

January 16, 2016

Dear Sir:

What we are witnessing today is horrifying. I never imagined that this would ever occur in our Tribe. At the point, no Tribal Member is safe because we are NOT following the constitution and the Rule of Law.

The Business Committee (BC) raised their hand and took an Oath of Office to defend the Constitution and carry out the General Tribal Council (GTC) directives (Encl-1).

Unfortunately, the Chairwoman is not following the law nor our Constitution. The Chairwoman has total disregard for her Oath of Office and is derelict in her Constitutional duties. Today our case is simple--follow the Constitution. This is the foundation of our Tribe and our country; many of our Tribal Members have died for this.

The Chairman has taken some action and has spent millions, NOT approved by the people. This has ripped apart the very fabric of our Constitution. They violate our Constitution, the GTC resolutions, and withhold information because they do not want to be held accountable to the Constitution and the Rule of Law. No man is above the law.

Only 10 days ago, the Chairwoman lied to the GTC about scheduling a "special" GTC meeting for Frank Cornelius. I sent her a letter (as I do every month) requesting a "special" GTC meeting (Encl-2). Also enclosed, for your information, are 2 letters I sent to her in November and December (Encl-3 and Encl-4).

I have faithfully followed all the published laws in my attempt to obtain a "special" GTC meeting. Let me give you a recap of milestones over the last 2 years and 4 legal petitions.

December 15, 2013. A GTC meeting was held for the sole purpose of dissolving 7 Gens. 7 Gens is a Tribal corporation established by the GTC in accordance with the Constitution. The Constitution also has a provision in the charter regarding how to dissolve such corporations. There are several ways in which the GTC (the supreme law of the Tribe) can dissolve such corporations. A vote was taken. The GTC voted, with a wide margin, to dissolve 7 Gens (Encl-5). They chose NOT to do so.

December 17, 2013. The Chairman issued a Memorandum stating "he" will call for a GTC meeting to reconsider the GTC December 15, 2013 Directive. He never did.

1. The Chairman acted outside his authority
2. The Chairman violated his Oath of Office
3. The Chairman's only 2 duties, according to our Constitution, are:
 - A. Conduct the meetings
 - B. Vote in case of a tie

The Chairman swore an Oath to carry out the Directives of the GTC, for whom he works (Encl-6). I served over 22 years in the US Marine Corps to defend the Constitution, as evidenced in Encl-7. He never notified me, nor held any meeting with me.

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December 15, 2013. The GTC appointed Frank Cornelius (myself) to "work with the Business Committee in the Dissolution," in accordance with the Constitution.

The Bylaws of the Constitution "directs the official or representative to report back to the GTC from time to time." The BC has refused to schedule a "special" meeting, giving me time to present my report, for over 2 years.

December 24, 2013. The BC hired a one-year old management team for over \$15,000.00 per week to "restructure," not dissolve, 7 Gens. They did not advertise or obtain 3 bids, as required in the procurement manual. I could have hired an attorney for \$15,000.00 to do the job in 30 days.

January 2014. The BC fired the 7 Gens oversight board, modified the 7 Gens Charter, changed the Mission of 7 Gens, and only continued to re-structure 7 Gens--they did NOT dissolve 7 Gens, as directed.

The BC lied to the GTC and said that they could not dissolve because 7 Gens was going to court. The truth is, as a Sovereign Nation, the BC could have dissolved 7 Gens and they could litigate for years to come.

I, as the GTC representative, contacted the Superintendent of the BIA in Ashland, Wisconsin, the Regional Office of the BIA in Minneapolis, Minnesota, and the BIA Office in Washington, DC. I was told it was a "Tribal" problem and that I should "work it out within the Tribe."

I filed suit with over 38 charges against the Chairman and the BC. The hearing body dismissed it without a hearing. The head official was related to the defense attorney and they did not disclose that another hearing official (non-lawyer) was fired because she lied about hiding someone in her home whom the police were trying to serve papers on. All this time she was on the police force. We strongly objected.

During this time, some BC member's sister and another BC member's wife were on the 7 Gens Board. In 2013, the BC gave 7 Gens a \$33,300.00 grant and a \$750,000.00 loan. None of that money has ever been paid back.

2014. My attorney was notified that we were assigned to a Tribal Court. The Defendant failed to attend the hearing (we should have won), but the Tribal Court moved us back to the Hearing Judge. We appealed, to no avail.

I sent a request to Congressman Reid Ribble to intercede, and have the BIA set up a "special" GTC meeting because my freedom of speech and my freedom of the press were violated (Encl-8). The Tribal Court again dismissed it without a hearing (2nd time).

Congress knows that when the Indians get to have their own Tribal Courts, they dismiss 38% of the cases without a hearing. See special FAILURE TO PROSECUTE, at end attached.

January 16, 2016

Page 3

The GTC passed a Resolution stating that no one can force another person to sign any document in order to serve on a Committee (Encl-9). But, because I would not sign this, the BC would not include me in any meeting to dissolve 7 Gens as the GTC directed them to do.

I paid our Tribal newspaper, the *Kalihwisaks*, \$500.00 for a full-page ad to tell the people what is going on in 7 Gens. They refused me and returned my money (Encl-10). I notified the Chairman and the BC, but they did nothing.

I sent a letter to my Congressman and he had the Congressional Research Service review it. On June 19, 2014, they said "it appears Frank as a member of the Oneida Tribe has a right to free speech." I gave the BC a copy and they did nothing (Encl-11).

Our Tribal Attorney stated that 7 Gens was collateralizing all of our money in banks and that 7 Gens was then using that to obtain loans. She also said 7 Gens was borrowing money and waiving "Sovereign immunity." All of this is against our Constitution.

In March 2014, the Chairman lied to the GTC by saying he would visit Frank in Arizona (Encl-12). He never did do that.

In 2014, the BC first plotted against me, then they lied to the GTC about my papers being submitted too late for the GTC meeting.

