

JANUARY 2002 CROW TRIBAL LEGISLATURE

JOINT ACTION RESOLUTION NO. JAR0213

INTRODUCED BY: DAN OLD ELK, CENTER LODGE DISTRICT

**A JOINT ACTION RESOLUTION OF THE LEGISLATIVE AND EXECUTIVE BRANCHES
OF THE CROW TRIBAL GOVERNMENT**

A RESOLUTION OF THE CROW TRIBAL LEGISLATIVE BRANCH DIRECTS THE CROW TRIBAL EXECUTIVE BRANCH NEGOTIATE WITH THE UNITED STATES GOVERNMENT TO EXERCISE THE TRIBE'S LEGAL AND INHERENT RIGHT TO ASSERT CIVIL JURISDICTION IN THE BIG HORN CANYON RECREATION AREA OVER NON-INDIANS IN CERTAIN CIVIL MATTERS ALLOWED BY CASE LAW AND NOT ABROGATED BY THE UNITED STATES CONGRESS AND CONCURRENT MISDEMEANOR AND FELONY CRIMINAL JURISDICTION WITH THE FEDERAL GOVERNMENT OVER CROW TRIBAL MEMBERS IN ALL CRIMINAL MATTERS ARISING IN THE BIG HORN CANYON RECREATION AREA.

WHEREAS, in 1958, the United States Congress passed Senate Joint Resolution 12, Pub. L. 85-523, to take certain Crow Tribal lands for the right of-way necessary to build the Yellowtail Dam and Reservoir; and

WHEREAS, in 1966, the United States Congress passed Public Law 89-664 which created the Big Horn Canyon Recreation Area to include, in part, the lands taken in 1958 pursuant to Public Law 85-523; and

WHEREAS, the 1958 Joint Resolution and 1966 Act of Congress did not diminish the external boundaries of the Crow Tribal Reservation; and

WHEREAS, the Crow Tribe retains concurrent misdemeanor and felony criminal jurisdiction with the Federal government in the enforcement of laws and prosecution of Crow Tribal members within the Big Horn Canyon Recreation Area; and

WHEREAS, the 1958 Joint Resolution and 1966 Act abrogated the Crow Tribe's civil jurisdiction and regulatory power over non-Indians in the Big Horn Canyon Recreation Area because that power is preempted to the extent required to fulfill the United States' flood control, hydro-electric and recreation purpose;

WHEREAS, the Crow Tribe retains civil jurisdiction over non-Indians to the extent allowed by case law and not abrogated by the United States Congress to lands located within the exterior boundaries of the Crow Reservation which are also part of the Big Horn Canyon Recreation Area; and

WHEREAS, the Legislative and Executive Branches of the Crow Tribal Government

resolve that the above-listed jurisdictional rights belonging to the Crow Tribe have either been ignored, preempted unlawfully or otherwise never negotiated properly by the Federal Government to the detriment of the Crow Tribe.

BE IT RESOLVED BY THE LEGISLATIVE AND EXECUTIVE BRANCHES OF THE CROW TRIBE:

That the Crow Tribal Legislative Branch requests that the Crow Tribal Executive negotiate and the Executive Branch agrees to negotiate with the United States Government for concurrent misdemeanor and felony criminal jurisdiction in the Big Horn Canyon Recreation Area over Crow Tribal members in all criminal matters and for civil jurisdiction in the Big Horn Canyon Recreation Area over non-Indians to the extent allowed by case law and not abrogated by the United States Congress.

CERTIFICATION


I hereby certify that this Joint Action Resolution was duly approved by the Crow Tribal Legislature with a vote of 13 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 27 day of February, 2002.



Ben Cloud
Speaker of the House
Crow Tribal Legislature

EXECUTIVE ACTION

I hereby ~~approve~~ approve, _____ veto this Joint Action Resolution pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians.



Chairman, Executive Branch
Crow Tribe if Indians

FEB 27 2002

Bill or resolution number JAR0213 Introduced by Dan Old Elk Date of Vote _____

Representative	Yes	No	Abstain	No Vote
Bull Tail	✓	—	—	—
Costa	—	—	—	—
Crooked Arm	—	—	—	—
Little Light	✓	—	—	—
Plain Feather	✓	—	—	—
Stewart	✓	—	—	—
Not Afraid	✓	—	—	—
Goes Ahead	✓	—	—	—
Hogan	✓	—	—	—
Old Elk	✓	—	—	—
Passes	—	—	—	—
Pease	—	—	—	—
Medicine Horse	✓	—	—	—
Russell	✓	—	—	—
Real Bird	—	—	—	—
Black Hawk	✓	—	—	—
Stone	✓	—	—	—
Cloud	✓	—	—	—
Results (If tie vote)	<u>13</u>	—	—	—
Vice Chair Goes Ahead	—	—	—	—
Results	<u>13</u>	<u>0</u>	—	—

Result of vote: Passed Not Passed Tabled Veto Override

Signature of Officer: Ben Cloud Date: 2-27-02