Cayuga Indians and allow current land owners to lease back their property."

The literature stated cash settlements coupled with deed-ing of government lands to the Indians are more likely. Properties discussed, it claims, include Sampson State Park, the Seneca Army Depot and Cayuga Lake State Park.

SUNY-Oneonta professor William Starna said there is no question the Indians have a claim because the U.S. Supreme Court settled that in 1985, in an Oneida case.

A federal act of 1790, later made law, had made it illegal for states to deal with Indian nations without federal consent. U.S. District Judge Neal McCurn already has ruled that the Cayugas do have a legal claim.

However, Starna continued, "The Indians are not in a strong position here. They've got a legal claim that obviously is a strong one, the U.S. Supreme Court has upheld. The problem is if the state decides not to negotiate, where does that leave the Indians?"

There has to be some negotiated settlement, he said, that would involve property being returned to the Indians, and federal government funds compensating for the tribe's loss.

Starna, who co-edited *Iroquois Land Claims*, published by Syracuse University Press in 1988, claimed there is a "national movement operating that not only sends out misinformation but actually creates it for their own purposes ... to undercut Indian sovereignty, self-rule. That's what this is all about:

"Everyone is pretending somehow or other the Indians have an unfair advantage and are going to take people's land. The issue would have been settled if parties would sit down in good faith and negotiate."

Further, he said, localities and landowners "are feeding into a real frenzy at least in my mind that encourages racism, encourages anti-Indian sentiment, encourages intolerance and it is not going to resolve the cases."

"No matter what," Halftown acknowledged, "the Cayugas end up looking like the bad people in all of this."

He explained the land is important to his tribe. "As a nation, to survive, the land is essential. ... Our people have basically assimilated into the nonnative society, whereas other nations have been able to live on their own land, to retain the language, the culture, the native way of life," he said.

Halftown estimated that of more than 460 Cayugas alive today, more than 230 live in New York.

Leon Koziol, attorney for UCE who spoke at the Feb. 23 rally, said that because there is no reservation in the Cayuga claim area, there is a greater potential for eviction of homeowners.

"We are going to put pressure on Congress to do something," he vowed, "to end Indian sovereignty claims once and for all."

"It is unconscionable what they are doing to the American public. You can't resurrect claims from 200 years ago. The longest statute of limitations is 10 years for acquisition of property," Koziol said.

Father Brian Jeffers, pastor of the Cayuga Team Ministry, noted the case has been complicated to follow.

"I can understand the people's frustration," he said.

He went to the Feb. 23 meeting, he said, because "Parishioners were coming to me so upset." But no new information was forthcoming there, he added.



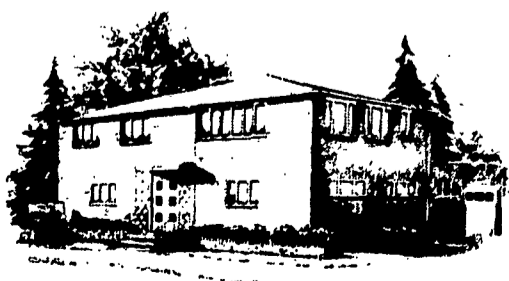
Greg Francis/Staff photographer

Soaring into sectionals

Bishop Kearney High School boys varsity player Tom Ortiz drives through Dansville's defense to make a shot during a Section V Class B first-round game at Bishop Kearney Feb. 24. Kearney won the game 69-33. Kearney beat Attica 61-33 in a quarter final game Feb. 27 and was slated to play Livonia Mar. 2 in a semi-final matchup after the *Catholic Courier* went to press.

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Obituary

Mary Wheeland; Elmira resident

Mary Catherine Wheeland, who remained an inspiration to others despite many years of poor health, died Feb. 22, 1999, at her Elmira home. She was 73.

Miss Wheeland, a lifelong Elmira resident, had belonged to St. Charles Borromeo Church since 1979. She worked as a wholesale clerk and later in the Chemung County Library System until her 1988 retirement. She was also an officer of the Legion of Mary's Southern Tier Curia.

Miss Wheeland was a dedicated family person, according to her brother, Father Thomas H. Wheeland. He said that his sister — the oldest of four children — took care of her siblings after their parents died at an early age.

Miss Wheeland, who suffered from severe arthritis and a leg ulcer, had had to use a wheelchair since 1986. However, her brother said, that did not deter her from staying in touch with people, especially those in need.

"She had her own ministry, telephoning and sending cards," said Father Wheeland, pastor at Rochester's Holy Cross Church. "She was just very peppy and enthusiastic even though she never got out."

Miss Wheeland's funeral Mass was celebrated Feb. 25 at St. Charles Borromeo Church, with Father Wheeland serving as celebrant. Interment was at St. Peter and Paul Cemetery in Elmira.

In addition, a memorial Mass for Miss Wheeland is scheduled for 11 a.m. March 13, at Rochester's Holy Cross Church.

Miss Wheeland was predeceased by her brother, Father Daniel J. Wheeland. In addition to Father Thomas Wheeland, she is survived by another brother, Dr. John F. (Jeanne) Wheeland; several nieces and nephews; and many special friends.

Memorial donations may be sent to Holy Cross — Parish Fund, 4492 Lake Ave., Rochester, N.Y., 14612.

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