

JULY 2017 CROW TRIBAL LEGISLATURE

LR No. 17-02

Introduced by the Crow Tribal Legislative Branch

A Legislative Resolution Titled:

A RESOLUTION OF THE CROW TRIBAL LEGISLATURE UPHOLDING THE 2001 CONSTITUTION AND BYLAWS OF THE CROW TRIBE OF INDIANS AS THE SOLE GOVERNING DOCUMENT OF THE CROW INDIAN RESERVATION

Legislative Findings:

WHEREAS, the Constitution and Bylaws of the Crow Tribe of Indians of 2001 was adopted by the Crow Tribal membership on July 14, 2001; and

WHEREAS, in December of 2001, the United States Government through former Assistant Secretary of Interior, Neal McCaleb recognized the adoption of the 2001 Constitution “removed any legal authority to continue” under the 1948 Constitution; whereby, the 1948 Constitution was effectively repealed and replaced; and

WHEREAS, the Crow Tribal Legislature (hereinafter “Legislature”) has the power and duty under Article V, Section 2 of the Crow Tribal Constitution to promulgate and adopt resolutions in accordance with the Constitution and federal laws for the governance of the Crow Tribe; and

WHEREAS, *LR 10-20 A Resolution of the Crow Tribal Legislature to Establish Branch Policy and Procedure for Legislative Resolutions, Section 1. Branch Policy Regarding Legislative Resolutions*, “The policy of the Legislature shall be that legislative resolutions are an expression of the voice of the elected Senators of the Crow Legislature, and which is based on the inherent sovereign tribal authority of the Crow Tribal General Council, as delegated to the Legislature under the 2001 Constitution” to issue under Subsection 5, Recommendation Resolutions, “statements of support” and Section 6, Recognition and Acknowledgement Resolutions, “[r]esolutions officially recognizing or supporting programs, actions, or deeds of significance to the positive spirit of the Apsaalooke Nation and its social community”; and

WHEREAS, The Legislative Branch of the Crow Tribal Government is aware that public discussion is taking place regarding the “legitimacy” of the 2001 Constitution and Bylaws of the Crow Tribe of Indians. As a public announcement, the Legislative Branch Senators, through their individual oath of office hereby uphold the 2001 Constitution and continue to do so accordingly; and

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WHEREAS, that the 2001 Constitution has survived all challenges and remains the Crow Tribe's governing document. Such challenges have been resolved on the merits procedurally and substantively in the Crow Tribal Court case: Greybull Huber v. Venne et.al., Civil Case No. 04-001 on July 27, 2005. The United States District Court for the District of Montana has also dismissed the same type of challenges on procedural grounds in the matter of Plains Bull v. Crow Nation Executive, Legislative, and Judicial Branches in 2010; and

WHEREAS, these decisions strengthened the foundation of the government-to-government relationship between the Crow Tribe and federal government for the past 16 years. As such, any issues surrounding the legality of the 2001 Constitution have been laid to rest; and

WHEREAS, the Legislative Branch is also aware that public forums are taking place facilitating the discussion of whether procedures of the 1948 Crow Constitution are available to contest the current 2001 Constitution. Such facilitation is misinformation to the Crow Tribal membership and causes misplaced conclusions; and

WHEREAS, that based on the government-to-government relationship between the United States and the Crow Tribe, the 2001 Constitution has provided the foundation for many services, entities, infrastructure, settlements, agreements, works in progress that must continue to move forward; whereby, any recognition of authority of the 1948 Constitution contradicting this government-to-government relationship will be contrary to the best interests of the Crow Tribe, which will result in instability of the current government; and

WHEREAS, the 2001 Constitution defines the current General Council under Article I and the available means to institute government reform. This process works in accordance with Article IX of the 2001 Constitution by either the Initiative or Referendum process for Amendments. This avenue provides the legal means for the Crow Tribal Membership for government reform.

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

Pursuant to the court cases resolving this issue, any purported actions taken pursuant to the 1948 Constitution would be considered void ab initio-or without legal standing from their onset.

BE IT FURTHER RESOLVED:

Copies of the 2001 Constitution and current Election Ordinance are available to the public and on the website at www.ctlb.org. The Legislative Branch, as the People's Branch fully support the Crow Tribal membership in government reform but with a responsible, transparent and legal approach that will serve the best interests of the Tribe going forward.

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BE IT FURTHER RESOLVED:

Copies of this Legislative Resolution shall be delivered by certified mail to the Secretary of Interior, Ryan Zinke; Bureau of Indian Affairs Regional Director, Darryl LaCounte; BIA Superintendent, Vianna Stewart for the purpose of enforcing the government-to-government relationship under the 2001 Constitution; and that the 1948 Constitution is without any effect. Further this Legislative Resolution shall be also be published.

CERTIFICATION

I hereby certify that this Legislative Resolution titled **A RESOLUTION OF THE CROW TRIBAL LEGISLATURE UPHOLDING THE 2001 CONSTITUTION AND BYLAWS OF THE CROW TRIBE OF INDIANS AS THE SOLE GOVERNING DOCUMENT OF THE CROW INDIAN RESERVATION** was duly adopted by the Crow Tribal Legislature with a vote of 16 in favor, 0 opposed, and 0 abstained and that a quorum was present on the 19th day of July, 2017.