The Chairman almost always stops freedom of speech at all the GTC meetings by telling them to SHUT up, SIT down, SHUT off the microphones, and calling security to remove the people who are trying to talk.

The BC knows about the unauthorized donation to the Mayor of Green Bay (Encl-13). They do nothing about it because the Tribal Treasurer's and the Vice-Chairman's wives were on the 7 Gens Board.

On November 6, 2015, the ranking member of Homeland Security and Government Affairs Subcommittee on Federal Spending and Emergency Management said she was concerned about ONEIDA's possible violations of Federal Laws (Encl-14).

November 10, 2015. The *Green Bay Press Gazette* reported that US Senator Tammy Baldwin is asking for an investigation into 7 Gens' connection to Green Bay Box \$1.1 million loan and another \$2 million loan to 7 Gens from WEDA (Encl-15).

The BC is treating the GTC as the enemy. The BC has violated my Constitutional Rights of Free Speech and Free Press. The BC has violated the ONEIDA Constitution by not scheduling a "special" GTC meeting for me in over 2 years--the Constitution only requires 50 qualified voters to call a "special" GTC meeting (Encl-16). The Tribal Court will not answer me. The BC will not follow their Oaths. Because of these issues, I respectfully request that you direct the BIA to intercede in my behalf and correct these grave injustices.

January 16, 2016

Page 4

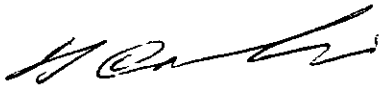
It seems that the Tribal Attorney and the BC are imposing new criteria on me and are trying to fight me only in the BC meetings, so they can figure out how to stop me. Any new regulation is EX-POST-FACTO and not in accordance with the Constitution or the Indian Civil Rights Act.

Now the BC has re-hired Mr. King (he was kicked off 7 Gens by the BC in 2014) to manage 7 Gens. We are continuing to lose money. Even our attorney has told the BC "there is no reason why my report and my 4 Resolutions cannot be presented to the GTC." The BC still, as of January 12, 2016, has refused to schedule a "special" GTC meeting for me, as the GTC Representative. The BC works for us.

Congress has established the Reservation. USC 38 spells out how the Tribe is governed. Congress has the fiduciary responsibility to correct this injustice, and I feel that Congress can reduce or abolish the Tribe.

Will you please provide for me (at no cost to me) a solicitor so I can take this to the Federal Court and prosecute all involved, even the Chairman, in accordance with *Mann vs. US Department of the Interior*?

Sincerely,



Frank L. Cornelius
GTC Representative to
Dissolve 7 Gens

Encls

cc: file
Senator T. Baldwin
BIA

ONEIDA TRIBE OF INDIANS OF WISCONSIN



OATH OF OFFICE for the ONEIDA BUSINESS COMMITTEE

"I, name, swear to uphold the laws and regulations of the Oneida Tribe of Indians of Wisconsin, the Oneida Constitution and the Oneida General Tribal Council. I will perform my duties to the best of my ability and on behalf of the Oneida people with honor, dignity, and sincerity.

I will carry out the duties and responsibilities of the Oneida Business Committee to protect the people, land, resources and treaty rights of the Oneida Tribe, and I will abide by the decisions of the General Tribal Council."

Dated this date day of month year.

Name, title

Winnifred Thomas, Chief Judicial Officer

January 7, 2016

Chairwomen Danforth:

It is over two (2) years now since I have requested to have your office schedual a "Special" GTC meeting for me so I can present my report on 7 gens. I have requested this in accordance with the Constitutuon.

Websters Dictionary defines "LIE" as:

1. A falsehood uttered or acted to deceive
2. Anything which deceives

You lied at last nights GTC meeting (Jan6, 2016) when you "It is because of Franks traveling that you could not schedule a GTC meeting for him". I have told many times to set up a meeting and just let me know and I will attend. I have written you almost every mnth this year.

You lied when you said Frank did not have all his paper work in on the Julu 2015 Business Committee meeting". I have your date stampon my resoulat-ions, First on June 26, 2015 and again as proof of my resubmitting all the same papers, Your office was again date stampeted July 22, 2015

You lied in 2014 when your office said I was late in submittingall of my papers. "You and the BC and the Chairman plotted to say that I missed the daad-line".

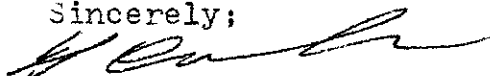
You lied when you swore an OATH to "dissolve 7 Gens as directed by the ga T. C. You took action to only "restructure" you changed 7 Gens Charter, and you re-hired Mr. King to manage 7 Gens again.

Only 3 months ago the attorney gave you their opinion saying "There is no reason this resoulations cannot be presented to the GTC, in 2015.

Please schedule a "special" GTC meeting for me, as the GTC's representativ3, as soon as possible-(allowing 30 days to send out my information to all of our tribal members) and let me know. I want only to report and present 4 resoulations to the GTC to be voted on, in accordance with our tribal constitution. Write to me and let me know why you are holding this up.

Stop lieing ang follow a he Constitution.

Sincerely;



F.L. Cornelius
GTC representative to
dissolve 7 Gens

cc.file
The EYE
Kali
Press Gazzette
B.I.A.

ENCL-2

November 15, 2015

Chairman Penforth:

I find it strange that you could find the time to go Milwaukee; and don't have the time to carry out your Constitutional duties.

I petitioned, almost two (2) years ago to have a GTC to report on 7 Cens and present four(4) resolutions for the GTC to vote on--and you swore an oath to carry out your Constitutional duties.

The Constitutional only requires 50 voting members to call for a "SPECIAL" GTC meeting.

You have stalled for two years, as there is no requirement for the EC or the Attorney give any input. The GTC can decide. So far the attorney has seen my report and has stated in writing, only 60 days ago "There is no reason that the 4 resolutions cannot be presented to the GTC".

