

**Title 1. Government and Finances – Chapter 116**  
**ONEIDA NATION SEAL AND FLAG**  
**Onʌyoteʔa·ká· Kakʌhoteʔ Kayanʌhslaʔ**  
*People of the standing stone – cloth standing up – laws*

116.1. Purpose and Policy  
116.2. Adoption, Amendment, Repeal  
116.3. Definitions  
116.4. Oneida Nation Seal

116.5. Oneida Nation Flag  
116.6. Display of the Oneida Flag  
116.7. Respect for Flag  
116.8. Enforcement

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**116.1. Purpose and Policy**

116.1-1. *Purpose.* The purpose of this law is for the Oneida Nation to exercise the fundamental right of sovereignty and self-determination by setting forth the official governmental Seal and Flag for the Oneida Nation, its use and who shall be responsible for safekeeping and authorizing its use.

116.1-2. *Policy.* The Oneida Nation Seal is a unique symbol reserved for official government use which signifies the Nation’s culture and sovereignty. The Oneida Flag shall represent the jurisdiction and sovereignty of the Oneida Nation when flown.

**116.2. Adoption, Amendment, Repeal**

116.2-1. This law was adopted by the Oneida Business Committee by resolution BC-01-11-17-C.

116.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

116.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

116.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

116.2-5 This law is adopted under authority of the Constitution of the Oneida Nation.

**116.3. Definitions**

116.3-1. This section shall govern the definitions of words or phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Half-staff” means the position of the flag when it is one-half (1/2) the distance between the top and bottom of the staff.

(b) “Nation” means the Oneida Nation.

(c) “Oneida Flag” means the official flag of the Oneida Nation.

(d) “Oneida-owned building” means a building wholly owned and/or operated by the Nation within the boundaries of the Reservation, and to such other lands as may be hereafter added thereto within or without said boundary lines under any law of the United States, except as otherwise provided by law.

(e) “Proper illumination” means a light specifically placed to illuminate the flag or having a light source sufficient to illuminate the flag so it is recognizable by the casual observer.

(f) “Reservation” means all the land within the exterior boundaries of the reservation

of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

(g) “Rule” means a set of requirements, including citation fees and penalty schedules, enacted by the Oneida Nation Secretary in accordance with the Administrative Rulemaking law based on authority delegated in this law in order to implement, interpret and enforce this law.

(h) “Seal” means the governmental seal of the Oneida Nation used to authenticate governmental documents and actions.

#### **116.4. Oneida Nation Seal**

116.4-1. The Oneida Nation Seal shall be as set forth in the following graphic:



116.4-2. The Seal shall appear on the following documents:

- (a) at the top of all minutes and resolutions of the Oneida Business Committee, Oneida Business Committee Standing Committees and General Tribal Council;
- (b) on all publications authorized by the Oneida Nation;
- (c) on all official correspondence of the Oneida Nation;
- (d) on all official documents of the Oneida Nation; and
- (e) on all official contracts of the Oneida Nation.

116.4-3. The Oneida Nation Seal shall be reserved specifically for all official government documents described in 116.4-2. All other documents are to use the Oneida logo. All Oneida Nation entities shall use the brand logo in any place that our historic logo/seal or other departmental logo were located and utilized. The Oneida logo shall be set forth in the following graphic:



116.4-4. *Oneida Nation Secretary Rulemaking Authority.* The Oneida Nation Secretary shall create rules to govern the placement, maintenance and authorized use of the official Oneida Nation Seal.

#### **116.5. Oneida Nation Flag**

116.5-1. Where this law is ambiguous or does not address a situation, the Federal Flag Code may be used as a guide.

116.5-2. All Oneida-owned buildings within the Reservation that currently possess flagpoles, stationary flagstuffs or other means to display a flag and those entities and Oneida-owned buildings that later establish the means to display a flag shall adhere to this law.

- (a) The building manager or their equivalent of each Oneida-owned building shall appoint a designee to perform the duties set within this law.

## **116.6. Display of the Oneida Flag**

116.6-1. *Location, time and occasions for display.* As the Oneida Flag represents the Nation's sovereignty, it shall be displayed according to the following requirements:

- (a) The Oneida Flag may be displayed on all days.
- (b) The Oneida Flag may only be displayed from sunrise to sunset on buildings and on stationary flagstuffs in the open. However, the flag may be displayed twenty-four (24) hours a day if the Oneida Flag is an all-weather flag and is properly illuminated during the hours of darkness.
- (d) The Oneida Flag shall be displayed during school days near each of the Nation's schools and inside each classroom.
- (e) The Oneida Flag shall be displayed in and near every polling place within the reservation on the Nation's election days.
- (f) The Oneida Flag may be mandated to be displayed through resolution of the Oneida Business Committee.

116.6-2. *Conduct during hoisting, lowering or passing of the Oneida Flag.* The Oneida Flag shall be hoisted briskly and lowered ceremoniously.

