

Oneida Tribal Judicial System

Onayote ? aka Tsi? Shakotiya? Tolé hte

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JB

January 21, 2014

Racquel L. Hill
2691 He-Nis-Ra Lane
Green Bay, WI 54304-1356

Oneida Business Committee
Oneida Law Office
Attorney Jo Anne House
P O Box 109
Oneida, WI 54155



RE: Docket #13-TC-131, Racquel L. Hill vs Oneida Business Committee

Please find enclosed the Oneida Tribal Judicial System Decision filed on January 16, 2014, in the above captioned case. This correspondence is sent to the legal advocate/counsel of record, and Oneida Tribe Administration for enforcement, if necessary.

Should you have any questions regarding this correspondence, please do not hesitate to contact me.

Sincerely,

Kristina Danforth
Clerk of Trial Court

Enc: Decision

c: **Secretary, Oneida Business Committee**
File

Oneida Tribal Judicial System

Onayote ʔ a-ka Tsiʔ Shakotiyaʔ Tolé hte

TRIAL COURT

**Racquel L. Hill,
Petitioner**

Docket No: 13-TC-131

v.

**Oneida Business Committee/
General Tribal Council,
Respondent**

DECISION

This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers; Mary Adams, Sandra L. Skenadore, and Jean M. Webster, presiding.

Background

On December 18, 2013 Petitioner filed the following requests: to enjoin the General Tribal Council action to dissolve the Seven Generations Corporation; that the motion be ruled out of order as it did not attain the two-thirds majority vote and; to stay any action that the Respondents may take until this case is completed.

On December 20, 2013 a deliberation was held. The Court found Petitioner has a right to a hearing and therefore, this case proceeded to a hearing. At the hearing, Petitioner was required to show specifically how this Court has jurisdiction. Once jurisdiction is established then Petitioner may address the merits of her complaint. The Court provided the Respondent with ten (10) days to submit their answer to Petitioner's complaint. A hearing was scheduled for Monday, January 6, 2014.

Analysis

On December 30, 2013 Respondent submitted a Motion to Dismiss and Response to Petitioner's Request for Injunctive Relief and Declaratory Ruling. Respondent asserts that actions raised at General Tribal Council (GTC) meetings are political matters that need to be addressed in the legislative forum, i.e. the GTC. Respondent concludes that this process respects the separation of legislative and judicial functions that the Oneida Tribal Judicial System was set up to create. Respondent claims there are other opportunities to challenge GTC actions; Petitioner may address the action at the GTC meeting, Petitioner may petition for a GTC meeting to readdress those actions or the Chairman may exercise his constitutional authority to call for a GTC meeting. Respondent asserts, at this point, Chairman Delgado has called for a GTC meeting.

At the January 6th hearing, Petitioner orally motioned to recuse Attorney House because Attorney House works for the Oneida Business Committee, which includes Chairman Delgado. The Court held her motion as well as Respondent's motion in abeyance until jurisdiction is established.

Petitioner submitted Exhibit #1, to show evidence that this Court has jurisdiction in order to move forward. Petitioner sets forth the following argument: That the Seven Generations Corporation is created under and is subject to the laws, ordinances and jurisdiction of the Oneida Nation. The Oneida Tribal Judicial System enhances and protects the self-government and sovereignty of the Oneida Tribe and its jurisdiction extends over all persons and cases in law and equity arising within the boundaries of the Oneida Tribe, or cases that affect the Oneida Tribe under the protection of the Oneida Constitution. The enactment of the Oneida Tribal Judicial System provides a clear separation of powers, consistent procedures of law and rule-making, and due process for the Tribal members. The Administrative Procedures Act requires the Oneida Tribe to provide a forum for appeals of administrative errors and contested issues that ensure fairness and notice to Oneida tribal members. Under the Indian Civil Rights Act of 1968, U.S.C. (Sec 1301-1303) the federal government supports tribal members' rights to "petition for redress of grievance." The Oneida Tribal Judiciary fulfills that responsibility. Petitioner recited portions of GTC Resolution #8-19-91A which establishes the Oneida Tribal Judicial System.

Furthermore, Petitioner references Article 1 §3, of the Judicial Code: An Appellate Court is established by the Oneida Tribal Judicial System for review of appeals from a decision or order issued by any hearing body or court of special jurisdiction within the Oneida Tribal Judicial System. This is the highest level of Appellate review for the Oneida Tribe. Section 6: Jurisdiction of the Oneida Tribal Judicial System extends over all persons and matters in law and equity arising under the protection of the Oneida Constitution, its laws and customs, its land and territory, treaties, laws already made and laws to be adopted in the future of the Oneida Tribe. The Oneida Tribal Judicial System is also known as the Oneida Judiciary.

The Court's findings and conclusion of law

Petitioner is correct according to the GTC Resolution #8-19-91A, the Oneida Tribal Judicial System was created to provide all the functions mentioned above. When the Court was created it was bound by the Oneida Constitution, Resolution #8-19-91A and the APA. In a similar case, 00-TC-0004, Ed Delgado v Oneida Business Committee et al, 6/7/00, Delgado raised the issue that the Business Committee ignored the proper vote taken at a GTC meeting. The Court dismissed the case claiming the Appeals Commission is without jurisdiction to intervene.

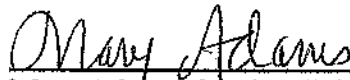
The Petitioner has not established how this Court has jurisdiction to review the internal rules and procedures of the General Tribal Council, not to mention how the sovereign immunity of Respondents can be overcome. Our ruling today is not meant to bar all possible claims of this nature in the future. However, in this case, Petitioner must explain and show the legal basis for overcoming sovereign immunity and for reviewing the actions of another branch of the Tribe's government. That has not happened in this case.

Petitioner has other recourse. Respondent provided options for Petitioner to challenge a GTC decision. There is no law, ordinance, or rule that allows this Court to intervene. Therefore, Petitioner failed to show that this Court has jurisdiction to hear these claims against the General Tribal Council's decisions much less overturn them.

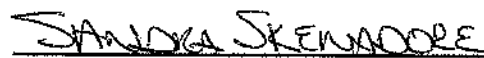
Decision

This case is dismissed in favor of the Respondent. IT IS SO ORDERED.

By the authority vested in the Oneida Tribal Judicial System pursuant to Resolution 8-19-91A of the General Tribal Council and the decision was signed on this 16th day of January, 2014 in the matter of Racquel L. Hill v Oneida Business Committee and General Tribal Council, Docket Number 13-TC-131.



Mary Adams, Lead Judicial Officer



Sandra L. Skenadore, Judicial Officer



Jean M. Webster, Judicial Officer