In May 2014 you voted, along with the other EC members to falsify my request by saying I was too late in turning in my resolutions. Then again in Sept 2015 you lied again and said " I did not turn in my 4 resolutions".-- Only to be proven wrong by your own office date stamp.

Please let me know when I will be scheduled to have a "SPECIAL" GTC meeting and send out the 4 resolutions to all the GTC members 90 days in advance.

Sincerely,

SI Cornelius
GTC representative to
dissolve 7 Cens

cc. file

ENCL-3

DEC 13, 2013

CHAIRWOMEN DANFOOTH :

TWO (2) YEARS HAS PASSED SINCE YOU AND THE BUSINESS COMMITTEE WERE TOLD BY THE GENERAL TRIBAL COUNCIL G.T.C. TO WORK WITH FRANKLIN CORNELIUS, AND DISOLVE 7 GENES.

CONSTITUTION

THE SUPREAM BODY OF THE TRIBE, WHOM YOU WORK FOR HAS THE POWER TO WITHDRAW THE CHARTER FOR 7 GENES AND DISOLVE THEM.

B.C. RESOLUTION

12-24-13 A REQUIRED YOU TO PROVIDE ALL THE ACTION TAKEN TO DISOLVE 7 GENES, TO FRANK CORNELIUS,

OATH

YOUR OATH STATED THAT YOU WILL CARRY OUT ALL OF THE ACTIONS ISSUED TO YOU BY THE G.T.C

PLEASE TELL ME WHY YOU HAVE NOT DISOLVED 7 GENES YET -- AS A SOVEREIGN NATION, THE G.T.C. CAN DO THAT.

PLEASE GIVE ME A DOCUMENT SHOWING ALL THE MEETING DATES AND ALL THE ACTION TAKEN TO DISOLVE GENES, IN ACCORDANCE RESOLUTION 12-24-13.

PLEASE MAIL OUT MY 4 PAGES OF INFORMATION AND 4 RESOLUTIONS 30 DAYS PRIOR TO SCHEDULE MY

ENCL 4-A

"SPECIAL" GENERAL TRIAL COUNCIL MEETING
AND LET ME KNOW THE DATE SO I CAN
GIVE MY REPORT AND PRESENT THE 4
RESOLUTIONS TO BE VOTED ON BY THE
G.T.C.

ALSO PLEASE PROVIDE ME WITH A
COPY OF THE REMOVAL ORDINANCE.

SINCERELY,



F.L. CONNELLUS
G.T.C. REPRESENTATIVE
TO DISSOLVE T.G.S.

MEMORANDUM

TO: Oneida Business Committee
FROM: Patty Hoeft, Tribal Secretary
DATE: December 15, 2013
RE: Action report for General Tribal Council special meeting Dec. 15, 2013

The Oneida General Tribal Council met Sunday, December 15, 2013 in a duly called meeting with 1,875 registered Tribal members in attendance at 1:15 p.m. The meeting was at the Radisson Hotel and Conference Center, 2040 Airport Dr., Ashwaubenon, WI, located on the Oneida Indian Reservation. Listed below are the actions taken at the meeting:

1. **Oneida Veterans Color Guards posting of the colors by Wes Martin**
2. **Opening and announcements**

Chairman Ed Delgado called meeting to order at 1:03 p.m. with 1,690 members in attendance. Council member Paul Ninham gave the opening.

3. **Adoption of the agenda**

- a. Approve attendance in meeting of representatives from McGladrey and Pullen who will give the financial analysis in regard to the petition

Main motion by Frank Cornelius to adopt the agenda and to be allowed 15 minutes to give his presentation uninterrupted, seconded by Kathy Mauritz. Motion approved by a show of hands.

Amendment to the main motion by Tina Danforth to allow McGladrey & Pullen to give their financial analysis of petition, seconded by Loretta V. Metoxon. Motion approved by a hand count: 659 yes, 590 no, 56 abstained, total-1,295

Motion by John Orie to fix the time to adjourn no later than 2:45 p.m. with 2 minutes speaker time limits and 15 minutes for presentations, seconded by Matt Johnson. Motion approved by a hand count: 813 yes, 534 no, 45 abstained, total-1,392

Call by Mike Debraska to appeal the decision of the Chairman. Appeal failed by a show of hands

4. **New Business**

- a. **Petitioner Frank Cornelius:** General Tribal Council directs the Business Committee to dissolve the Oneida Seven Generations Corporation based on the Law Office's March 2013 finding that the OSGC's corporate charter identifies that the shareholder (i. e. the Tribe), as represented by the Oneida Business Committee, can dissolve the corporation (petition submitted 7/9/13)

Motion by Cathy L. Metoxen to dissolve Seven Generations Corporation and for Frank Cornelius to assist and work with the Business Committee on the dissolution, seconded by Scharlene Kasee. Motion approved by a hand count: 814 yes, 689 no, 69 abstained, total-1,572

5. **Adjournment**

Motion by Allan King to adjourn at 2:52 p.m., seconded by Kathleen Mauritz. Motion approved by a voice vote

ONEIDA TRIBE OF INDIANS OF WISCONSIN



OATH OF OFFICE for the ONEIDA BUSINESS COMMITTEE

"I, name, swear to uphold the laws and regulations of the Oneida Tribe of Indians of Wisconsin, the Oneida Constitution and the Oneida General Tribal Council. I will perform my duties to the best of my ability and on behalf of the Oneida people with honor, dignity, and sincerity.

I will carry out the duties and responsibilities of the Oneida Business Committee to protect the people, land, resources and treaty rights of the Oneida Tribe, and I will abide by the decisions of the General Tribal Council."

Dated this date day of month year.

Name, title

Winnifred Thomas, Chief Judicial Officer



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, TUESDAY, APRIL 28, 2015

No. 62

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2015

RECOGNIZING FRANK CORNELIUS FOR HIS SERVICE TO OUR COUNTRY

MR. RIBBLE, of Wisconsin, Mr. Speaker, I recently had the opportunity to visit "Frank and Nancy's Marine Corps Museum" in De Pere, Wisconsin.

