


Memo

To: Oneida Business Committee

From: Lisa Summers, Tribal Secretary 

Date: July 22, 2015

Re: Petitioner Frank Cornelius: Special GTC meeting to address four resolutions

The purpose of this memorandum is to provide you a status update on the directive my office received at the June 24, 2015, Oneida Business Committee (OBC) meeting.

Background

The above referenced petition was submitted to the Tribal Secretary's Office on April 28, 2015, and verified by the Enrollment Department. The petition was submitted to the Oneida Business Committee (OBC) agenda and accepted at the May 13, 2015, meeting.

At the May 27, 2015, regular OBC meeting, the OBC reviewed a memorandum from the LOC regarding the petition. My office was directed to follow up with the petitioner to obtain the four resolutions referenced in the petition. My office contacted the petitioner by phone on Tuesday, June 16, 2015, to request the four resolutions referred to in the petition. The petitioner indicated that there are no resolutions. This information was reported to the June 24, 2015, regular OBC meeting.

My office was then directed to work with the petitioner to find a solution to the concerns discussed at the June 24, 2015, OBC meeting. These concerns surrounded the missing resolutions and how the OBC could work with the petitioner to both comply with the laws and policies and meet the petitioner's desire to report to GTC.

On Monday, June 29, 2015, a meeting was held with the petitioner. Council members Jennifer Webster and Tehassi Hill also attended this meeting. We reviewed the concerns of the OBC and the petitioner. An additional concern was brought forward by the petitioner regarding how the petitioner's last petition was handled and that he had already submitted the resolutions with the last petition. An agreement was reached: to research this additional concern and, realizing that additional time would be needed, for this item to be addressed with any additional information at the July 22, 2015, regular Business Committee meeting.

Update

I've researched the petition submitted on May 12, 2014 and found no resolutions submitted. All materials pertaining to this petition can be found in the July 23, 2014, regular Business Committee meeting packet and minutes.

Additionally on June 29, 2015, the petitioner submitted a report. This report is attached.

Lastly, for your reference I've also attached BC resolution # 06-01-05-C entitled Statement of Effect Requirement for Resolutions.

Requested Action

1. Determine next steps

TO ALL OF THE PEOPLE OF THE ONEIDA NATION:

June 2015

After 18 months, 7 Generations is still alive and costing us money. Dissolving 7 Gens is simple and should NOT have taken over 10 days. It is all spelled out in Article XV, Dissolution, in their Charter. It states:

1. By 2/3 of the Corporation Board members and
2. By the Business Committee Resolution, withdrawing the Charter.

Sage Stone told the BC they could dissolve 7 Gens and pay off all the bills in 4-6 months but the BC told them to only restructure.

The GTC is the supreme law of the land. They voted to create 7 Gens and now they voted to dissolve 7 Gens. But the BC did not do that.

Seven Gens was notified and were given the chance to defend themselves, but they chose not to do so. They had their own lawyer – the same lawyer who worked for “Natures Way” where we lost over \$4 million.

If anyone wanted to sue 7 Gens or the LLC's they could have AFTER it was dissolved; they had their own lawyer. However, because the BC did not do as directed, they got themselves involved.

The BC has abused their position of trust and has not carried out their oath of office. They planned to profit from their scheme of not dissolving 7 Gens and only re-structured 7 Gens in large part, through promoting friends and relatives and giving jobs to their supporters.

It is both fascinating and fitting that the GTC should do their job in accordance with Article IV, Section 1, Paragraph (h) “Charter subordinate organizations – reserving the right to review any action.” Now the GTC must correct the BC. For too long the BC never got called out on anything they did. They work for us, sometimes they have to be reminded of that. If they are wrong, it is up to us, the GTC, to correct them in accordance with the rule of law in our Constitution under Article IV, Section 1, Paragraph (i) “to adopt Resolutions regulating Tribal officials.”

So we have to clean up and correct the BC for the rest of the Tribe and for our children. If the Oneida leadership had thought about everyone, we most likely would not need this GTC today. Big egos, big money, big corruption like in “Natures Way,” cost us \$4,000,000.00.

