

APRIL 2006 CROW TRIBAL LEGISLATURE

LEGISLATIVE RESOLUTION NO. LR06-01

**INTRODUCTION BY: LLOYD HOGAN, JR.,
CENTER LODGE DISTRICT**

LEGISLATIVE RESOLUTION OF THE CROW TRIBAL LEGISLATURE ENTITLED: CLARIFICATION OF RESOLUTION NO. JAR05-02." IN WHICH FULL DISCLOSURE OF ALL INFORMATION AND DOCUMENTS WERE NOT PRESENTED AT THE TIME OF ACTION TAKEN BY THE LEGISLATURE, WHICH IS DETRIMENTAL TO THE CROW TRIBE AND ITS MEMBERS.

WHEREAS, Article V, Section 2 (e) of the Constitution empowers the Legislative Branch to grant final approval or disapproval of the annual budget prepared by the Executive Branch; and

WHEREAS, Article IV, Section 3 (d) of the Constitution provides that the Executive Branch shall prepare an annual budget for the operation of the Tribal Government, including separate budgets for the Legislative and Judicial Branches, for approval by the Legislative Branch of the government and the Secretary of the Interior; and

WHEREAS, the preparation of the budget must be in accordance with Article IV, Section 3 (c) which states that the Chairman of the Executive Branch is responsible to "engage in any business that will further the economic well-being of the members of the Tribe"; and

WHEREAS, Joint Action Resolution JAR05-02 titled "Approval of Revised FY 2005 Budget" passed on the 18th day of April, 2005, is, according to the Tribal Chairman, based on the proceeds of settlement of litigation known as *Crow Tribe vs. Norton*, filed in US District Court for the District of Columbia as 1;02-cv-00284 (RCL) in the amount of \$10,000,000.00; and

WHEREAS, when the 2005 budget was presented by Carl Venne, Crow Tribal Chairman, full disclosure of the facts pertaining to the litigation known as *Crow Tribe vs. Norton* was not disclosed to the Crow Legislature thereby limiting the Crow Legislature from making a fully informed decision with respect to the 2005 annual budget; and

WHEREAS, the litigation known as *Crow Tribe vs. Norton* was presented in the US District Court for the District of Columbia as "Joint Stipulation of Settlement and Proposed Order" which calls for the Defendant, Gale Norton, former Secretary of the Interior, to pay the Crow Tribe, Plaintiff, \$10,000,000.00 in "full, complete and final settlement of all claims, causes of action, obligation, or liabilities that the Plaintiff has asserted or could have asserted-as well as all claims, causes of action, obligation, or liabilities for which factual basis exists, regardless of whether claims, causes of action, obligations, or liabilities have legally accrued as of the date of the Court's entry of this Joint Stipulation of Settlement as an Order"; and

WHEREAS, this Joint Stipulation of Settlement releases the Defendant, Gale Norton, from any "obligation to provide a historical accounting of the Tribe's trust funds and trust assets, and the Defendant's fulfillment of such obligation;" and the "Defendant's alleged mismanagement of the Tribe's trust assets and natural resources including but not limited to any existing claim or allegation that Defendants (1) failed to make the Tribe's trust assets or natural resources productive; (2) failed to obtain an appropriate return on, or appropriate consideration for, the Tribe's trust assets or natural resources; (3) failed to collect, fully or timely, rent, fees or royalties, or other payments for the transfer, sale, encumbrance, or use of the Tribe's trust assets or natural resources; (4) failed to preserve, protect, or maintain the assets or natural resources; (5) permitted the misuse or overuse of the Tribe's trust assets or natural resources; (6) failed to enforce the terms of any permits, leases, or contracts for the transfer, sale, encumbrance, or use of the Tribe's assets or natural resources; (7) failed to prevent trespass on the Tribe's trust assets or natural resources; and (8) failed to report or provide information about Defendant's actions or decisions relating to the Tribe's trust assets or natural resources"; and

WHEREAS, this Joint Stipulation of Settlement as an Order requires the "Plaintiff release Defendants from, and Plaintiff covenants not to sue on all claims, causes of action, obligation, or liabilities that the Plaintiff has asserted or could have asserted...."either in an administrative action before the Interior or Treasury or in a case in the United States District Court or the Court of Federal Claims"; and

WHEREAS, this Joint Stipulation requires the Plaintiff " to accept as accurate the balances of the trust fund accounts, as those balances are stated by the Office of the Special Trustee for American Indians of the Department of the Interior on the date of the Court's entry of the Joint Stipulation of Settlement as an Order"; and

