

**ONEIDA INDIAN NATION
PUBLIC ASSEMBLY ORDINANCE**

Ordinance No.: O-99-01

Pursuant to the authority vested in the Oneida Indian Nation ("Nation"), by virtue of its sovereignty and inherent powers of self-government, the Nation hereby enacts this Ordinance to establish a licensing procedure to protect the right of members to assemble peacefully on Nation land, to provide order, and to provide for the safety of those assembled and others.

Article 1 - Definitions

1. "Nation land" means land owned, rented or otherwise possessed by or for the Nation.
2. "Person" means any human being or group of human beings or any entity recognized as a person under the law of any jurisdiction. "Person" does not mean the Oneida Indian Nation, its enterprises or agents.
3. "Applicant" means any person acting on his behalf or authorized to act on behalf of any other person for the purpose of securing a license.
4. "Licensee" means the person to or for whom a license is issued.

Article 2 - License Requirement

Persons may assemble on Nation land. No person shall assemble with five or more other persons on Nation land to parade or otherwise demonstrate without a license for that assembly issued to a Nation member by the Men's Council and Clan Mothers. Any license to assemble shall require that the assembly be conducted lawfully.

Article 3 - License Standard

No license shall issue to, or be held by, any person determined by the Men's Council and Clan Mothers to present a threat to the health, safety, order, welfare, morals, or well-being of the Nation, its members, residents, guests, or neighbors. Factors to be considered in determining whether a license may be issued include the time, place, and manner of the assembly and whether the assembly would be likely to

- (1) interrupt any other assembly or lawful gathering of people;
- (2) interrupt governmental or business activity;

- (3) invite interference in Nation affairs by outsiders;
- (4) interrupt the safe and orderly movement of foot or vehicular traffic;
- (5) interrupt proper fire, ambulance, police or other public safety service to the assembly area or any surrounding area, or otherwise interrupt emergency or rescue service;
- (6) cause injury to any person or property;
- (7) create disorderly conduct or a disturbance; or
- (8) require the diversion of so great a number of Nation police officers as to prevent normal police protection to the Nation, its members, guests, residents and property.

Misrepresentation in an application for a license shall result in the denial of a license.

Article 4 - License Text

Each license to assemble shall state the full name of the licensee, the location, date, time and duration of the assembly, the prohibition against any participant's possession or use at the assembly of any weapon, and such other information or instructions as the Men's Council and Clan Mothers determine necessary to the enforcement of this Ordinance. The license shall bear the signature of the Commissioner of Public Safety ("Commissioner") and the date of his or her signature.

Article 5 - Licensing Procedures

1. A person must apply to the Commissioner of Public Safety for a license to assemble on Nation land. Such application shall be in writing on a form provided by the Nation. Only members of the Nation or groups to which a member belongs may apply for or hold a license to assemble. The Commissioner shall forward the application to the Men's Council and Clan Mothers along with his or her recommendation for action.

2. An application must be filed not less than five (5) days nor more than fourteen (14) days before the date proposed for the assembly, unless good cause is shown to allow otherwise.

3. The application shall include the following information:
- a. Name, address and telephone number of the applicant and of the intended licensee, if different from the applicant (and, if the intended licensee is a group, name(s) of the authorized and responsible head(s) of the group and a statement indicating whether the group includes persons who are not members of the Nation);
 - b. Name, address and telephone number of person(s) who will be responsible for the conduct of the assembly;
 - c. Date, time and duration of the assembly;
 - d. Location(s) of the assembly and any parade route;
 - e. Approximate number of persons expected to participate in the assembly and statement indicating whether expected participants in the assembly include persons who are not members of the Nation and, if so, the approximate number of non-members expected to attend;
 - f. Approximate number and description of any vehicles or animals intended to be present at the assembly;
 - g. A statement of the extent to which the assembly will require any road, path, parking area or other trafficked area to be occupied or traversed;
 - h. A statement that the assembly is for only peaceful and lawful purposes;
 - i. A signed statement from the intended licensee that the applicant is authorized to apply for that person if the applicant and the intended licensee are not one and the same; and
 - j. Any additional information that the Commissioner of Public Safety finds reasonably necessary to determine fairly whether a license should issue.

Article 6 - Notice of Approval or Denial of License

The Commissioner of Public Safety shall provide written notice to the applicant of the decision by the Men's Council and Clan Mothers to issue or deny the assembly license. Such notice shall be available for pick-up within (2) days after which the decision of the Men's Council and Clan Mothers was filed with the Commissioner. The decision of the Men's Council and Clan Mothers is final, binding, and unreviewable by any authority outside the Nation.

Article 7 - Alternative License

The Men's Council and Clan Mothers may authorize the conduct of an assembly on a date, at a time, or in a manner different from that named by the applicant. An applicant may accept this alternative license by serving written notice upon the Commissioner of Public Safety at least two (2) days prior to the date approved for the assembly. An alternate assembly license shall conform to the requirements of, and shall have the effect of, an assembly license under this Ordinance.

Article 8 - License at Assembly

The person responsible for the conduct of the assembly shall carry the assembly license upon his or her person during the assembly.

Article 9 - Revocation

A license to assemble is revoked automatically should the assembly become disorderly or otherwise unlawful or its participants act unlawfully. The person in possession of the license shall surrender it to the Commissioner of Public Safety or his or her designee upon demand.

Article 10 - Enforcement

It shall be the duty of the Nation police to furnish such escort or direction to the assembly, and to provide such other services, as may be necessary to protect persons and property and maintain public peace and order. Nation police are authorized to restrain those who violate this Ordinance or otherwise disturb public order or breach the peace on Nation land, and to eject them from such land or to take such further action as is appropriate.

Article 11 - Interpretation

1. Sovereign Immunity. The Nation does not by enacting this Ordinance waive in any respect its sovereign immunity, or that of its agents, in any manner, under any law, for any purpose, nor in any place.

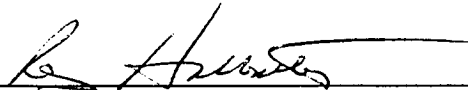
2. No Right of Action. This Ordinance does not create any right, cause of action or benefit enforceable at law or in equity by any person against the Nation, its agencies, its officers or employees, or any other person.

3. Not Subject to Review. This Ordinance is not subject to review or modification in any state or federal court or by any authority outside the Nation.

Article 12 - Effective Date

This Ordinance is effective upon enactment.

Enacted this 27 day of January, 1999.



Ray Halbritter
Nation Representative(s)