

MADISON COUNTY
FOR IMMEDIATE RELEASE
January 19, 2007

Today Madison County inspectors following state law attempted to inspect the gasoline pumps at an Oneida Indian Sav-On gas station in the same manner as gas stations throughout the County are inspected. At the request of Sav-on personnel, the inspectors awaited senior managers of the OIN called to the site.

Following explanation by County inspectors of the testing procedures and requirements of law to those managers, and following their consultation by phone with superiors, the managers refused to allow the inspectors to undertake the inspection process required by law. The managers advised that the refusal was an issue of sovereignty.

As stated by the United States Supreme Court in its 2005 decision in *City of Sherrill v. Oneida Indian Nation of New York*, the tribe is precluded "...from unilaterally reviving its ancient sovereignty, in whole or in part, over the parcels at issue. The Oneidas long ago relinquished governmental reins and cannot regain them through open-market purchases from current titleholders." Further, in discussing its rationale, the court stated: "If OIN may unilaterally reassert sovereign control and remove these parcels from the local tax rolls, little would prevent the Tribe from initiating a new generation of litigation to free the parcels from local zoning or other regulatory controls that protect all landowners in the area." Federal district courts in decisions since *Sherrill* have supported local governments in carrying out their regulatory obligations despite well financed legal challenges by Indian tribes.

The letter to Mr. Wilcox delivered to the press this afternoon and obtained from the press prior to its receipt by Mr. Wilcox or the County, is replete with untruths and is a blatant attempt to orchestrate the very conflict and controversy the author professes to deplore. The county, upon being denied the ability to complete the inspections required by law, rather than putting out a press release announcing the fact, this morning directed counsel to prepare a letter to the OIN addressing the problem. Rather than responding to the wild claims of Mr. Pierce through the press, it will be addressed directly.

It defies both common sense and the law to leave control of the regulations to those who are to be regulated. Madison County is committed to fulfilling its statutory duty, which includes the inspection of devices and facilities to assure the public is protected.