WHEREAS, the Joint Stipulation of Settlement as an Order further states "Plaintiff's counsel Majel Russell certifies that, pursuant to the Tribe's Constitution (effective as of July 14, 2001, and approved by the Secretary of Interior on December 14, 2001), she has obtained the review and authorization of the Tribe's Executive Branch, specifically, the Tribal Chairman, to enter into this Joint Stipulation of Settlement. Further, Ms. Russell certifies that the Executive Branch Chairman has obtained the authorization of the Tribe's Legislative Branch regarding this settlement, specifically, the Legislative Branch's ratification of the Joint Action Resolution that was signed by the Tribal Chairman and that set forth a plan for the expenditure of the monies from this settlement"; and

WHEREAS, this Joint Stipulation of Settlement is an action which clearly does not benefit the welfare of all members of the Crow tribe, and violates the Constitutional responsibilities of the Executive Branch according to Article IV, Section 3 (c) to engage in any business that will further the economic well-being of the members of the Tribe and undertake any economic development activity which does not conflict with the provisions of the Constitution; (e) employ legal counsel for the protection and advancement of the rights of the Crow Tribe and its members; and (j) protect and preserve the property, wildlife, and natural resources including air and water of the Tribe in accordance with ordinances adopted by the Legislative Branch.

NOW THEREFORE, BE IT RESOLVED BY THE CROW TRIBAL LEGISLATURE:

THAT, this Legislative Resolution which clarifies Joint Action Resolution JAR05-02 and states that this Joint Action Resolution only approved the submitted FY 2005 Budget, which contained a plan for the use of the settlement proceeds from the litigation of *Crow Tribe vs. Norton*, and did not, as alleged, grant their authorization to the Executive Branch Chairman regarding the settlement called "Joint Stipulation of Settlement as an Order," case number 1:02-cv-00284 (RCL), AND ACCORDING TO CONSTITUTION AND BYLAWS OF THE CROW TRIBE OF INDIANS ARTICLE V., SECTION 2. (d) TO GRANT FINAL APPROVAL OR DISAPPROVAL OF ITEMS NEGOTIATED BY THE EXECUTIVE BRANCH OF GOVERNMENT PERTINENT TO SALE, DISPOSITION, LEASE OR ENCUMBERANCE OF TRIBAL LANDS, INTEREST IN LANDS, OR MINERALS ASSETS PROVIDED THAT A PROCESS FOR SUCH APPROVAL OR DISAPPROVAL MAY BE ESTABLISHED BY LEGISLATION.


THAT, ON APPROVAL OF THIS LEGISLATIVE RESOLUTION A CERTIFIED LETTER SHALL BE IMMEDIATELY SENT AND GIVEN TO THE HONORABLE JUDGE, ROYCE C. LAMBERTH, UNITED STATES DISTRICT JUDGE, WITH ALL DOCUMENTS CONCERNING ACTION TAKEN BY THE CROW TRIBAL LEGISLATURE INVOLVING "CROW TRIBE V. NORTON" NO.: 1:02-CV-00284 (RCL).

LEGISLATIVE RESOLUTION OF THE CROW TRIBAL LEGISLATURE ENTITLED: CLARIFICATION OF RESOLUTION NO. JAR05-02." IN WHICH FULL DISCLOSURE OF ALL INFORMATION AND DOCUMENTS WERE NOT PRESENTED AT THE TIME OF ACTION TAKEN BY THE LEGISLATURE, WHICH IS DETRIMENTAL TO THE CROW TRIBE AND ITS MEMBERS.

CERTIFICATION

LEGISLATIVE RESOLUTION OF THE CROW TRIBAL LEGISLATURE, LR06-01 ENTITLED: CLARIFICATION OF RESOLUTION NO. JAR05-02." IN WHICH FULL DISCLOSURE OF ALL INFORMATION AND DOCUMENTS WERE NOT PRESENTED AT THE TIME OF ACTION TAKEN BY THE LEGISLATURE, WHICH IS DETRIMENTAL TO THE CROW TRIBE AND ITS MEMBERS.

was duly approved by the Crow Tribal Legislature with a vote of 14 in favor, 2 opposed, and 1 abstained, and that a quorum was present on this 11th day of April, 2006.


Speaker of the House
Crow Tribal Legislature

ATTEST:

Secretary, Crow Tribal Legislature



LEGISLATIVE RESOLUTION OF THE CROW TRIBAL LEGISLATURE ENTITLED: CLARIFICATION OF RESOLUTION NO. JAR05-02." IN WHICH FULL DISCLOSURE OF ALL INFORMATION AND DOCUMENTS WERE NOT PRESENTED AT THE TIME OF ACTION TAKEN BY THE LEGISLATURE, WHICH IS DETRIMENTAL TO THE CROW TRIBE AND ITS MEMBERS.

