

Oneida Tribal Judicial System

Onayote ? aka Tsi? Shakotiya? Tolé hte

TRIAL COURT

**Michael T. Debraska,
Leah Sue Dodge,
Franklin Cornelius,
John Orie, and
Bradley Graham,
Petitioners**

Docket No: 14-TC-173

v.

**Oneida Business Committee,
Oneida Election Board,
Oneida Law Office
Respondents**

Decision Motion for Injunction/Temporary Restraining Order

This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Jean M. Webster, Kathy Hughes, and Chris Cornelius, presiding.

I Background

On August 20, 2014, Petitioners, Michael T. Debraska, Leah Sue Dodge, Franklin Cornelius, John Orie, and Bradley Graham filed a Request for Injunction/Temporary Restraining Order against Respondent, Oneida Business Committee (OBC), Oneida Election Board, and Oneida Law Office for the following relief: A temporary restraining order for the postponement of the August 23, 2014 Special Election to a future date, the Special Election include the SEOTS polling site. Petitioners further request for a Declaratory Ruling that all Business Committee and Judiciary elections include the SEOTS polling site.

Petitioners allege the following:

- On January 7, 2013, General Tribal Council (GTC) approved establishment of the Tribal Judiciary with the specific intent Judges would be elected at the 2014 Tribal General Elections.
- The Oneida Election Boards irregularities in the determination of the caucus requirements from the time of April 10, 2014 Caucus forward to the approval of a motion made at the June 16, 2014 GTC meeting to withdraw from the election of all judges positions and to reschedule to a special election. No mention was made at the GTC about excluding the SEOTS polling site in the upcoming Special Election even though GTC had approved for General Election parameters.
- Only one polling site is noted for the 2014 Special Election Notice as noted in the August 7, 2014 edition of the Kalihwisaks. There is no listing of the GTC approved SEOTS polling site in Milwaukee despite that SEOTS was a polling site for the 2014 General Election.
- On October 23, 2013, GTC reaffirmed its support for the SEOTS polling site in Milwaukee.
- The current Oneida Election Board Secretary, Lisa Liggins; Oneida Election Board Member, Melinda K. Danforth; and Oneida Election Board Vice-Chair, Racquel Hill all signed Ms. Liggins defeated May 20, 2013 petitioner to dissolve the SEOTS polling site. Petitioner further alleges the Oneida Election Board Vice-Chair, Racquel Hill is a candidate for the Judiciary and did she recuse herself from the Election Board activities during her candidacy is unknown should be addressed by the Court given that she publicly demonstrated for support to eliminate the Milwaukee polling site.

On August 20, 2014 the trial court held a deliberation.

II Issue

1. Do the Petitioners have cause to file for a Temporary Restraining Order?
2. Is it appropriate for the Court to issue a Temporary Restraining Order at this time?

III Analysis & Conclusion

1. Do the Petitioners have cause to file for a Temporary Restraining Order?

In review of the Rules of Civil Procedure, Rule 31 Preliminary Injunctions and Temporary Restraining Orders, specifically Rule 31(E)(1) & (2) parties must establish and the Court must find there is a likelihood of success on the merits; that it has no adequate remedy at law; and will suffer irreparable harm if the injunction is not issue.

Petitioners claim the harm is immediate disenfranchisement of enrolled Oneida Tribal Members due to intentionally omission of the SEOTS Polling site is a violation of the Election Law and Judiciary motion. There is a violation of the Oneida memberships rights according to “equal opportunities to participate in the economic resources and activities of the tribe” through the omission of the SEOTS polling site. Petitioners further claim the elimination of the SEOTS polling site causes harm to the Judiciary in that the Judiciary inception will be clouded by the disenfranchisement of the Oneida electorate

2. Is it appropriate for the Court to issue a Temporary Restraining Order at this time?

The Oneida Election Law 2.12 Elections, specifically 2.12 Section B. Special Elections are set by the Oneida Business Committee as recommended by the Oneida Election Board. On June 16, 2014 GTC approved to withdraw the election of all judicial positions and to reschedule to a “**special election**” [*emphasis added*]. Furthermore, GTC Resolution 01-07-13-B does not state Judiciary elections shall be held during the tri-annual elections, but that the election for Judges shall be held during the 2014 general elections. The Court does not find the Petitioners voting rights are being denied and the Court found there was no substantiated evidence to support the irreparable harm.

IV Decision

The court denies the Petitioner’s request for Injunction/Temporary Restraining Order. Case dismissed.