The Chairwoman would be the first to tell you the BC is innocent, at least for now, but the cronies and others in the inner circle, based on the facts that we know from the sworn affidavits and all the testimony from the case on 7 Gens in Illinois, will prove them wrong.

From the attorneys you will find out that we had NO idea what has been going on for the last 10 years.

They hid behind “cooperation-courpet vail-special entity.” They put their families in positions thinking there is no one with the fortitude to stop them, until December 15, 2013.

Now they only restructured 7 Gens, they did not dissolve them like they were told to do. They plotted and schemed to keep 7 Gens alive, they meekly hid behind outside studies. In November 2013 they hired McGladery & Pullen for \$150,000 and did not like their conclusion, because they told the BC:

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1. From a quantitative prospective as of September 30, 2013, the proposed dissolution of OSGC into the Tribe has MINIMAL IMPACT ON THE TRIBE.
2. The Tribe would maintain its ability to meet financial commitments.

So on December 24, 2013 over the phone, they hired an old friend of theirs, who only had one year in business "Sage Stone Management, LLC, for \$12,000 a week, and gave him orders to re-structure 7 Gens. They also hired the highest paid financial firm in the state of Wisconsin, Whyte, Hirschboeck & Dudec., without the GTC approval as required in our Constitution.

Finally, the BC would NOT even notify me when they discussed 7 Gens. I was appointed by the GTC as a representative or agent "to work with and assist the BC in the dissolution" in accordance with Article I, Section 5 of our by-laws. Not notifying me is illegal in accordance with Article 111, Section 3 in our Constitution. It requires that I report back to the Council from time to time. They also tried to make me sign a secret piece of paper – something the GTC never intended to do to me. In order to make good decisions for the GTC I need to have access to all documents.

I have tried for over 18 months to give a report to you (the GTC), to no avail. I have written the Chairpersons almost every month asking for a place on any GTC meeting. In accordance with Article 111, Section 4, it states, "50 qualified voters may by written notice, call special meetings of the GTC." It is in our Constitution. I was insulted, humiliated, and my microphone was shut off when I tried to give you my report. You (GTC) appointed me so if they did that to me, they did that to you. Everyone has a right to disagree – but they DO NOT have the right to be disrespectful. We all have a right to "free speech." In accordance with Article VI of our Constitution it states "All members of the Tribe may enjoy freedom of speech and press."

I even gave them a second petition for a GTC meeting and they plotted to stop me from getting on the floor. The BC said that "I was late." The BC HAS NO SAY-SO ON THE CONSTITUTION. The Constitution is silent on the BC. The Constitution specifically states "The Chairman OR 50 qualified voters may by written notice call special meetings of the GTC."

I have not been afforded "due process" and I have not even been questioned on anything and the BC does NOT give me any information on this matter as required in the Resolution dissolving 7 Gens.

I spent 22 years in the Marine Corps to protect and defend this Tribe and this country. Now I have immersed myself to the improvement of the lives of my fellow Oneidas, following the rule of law according to our Constitution, and because the GTC appointed me to represent them in the dissolution.

The BC has in the past fostered a culture of corruption and greed that has created a drifting from the rule of law. After 10 years of corruption, we must correct the BC to provide honest oversight and supervision across the board – so here in Oneida any enforcement action by the GTC will get us through these difficult times, as unfortunate as these events are, it should be clear that we welcome the actions to reinforce measures that put us back into the rule of law and take out wrongdoing.

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Transparency is the problem, our Constitution in Article 1 in the by-laws states in Section 4, **TREASURER OF THE COUNCIL**, we are supposed to get a report where every dollar went at every GTC meeting, and such other times as requested by the Council or the BC. They **DON'T DO THAT**.

This is why we must pass these 4 resolutions today:

1. Get an investigation on 7 Generations
2. Collect the profit from rent on our 17 properties
3. Obtain freedom of the press and freedom of speech
4. Impose a tax or fine on the BC for spending money on 7 Generations for not dissolving them on December 15, 2013, until today, as we ordered them to do.

If you get good governance and good leadership you make good decisions and this leads to good outcome for all of us.

The BC has made it very clear that they don't give a flip about the will of the people. The people voted 814 to 689 to dissolve 7 Generations 18 months ago.

