



Oneida Nation
Oneida Business Committee
PO Box 365 • Oneida, WI 54155-0365
oneida-nsn.gov



April 11, 2019

Re: Big Apple Fest Litigation Update (Oneida Nation v. Village of Hobart)

Dear Oneida Nation Citizen,

The purpose of this correspondence is to provide you with a confidential update regarding the Big Apple Fest litigation (Oneida Nation v. Village of Hobart). A subsequent update regarding this litigation will also be shared with General Tribal Council (GTC) at the regularly scheduled Semi-Annual Meeting held in July 2019.

Background

The Oneida Nation (Nation) has hosted an annual event known as the Big Apple Fest each year for the past 10 years. During this time, the event has grown each year, and has become a contributing tourism attraction for the greater Oneida area. This event has been successful from both a cultural sharing/learning perspective, as well as a business opportunity for small business owners. During the planning for this event in 2016, the Village of Hobart (Hobart) demanded that the Nation apply for and obtain a “Special Event” permit from Hobart. This meant Hobart wanted the Nation to comply with all of Hobart’s requirements to hold such an event; Hobart cited a need to ensure public safety as the reason for this demand. The Nation did not agree with this demand as we are a sovereign government with the right to govern such activity.

It is a well-known historical and legal fact that Indian Nations across the country enjoy inherent sovereignty. Specifically, the *1838 Treaty with the Oneida* defines our reservation boundaries which includes the property on which the Big Apple Fest event is held. The Nation is not subject to Hobart’s civil regulatory requirements; in the very simplest terms, this means the Nation enforces its own rules over its events. Additionally, the Nation has a long history of successfully operating large public events, and appropriately accounting for public safety during these events. Activities such as the Family Carnival, Elder/Youth fishing day, or the annually-held Oneida Pow Wow are clear historical and current examples of the Nation’s capability of successfully following its own safety rules and regulations.

Current Situation

The federal district court judge in this case is William C. Griesbach. In his decision, Judge Griesbach affirmed the establishment of the Nation’s Reservation in accordance with our treaty. However, Judge Griesbach also outlined his belief the Nation’s Reservation has been “diminished.” In his decision, Judge Griesbach provides a flawed outline of rationale which leads him to this conclusion. You can read Judge Griesbach’s decision by going to:

<http://tinyurl.com/y5tyqjgh>

Nation's Position & Next Steps

The Nation has long-standing businesses, agreements and local partnerships in place which create a positive multimillion-dollar impact for the Reservation and the greater Green Bay area. The Oneida Business Committee (OBC) has reviewed Judge Griesbach's decision and is undertaking a thorough review of the potential implications of this case. We believe there is strong potential Judge Griesbach's decision could be used by disingenuous political actors, by taking the narrow subject of this case, namely the contested applicability of Hobart's special event permit to the Big Apple Fest and attempting to expand or apply it to other unrelated government-to-government activity. The OBC takes these potential implications to our long-standing partnerships seriously; many of them are related to direct services provided to you the tribal member.

It is the Nation's position that Judge Griesbach erred on several legal questions; and we will not allow our inherent sovereign rights to be impaired, or his interpretation of reservation diminishment to go unchallenged. On Wednesday, April 10, during our regular OBC meeting, we approved action which provides for a full appeal of this case to the next level - the United States Court of Appeals for the Seventh Circuit located in Chicago, IL.

Lastly, please note a litigation update has been scheduled for the July 2019 Semi Annual meeting. Until that time, please feel free to contact any one of our OBC members. You may also contact the OBC's general office at 920-869-4364.

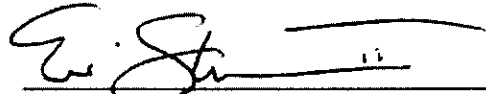
With a good mind, a good heart and a strong fire, Yawe.

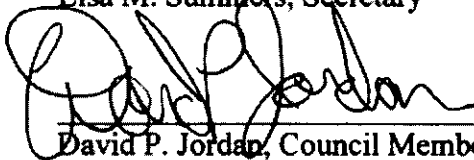

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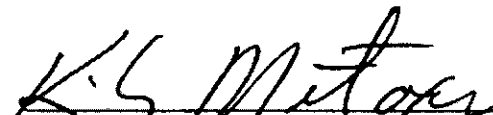

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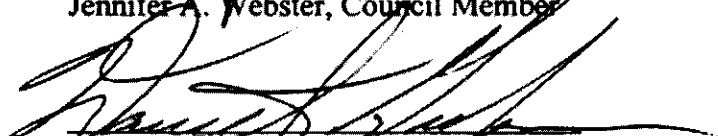

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