At the museum, I met Frank Cornelius, a 22-year Marine Corps veteran who seemed to do everything in twos. Frank was commissioned a 2nd Lieutenant two times: First, in 1953 during Korea, and again in 1962 during Vietnam. He served two terms as a Drill Instructor: First, in San Diego, CA, and then in Parris Island, SC. Frank served two wars: First, in Korea and then, in Vietnam. He served in two different units, the infantry for the first 10 years and the air wing for the second. Frank was also an instructor two times: First in Division School in Camp Pendleton, CA, and second in electronics at the Naval Air Technical Training Center in Memphis, TN.

Frank Cornelius has won many awards in recognition of his outstanding achievements. He received 2nd place in the West Coast Regional Technique of Instruction Competition in 1958 in the "Sergeant and Below" category. More recently, he was named a National Heritage Fellow on September 17, 2008 by the National Endowment for the Arts.

I urge anyone who comes to the area to visit Frank and his wife, Nancy, at their museum for a personal tour. There, you will find a patriotic veteran's personal contribution to his community and a very interesting story of the past.

ENCL-1

REID J. RIBBLE
8TH DISTRICT, WISCONSIN

1812 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
PHONE (202) 225-5686
FAX (202) 225-6729

DISTRICT OFFICES:
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PHONE (920) 380-0061
FAX (920) 380-0061
550 N. MILITARY AVENUE
SUITE 48
GREEN BAY, WI 54303
PHONE (920) 471-1950



Congress of the United States
House of Representatives

COMMITTEE ON AGRICULTURE
SUBCOMMITTEES:
CONSERVATION, ENERGY, AND FORESTRY
LIVESTOCK, DAIRY, AND POULTRY
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COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE
SUBCOMMITTEES:
AVIATION
RAILROADS, PIPELINES AND
HAZARDOUS MATERIALS
WATER RESOURCES AND ENVIRONMENT

June 19, 2014

Frank Cornelius
N6126 County Road E
De Pere, WI 54115-8558

Dear Frank:

Thank you for contacting my office with your inquiry on free speech as it pertains to the Oneida Nation of Wisconsin. I sent an inquiry to the Congressional Research Service and received the following reply:

"The Indian Civil Rights Act (ICRA) provides "No Indian tribe in exercising powers of self-government shall -- (1) make or enforce any law ... abridging the freedom of speech, or of the press" 25 U.S.C. § 1302. The tribal constitution also guarantees freedom of speech in Article VI. Therefore, it appears that your constituent Franks, as a member of the Oneida Nation of Wisconsin, has a right to free speech. In order to challenge the actions of the tribal government, however, he would need to seek relief in tribal court. Therefore, it would be up to the tribal court to interpret ICRA and the tribal constitution."

I hope this information is helpful. If you have any further questions, please do not hesitate to contact my office at 920-471-1950.

Sincerely,

Reid J. Ribble
Member of Congress

RJR:epb

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



Oneidas bring 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: 920-869-4384 • Fax: 920-869-4040

MG

**GTC Resolution 11-15-08-A
Non-Confidentiality Information**

- Whereas,** the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin, and
- Whereas,** the Oneida General Tribal Council has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution, and
- Whereas,** the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, and
- Whereas,** the Oneida Constitution and Bill of Rights is supreme, and
- Whereas,** freedom of speech is given in the Bill of Rights.

Now Therefore Be It Resolved, that no committee or tribal attorney may force an Oneida committee, board or commission member to keep secret from other tribal members information that is not of a confidential nature or force them to sign an agreement in order to serve on a committee, board or commission of the Oneida Tribe.

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 1,254 members present at a meeting duly called, noticed and held on the 15th day of November 2008, that the foregoing resolution was duly adopted at such meeting by a unanimous vote of those present and that said resolution has not been rescinded or amended in any way.

Patricia Hocft

Patricia Hocft, Tribal Secretary
ONEIDA BUSINESS COMMITTEE

CREDIT VOUCHER

DEBIT CARD NO. 123
ISSUE DATE 01/01/13
EXPIRES 12/31/13
TERMS 2%

3216543210
03/20/2013 09:26:43

VISA
YOUNG & RUBICAM
PURCHASE # 123

CREDIT TOTAL \$491.00
TAX \$0.00
TOTAL \$491.00

DESIGNED BY



Signature of the Treasurer
of Wisconsin

Date: 03/20/13
Time: 09:27:00
Receipt #: 1234567890123456

MEMBERSHIP DUES
FRANK CORNELIUS
CREDIT CARD
OTHER \$491.00

TOTAL RECEIVED

RECEIVED BY THE OFFICE
OF THE SECRETARY
ON BEHALF OF THE
WISCONSIN BUSINESS COMMITTEE
DEC 11 2013
OFFICE OF THE
COMPTROLLER OF PUBLIC ACCOUNTS
INITIALS

ENCL 10

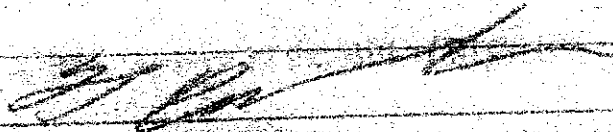
12-18-2013

MR. CHAMBERLAIN

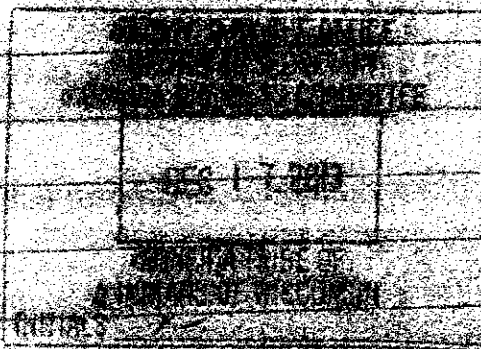
I RESPECTFULLY REQUEST THAT YOU SEND
A LETTER TO THE ~~KAROLINA~~
~~DEVELOPMENT~~ TO PRINT ANY LETTER I
SEND ABOUT THE T-GENI DISSOLUTION PROCESS
UNEDITED.

