

# Oneida Tribe of Indians of Wisconsin

Post Office Box 365

Phone: 869-1260

Oneida, WI 54155



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge. After the colonists had consistently refused to aid them



UGWA DEMOLUM YATEHE  
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the Colony of Pennsylvania a new nation the United States was made possible

*Approved as  
Read 12-6-85*

## SPECIAL MEETING

TUESDAY, NOVEMBER 26, 1985

Meeting called to order at 8:30 A.M.

Present: Richard Hill-Vice Chairman, L. Gordon McLester-Secretary, Lloyd Powless, Lois Powless, Tony Benson, David King-Council Members

Excused: Purcell Powless-Chairman, Kathy Hughes-Treasurer, Mark Powless-Council Member

Others: Don Wilson, Barbara Schuman, Sharon Cornelius

### ADDITION TO AGENDA

- Travel Request for Gordon McLester

Gordon moved to adopt the agenda with the addition, Lois seconded. Motion carried.

### CHURCH REQUEST FOR USE OF THE NORBERT HILL CENTER - Don Wilson

The Church of Latter Day Saints have requested approval to rent the Chapel, Cafeteria, and three other rooms every Sunday from 10:00 A.M. until 1:00 P.M.

The Business Committee agreed with the request and Don will develop a rental agreement and bring it back for approval.

### DISCUSSION ON PUBLIC SAFETY RECEPTION - Don Wilson

A reception is planned on Monday, December 9, 1985, at 4:00 P.M. at the Norbert Hill Center to introduce Jim Danforth and the Public Safety Department to the area Public Safety Officials and to Tribal members. Don presented a draft introduction statement.

The Oneida Nation's Public Safety Department has been in the planning stage for more than a year and is an outgrowth of the Oneida Bingo Security. Within the past year, Oneida Security has taken on other responsibilities in addition to Oneida Bingo security. These have included conservation

PUBLIC SAFETY RECEPTION (CONTINUED)

enforcement, service of legal documents and other duties. After a careful analysis of the public safety needs on the Oneida Indian Reservation, it was determined that because of increased responsibilities and continued growth of the Oneida Tribe, a permanent department should be created whose specific responsibility would be to protect public safety on the Oneida Indian Reservation. It has been determined to be in the best interests of the Oneida Tribe to separate the functions of Oneida Tribal Security from the Bingo Enterprise. Thus, the creation of the Public Safety and Security Department has evolved through study, analysis and careful planning.

The Oneida Tribe is vested by its Constitution, Article IV, Section 1 (f), with the authority to establish institutions for the enforcement of Oneida Tribal Law.

This authority is recognized by the United States through its various departments and agencies. This authority is sometimes referred to as the "Tribal Sovereignty" and is subject, under federal law, only to expressed legislated limitations to Congress. In 1953, the Congress enacted P.L. 83-280 which granted to certain states, including Wisconsin, the legal jurisdiction to enforce its criminal laws in Indian Country within the state, except Menominee. P.L. 280, then, was a limitation on Oneida tribal governing authority to enforce criminal laws. The law, however, excepted state regulation of hunting and fishing, and other civil regulations. So, even though some Oneida tribal jurisdiction was limited, other areas were and are legally reserved to the Oneida Tribe under its Constitution. Later, other provisions of the federal law established processes whereby retrocession of P.L. 280 could occur. This law was known as the Indian Civil Rights Act.

The system currently in effect in the Oneida Tribal Conservation department authorized our Conservation Wardens to charge any enrolled member of the Oneida Tribe found violating conservation regulations. Violators will be cited, scheduled for a due process hearing, and fined, or committed to community service, or have their hunting and fishing privilege (right) revoked for a period of time to be determined by the hearing board.

If a crime is observed by any Oneida Tribal Public Safety Officer, the Officer is authorized by the Oneida Tribe to detain such a person and notify the appropriate local law enforcement agency for disposition. The Oneida Officer is then authorized to testify on behalf of the Oneida Tribe at the prosecution.

The Oneida Public Safety Officers will also cooperate in other activities with the local law enforcement agencies, at their request, to enhance the public safety of all citizens on the Oneida Indian Reservation.

The Oneida Tribe will not authorize any further powers of arrest until the enactment of appropriate Tribal, State and Federal legislation.

