

Oneida Tribe of Indians of Wisconsin

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Oneida, WI 54155



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 na-
tion, the United States, was
made possible

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

*Approved As
Read 7-11-86*

SPECIAL MEETING

TUESDAY, JUNE 10, 1986

Meeting called to order at 1:30 p.m.

Present: Purcell Powless-Chairman, Kathy Hughes-Treasurer, L. Gordon
McLester-Secretary, Lloyd Powless, Mark Powless, Tony Benson, David
King-Council Members

Excused: Richard G. Hill-Vice Chairman, Lois Powless-Council Member

Others: Francis Skenandore, Jerry Hill

ADDITIONS TO AGENDA

- Contract with NWIT
- Vacation Request - Lloyd Powless
- Request from Bob Smith

Dave moved to adopt the agenda with the additions, Lloyd seconded. Motion
carried.

LIQUOR CONTROL ORDINANCE - Francis Skenandore

There was discussion on whether the Tribe should set a charge for liquor
permits. After discussion, no action was taken.

BINGO LEGISLATION - Jerry Hill

The following draft is proposed for Purcell to submit to the Senate Select
Sub-committee on Indian Affairs at the hearing in Washington, D.C., on June
17, 1986.

The Oneida Tribe of Wisconsin has operated a Bingo enterprise for ten years.
As the attached fact sheet shows it has grown into a very successful
operation. The facts speak for themselves. The Oneidas have significantly
reduced unemployment, supplemented Tribal programs and diversified economic
development enterprises in the process. Of course, we are proud of this
success and look upon it as a beginning of true self sufficiency and

BINGO LEGISLATION (Continued)

independence after too many years of dependence on the federal government. Since our bingo enterprise is such a valuable source of revenue, we have worked hard to protect it and to keep it an entertaining and honest game for our patrons.

In 1980, the Oneida Tribe's Bingo operation was challenged by the Wisconsin Bingo Control Board. Suit was filed in the Federal District Court in Madison by the Oneida Tribe. A Permanent Injunction was issued which enjoined the State of Wisconsin or any of its agencies or local governments from interfering with the Bingo Operation of the Oneida Tribe.

The rationale for this decision was based upon the civil regulatory authority of the Oneida Tribe as a sovereign government. This has become known as the "civil/regulatory criminal/prohibitory" test used by several federal courts where the same issue has been raised. The Oneida Tribe has enjoyed good relations with the State of Wisconsin since then in this area and many other areas of governance, as well. The other federal cases referred to are the Seminole case, Seminole Nation v. Butterworth, and the Cabazon case in California, Cabazon v. California.

The Oneida Tribe has closely monitored developments within the federal government which would change or effect its operation since 1982 when the United States Department of Justice first attempted to have regulatory jurisdiction over this activity granted to the states. That attempt was stopped by former Secretary of Interior, James Watt, who rightfully believed that federally recognized Tribes engaged in such gaming activities should be consulted prior to the enactment of any legislation that would adversely effect their governing authority. While Secretary Watt has been criticized for many reasons, Indians considered his action a proper act of the Trustee protecting the governing authority of Indian Tribes from unwarranted interferences from any source. This, however, did not end the matter but rather extended the matter to the point where we now find it today.

The Oneida Tribe became a member of the National Indian Gaming Task Force. The Task Force became an ad hoc association of more than 60 federally recognized Tribes that were engaged in the conduct of gaming on their reservations. The overwhelming majority of these operations are Bingo enterprises. Some of the operations are managed by consulting firms by contract with Tribes. Others, such as the Oneida Tribe, operate their own enterprises entirely. While it was in existence, the National Indian Gaming Task Force found that virtually all Tribes engaged in Bingo did so pursuant to duly adopted Tribal ordinance or resolution of the Tribe's governing body.

BINGO LEGISLATION (Continued)

Since the Oneida Tribe has operated its Bingo enterprise, it has done so pursuant to its own ordinance. The Oneida Bingo Control Ordinance was enacted by the Oneida Business Committee and strictly regulates the enterprise. The ordinance specifies the manner in which the games are to be operated, the prize amounts, the number of occasions, who may be employed by the enterprise, how the money is to be handled and accounted for and that all revenues are to be appropriated by the Tribal government for governmental purposes. The provisions of the Oneida Bingo Control Ordinance are strictly enforced. Thus, the Oneida operation has enjoyed a well deserved reputation for honesty as well a success. It is for these and other reasons that the Oneida Tribe has vigorously worked to protect its Bingo enterprise.