PLEASE PROVIDE ME WITH A COPY OF
THAT LETTER.

THANK YOU


F. L. CHAMBERLAIN

CC FILE



ENCL-10

REID J. RIBBLE
8TH DISTRICT, WISCONSIN

1513 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
PHONE (202) 225-6806
FAX (202) 225-6729

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I hope this information is helpful. If you have any further questions, please do not hesitate to contact my office at 920-471-1950.

Sincerely,

Reid J. Ribble
Member of Congress

RJR:epb

February 27, 2014

Mr. Frank Cornelius
11292 East 39th Place
Yuma, AZ 85367

Dear Mr. Cornelius:

Enclosed is some information on the progress of the dissolution of Seven Generations Corporation. Specifically, the approved minutes from the Business Committee meetings held on February 3rd and 12th, 2014. FYI-The agent, Sagestone Management, has been providing regular reports to the Business Committee in Executive Session at every BC meeting since January 20th. Chairman Delgado also asked that I forward his guest editorial that was printed in the February 5, 2014 issue of the Kalihwisaka on the dissolution directive and process.

In addition, as we discussed last week, Chairman Delgado would like to meet with you during his vacation next week (March 4-7). I advised him of your unavailability on March 4th. His cell phone number is (920) 362-1750 and he will be contacting you when he is on his travels next week.

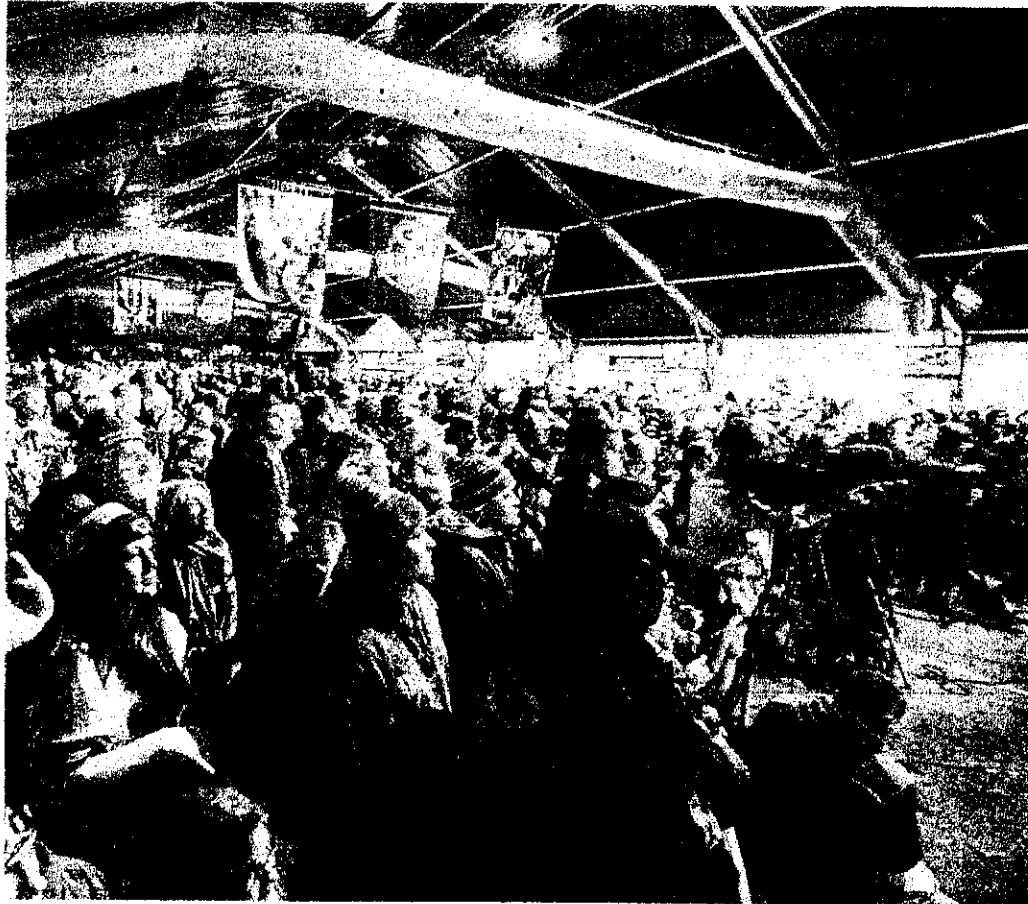
If you need additional information or have any questions, please do not hesitate to call.

Respectfully,

Ebone House
Senior Policy Advisor
Tribal Chairman's Office
Onsite Business Committee
Phone (920) 365-4031

ehouse3@seven generations.org

1-16-2015 GB
Press-Gazette



PHOTOS BY KYLE BURSAP/PRESS-GAZETTE MEDIA

Gate Zone for an NFC championship game pep rally on Thursday night in Green Bay.

FANS TURN THE NOISE

PEP RALLY CHEERS MAKE IT TO SEATTLE



The Tundra Drum Line performs during Thursday night's pep rally outside Lambeau Field. An estimated 300 fans turned out for the event in advance of Sunday's NFC

ENCL-13

Mayor returns \$2,000 to his donors

Milwaukee Co. prosecutors may look at reports

By Scott Cooper Williams
Press-Gazette Media

Green Bay Mayor Jim Schmitt's campaign has returned \$2,000 in donations in an effort to clear up possible discrepancies now expected to be reviewed by Milwaukee County prosecutors.

Schmitt's campaign has filed updated reports with the city clerk's office indicating donations were returned to Oneida Seven Generations Corp. and other supporters.



Heading into a race for re-election, the mayor's campaign reporting has come under scrutiny by Green Bay aldermen who cite possible illegalities in some of the donations.

