

Oneida Tribe of Indians of Wisconsin

Post Office Box 365

Phone: (414) 869-2214

Oneida, WI 54155



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.

BC Resolution # 09-02-98-F

Resolution Protesting the Interior Department's Indian Gaming Regulatory Act Task Force

- WHEREAS, the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of the Wisconsin, and
- WHEREAS, the General Tribal Council has been delegated the authority of the Constitution of the Oneida Tribe of Indians of Wisconsin, 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 federal government adopted the Indian Gaming Regulatory Act (*IGRA*) to govern specific types of gaming operated by Tribes, and
- WHEREAS, the intervening years between the adoption of *IGRA* and today have seen numerous attempts to amend the legislation as well as litigation regarding its application, and
- WHEREAS, the National Governor's Association has requested the Secretary of the Interior Department to develop a Task Force regarding amendments to *IGRA*, and
- WHEREAS, the Assistant Secretary for Indian Affairs, Kevin Gover, has identified a Task Force for the purpose of developing amendments to *IGRA* which pre-supposes that there are issues which need correcting for which no Tribe has been requested to give input or respond from a Tribal perspective, and
- WHEREAS, the Assistant Secretary for Indian Affairs has contacted the National Indian Gaming Association (*NIGA*) and the National Congress of American Indians (*NCAI*) to discuss this issue, and
- WHEREAS, the Assistant Secretary for Indian Affairs has identified that initially three tribes shall represent all gaming Tribes, and
- WHEREAS, it appears that *NIGA* and *NCAI* were notified in early June about identifying the Tribe's three representatives for a meeting on June 22, and
- WHEREAS, there are over 500 Tribes, of which 189 are engaged in gaming, operating a total of 203 Class III gaming facilities as December 31, 1997, and

WHEREAS, the National Governor's Association is made up of representatives of 50 states, of which 48 states have legalized gaming, and of which 28 states with gaming have Tribes who are involved with gaming some of which may not be operating games falling within the jurisdiction of IGRA, and

WHEREAS, each governor represents the state, but there are multiple Tribes who may exist within a state's boundaries with separate governmental, social and economic issues specific to each Tribe, and

WHEREAS, the Task Force includes representatives of state Attorneys General which is not also reciprocated for those same offices for Tribal governments, and

WHEREAS, the Task Force as developed weighs representation in favor of states because States have the benefit of dual representation by both governors and state Attorneys General and an additional benefit with the ratio of representation, and

WHEREAS, the Oneida Tribe of Indians of Wisconsin has not been officially notified regarding this proposed Task Force nor have all other federally recognized Tribes been officially notified, and

WHEREAS, the government to government relationship supported by Executive Order 13084 has not been followed regarding the development of this Task Force, and

WHEREAS, the Oneida Tribe of Indians of Wisconsin, through its elected government the Oneida Business Committee, objects to the limitation of representatives and the speed at which this Task Force and its objectives are moving, and

WHEREAS, the Oneida Tribe of Indians has not had an opportunity to discuss amendments regarding IGRA as a government or with other Tribes in Wisconsin or the United States an opportunity which has been afforded to the National Governor's Association, and

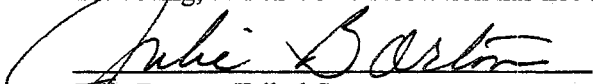
NOW THEREFORE BE IT RESOLVED, that the Oneida Tribe of Indians hereby protests the make-up of the Task Force, the development of the purpose of the Task Force, and the lack of official notice to Tribes, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Oneida Tribe of Indians of Wisconsin hereby protests the speed at which this Task Force is developed and moving forward in discussions, and

NOW THEREFORE BE IT FINALLY RESOLVED, that the Oneida Tribe of Indians hereby notices the Interior Department that the Oneida Tribe of Indians of Wisconsin will participate to the extent allowed as the Task Force is set up, but will do so under protest.

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. 7 members were present at a meeting duly called, noticed and held on the 2nd day of August, 1998; 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 be rescinded or amended in any way,


Julie Barton, Tribal Secretary
Oneida Business Committee

GERALD L. HILL
CHIEF COUNSEL

JO A. SWAMP
DEPUTY CHIEF COUNSEL

ONEIDA LAW OFFICE
N7210 SEMINARY ROAD
P.O. BOX 209
ONEIDA, WISCONSIN 54155
(920) 869-4327 FAX (920) 869-4065

AURENE M. MARTIN
MICHAEL J. LOKENSGARD
JO ANNE HOUSE
KRIS M. GOODWILL
RORY E. DILWEG
JENNIFER L. CARLETON

STATEMENT OF EFFECT
Resolution Regarding Protest of IGRA Task Force

Summary

This resolution identifies the Oneida Tribe of Indians protest to the development of the Indian Gaming Regulatory Act Task Force created by the Bureau of Indian Affairs.

Analysis

This resolution indicates that the Oneida Tribe protests the make-up, purpose and lack of notice in regards to a Task Force created by the Bureau of Indian Affairs regarding the Indian Gaming Regulatory Act. In addition, the resolution protests the speed at which the Task Force is developed and moving forward in discussions.

The available information regarding this Task Force indicates that the National Governor's Association had been meeting regarding the issues arising out of implementation of the Indian Gaming Regulatory Act for some time. As a result of these discussions, the National Governor's Association requested the Bureau of Indian Affairs to develop a Task Force to address these issues. The Assistant Secretary identified the make-up of the Task Force and notified Tribal associations of the need to assign representatives of Tribes to be appointed to the Task Force.

The resolution indicates that not only does this violate the government-to-government relationship supported by Executive Order of this Presidency, but it also does not account for the actual amount of Tribes participating in gaming subject to the Indian Gaming Regulatory Act and the number of states involved in the same or similar types of gaming. In addition, it allows representation from two organizations of state representatives, Governors and state Attorney Generals. Finally, the resolution indicates that the Oneida Tribe objects to the speed at which these discussions are moving forward, as well as the pre-supposition that the Indian Gaming Regulatory Act requires amendments.

This resolution registers the protest of the Oneida Tribe of Indians of Wisconsin to the actions of the Task Force and that the Tribe's interaction with the Task Force will continue, also under protest.

Conclusion

There are no legal issues which would prohibit adoption of this resolution.