The Oneida Tribe has been mindful of the rights and interests of other governments and the public which it serves by its Bingo operation. On many occasions, the Oneida Tribe has made generous contributions to local charities. The Tribe has also publicized the positive economic impact of its economic achievements on the local communities, including the construction of a 200 room hotel among other enterprises. Furthermore, the Oneida Tribe, with other Tribes in Wisconsin, has been able to cooperatively regulate the sale of cigarettes on the reservation to the mutual benefit of the State and Tribes.

These facts are presented to you so that you may consider the legislation now pending before you more fully. The Oneida Tribe has for more than two years sought to have passed federal legislation that would protect its operation. Presently, HR 1920, which was recently passed by the House of Representatives is before you. The Oneida Tribe, with others, worked hard to convince the Representatives that this legislation adequately addresses the concerns raised by various law enforcement agencies, state Attorneys General and others opposed to gaming conducted by Indian governments. HR 1920 balances the interests of federal, state and Tribal governments in a realistic manner that will benefit each of governments without undue interference on Tribes. While there are some provisions which the Oneida Tribe has some concern, such as the centralization of too much arbitrary power in the Chairman of the proposed Commission, the composition of the Commission itself, assessments among other things, we feel that these may be adequately addressed as this Committee considers the bill. We are, however, very concerned about the proposed bill known as the "The Indian Gambling Authorization and Regulation Act of 1986".

The provisions of the Indian Gambling Authorization and Regulation Act are almost completely antithetical to legitimate governing rights of Tribal governments. In view of the fact that the Committee has before it alternative legislation that is designed to better address the various interests mentioned above, and that HR 1920 was arrived at in consultation with Tribes affected, the Oneida Tribe urges you to reject The Gambling Authorization and Regulation Act of 1986. Specifically, the Gambling Authorization and Regulation Act would create an entirely new level of federal bureaucracy with which the

BINGO LEGISLATION (Continued)

Tribes would have to deal. The three person commission provided by this act would be political in nature as they would serve at the will of the Secretary of the Interior and the Attorney General and as a Commission have sweeping powers to interfere with Tribal gaming operations in a totally unprecedented manner. The Act provides for ruinous assessments from which there would be no meaningful review. Finally, if this Act were passed as it is presently drafted it would open the door to further infringement of other presently recognized governmental rights of Tribes. If this Act is passed as written, virtually all Indian gaming operations would be rendered unprofitable and thus killed along with all the good work which is being done with these revenues. The indirect result will be increased dependence of Tribal governments and Indian people on local, state and federal resources. The passage of the Indian Gambling Authorization and Regulation Act of 1986 would be a step backward to the Termination Era of the 1950s and contradictory to the formal repudiation of Concurrent Resolution 108 by President Reagan and the last Congress.

For the above stated reasons and the facts set forth above, the Oneida Tribe of Wisconsin respectfully requests you support for HR 1920 and urges your rejection of the "Indian Gambling Authorization and Regulation Act of 1986". Thank you.

After discussion, Mark moved to approve the statement for submission to the Senate Select Sub-committee on Indian Affairs. Gordon seconded. Motion carried.

CALIFORNIA V. CABAZON AND MORANGO TRIBES - Jerry Hill

Jerry explained that this case has been accepted by the United States Supreme Court and will be heard next fall. NARF will present an Amicus Brief in support of the Tribes on behalf of Keweenaw Bay and Bay Mills Chippewa Tribes of Michigan and the Muckleshoot Tribe of Washington. NARF asked if the Oneida Tribe is interested in being included on their Amicus. If the Bingo legislation now pending in congress does not get enacted we would be affected by any supreme court decision.

Mark moved that we join in the Amicus Brief in support of the Tribes. Dave seconded. Motion carried.

TRAVEL REQUEST - Purcell Powless & Francis Skenandore

Purcell and Francis are requesting approval to attend the hearings on Bingo in Washington, D.C. on June 17, 1986.

