

MARCH 14TH SPECIAL SESSION OF THE CROW TRIBAL LEGISLATURE

LR No. 12-04

Introduced by Senator Leroy Not Afraid
Valley of the Chiefs District

A Legislative Resolution Titled:

A Resolution of the Crow Tribal Legislature to Call Upon Montana's Congressional Delegation to Take All Necessary and Proper Measures to Remove Chief Federal Judge Richard Cebull for His Racist E-Mail Messages Directed Towards President Barack Obama

Legislative Findings:

WHEREAS, under Article V, Section 2(a) of the 2001 Crow Tribal Constitution, the Crow Tribal Legislature (hereinafter "Legislature") has 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, the Honorable Richard Cebull (hereinafter "Judge Cebull") is currently the Chief Judge of the United States District Court for the District of Montana, and whose nomination was made in 2001 by President George W. Bush with confirmation by the United States Senate; and

WHEREAS, on February 20th, 2012 Judge Cebull sent an e-mail message to six individuals from his official judicial e-mail address which contained content in the form of a tasteless joke which referred to the current President of the United States, who is a person of mixed race, in a manner that is completely inappropriate in a civil society which recognizes and supports racial diversity, political diversity, and strives for objectivity from the judicial bench; and

WHEREAS, the Legislature stands by and affirms the American ideal and commitment to equal protection of the law and justice for all, especially as it pertains to the Crow Tribe and individual Crow tribal members who stand before a federal judge seeking justice; and

WHEREAS, Judge Cebull's e-mails cast serious question as to his judicial objectivity and his respect for racial minorities and persons of a different political persuasion and, accordingly, are not befitting the desired character of a judge in an American jurisdiction; and

A Resolution of the Crow Tribal Legislature to Call Upon Montana's Congressional Delegation to Take All Necessary and Proper Measures to Remove Chief Federal Judge Richard Cebull for His Racist E-Mail Messages Directed Towards President Barack Obama

WHEREAS, Canon 2 of the Code of Conduct for United States Judges provides that a judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary; and

WHEREAS, Canon 1 of the American Bar Association's Model Code of Judicial Conduct provides that a judge shall uphold and promote the, independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety; and

WHEREAS, Canon 3 and Canon 4 of the American Bar Association's Model Code of Judicial Conduct provides a judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office and that a judge shall not engage in political activity that is inconsistent with the integrity or impartiality of the judiciary; and

WHEREAS, it is apparent that Judge Cebull would not have come forward with an apology to the President of the United States and requested that his conduct be reviewed by the Ninth Circuit Court of Appeals without the press uncovering and reporting his e-mail to the public; and

WHEREAS, Article III of the United States Constitution provides that the judges, both of the Supreme Court and lower federal courts, shall hold their office during good behavior; and

WHEREAS, the United States Congress has the authority and responsibility to impeach and remove a federal judge guilty of conduct unbecoming a judicial officer and to conduct investigations into the alleged improper conduct of any federal judge which may lead to impeachment proceedings; and

WHEREAS, the policy of the Legislature, pursuant to LR 10-20 (titled "A Resolution of the Crow Tribal Legislature to Establish Branch Policy and Procedure for Legislative Resolutions") enacted on August 10th, 2010, specifically provides for and categorizes the making of legislative resolutions which serve as recommendations pertaining to the establishment of governmental policy by law or otherwise, including federal and state legislation, which may affect the Crow Tribe and its members; and

WHEREAS, it should be the policy of Montana's United States Senators and House Representative to not tolerate any such inappropriate and racially insensitive comments by high-level federal officials, including and especially federal judges with lifetime tenure.

A Resolution of the Crow Tribal Legislature to Call Upon Montana's Congressional Delegation to Take All Necessary and Proper Measures to Remove Chief Federal Judge Richard Cebull for His Racist E-Mail Messages Directed Towards President Barack Obama

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

That the Crow Tribal Legislature requests and implores United States Senator Max Baucus, United States Senator Jon Tester, and United States House Representative Dennis Rehberg take all necessary and proper measures to ensure the United States Congress impeaches and removes Judge Richard Cebull.

BE IT HEREBY FURTHER RESOLVED:

That the Crow Tribal Legislature requests that Montana's Congressional Delegation provide a certified and complete copy to the Legislature of all final findings and final determinations made by the United States Congress or either of its houses or committees in its review of the conduct of Judge Richard Cebull.

BE IT HEREBY FURTHER RESOLVED:

That the Crow Tribal Legislature requests that the Ninth United States Circuit Court of Appeals provide a certified and complete copy to the Legislature of all final findings and final determinations made by the Ninth Circuit in its review of the conduct of Judge Richard Cebull.

BE IT HEREBY FINALLY RESOLVED:

That the Secretary of the Crow Tribal Legislature shall immediately deliver a complete and certified copy of this tribal resolution to the offices of United States Senator Max Baucus, United States Senator Jon Tester, U.S. House Representative Dennis Rehberg, and to the Clerk of the Ninth United States Circuit Court of Appeals.

[Remainder of page left blank intentionally]

CERTIFICATION

I hereby certify that this Tribal Resolution titled **A Resolution of the Crow Tribal Legislature to Call Upon Montana's Congressional Delegation to Take All Necessary and Proper Measures to Remove Chief Federal Judge Richard Cebull for His Racist E-Mail Messages Directed Towards President Barack Obama** was duly approved by the Crow Tribal Legislature with a vote of 15 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 14th day of March 2012.



Senator Kenneth Shane
Speaker of the House
Crow Tribal Legislature

Attest:



Senator R. Knute Old Crow, Sr.
Secretary
Crow Tribal Legislature



A Resolution of the Crow Tribal Legislature to Call Upon Montana's Congressional Delegation to Take All Necessary and Proper Measures to Remove Chief Federal Judge Richard Cebull for His Racist E-Mail Messages Directed Towards President Barack Obama

A Resolution of the Crow Tribal Legislature to Call Upon Montana's Congressional Delegation to Take All Necessary and Proper Measures to Remove Chief Federal Judge Richard Cebull for His Racist E-Mail Messages Directed Towards President Barack Obama

Bill or Resolution: LR12-04 **Introduced by:** Sen. Leroy Not Afraid- LG Dist. **Date of Vote:** 3/14/2012
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>
S. Backbone	<u> X </u>	<u> </u>	<u> </u>
A. Coyote-Runs, Sr.	<u> X </u>	<u> </u>	<u> </u>
L. Not Afraid.	<u> X </u>	<u> </u>	<u> </u>
Covers Up, Sr.	<u> X </u>	<u> </u>	<u> </u>
P. Alden, Jr.	<u> X </u>	<u> </u>	<u> </u>
M. Not Afraid	<u> X </u>	<u> </u>	<u> </u>
V. Crooked Arm	<u> </u>	<u> </u>	<u> </u>
L. DeCrane	<u> X </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> X </u>	<u> </u>	<u> </u>
M. Backbone	<u> X </u>	<u> </u>	<u> </u>
D. Wilson	<u> </u>	<u> </u>	<u> </u>
R. K. Old Crow, Sr. <i>Secretary of the House</i>	<u> X </u>	<u> </u>	<u> </u>
K. Shane <i>Speaker of the House</i>	<u> X </u>	<u> </u>	<u> </u>
Totals:	<u> 15 </u>	<u> 0 </u>	<u> 0 </u>


Result of Vote:


Passed

Not Passed

Tabled

Veto-Override


 Senator Kenneth G. Shane Date
 Speaker of the House

 3/15/12
 Senator R. Knute Old Crow, Sr. Date
 Secretary of the House