PUBLIC SAFETY RECEPTION (CONTINUED)

PATROLLING

Patrolling will be limited to the Oneida housing areas, the Oneida Tribal Enterprises, all Oneida buildings of the Oneida Industrial Park and all Oneida lands on which Oneida hunting and fishing regulations are enforced. Other patrolling may occur in cooperation with other local and state law enforcement agencies, at their request.

A radio communication system will be established with all Oneida Officers on duty and in the field from the central Public Safety Office. Vehicle and personal transmitters will be the means of direct contact. Additionally, the Oneida Public Safety Office will be in radio contact with the Oneida Tribal School buses, the Oneida Transit Authority and local and State law enforcement agencies as necessary.

LIABILITY

The Oneida Tribe has carefully selected the Chief of Security to carry out his responsibilities in a thorough professional manner. All Public Safety Officers of the Oneida Tribe are sworn to carry out their responsibilities in a professional and courteous manner. Thus, the Oneida Tribe will assume liability for all official acts of its Public Safety Officers who act within the scope of their assigned duties.

Except for existing responsibilities such as conservation enforcement and Oneida Bingo security, Oneida Public Safety will not undertake other responsibilities until, all administrative channels are completed, equipment is chose and operable, personnel is trained and qualified, and are specifically authorized by the Oneida Business Committee. This preparation phase will probably take two (2) to three (3) months.

On November 12th, 1985, the Oneida Tribe hired its first Chief of Oneida Nation's Department of Public Safety, James L. Danforth. "Jim" is a lifelong resident of Oneida and the son of Eva and Leslie Danforth. A Graduate from Seymour Community High school and a veteran of the U.S. Army. Jim became interested in Police Training through a CETA position developed within the Tribe and after working under the CETA Program for a year, he was picked up by Outagamie County where he has been for the past ten years. Jim recently left the Outagamie Sheriff's Department to take the newly developed position as Chief of Oneida Nation's Department of Public Safety. As Chief, Jim will have in his department a staff of 13 Security Officers who will be interchangeable throughout Tribal security programs to include: Bingo Security, Conservation, and Public Safety. Jim's Office will be located on the second floor of the Norbert Hill Center room 4316, phone: 869-2026, 8 a.m. to 4:30 p.m., M-F and on emergency call toll free through the Outagamie Sheriff's Dept., 1-800-242-3599. Also the Conservation Wardens are located in the same

PUBLIC SAFETY RECEPTION (CONTINUED)

building room 1332, phone: 869-1420, emergency 869-2060. Terry Jordan is the Senior Conservation Warden and Ralph Powless is the Assistant Conservation Warden. Jim's staff includes: Jeffrey L. Prevost, Dennis G. Powless, Ronald E. King, Gary Lee Ness, Mark Stanchik, Vern G. Doxtator, Phillip D.

Skenandore, Susan R. Pospychala, Ted Weldon N. Hawk, Steve Hill, William Saur

December 9, 1985, at 4 p.m., the Tribe will host an Informal Reception at the Norbert Hill Center Cafeteria. This will be an opportunity for our Tribal Community to meet with our entire new Security Department. Refreshments will be served. A presentation and swearing in ceremony will take place. Please come and meet our Public Safety Officers at this time.

Dave moved to approve the statement on the Oneida Public Safety Department. Lloyd seconded. Motion carried.

REQUEST TO HAVE LAST YEARS RETIREES GUESTS AT THE ANNUAL CHRISTMAS PARTY - Don Wilson

Don would like to have the retirees of last year (Anderson Cornelius, Margaret John and Pearl McLester), be guests at the Christmas party to be recognized and be given a gift or memento.

Lois moved to approve the request and any other retiree they have over looked. Tony seconded. Motion carried.

PUBLIC SAFETY BOARD RESOLUTION - Sharon Cornelius

Lois moved to table this item until December 3, 1985, because of just receiving the information. Lloyd seconded, Dave abstained. Motion carried.

DRAFT LETTER TO THE DEPARTMENT OF ENERGY - Lloyd Powless

The Oneida Tribe of Indians of Wisconsin, with this correspondence is voicing its disappointment note being permitted the opportunity to apply for a grant from "Financial Assistance to Indian Tribes in connection with the Crystalline Repository Project".