Reports going back to Schmitt's successful 2011 campaign appeared to include some donations that exceeded a \$1,040 limit on individual contributions, and others that came from businesses, which is not allowed.

Brown County District

» See MAYOR, A10

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n Bay
to be

. "And
ay out

m Ke-
the at

United States Senate

WASHINGTON, DC 20510

November 6, 2015

The Honorable Loretta Lynch
United States Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Attorney General Lynch,

I write to bring to your attention letters from two members of the Wisconsin Legislature and several members of the Oneida Tribe of Indians of Wisconsin alleging possible violations of federal law in the handling of loans extended by the Wisconsin Economic Development Corporation (WEDC). Some of the alleged improper activity involves federal funds provided to WEDC through the American Reinvestment and Recovery Act (ARRA).

As ranking member of the Senate Homeland Security and Government Affairs Subcommittee on Federal Spending Oversight and Emergency Management, I am particularly concerned by the suggestion that federal taxpayer dollars may have been utilized in an inappropriate and possibly criminal manner. The actions alleged in these letters are concerning and merit prompt review by the Department of Justice. Please respond in writing to this letter and to these two constituent requests as soon as possible.

Thank you for your attention to this matter.

Sincerely,


Tammy Baldwin
United States Senator

ENCL-14

Senator seeks US probe of WEDC

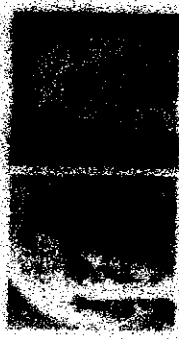
Justice Department asked to look into loan

MATTHEW DEFOUR
WISCONSIN STATE JOURNAL

U.S. Sen. Tammy Baldwin is urging the nation's top prosecutor to investigate the Wisconsin Economic Development Corp.'s handling of loans in three separate cases in which taxpayer funds have yet to be repaid.

In a Nov. 6 letter to U.S. Attorney General Loretta Lynch, Baldwin asked the U.S. Department of Justice to review a \$500,000 loan to a struggling Milwaukee company, Building Committee Inc., owned by a top donor to Gov. Scott Walker.

The State Journal reported



Baldwin Walker

in May that Walker's top cabinet secretary pushed WEDC officials to provide the company

more than \$4 million. But it didn't get more than the original half-million dollar loan after the agency learned owner William Minahan had promised a luxury-car creditor he would repay debt with state funds.

She referenced a letter Wisconsin Democratic lawmakers sent to Lynch after the State

See WEDC, Page 7A

BUSINESS

WEDC

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Journal investigation
Baldwin, a Madison Democrat, also cited a Sept. 21 letter from members of the Oneida Tribe of Indians of Wisconsin calling for an investigation into more than \$1.1 million WEDC loans to Green Box/NA Green Bay and \$2 million the agency loaned to Oneida Seven Generations Corp.

Both loans are in default, and in the case of the Oneida Seven Generations Corp. the state used federal stimulus money, which Baldwin highlighted.

"The actions alleged in

these letters are concerning and merit prompt review by the Department of Justice," Baldwin said.

Baldwin cited her position as ranking Democrat on the Senate Homeland Security and Governmental Affairs Subcommittee on Federal Spending Oversight and Emergency Management.

A spokesman for Sen. Ron Johnson, R-Oshkosh, chairman of the Senate Homeland Security and Governmental Affairs Committee, said Johnson would review Baldwin's letter before commenting.

A Justice Department spokesman said the agency is reviewing the letter, but had no further comment. Assembly Minority

Leader Peter Barca, D-Kenosha, and Sen. Julie LaSca, D-Stevens Point, wrote to Lynch in May, citing several potential violations of federal law in what the State Journal reported, including illegal campaign contributions, theft involving programs receiving federal funds and wire fraud.

They had concerns that WEDC officials continued to work with Minahan after learning about the luxury car debt. Also, state officials didn't catch that Minahan's loan application said his company hadn't been involved in any lawsuits, when the state Department of Revenue had filed a tax warrant for \$15,800 in unpaid taxes by BCI the day before he contributed

\$10,000 to Walker's campaign.

If true as reported, the actions undertaken by officials in Governor Walker's administration in their interactions with BCI both hindered our ability to monitor WEDC's action and potentially violated numerous federal laws," they wrote.

The \$1.1 million loan and \$95,000 grant to Green Box was to develop a product owner Ron Van Don Heuvel claimed would turn fast food waste into clean energy. Lake Minahan, Van Don Heuvel did not disclose prior lawsuits in order to obtain state funding and has since been taken to court by WEDC to reclaim the funds. Unlike Minahan, there is no evidence

he made large donations to Walker or was given special attention by top Walker aides.

Detectives with the Brown County Sheriff's Office are investigating Van Don Heuvel for allegedly defrauding WEDC. They seized a truckload of documents from his home and offices in De Pere and Ashwaubenon in July. In warrants the lead detective alleges that Van Don Heuvel misrepresented his product, which Van Don Heuvel denies. No charges have been filed.

WEDC spokesman Steven Michaels noted of the three loans, the only one involving federal funds was the \$2 million to Oneida Seven Generations Corp., which the company was making interest pay-

ments on until April. In August the loan was declared in default.

The company had applied to the Commerce Department under Gov. Jim Doyle for the loan, saying it would create 22 jobs in Green Bay as part of a \$17.6 million project to turn waste products into clean energy. WEDC signed the contract for the loan in November 2011 after the Green Bay City Council approved a conditional use permit.

However, the project faced public opposition and the City Council rescinded the permit in late 2012 saying the company had misrepresented its product. The company sued and the Wisconsin Supreme Court reversed the city's decision in May.

the qualified voters who physically reside in either Brown or Outagamie Counties of Wisconsin by secret ballot (a) a chairman; (b) a vice-chairman; (c) a secretary; (d) a treasurer; (e) and five councilmen. These shall constitute the Business Committee and shall perform such duties as may be authorized by the General Tribal Council

A majority of the Business Committee including the chairman or the vice-chairman shall constitute a quorum of this body. Regular meetings of the Business Committee may be established by resolution of the Business Committee. Special meetings of the Business Committee shall be held upon call by the chairman or by the vice-chairman at the written request of a majority of the Business Committee stating the date, place, and purpose of the meeting.

