

JULY 5TH 2011 SPECIAL SESSION OF THE CROW TRIBAL LEGISLATURE

LR No. 11-09

Introduced by the Crow Tribal Legislature

A Legislative Resolution Titled:

A Resolution of the Crow Tribal Legislature to Call upon Federal Authorities to Investigate Financial Activities of the Crow Tribal Executive Branch

Legislative Findings:

WHEREAS, Article V, Section 2(a) of the 2001 Crow Constitution provides that the Crow Tribal Legislature (“Legislature”) is vested with the power and duty to promulgate and adopt resolutions in accordance with the 2001 Constitution and federal laws for the governance of the Crow Tribe of Indians; and

WHEREAS, Article IV, Section 3(d) of the 2001 Constitution provides that the Crow Tribal Executive Branch (“Executive Branch”) is vested with the power and responsibility to administer any funds within the control of the Crow Tribe and make expenditures from available funds for tribal purposes, including salaries and expenses of Tribal Officials or employees and prepare an annual budget for the operation of the Crow Tribal Government for approval by the Legislature and Secretary of the Interior; and

WHEREAS, Article V, Section 2(e) of the 2001 Constitution provides that the Legislature has the power to grant final approval of an annual budget prepared by the Executive Branch; and

WHEREAS, Article IV, Section 4(b) of the 2001 Constitution provides that the Executive Branch Officials have the general duty to provide for the fiscal management of the Executive Branch and prepare complete financial reports for the Legislature on a quarterly basis and biannual reports to the Crow Tribal General Council; and

WHEREAS, no complete financial reports on a quarterly basis have ever been provided by the Executive Branch to the Legislature in the history of the Crow Tribal Government under the 2001 Constitution; and

WHEREAS, non-reporting to the Legislature and Crow General Council continues to be a major deficiency in the constitutional accountability and oversight of the Executive Branch; and

WHEREAS, Section 3(D) of the 2007 Crow Tribal Fiscal Management Act provides that any additional non-budgeted revenues exceeding \$400,000 are to be authorized for expenditure by an amendment to the annual comprehensive budget; and

WHEREAS, millions of dollars have been spent unlawfully without a budget authorization by the current Executive Branch leadership, including over \$3 million in the 2008 Fiscal Year and over \$4 million in the 2009 Fiscal Year; and

WHEREAS, due to the refusal of the Executive Branch to provide reports as required by the 2001 Constitution, it is not clear or apparent what the source of unlawfully spent tribal funds was in Fiscal Year 2008 or Fiscal Year 2009; and

WHEREAS, in 2011 the Legislature amended the Crow Tribal Fiscal Management Act to establish by tribal law that in order to be lawfully spent, any additional non-budgeted revenues must be appropriated by amendment to the annual comprehensive tribal budget; and

WHEREAS, both the 2001 Constitution and the 1936 Congressional Act amending Section 11 of the 1920 Crow Allotment Act provide that the Secretary of the Interior has the lawful authority to approve annual budgets of Crow tribal funds; and

WHEREAS, the Secretarial authority to approve Crow tribal budgets has been delegated to the Crow Indian Agency Bureau of Indian Affairs Superintendent; and

WHEREAS, it has become clear that no meaningful federal review of the Crow tribal budget takes place before approval or after adoption as tribal law; and

WHEREAS, the Crow Tribe has had numerous leaders, including past tribal chairpersons, federally-indicted and convicted for misuse of Crow tribal funds; and

WHEREAS, the Legislature has a strong interest in ensuring that all funds spent by the Crow Tribal Government is pursuant to a duly-adopted annual comprehensive Crow tribal budget and that any misapplication or misappropriations of such funds are strictly punished under federal law.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CROW TRIBAL
LEGISLATURE IN SPECIAL SESSION:**

That the Crow Tribal Legislature hereby requests and demands that the United States Attorney for the District of Montana at once establish a special task force for the investigation of any violations of Title 18, Section 1163 of the United States Code (“Embezzlement and Theft from Indian Tribal Organizations”) and Title 25, Section 450d of the United States Code (“Criminal Activities involving grants, contracts, etc; penalties”) committed by officials, employees, or agents of the Crow Tribal Executive Branch. *Provided further that*, the Crow Tribal Legislature strongly encourages the United States Department of Justice to demand full restitution for any and all Crow tribal funds found to be willfully misapplied, embezzled, or stolen by any person in violation of federal law and that such restitution be made payable to the Secretary of the Interior, for and on behalf of the Crow Tribe.

BE IT FURTHER RESOLVED:

That the Crow Tribal Legislature hereby puts the Secretary of the United States Department of the Interior on notice that the approval authority of annual Crow tribal budgets held by the Secretary under federal and tribal law shall be deemed to include substantive review by the Bureau of Indian Affairs and monitoring by the Office of the Inspector General. Such review and monitoring should be for the purpose of ascertaining whether adequate sources of funds or anticipated revenues exist as identified in the budget, that no sources of federal funds are unaccounted for in the budget, and to determine whether any violations of the Crow tribal budget or other Crow tribal law, including but not limited to the Crow Tribal Fiscal Management Act, as amended, take place during the fiscal year covered by the tribal budget. *Provided further that*, it shall be the policy of the Crow Tribal Legislature to consider the continued reluctance of the Interior Department to adequately review and monitor Crow tribal budgets as an abuse of discretion and a violation of the federal responsibility to protect Crow tribal members from misappropriation of Crow tribal funds.

