

**JANUARY SESSION 2019
CROW LEGISLATIVE BRANCH**

LR No. 19-01

Introduced by the Crow Tribal Legislative Branch

A Legislative Resolution Titled

**A RESOLUTION OF THE CROW TRIBAL LEGISLATURE FOR A VOTE OF NO
CONFIDENCE IN CHAIRMAN AJ (ALVIN) NOT AFRAID, JR.**

Legislative Findings:

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 laws, resolutions and guidelines in accordance with the Constitution and federal laws for the governance of the Crow Tribe; and

WHEREAS, The Legislature has attempted to work with the Chairman of the Crow Tribe repeatedly, asking for meetings, budgets, and plans for all aspects of tribal government. Financial reporting to the Legislature and the Crow Tribal General Council is a constitutional, and a statutory requirement with an explicit duty to the Crow Tribal Executive Branch and, to assist Executive Branch in sustaining and providing accountability and transparency to Crow Tribal members;

WHEREAS, the Legislature has repeatedly been stymied by the Chairman, as he has failed to show to meetings, some called by the Chairman himself, failed to provide detailed budgets for the Legislature to consider, and has refused to identify to the Legislature, and the Crow people, his plans for the growth and success of the Crow Tribe;

WHEREAS, the Chairman signed and negotiated an easement extension for Ok-A-Beh road, and access to the marina, without consultation and approval from the Legislature, in violation of the Tribe's trust rights and in violation of Article IV, section 3 (f);

WHEREAS, the Chairman has failed to have payroll taxes paid so that now the Crow Tribe has incurred Internal Revenue Service tax liabilities with no plan to pay them, to the detriment of the Crow people, employees of the Crow Tribe, and the services that otherwise could be provided to the Crow people, in violation of Article IV, section 3 (d) of the Crow Constitution;

WHEREAS, the Legislature has continued to put forth solutions for the Executive's consideration, including plans for the payment of the Tribe's liabilities, development of the Tribe's resources, and creation of new jobs for Tribal members. Those plans have all been rejected by the Chairman without discussion, contrary to Article IV, section 3 (c) of the Crow Constitution;

WHEREAS, the Chairman sold the Crow Tribe buffalo, a trust resource, without legislative approval, in accordance with Article IV, section 3 (j) and (f) of the Crow Constitution;

WHEREAS, the Chairman has not had, and currently does not have, a Comptroller as required by Article IV, section 5 (a) of the Crow Constitution;

WHEREAS, the Chairman has never reported to the Legislature as required by Article IV, section 4 (b) of the Crow Constitution;

WHEREAS, the Chairman has not followed the Fiscal Management Act, in violation of Article IV, section 3 (g) of the Crow Constitution;

WHEREAS, the Chairman willfully violated Crow tribal law by not following the pay schedule passed by the Crow Tribe Legislature in JAR 18-04, an act which included paying vendors and tribal branches, in violation of Article IV, section 3 (g) of the Crow Constitution;

WHEREAS, the Chairman failed to have the Indian Community Development Block Grant for the Crow Tribe Housing submitted timely, costing the Crow Tribe valuable dollars needed for community housing;

WHEREAS, the Chairman failed to have the Crow Tribe Housing plan adopted and submitted timely, costing the Crow Tribe valuable dollars needed for community housing;

WHEREAS, the Chairman has handed Indian Health Service third-party billing to Rocky Mountain Tribal Leaders, removing an enormous source of income from the Crow Tribe;

WHEREAS, the Chairman has failed to utilize funds earmarked for the Crow Tribe from the State of Montana Community Block Grant funds and Montana State Commerce department, costing the Crow Tribe revenue, employment, program dollars and a loss of indirect moneys, in violation of Article IV, section 3 (a);

WHEREAS, the Chairman has failed to act upon, follow up with, and provide a solution to the three Office of Inspector General audits on the Crow Tribe, placing the Crow Tribe, Crow tribal members, and services provided to those members in jeopardy, in violation of Article IV, section 3 (a) of the Crow Constitution;

WHEREAS, the Chairman has not prevented buffalo hunting by non-tribal members on Crow lands, in violation of Article IV, section 3 (j) of the Crow Constitution;

WHEREAS, the Chairman has not reported back to the Legislature the expenditures of the Executive office despite requests made directly to the Executive and the auditors, including reporting on travel expenses and the purpose of those travels;

WHEREAS, the Chairman has not appointed members to various committees, including the TERO board, to the detriment of Crow members, and in violation of Article IV, section 5 (b) of the Crow Constitution.

