

**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.



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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.

**Resolution # BC-12-20-06-J
To direct no Tribal participation in
Oneida Appeals Commission Docket #06-TC-019,
a claim for damages against the Oneida Tribe**

WHEREAS, the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin, and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution, and

WHEREAS, sovereign immunity is a jurisdictional bar to exercise of jurisdiction by any court, and

WHEREAS, a court that acts outside its jurisdiction has committed acts that are invalid and void, and

WHEREAS, a party that complies with an invalid or void act of a court is liable for its own actions and cannot rely on the court's order as a basis for such actions, and

WHEREAS, the Oneida Business Committee was established as a governing body by Article III of the Oneida Constitution, and

WHEREAS, through Resolution #07-07-69, the General Tribal Council delegated to the Business Committee the authority to "promulgate and enforce ordinances," and

WHEREAS, through Resolution #08-19-91-A, the General Tribal Council adopted the Oneida Administrative Procedures Act to define the process for promulgating Tribal laws, and

WHEREAS, the Business Committee utilized the Oneida Administrative Procedures Act process to promulgate the Sovereign Immunity ordinance as an affirmation of the Oneida Tribe's inherent sovereign immunity, and

WHEREAS, the Sovereign Immunity ordinance has not been challenged in a legal proceeding on the basis that it was illegally adopted or that the Business Committee lacked authority to adopt it, and

WHEREAS, the Sovereign Immunity ordinance is a bar to suit in any state, federal or tribal court, including a claim for monetary damages as presented in Oneida Appeals Commission Docket #06-TC-019, and

WHEREAS, in Oneida Appeals Commission Docket #06-TC-019, the Oneida Appeals Commission attempted to waive the sovereign immunity of the Oneida Tribe for the purpose of allowing the specific claim raised by Petitioner Cornelius, and

WHEREAS, the Sovereign Immunity ordinance specifies that only the Business Committee or the General Tribal Council may waive the sovereign immunity of the Oneida Tribe, in accordance with Oneida law, and

WHEREAS, the Oneida Appeals Commission also attempted to partially repeal or amend the Sovereign Immunity ordinance in Oneida Appeals Commission Docket #06-TC-019, in order to allow Tribal members to bring civil claims for monetary damages, and


WHEREAS, the above-described actions of the Oneida Appeals Commission are void and invalid because they are outside the jurisdiction and in excess of the authority of the Oneida Appeals Commission, and

WHEREAS, the Business Committee cannot constitutionally comply and is prohibited from complying with invalid and void orders of the Oneida Appeals Commission and cannot constitutionally allow and is prohibited from allowing the Oneida Appeals Commission to usurp the Business Committee's legislative authority.

NOW THEREFORE BE IT RESOLVED that the Business Committee directs the departments and representatives of the Oneida Tribe of Indians of Wisconsin to not participate in Oneida Appeals Commission Docket #06-TC-019.

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. 8 members were present at a meeting duly called, noticed and held on the 20th day of December, 2006; that the foregoing resolution was duly adopted at such meeting by a vote of 4 members for; 3 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.


Patricia Hoelt, Tribal Secretary
Oneida Business Committee