Being reimbursed for meetings is simply not sufficient support for us to develop our position on issues related to the Nuclear Waste Policy Act (NWPA). The Oneida Tribe also objects to tribes nationally being limited in their involvement from the very beginning of passage of NWPA. \$30,000 and 90 days concentrated effort on one issue pertaining to NWPA shows a lack of understanding of tribal sovereignty and Indian Treaty Rights. Tribes are now put in a position to continually teach the DOE, DOT, NRC, States, and local governments the historical relationship we have with the Federal Government.

DRAFT LETTER TO DEPARTMENT OF ENERGY (CONTINUED)

We would like to address the following additional concerns:

- 1) The cultural integrity of reservations and ceded lands is not understood by the aforementioned agencies and governments and therefore, is not taken into consideration when interpreting the NHPA.
- 2) Tribes by their nature and relationship with the federal government are affected by rights lost or gained by each individual tribe.
- 3) Only (2) two national/regional Indian organizations have received financial support through the aforementioned agencies and governments.
- 4) Tribes other than those interpreted as "affected" are not treated the same as states who are considered "effected".
- 5) We support the letter from the National Indian Radioactive Waste Policy Committee concerning the placement of a Native American in the DOE Indian Desk.
- 6) We feel that the Government to Government policies of the current administration are not being met by the DOE in their interpretations of NHPA.
- 7) We would like to be part of the prenotification process along with States.
- 8) We would like to be considered for funding to review the Area Recommendation Report (ARR) because of the ramifications of transportation of nuclear waste through our reservation.

These are basic issues which we hope you and others in DOE can address. As our tribe learns more about the NHPA and related issues, we will elaborate on our stated concerns and address new concerns. We are willing to discuss, teach, and negotiate as sovereign nations.

Dave moved to approve the letter with a change in the first paragraph making it clear that we are objecting to Indian Tribes being omitted from financial assistance in connection to the Crystalline Repository Project. Lois seconded. Motion carried.

EXTENSION OF THE DEER HUNTING GUN SEASON - Rick Hill

The State may extend the hunting season in certain areas because of the large deer herd this year. If they extend the season in our area, it has been requested that the Tribe also extend our season to coincide with the States season.

Tony moved to approve the request, Dave seconded. Lois abstained. Motion carried.

PERSONNEL - Barbara Schuman

Maintenance Supervisor/Procedural Exception

Yvonne Jourdan is requesting the Job Title of Maintenance Engineer to be changed to Maintenance Supervisor, because of the qualification changes. She is also requesting a Procedural Exception be instituted to hire Peter King as the Maintenance Supervisor. He was working as an Emergency Temporary Custodian and has been transferred to the Maintenance position since Butch Rentmeester was hired at Building and Grounds.

Tony moved to oppose both requests. Lloyd seconded.

Discussion continued until Lloyd withdrew his second because he felt these are two separate issues and we should contend with them one at a time.

Discussion continued and Tony moved to oppose both requests. There was not a second.

Gordon moved to approve the Job Description as presented. There was no second.

Discussion followed on the qualifications for the position.

Lois moved to have (The Certification from Wisconsin Department of Natural Resources in Waste Water Works within one year of employment) and (other licenses as required) be added under qualifications. When these changes are made, this position will be posted. Lloyd seconded. Tony opposed. Motion carried.

HIRING INFORMATION:

- AODA Prevention and Support Specialist  
Sherry King - Grade 10

VACATION REQUEST - Rick Hill

Rick is requesting approval for vacation on December 26 & 27, 1985

Lois moved to approve, Dave seconded. Motion carried.

DATE FOR JUDGEMENT CONFERENCE: DECEMBER 18, 1985 - 9:00 A.M.

Lloyd moved to approve having the Judgement Conference on December 18, 1985 for Pat Moore and Gerald Skenandore, and to deny John Powless' request for an appeal based on the legal opinion from the Tribal Attorney Francis Skenandore and that John Powless, Jr., be notified to be present at the Judgement Conference on December 18, 1985. Dave seconded. Lois did not vote. Motion carried.

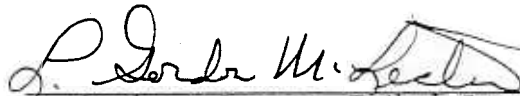
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TRAVEL REQUEST - Gordon McLester

Gordon is requesting approval to attend the Land Claim Hearings in New York on December 9, 1985.

Dave moved to approve, Lloyd seconded. Motion carried.

Gordon moved to recess, Dave seconded. Motion carried.

  
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L. Gordon McLester, Tribal Secretary  
Oneida Business Committee