I hope that you will support the efforts of the dedicated and brave enough to fight the good fight – there is so much at stake here. It is in your power to vote to follow the rule of law and our Constitution. The facts are absolutely devastating to the BC. Now you have the inside scoop about the secrets and lies surrounding 7 Generations. The Tribe's future is up to you.

Luckily there are some people brave enough to stand up for our Constitutional rights, even against the BC. This could be the historical first time the people took off their gloves and slapped down the BC. Article IV, Section 1, Paragraph (f) in our Constitution specifically states, "only the GTC can levy and collect taxes of any kind." We are fast approaching a Constitutional crisis provoked by the BC for not following their oath of office and dissolving 7 Gens 18 months ago like we told them to do.

This is historic. You voted to dissolve 7 Gens 18 months ago. NOW we must act in such a way (all together), to make the BC respect the Constitution and rule of law, to carry out their sworn duties for the future generations. The BC thinks that WE work for THEM so they do not even follow the rule of law.

Please don't let the BC run roughshod over your liberties and your freedoms. Stand strong for YOUR Constitution. It only takes a moment of your time to raise your hand and vote to do something that will have a profound effect on Oneida's survival. It is only through the faithful, strong people like you to fight this critical battle. We told them to dissolve 7 Gens 18 months ago – the BC did not do it. That is insubordination and against the Oneida Constitution. This is your investment in the future of our Tribe.

RECEIVED BY THE OFFICE
OF TRIBAL SECRETARY
ONEIDA BUSINESS COMMITTEE

JUN 29 2015

ONEIDA TRIBE OF
INDIANS OF WISCONSIN

INITIALS

Thank you,

F. L. Cornelius
GTC Representative to Dissolve 7 Generations

**Oneida Tribe of Indians of Wisconsin
BUSINESS COMMITTEE**



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.

**P.O. Box 365 • Oneida, WI 54155
Telephone: 920-869-4364 • Fax: 920-869-4040**

**BC Resolution # 6-01-05-C
Statement of Effect Requirement for Resolutions**

WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian Tribe and has a Constitution which was duly approved by the Secretary of the United States Department of the Interior, and the Oneida Tribe of Indians of Wisconsin exercises inherent sovereign authority over its citizens and its territory; and

WHEREAS, the Oneida General Tribal Council exercises governmental authority pursuant to Article IV of the Oneida Constitution; and

WHEREAS, the Oneida General Tribal Council has delegated the authority of Article IV of the Oneida Constitution to the Oneida Business Committee, which exercises such authority subject to review and oversight by the Oneida General Tribal Council; and

WHEREAS, Oneida Business Committee Resolution # 8-16-95-A sets forth the requirement that all resolutions proposed for adoption by the Oneida Business Committee or the Oneida General Tribal Council shall be accompanied by a Statement of Effect and processed through the Legislative Operating Committee; and

WHEREAS, Statement of Effects contain legal and policy analysis which explains the effect adopting a resolution has for the Tribe; and

WHEREAS, the following resolutions are exempt from the Statement of Effect requirement:

- Resolutions for grant applications;
- Indian Health Service Resolutions;
- Resolutions for the purchase of land or placement of land into trust status.

WHEREAS, it is necessary to update the list of exemptions to reflect the present circumstances and to include the role of the Legislative Reference Office (LRO) in the process; and

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee hereby amends BC Resolution # 8-16-95-A to include the following additional exceptions to the Statement of Effect requirement for resolutions:

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- Nominations of individuals to serve on a particular entity; and
- Resolutions in support of a cause or individual.

BE IT FURTHER RESOLVED, that the Oneida Business Committee further amends BC Resolution # 8-16-95-A so that all resolutions proposed for adoption by the Oneida Business Committee or the Oneida General Tribal Council shall be accompanied by a Statement of Effect and processed through the Legislative Reference Office instead of the Legislative Operating Committee.

BE IT FINALLY RESOLVED, that the Oneida Business Committee may direct that a Statement of Effect be drafted notwithstanding the exceptions stated in the previous resolve.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; that 7 members were present at a meeting duly called, noticed and held on the 1st day of June, 2005; that the foregoing resolution was duly adopted at such meeting by a vote of 6 members for; 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.


Julie Barton, Tribal Secretary
Oneida Business Committee