The General Tribal Council may at any regular or special meeting fill any vacancies that occur on the Business Committee for the unexpired term.

The General Tribal Council may at its discretion remove any official on the Business Committee by a two-thirds majority vote at any regular or special meeting of the Tribal Council, pursuant to a duly adopted ordinance. Such ordinance shall fix the specific causes for removal and insure that the rights of the accused are protected, including his receiving in writing a statement of the charges against him and assurance on sufficient notice thereof where he shall be afforded every opportunity to speak in his own defense.

Section 4. The General Tribal Council shall meet on the first Monday of January and July, the officials provided for in Section 3 of this Article shall be elected every three years in the month of July on a date set by the General Tribal Council. The General Tribal Council shall enact necessary rules and regulations governing the election of tribal officials. The first election under this amendment is to be held in the month of July immediately following the approval of this amendment by the Secretary of the Interior. The chairman or fifty (50) qualified voters may, by written notice, call special meetings of the General Tribal Council. Seventy-five (75) qualified voters shall constitute a quorum at any regular or special meeting of the General Tribal Council.

Article IV - Powers of the General Tribal Council

Section 1. Enumerated Powers. - The General Tribal Council of the Oneida Tribe of Wisconsin shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

- (a) To negotiate with the Federal, State, and local governments.
- (b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.
- (c) To veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets of the tribe.
- (d) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Oneida Tribe of Wisconsin prior to the submission of such estimates to the Bureau of the Budget and to Congress.

FAILURE TO PROSECUTE

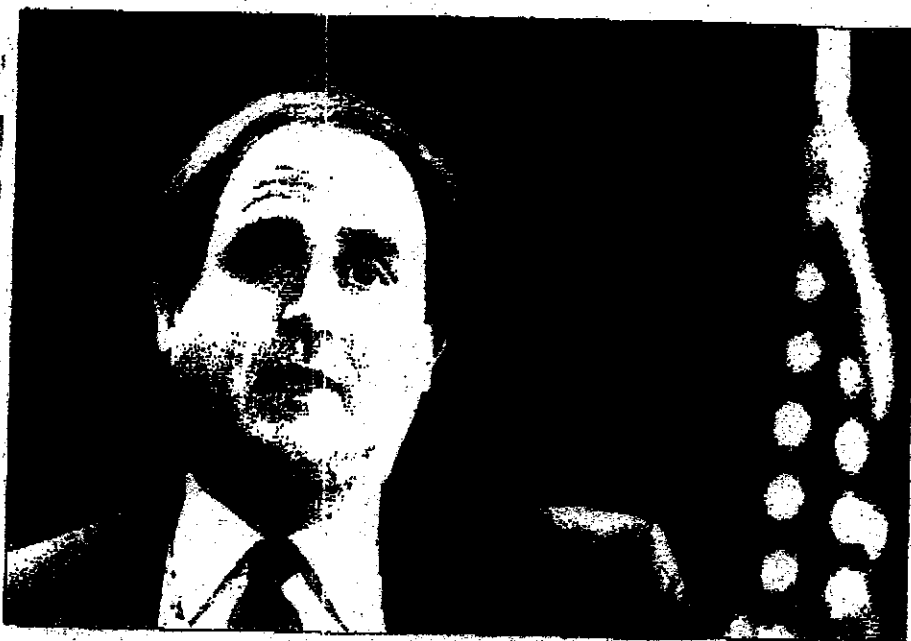
Tribal cases going unheard is a growing fear, reality across the U.S.

REASONS FOR DECLINATION

» 59 percent cited insufficient or inadmissible evidence. That could mean anything from inferior investigations by law enforcement to inadequate crime scene preservation.

» 27 percent cited witness problems, which can include witnesses recanting, being viewed as not credible, or simply disappearing.

» 16 percent cited a lack of jurisdiction, which can speak to the level of a crime. For example, the injuries of a detention sergeant beaten by an inmate weren't serious enough



Dennis K. Burke, U.S. Attorney for the District of Arizona, speaks during a news conference in Phoenix. In the Arizona portion of the Navajo Nation, which also stretches into New Mexico and Utah, federal prosecutors declined to take 37 cases during a nine-month period last year, an Associated Press review found. Matt York/AP

The Justice Department has reported that the crime rates experienced by Native Americans are two and a half times higher than those experienced by the general population, and that violent crime happens on tribal lands at a rate of 101 per 1,000 persons.

By Felicia Fonseca
and Sudhin Thanawala
The Associated Press

WINDOW ROCK, Ariz.

— There was swelling on the little girl's skull and hemorrhages around her brain. There was a tear between her right ear and scalp. The scars on her 36-pound body were consistent with burns from a space heater, a curling iron and hot noodles.

The mother said she had accidentally rolled over onto her daughter in bed, smothering her. The medical examiner concluded that the brown-eyed toddler with the wavy dark hair had been beaten, declaring her death a homicide.

Had 2-year-old Kiara Harvey died elsewhere, the case likely would have been handled by the county sheriff, or police and the local district attorney.

But Kiara was a Navajo and she lived on the expansive Navajo Nation. On tribal lands, only federal prosecutions can lead to serious penalties for major crimes involving Native Americans. Those prosecutors, however, end up declining to pursue half of the cases nationally.

"No one speaks for that baby," said Bernadine Martin, the Navajo Nation's chief prosecutor. "It's OK to kill her and go on because prosecutors apparently don't want to put a little more effort into investigations."

In the Arizona portion of the Navajo Nation, which also stretches into New Mexico and Utah, Kiara's case was one of 37 that federal prosecutors declined to take during a nine-month period last year, an Associated Press review found.

