

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ONEIDA

SCOTT PETERMAN, UPSTATE CITIZENS FOR
EQUALITY, INC., and persons and entities similarly
situated,

Plaintiffs,

-vs-

Affidavit

GEORGE PATAKI, Governor of the State of New
York, THE STATE OF NEW YORK, NEW YORK
RACING AND WAGERING BOARD, DIVISION OF
STATE POLICE, COUNTY OF ONEIDA and
COUNTY OF MADISON, NEW YORK, ONEIDA
COUNTY SHERIFF DAN MIDDAUGH, RAY
HALBRITTER and ONEIDA INDIAN NATION OF
NEW YORK,

Index No. 99-533

Defendants.

STATE OF NEW YORK }
COUNTY OF ONEIDA } SS:

EDWARD C. FIKE, being duly sworn, deposes and says:

1) I am presently employed as an Oneida Indian Nation Police Officer at 213 Union Street, Oneida, New York. I have served in this capacity since July, 1993 when the police force was first created.

2) My duties during the period since my hire included police activities surrounding the operation of Turning Stone Casino and related Oneida Indian enterprises. I have also been present at the Nation substation on Route 31 in Verona where arrests of various individuals were processed and policies / practices of the police force were outlined to us.

3) Prior to this time, I served in a number of law enforcement and military capacities. I commenced my career as a military police officer for the United States Air Force in 1988. I served in Operation "Just Cause" in Panama where I witnessed extensive violations of human rights. Thereafter, I received an honorable discharge from service in 1990 and presently suffer from post traumatic stress disorder as a consequence of these events. Between 1990 and 1993, I was employed as a police officer for the Mohawk Police Department, and I left that job to work for my current employer, Oneida Nation Police.

4) During the course of my present employment, I observed conduct and practices of the tribal police that I could not condone, but which I was compelled to execute in order to maintain my job and family income. Upon raising objections and questioning various matters, I was ultimately subjected to a private investigation of my own family affairs.

5) To summarize my disclosures concerning the foregoing matters, I would be prepared to testify that Ray Halbritter operates a private police force that in all respects resembles a secret service agency of a foreign government. I would label him as a modern day Hitler who rules with an autocratic style that is worse than anything I observed and experienced in Panama. Yet he comes across as such a gentleman in public appearances.

6) To be more specific, I will now outline only a small number of surveillance activities and illegal conduct that I personally observed, experienced and learned while serving as an Oneida Nation Police Officer over the past six years:

a) As recently as March of this year, I was personally ordered to write an investigative report concerning the background of a private citizen who happened to serve legal papers directly upon Ray Halbritter concerning the casino lawsuit

by Upstate Citizens for Equality. I was required to file this report about his personal life even though he did nothing wrong under any law-federal, state, local or tribal. It was Mr. Halbritter's whimsical arrogance in being personally handed a legal document that caused this form of arbitrary retaliation.

b) There are various tribal leaders who were permitted to drive without a license. When I raised one such objection regarding Keller George, I was told to ignore it and permit the illegal activity. On another occasion, I placed an individual in custody who possessed illegal drugs. Because of the individual's extensive gambling influence, the drugs were taken from our possession and flushed down a toilet, all contrary to police procedure in New York State and elsewhere. On yet another occasion a female gambler was permitted to consume vodka in the casino while gambling. This incident was witnessed by a NYS Racing and Wagering Board inspector. I was called to the scene and was scolded for attempting to enforce the law.

c) Regarding UCE, the Halbritter regime has conducted extensive surveillance activities. At the Sav-On station picket lines, I was ordered to photograph a landowner merely because of the content of his placard and appearance. One person had facial paint notably placed below his eyes much like the kind used by ball players (he may have just returned from a ball game). Carol Trimble demanded that I photograph the "warpaint" as she described it simply because she was personally offended by it.

d) We were told to jot down license plates of all cars suspected of operation by UCE members at rallies, motorcades, meetings and pickets. Officers were posted on roof tops of the casino with high powered binoculars for this purpose.

A special focus was given to UCE leaders, to have them arrested if they entered upon casino grounds during the UCE motorcade rally of January 31, 1999.

e) The Oneida Nation Police sponsored a CID patrol car (white Lumina) in the UCE motorcade to investigate events from inside the rally running between Verona Town Hall to Turning Stone Casino. Two police officers are paid to sit in the audience at all UCE meetings and to report on their every movement and statements. For purposes of this affidavit I will disclose their names as Ken Fish and Gene Refenberg.

f) In 1996, I investigated a severe spill of diesel fuel from an Oneida Sav-On station into an adjacent creek. I prepared a report to the state environmental agency and attempted to call their officers to examine the contamination. I was halted from making this call by higher-ups and my report was completely modified to make it appear that no fuel entered the creek (contrary to what was true about the incident).

7) There is much more to report but for the purposes of UCE's efforts to access our American Courts of Justice, I am submitting the foregoing examples of shocking misconduct and surveillance on the part of this authorized police agency. I have much more details to report which could fill volumes.

Respectfully Submitted,



Edward C. Fike

Sworn to before me
this 17 day of July, 1999



Notary Public

LEON KOZIOL
Notary Public, State of New York
Appointed in Oneida Co. 5026204
My Commission Expires 4/11/00