116.6-3. *Position of the Flag.* The position of a flag is an important symbol of prominence and sovereignty, therefore the following requirements shall be adhered to:

- (a) When flags of two or more countries or Indian Tribes are displayed, the flags are to be flown from separate flagstuffs or flag poles that are displayed at the same height and shall be approximately of equal size.
  - (i) The Oneida Nation has a number of buildings with uneven flag poles. Until it is financially feasible to change the existing flag poles to allow the Oneida Flag and United States flag to fly at the same height, the United States flag shall fly from the highest flag pole, when appropriate, and the Oneida Flag shall fly from the flag pole furthest to the right to show prominence. Additionally, any future flag poles shall be constructed in such a way that complies with this law.
- (b) The Oneida Flag shall be displayed to the furthest right in the position of superior prominence.
- (c) When other flags are flown from adjacent staffs, the Oneida Flag shall be hoisted first and lowered last.
- (d) When flags of other states, localities or pennants of societies are flown on the same halyard with the Oneida Flag, the Oneida Flag shall always be at the top.

116.6-4. *Manner of Display.* The Oneida Flag shall be displayed as follows:

- (a) When carried in a procession with another flag or flags, the Oneida Flag shall be either on the marching right; that is, the Flag's own right, or, if there is a line of other flags, in front of the center of that line.
- (b) When the Oneida Flag is displayed with another flag against a wall from crossed staffs, the Oneida Flag shall be on the right, the Flag's own right, and its staff shall be in front of the staff of the other flag.
- (c) The Oneida Flag shall only be displayed horizontally against a wall, the Oneida Flag shall be placed in the upright position. When displayed in a window, the flag shall be displayed in the upright position facing the appropriate way to an observer outside the building.
- (d) When the Oneida Flag is displayed over the middle of the street, the Oneida Flag shall be suspended horizontally and shall be placed in the upright position.

(e) When used on a speaker's platform, the flag, if displayed flat, shall be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the Oneida Flag shall hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergy's or speaker's right as he or she faces the audience. Any other flag so displayed shall be placed on the left of the clergyman or speaker or to the right of the audience.

(f) When the Oneida Flag is suspended across a corridor or lobby, it shall be suspended in the upright position facing the main entrance.

(g) The Oneida Flag shall form a distinctive feature of the ceremony of unveiling a statue or monument, but it shall never be used as the covering for the statue or monument.

116.6-5. *Display of Respect.* At certain times, the Oneida Flag shall be lowered to half-staff as a sign of respect. In doing so, the Flag shall be first hoisted to the peak for an instant and then lowered to the half-staff position. The Oneida Flag shall be again raised to the peak before it is lowered for the day.

(a) On or prior to the following days, the Oneida Flag shall be lowered to half-staff:

(i) Oneida Code Talker Day

(ii) Memorial Day

(iii) Flag Day

(iv) Veteran's Day

(b) As a sign of respect, when the United States flag is lowered to half-staff, the Oneida Flag shall also be lowered.

(c) By a directive of the Oneida Business Committee Chairperson, or his or her designee if the Oneida Business Committee Chairperson is not available, the Oneida Flag shall be flown at half-staff upon the death of a member of the Nation and remain at half-staff until after the funeral.

(d) The Oneida Flag shall be lowered to half-staff by directive of the Oneida Business Committee Chairperson for other reasons he or she deems appropriate.

116.6-6. *Display Off Reservation.* When outside of the boundaries of the Reservation, the proper display protocol of the jurisdiction shall be followed.

## **116.7. Respect for Flag**

116.7-1. No disrespect shall be shown to the Oneida flag, the United States flag or the flags of any other country, Indian Tribe, state or locality.

(a) During the ceremony of hoisting or lowering the Oneida Flag or when the Oneida Flag is passing in a parade or in review, all persons present shall face the flag and stand at attention.

(b) The Oneida Flag and United States flag shall not be dipped to any person or thing. Regimental colors, state flags, and organization or institutional flags shall be dipped as a mark of honor.

(c) The Oneida Flag shall never be displayed upside down.

(d) The Oneida Flag shall never touch anything beneath it, such as the ground, the floor, or water.

(e) The Oneida Flag shall never be carried flat or horizontally, but always aloft and free.

(f) The Oneida Flag shall never be draped, drawn back, tied up, folded, but always allowed to fall free.

- (g) The Oneida Flag shall never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.
- (h) The Oneida Flag shall never be used as a covering for a ceiling.
- (i) The Oneida Flag shall never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature besides the Oneida Flag's design.
- (j) The Oneida Flag shall never be used as a receptacle for receiving, holding, carrying, or delivering anything.
- (k) The Oneida Flag, when it is in such condition that it is no longer a fitting emblem for display, shall be destroyed in a dignified way, preferably by burning.

**116.8. Enforcement**

116.8-1. Employees found violating this law may be subject to discipline in accordance with the Nation's laws, rules and policies governing employment.

*End.*

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Adopted BC-01-11-17-C