BE IT FURTHER RESOLVED:

That the Crow Tribal Legislature hereby requests and demands a full and complete forensic audit of the finances of the Crow Tribal Government, including every dollar received and expended, to be conducted by the Interior Department Office of the Inspector General and any other federal agency with the ability and jurisdiction, for the tribal fiscal years of 2008, 2009, 2010, and 2011 upon conclusion.

BE IT FURTHER RESOLVED:

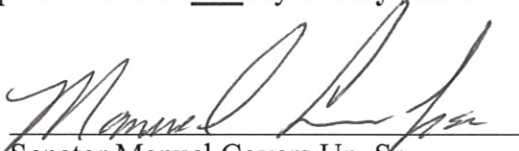
That the Crow Tribal Legislature, as a representative law-making body of elected tribal officials in accordance with the policy of the United States as provided for under Executive Order 13175, hereby requests a tribal consultation with appropriate officials of the United States Departments of Justice and Interior for the purpose of the Legislature providing documentation and evidence in support of all statements and claims made in this resolution, for establishing guidelines concerning the forensic audit request contained in this resolution, and to identify and highlight specific areas of concern regarding the illegality of the administration of Crow tribal funds by the current Executive Branch leadership, including but not limited to the Tribal Comptroller.

BE IT FINALLY RESOLVED:

That, upon passage by the Crow Tribal Legislature, a certified copy of this resolution shall be immediately provided to the Secretary of the Interior, Assistant Interior Secretary for Indian Affairs, Bureau of Indian Affairs-Rocky Mountain Regional Director, Crow Indian Agency Bureau of Indian Affairs Superintendent, United States Attorney for the District of Montana, and the Office of the Inspector General for the Department of the Interior-Billings Resident Agent in Charge of Investigations.

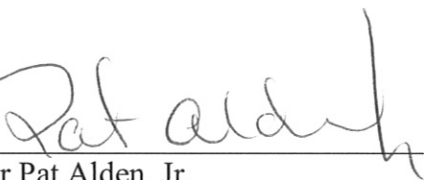
CERTIFICATION

I hereby certify that this Resolution titled **A Resolution of the Crow Tribal Legislature to Call upon Federal Authorities to Investigate Financial Activities of the Crow Tribal Executive Branch** was duly approved by the Crow Tribal Legislature with a vote of 14 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 5th day of **July 2011**.



Senator Manuel Covers Up, Sr.
Speaker of the House
Crow Tribal Legislature

Attest:



Senator Pat Alden, Jr.
Secretary
Crow Tribal Legislature



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Bill or Resolution: LR11-09 **Introduced by:** Crow Tribal Legislature **Date of Vote:** 7/05/2011
Number

<u>Representative:</u>	Yes	No	Abstained
H. Two Leggins	<u> X </u>	<u> </u>	<u> </u>
V. Pretty Paint	<u> X </u>	<u> </u>	<u> </u>
C. J. Stewart	<u> X </u>	<u> </u>	<u> </u>
K. Shane	<u> X </u>	<u> </u>	<u> </u>
S. Backbone	<u> X </u>	<u> </u>	<u> </u>
O. Half, Jr.	<u> X </u>	<u> </u>	<u> </u>
W. Plainfeather	<u> X </u>	<u> </u>	<u> </u>
R. Old Crow, Sr.	<u> X </u>	<u> </u>	<u> </u>
M. Not Afraid	<u> X </u>	<u> </u>	<u> </u>
V. Crooked Arm	<u> X </u>	<u> </u>	<u> </u>
L. DeCrane	<u> </u>	<u> </u>	<u> </u>
C. Goes Ahead	<u> X </u>	<u> </u>	<u> </u>
B. Hugs	<u> </u>	<u> </u>	<u> </u>
G. Real Bird, Jr.	<u> </u>	<u> </u>	<u> </u>
M. Backbone	<u> </u>	<u> </u>	<u> </u>
D. Wilson	<u> X </u>	<u> </u>	<u> </u>
P. Alden, Jr. <i>Secretary of the House</i>	<u> X </u>	<u> </u>	<u> </u>
M. Covers Up, Sr. <i>Speaker of the House</i>	<u> X </u>	<u> </u>	<u> </u>
Totals:	<u> 14 </u>	<u> 0 </u>	<u> 0 </u>

Result of Vote:

Passed

Not Passed

Tabled

Veto-Override



Senator Manuel Covers Up, Sr.
Speaker of the House

Date



Senator Pat Alden, Jr.
Secretary of the House

Date