Addendum to JAR05-02

Bill or Resolution Number LR06-01 Introduced by: Rep Lloyd Hogan Date of Vote: April 11, 2006

<u>Representative:</u>	Yes	No	Abstain
L. Plain Bull	<input checked="" type="checkbox"/>		
O. Costa	<input checked="" type="checkbox"/>		
V. Crooked Arm	<input checked="" type="checkbox"/>		
M. Not Afraid	<input checked="" type="checkbox"/>		
R. Iron	<input checked="" type="checkbox"/>		
B. House	<input checked="" type="checkbox"/>		
E. Fighter		<input checked="" type="checkbox"/>	
L. Hogan	<input checked="" type="checkbox"/>		
S. Fitzpatrick	<input checked="" type="checkbox"/>		
K. Real Bird	<input checked="" type="checkbox"/>		
M. Covers Up	<input checked="" type="checkbox"/>		
R. Old Crow			<input checked="" type="checkbox"/>
L. Not Afraid	<input checked="" type="checkbox"/>		
B. Shane	<input checked="" type="checkbox"/>		
J. Stone			
D. Wilson	<input checked="" type="checkbox"/>		
L. Costa <i>Secretary of the House</i>		<input checked="" type="checkbox"/>	
D. Goes Ahead <i>Speaker of the House</i>	<input checked="" type="checkbox"/>		
Totals:	<u>14</u>	<u>2</u>	<u>1</u>

Result of Vote:

Passed

Not Passed

Tabled

Veto Override

Signature Officer: Charles Braschi Date: 4-11-06



Crow Country

LEGISLATIVE BRANCH OF THE CROW TRIBAL GOVERNMENT

P.O. Box 309 – MAKAWASHA Avenue

Crow Agency, Montana 59022

Phone: (406) 638-2023/2025/2238

Fax: (406) 638-2030

Legislative Branch

Prvor:

Arrow Creek

Larry Plain Bull, Sr.
Carlson Goes Ahead
Speaker of the House
Oliver Costa

Big Horn:

Valley of the Give Away

Vincent Crooked Arm
Marlin D. Not Afraid
Ralph Iron, Jr.

Dunmore:

Black Lodge

Bruce R. House
Ertis Fighter, Sr.
Larry Costa
Secretary of the House

Reno:

Center Lodge

Lloyd Hogan, Jr.
Sidney Fitzpatrick, Jr.
Kennard Real Bird

Lodge Grass:

Valley of the Chief

Manuel Covers Up, Sr
Rudolph Old Crow
Leroy Not Afraid

Wyola:

Mighty Few

Beverly Shane
Jonathan D. Stone
Dana Wilson

Staff

Jackie Blacksmith
Administrator

Freda J. Knows Gun
Admin. Assistant/
Accounts Payable

Thomas J. Half
Interpreter/Office Assist.

Nellie Moccasin
Office Assistant

Kenny Pretty On Top
Maintenance/Custodian

Ronald Arneson, Esq.
Attorney At Law

RONALD R. ARNESON, ESQ.
LEGISLATIVE ATTORNEY AT LAW
CROW TRIBAL LEGISLATURE
CROW AGENCY, MONTANA 59022

April 12, 2006

DRAFT LETTER TO

Hon. Judge Royce C. Lamberth
United States District Court Judge
United States District Court for the
District of Columbia
Washington D C

Subject: **CROW TRIBE OF INDIANS v. GALE NORTON**, Civil Action No. 02-284
(RCL)

Dear Hon. Judge Royce C. Lamberth;

On April 11, 2006, the Crow Tribal Legislature by Legislative Resolution, LR06-01, directed the undersigned Speaker of The House to initiate this letter to you as the presiding Judge in the **CROW TRIBE OF INDIANS v. GALE NORTON**, Civil Action No. 02-284 (RCL) case.

FACTS

1. On April 18, 2005, the Crow Tribal Legislature passed a Joint Action Resolution entitled "Approval of Revised FY 2005 Budget, JAR05-02. A certified copy of JAR05-02 is attached, incorporated by reference and made a part hereof as if stated herein. The JAR approved expenditures totaling \$10,000,000.00 expected from a settlement of the **CROW TRIBE OF INDIANS v. GALE NORTON**, Civil Action No. 02-284 (RCL) case.
2. On April 11, 2006, the Crow Tribal legislature passed Legislative Resolution, LR06-01 entitled "CLARIFICATION OF RESOLUTION NO. "JAR05-02" IN WHICH FULL DISCLOSURE OF ALL INFORMATION AND DOCUMENTS WERE NOT PRESENTED AT THE TIME OF ACTION TAKEN BY THE LEGISLATURE, WHICH IS DETREMENTAL TO THE CROW TRIBE AND ITS MEMBERS." A certified copy of LR06-01 is attached, incorporated by reference and made a part hereof as if stated herein.

In your deliberations, please review and consider JAR05-02 and LR06-01. The enclosed documents speak for themselves. Thank you for your time and consideration of the information contain herein and attached hereto.

Sincerely:


Carlson Goes Ahead, Speaker

Cc: file
Chairman Carl Venne