Among all tribes in Arizona during the same period, there were 122 such cases. The overwhelming majority were alleged sex crimes that included rape and abusive sexual contact, followed by assaults. Nineteen cases involving deaths were rejected.

The analysis found the reasons to be both complicated and frustratingly similar, and perhaps as exasperating to federal prosecutors as they are to tribal authorities. They cited poor evidence, reluctant witnesses and jurisdictional issues.

Federal authorities "want to prosecute the individual, they want to get a stiff sentence, they want to go to trial, so declining it is tough," said Arizona U.S. Attorney Dennis Burke, whose office issued the letter saying that it would not take the Kiara Harvey case.

"It's not a process that leaves anyone with any comfort," he said.

Whatever the reasons, no one disputes that many people suspected of violent crimes are walking free on reservations, or are lightly punished under tribal laws that allow only a year in jail — or up to three years if the tribe has trained judges and tribal courts can guarantee that defendants get legal aid.

The Arizona letters provide a window into a much larger government study of Department of Justice records in which 50 percent of the 9,000 cases filed from tribal lands during fiscal years 2005-09 were declined.

In the study, 42 percent of rejections were attributed to weak or insufficient admissible evidence; 18 percent to "no federal offense evident," and another 12 percent to witness problems.

In the Arizona review, the reasons — many cases cite more than one — were:

- » 59 percent cited insufficient or inadmissible evidence. That could mean anything from inferior investigations by law enforcement to inadequate crime scene preservation.
- » 27 percent cited wit-

include witnesses recanting, being viewed as not credible, or simply disappearing.

- » 16 percent cited a lack of jurisdiction, which can speak to the level of a crime. For example, the injuries of a detention sergeant beaten by an inmate weren't serious enough to be a federal crime.

The Government Accountability Office's study was published after a change in federal law last summer meant to bolster justice on tribal lands. The report was produced at the behest of the U.S. Senate Committee on Indian Affairs led by then-Sen. Byron Dorgan, D-N.D.

Former U.S. attorneys testified that reservation cases often were not treated as a priority. Dorgan said in an interview before the bill was passed. "In many cases, it didn't get done. The result is that violent crime continues and those that commit them don't get prosecuted."

DOJ officials don't like being measured by declination rates.

"Unfortunately, federal declination numbers on face value, without full context, are not an appropriate measure of whether justice was served," DOJ spokeswoman Jessica Smith said. The numbers don't capture the reasons cases are rejected and miss those that are prosecuted outside the federal system, she said.

The declination rate for other federal cases, which can include terrorism, environmental violations or corruption, is not directly applicable since they are so different from the types of cases on tribal lands, said David Maurer, who helped author the GAO study.

The Justice Department has reported that the crime rates experienced by Native Americans are two and a half times higher than those

experienced by the general population, and that violent crime happens on tribal lands at a rate of 101 per 1,000 persons.

Federal prosecutors in South Dakota and Arizona had the largest number of cases reported on tribal lands. Each comprised some 24 percent of the total national caseload, according to the GAO report.

Arizona has 12 federally recognized tribes, with the Navajo Nation being the largest in population and land area. Federal prosecutors received 2,538 cases and declined 38 percent of them. South Dakota has seven federally recognized Native American tribes, including the well-known Oglala Sioux at Pine Ridge and Rosebud Sioux at Rosebud. Federal prosecutors there received 2,414 cases, declining 61 percent.

Brandon Johnson, the U.S. attorney for South Dakota, said a lack of manpower makes it more difficult to investigate and prosecute cases. "We need more police officers. We need more investigators," he said.

Johnson said a lack of collaboration between tribes and federal prosecutors is also to blame.

In the Navajo Nation capital of Window Rock, the Navajo prosecutor keeps the Kiara Harvey case rejection letter in a red folder on her cluttered desk. The letter offers details of Kiara's death in Cove, 145 miles to the north, on June 6, 2008:

Kiara woke up early that morning, crying, and followed her father into the living room as he was leaving for work. An aunt said he picked up the girl wearing a shirt, diaper and socks and took her to a bedroom where her mother and sister were sleeping.

When her mother tried to wake her around 8:30 a.m., Kiara was cold to the touch and her body was stiff, according to the initial report by tribal police — who arrived

5 minutes after the other called. The officers wrote that they saw no signs of foul play, but noted bruising and burns on her body.

New Mexico medical examiner Ross Richard, whose office was closest to Cove, ruled out the mother's assertion that she had accidentally smothered the child. The girl was "beaten by assailant(s)," he reported. But he said he couldn't rule out that the child was with her father at the time she was fatally injured.

Kiara's parents no longer live together but maintain contact for the sake of their children. Her mother, Norena Johnson, said in a phone interview. She declined to talk about her daughter's death.

Both parents deny any abuse, according to FBI records obtained by the AP as part of a Freedom of Information Act request.

Burke, the U.S. attorney in Arizona, wouldn't say when his office received the case from the FBI, but the bureau's records show that it was more than 19 months after Kiara's death. FBI agents — along with those from the Bureau of Indian Affairs — conduct most of the federal investigations on tribal lands.

"You have a situation where the only two people in the room are the parents, and being able to say we have enough on one as opposed to the other, that has to be really solid," Burke said. "It's really a disturbing situation, but it just doesn't get you a conviction."



Sajo Nation chief prosecutor Bernadine Martin looks through a folder of declination letters during a March break judicial conference at Isleta Pueblo, N.M. (Susan Montoya Bryan/AP)

BY THE NUMBERS

- » Of the 12 federally recognized tribes in Arizona, Federal prosecutors received 2,538 cases and declined 38 percent of them
- » South Dakota has seven federally recognized tribes, and Federal prosecutors there received 2,414 cases, declining 61 percent
- » 42 percent of rejections were attributed to weak or insufficient admissible evidence
- » 18 percent of declined cases were due to "no federal offense evident."
- » 12 percent of cases were declined based on witness problems