Senator Eric Birdinground
Speaker of the House
Crow Tribal Legislature

Attest:



Senator Gordon Real Bird, Jr.
Secretary of the House
Crow Tribal Legislature



A Legislative Resolution Titled: **A RESOLUTION OF THE CROW TRIBAL LEGISLATURE UPHOLDING THE 2001 CONSTITUTION AND BYLAWS OF THE CROW TRIBE OF INDIANS AS THE SOLE GOVERNING DOCUMENT OF THE CROW INDIAN RESERVATION**

Bill or Resolution: LR17-02 **Introduced by:** Crow Tribal Legislative Branch **Date of Vote:** 7/19/2017
Number

REPRESENTATIVE:	Yes	No	Abstained
G. Three Irons	<u>X</u>	<u> </u>	<u> </u>
B. Rogers	<u>X</u>	<u> </u>	<u> </u>
F. White Clay	<u>X</u>	<u> </u>	<u> </u>
P. Hill	<u>X</u>	<u> </u>	<u> </u>
S. Real Bird	<u>X</u>	<u> </u>	<u> </u>
V. Nomee	<u>X</u>	<u> </u>	<u> </u>
T. Yellowtail	<u> </u>	<u> </u>	<u> </u>
T. Gros Ventre	<u>X</u>	<u> </u>	<u> </u>
P. Alden, Jr.	<u>X</u>	<u> </u>	<u> </u>
E. Deputee	<u>X</u>	<u> </u>	<u> </u>
P. Spotted Horse, Sr.	<u> </u>	<u> </u>	<u> </u>
L. DeCrane	<u>X</u>	<u> </u>	<u> </u>
J. Demontiney	<u>X</u>	<u> </u>	<u> </u>
B. Hugs	<u>X</u>	<u> </u>	<u> </u>
B. Good Luck	<u>X</u>	<u> </u>	<u> </u>
H. Male Bear, Jr.	<u>X</u>	<u> </u>	<u> </u>
G. Real Bird, Jr.	<u>X</u>	<u> </u>	<u> </u>
Secretary of the House	<u> </u>	<u> </u>	<u> </u>
Eric Birdinground	<u>X</u>	<u> </u>	<u> </u>
Speaker of the House	<u> </u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>
Total:	<u>16</u>	<u>0</u>	<u>0</u>


Result of Vote:

Passed

Not Passed

Tabled

Veto-Override


 Senator Eric Birdinground
 Speaker of the House

Date


 Senator Gordon Real Bird, Jr.
 Secretary of the House

Date



LEGISLATIVE BRANCH OF THE CROW TRIBAL GOVERNMENT

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MEDIA RELEASE
July 19, 2017

Pryor:

Arrow Creek

Johnny Demontiney
Lawrence DeCrane
Bryce J. Hugs

Big Horn:

Valley of the GIVE Away

Patrick Alden, Jr.
Eugene Deputy
Paul Spotted Horse

Dunmore:

Black Lodge

Frank White Clay
Greg Three Irons
Bryson Rogers

Reno:

Center Lodge

Shawn Real Bird
Paul J. Hill
Eric Birdinground
Speaker of the House

Lodge Grass:

Valley of the Chiefs

Thomas Yellow Tail
Tyson Gros Ventre
Victor C. Nomee

Wyola:

Mighty Few

Gordon Real Bird, Jr.
Secretary of the House
Harold MaleBear Stone
Brandon Good Luck

Staff

Dawn Gray
Legislative Counsel

Jackie Blacksmith
Administrative Officer


Rachel Pretty On Top
Finance Officer
Travel Specialist

Sheri Chandler
Public Relations Officer

Kenny Pretty On Top
Maintenance/Custodian
Sergeant at Arms

The Legislative Branch of the Crow Tribal Government is aware that public discussion is taking place regarding the “legitimacy” of the 2001 Constitution and Bylaws of the Crow Tribe of Indians. As a public announcement, the Legislative Branch Senators, through their individual oath of office hereby uphold the 2001 Constitution and continue to do so accordingly. The Legislative Branch further asserts that the 2001 Constitution has survived all challenges and remains the Crow Tribe’s governing document. Such challenges have been resolved on the merits procedurally and substantively in the Crow Tribal Court case: Greybull Huber v. Venne et.al., Civil Case No. 04-001 on July 27, 2005. The United States District Court for the District of Montana has also dismissed the same type of challenges on procedural grounds in the matter of Plains Bull v. Crow Nation Executive, Legislative, and Judicial Branches in 2010. The federal government through the former Assistant Secretary of Interior, Neal McCaleb has also reached the same conclusion on December 12, 2001. These decisions strengthened the foundation of the government-to-government relationship between the Crow Tribe and federal government for the past 16 years. As such, any issues surrounding the legality of the 2001 Constitution have been laid to rest. The Legislative Branch is also aware that public forums are taking place facilitating the discussion of whether procedures of the 1948 Crow Constitution are available to contest the current 2001 Constitution. Such facilitation is misinformation to the Crow Tribal membership and causes misplaced conclusions. Again, the Legislative Branch assures the public that the 1948 Constitution has been effectively repealed and replaced by the 2001 Constitution upon its adoption by the Crow Tribal Membership on July 14, 2001. Pursuant to the court cases resolving this issue, any purported actions taken pursuant to the 1948 Constitution would be considered void ab initio-or without legal standing from their onset. The 2001 Constitution defines the current General Council under Article I and the available means to institute government reform. This process works in accordance with Article IX of the 2001 Constitution by either the Initiative or Referendum process for Amendments. This avenue provides the legal means for the Crow Tribal Membership for government reform. Copies of the 2001 Constitution and current Election Ordinance are available to the public and on the website at www.ctlb.org. The Legislative Branch, as the People’s Branch fully support the Crow Tribal membership in government reform but with a responsible, transparent and legal approach that will serve the best interests of the Tribe going forward. If there are any questions on this issue, please contact the Legislative Branch at 638-2025.


Eric Birdinground,
Speaker of the House


Gordon Real Bird Jr.
Secretary of the House

The People’s Branch