

# Oneida Nation

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Oneida, WI 54155

## GTC Resolution # 03-19-17-A

### Designation of the Oneida Judiciary as the Judiciary Authorized Pursuant to Article V- Judiciary of the Oneida Nation Constitution

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** a Secretarial election was held on May 2, 2015 wherein a majority of the voters voted to amend the Oneida Tribal Constitution; and
- WHEREAS,** on June 24, 2015 the Bureau of Indian Affairs (BIA) noticed the Oneida Nation that they had certified each of the Constitutional amendments; and
- WHEREAS,** following an appeal of the Secretarial Election by a Tribal member in July of 2015, on February 11, 2016 the Interior Board of Indian Appeals issued a decision rejecting the appeal and upholding the decision of the BIA to certify the results of Oneida's Secretarial Election; and
- WHEREAS,** one of Constitutional amendments required by the certified Secretarial Election was to amend Article V to incorporate judiciary powers into the Nation's Constitution; and
- WHEREAS,** Article V, Section 1 requires that the General Tribal Council establish, by law, a judiciary to exercise the judicial authority of the Oneida Nation; and
- WHEREAS,** on January 7, 2013 the Oneida General Tribal Council fulfilled this responsibility by adopting the Judiciary law through resolution GTC-01-07-13-B, which thereby created the current Oneida Judiciary; and
- WHEREAS,** in accordance with section 150.4-2 of the Judiciary law, which provides that the Judiciary includes other courts or divisions that may be created by Tribal law, the Oneida Judiciary also includes the Oneida Family Court, created pursuant to the Family Court law adopted by resolution BC-05-08-13-A; and
- WHEREAS,** Article V, Section 2 provides that any judiciary in operation prior to the effective date of this amendment to the Constitution may be designated as the judiciary authorized under this article upon passage of a resolution by the General Tribal Council; and
- WHEREAS,** in order to complete the process of incorporating the Oneida Judiciary, which was created by the General Tribal Council pursuant to the Judiciary Law, into the Constitution, the General Tribal Council is required to adopt a resolution designating the Oneida Judiciary as the judicial authority referenced in the Constitution; and

**NOW THEREFORE BE IT RESOLVED**, that in accordance with Article V, Section 2 of the Oneida Nation's constitution, the General Tribal Council delegates the Oneida Nation's judicial authority pursuant to the Article V of the Constitution to the Oneida Judiciary, created pursuant to the Judiciary Law adopted by resolution GTC-01-07-13-B.

**CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida General Tribal Council, in session with a quorum of 1,549 members present, at a meeting duly called, noticed and held on the 19<sup>th</sup> day of March, 2017; that the forgoing resolution was duly adopted at such meeting by a majority vote of those present and that said resolution has not been rescinded or amended in anyway.

  
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Lisa Summers, Tribal Secretary  
Oneida Business Committee