Mark moved to approve, Dave seconded. Motion carried.

TABLED REMOVAL ACTION OF THE ONEIDA RESERVATION COMMISSION ON AGING - David King

The following proposed Resolution will provide a process for removal of a Commission member:

WHEREAS, Article IV., Section 1 of the Oneida Constitution has been amended to include subsection (g), under which authority the Oneida Reservation Commission on Aging Charter and By-laws were enacted, and

WHEREAS, the Oneida Constitution, by Amendment VIII requires that due process be afforded all Oneida Tribal members in activities of the Tribe, and

WHEREAS, the Oneida Business Committee has enacted an ordinance for the removal of Legislatively Appointed Committee members which specifies procedures of due process, and

WHEREAS, the Oneida Business Committee desires that the Oneida Reservation Commission On Aging follow the due process requirements of the Legislatively Appointed Committee Removal Ordinance in any removal action.

NOW, THEREFORE BE IT RESOLVED: that the due process provisions set forth in the Legislatively Appointed Committee Removal Ordinance are hereby established to be followed by the Oneida Reservation Commission On Aging in any removal actions and that notice of all rights of hearings and appeal be specifically provided to any affected person.

Lloyd moved to take this item from the table, Tony seconded. Motion carried.

Tony moved to approve Resolution #6-10-86-A. Kathy seconded. Motion carried.

REQUEST FROM BOB SMITH (PASSPORT)

Bob Smith requested passport information from the Hodinonshoni. He was told that he would need a letter from the Oneida Tribal Council authorizing that they issue Bob a passport. Kathy moved to deny the request based on the opinion from the Law Office which states the following:

1. Any passport for a member of the Oneida Tribe of Indians of Wisconsin should be issued by the Tribe itself as a sovereign nation and thus requires approval of the Oneida General Tribal Council.
2. Allowing the Six Nations to issue a passport for a member of this Tribe would imply a recognition of Six Nations authority over the Oneida Tribe of Indians of Wisconsin.
3. The Oneida Tribe of Indians of Wisconsin is presently in litigation with the Six Nations involving issues of recognition, existence, land title and authority of government.

Dave seconded. Motion carried.

80015 PERSONNEL - Barbara Schuman

HIRING INFORMATION: Certified Dental Assistant - Grade 9 -- Sue Pohlman-Greenman

COMPUTER TERMINALS FOR THE NEW SYSTEM - Don Wilson

There was a question of the priority list for putting data on the new computer.

Mark moved to have Don Wilson give a report on this matter on June 13, 1986. Tony seconded. Motion carried.

MEMORANDUM OF AGREEMENT WITH NWTI AND THE ONEIDA TRIBE

NWTI will furnish the following services to the Oneida Summer Youth Work Experience Pre-Employment Skills Program:

1. Classroom contract activity to begin June 9, 1986 and end June 20, 1986.
2. Meet with two sections of Job Training Partnership Act summer youth work experience participants twenty hours per week (approximately 4 hours per day) as arranged with Oneida JTPA program.
3. All call objectives of this project will be geared toward developing a positive self-image as it pertains to youth re-employability skills and career exploration.
4. Classroom activity to include positive mental attitude, self-esteem, career goal setting, assertiveness, interpersonal communication skills, wellness lifestyle and career exploration.
5. Implementation of classroom curriculum subject to input, review and approval by the Oneida JTPA program.
6. NWTI teaching staff to work in cooperation with the Oneida JTPA staff.
7. Successful performance of NWTI shall be determined by the Oneida JTPA Director. Total project cost is \$2,400.00.

VACATION REQUEST - Lloyd Powless

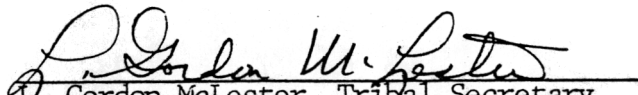
Lloyd is requesting approval for vacation on June 16, 1986.

Mark moved to approve, Gordon seconded. Lloyd abstained. Motion carried.

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The Business Committee had a discussion on the role as liaison to the enterprises and programs.

2:30 Mark moved to recess, Kathy seconded. Motion carried.


L. Gordon McLester, Tribal Secretary
Oneida Business Committee