

Carrie Janto - Case Transfers to Tribal Courts

07-11

From: <rcornelius801@aol.com>
To: <julie.rich@wicourts.gov>
Date: 5/1/2009 11:08 AM
Subject: Case Transfers to Tribal Courts

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MAY 01 2009
CLERK OF SUPREME COURT
OF WISCONSIN

To whom it may concern:

I wanted to give my input on the civil case transfers from Circuit Court to Tribal Court. My understanding is the Oneida Tribe of Indians has made a request to accept civil cases including Child Custody, Child Support, Garnishments, etc..

My name is Rick A. Cornelius and I am a Oneida Tribal Member. I was a Oneida Police Officer for 13 years and have been in Law Enforcement for the past 18 years. The last 2 1/2 years of my employment I held the position of Chief of Police. In December 2005 I was terminated from my position. I was then forced to appeal my case through the Tribal system. I do not recognize them as a court, so I will not call them a court. The intent of their existance in 1991 was to hear employment cases for the Oneida Tribe. They themselves have started calling themselves a court and use the title of judges.

The qualifications for being voted to the Oneida Appeals Commission is:

1. You have to be an enrolled Tribal Member of the Oneida Tribe
2. You have to be either 18 years of age or 21 years of age, sorry not for certain on the age

The members that will be deciding important issues such as Child custody and placement have no formal education, legal background, Law Degree, or Cetifications. The problem I encountered was I hired an attorney out of Madison, paid \$20,000 and she had to make arguements to individuals who had no law background whatsoever. This became very frustrating. My EMPLOYMENT case took over 3 years to reach a final decision that was not based on fact, evidence, or law. It was based on who I was and who knows who in the coummunity. I can show inconsistent decisions from this commission. If this is allowed to continue it will be a very slippery slope.

There are to many scenerios that could complicate this process. Who has jurisdiction if a Tribal Member is married to a non-tribal member. It would be in the best interest of the Tribal Member to get the case transferred into Tribal Court. What about the rights of the non tribal member and the children? In my employment case the Lead Judicial Officer heard my case with her niece and sister in law. Did I get due process? The entire Tribe works based on family and who they know. In the Justice System that can not be present when deciding cases.

Please reconsider this rule or transfer. I would be more than happy to speak in front of you and tell my experiences in the so called " Court System" of the Oneida Nation. I am not alone, many people have been poorly affected by the horrible decisions that have come out of the Oneida Appeals Commission. Our country was developed on the simple basis of One People and One Law. Some of the individuals that call themselves judges within the Oneida system have civil judgements and criminal records of their own.

Thank you for your time and attention to my letter of concern

I can be reached at (920) 371-0753 if you have any questions or would like to speak with me directly

Sincerely,

Rick A. Cornelius

Can't afford a new spring wardrobe? Go shopping in your closet instead!