WHEREAS, the Chairman has failed to see the trash removed from the Reservation causing serious health problems for Tribal members. The Chairman's failure to have the trash removed is in violation of Article IV, section 3 (b) of the Crow Constitution.

WHEREAS, the Chairman has a duty to delegate responsibilities. The Chairman improperly delegated his authority under the Crow Constitution to his attorney, whereas the Crow Constitution requires delegation to the Comptroller and other Executive officers pursuant to Article IV, section 5 of the Crow Constitution.

WHEREAS, the Chairman has repeatedly slandered and libeled the elected officials of the Crow Tribe as elected by the Crow members, as found in Exhibit A, attached to this Resolution, as was sent to Tribal Elders in their Elder's benefit check.

NOW THEREFORE, the Crow Legislature, for the above reasons and other good cause shown, does determine and find it has **NO CONFIDENCE** in Chairman Alvin Not Afraid and his abilities to govern as Chairman of the Crow Tribe and asks the remaining Executive members to act accordingly.

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

The Crow Tribal Legislature disapproves of Chairman A.J (Alvin) Not Afraid, Jr's current fiscal management of the Crow Tribal Governments assets, and how Crow Tribal funds have been expended without complete and lawful financial reporting. The Crow Tribal Legislature gives notice to Crow Tribal General Council members that any and all tribal funds expended without complete and proper reporting to the Crow Tribal Legislature and the Crow Tribal General Council are unlawful.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

CERTIFICATION

I hereby certify that this Resolution titled **A RESOLUTION OF THE CROW TRIBAL LEGISLATURE FOR A VOTE OF NO CONFIDENCE IN CHAIRMAN AJ (ALVIN) NOT AFRAID, JR.** was duly approved by the Crow Tribal Legislature with a vote of 11 in favor, 3 opposed, and 1 abstained and that a quorum was present on this 10th day of January 2019.



Senator Frank White Clay
Speaker of the House
Crow Tribal Legislature

ATTEST:



Senator Lawrence DeCrane
Secretary of the House
Crow Tribal Legislature



**A RESOLUTION OF THE CROW TRIBAL LEGISLATURE FOR A VOTE OF
NO CONFIDENCE IN CHAIRMAN AJ (ALVIN) NOT AFRAID, JR.**

Bill or Resolution: LR19-01 **Introduced by:** Crow Tribal Legislative Branch **Date of Vote:** 1/10/2019
Number

REPRESENTATIVE:	Yes	No	Abstained
M. White Clay	<u>X</u>	<u> </u>	<u> </u>
D. Spotted	<u>X</u>	<u> </u>	<u> </u>
L.Hogan, III	<u>X</u>	<u> </u>	<u> </u>
B. Brown	<u> </u>	<u>X</u>	<u> </u>
S. Real Bird	<u>X</u>	<u> </u>	<u> </u>
V. Nomee	<u> </u>	<u> </u>	<u> </u>
T. Yellowtail	<u>X</u>	<u> </u>	<u> </u>
T. Gros Ventre	<u>X</u>	<u> </u>	<u> </u>
P. Alden, Jr.	<u> </u>	<u> </u>	<u>X</u>
M. Not Afraid	<u> </u>	<u>X</u>	<u> </u>
G. Bouyer	<u> </u>	<u>X</u>	<u> </u>
J. Demontiney	<u>X</u>	<u> </u>	<u> </u>
B. Hugs	<u> </u>	<u> </u>	<u> </u>
N. Old Crow, Jr.	<u> </u>	<u> </u>	<u> </u>
B. Good Luck	<u>X</u>	<u> </u>	<u> </u>
H. Male Bear-Stone, Jr.	<u>X</u>	<u> </u>	<u> </u>
L. DeCrane, Secretary	<u>X</u>	<u> </u>	<u> </u>
F. White Clay, Speaker	<u>X</u>	<u> </u>	<u> </u>
Total:	<u>11</u>	<u>3</u>	<u>1</u>

Result of Vote:

Passed

Not Passed

Tabled

Veto-Override

Frank White Clay
Senator Frank White Clay
Speaker of the House
Crow Tribal Legislative Branch

1-10-19
Date

Lawrence DeCrane
Senator Lawrence DeCrane
Secretary of the House
Crow Tribal Legislative Branch

1-10-19
Date

CROW TRIBE EXECUTIVE BRANCH

Bacheeitché Avenue
P.O. Box 159
Crow Agency (Baaxuwaaashe), Montana 59022



Alvin Not Afraid, Jr.

CHAIRMAN

Carlson Goes Ahead

VICE-CHAIRMAN

Rudolph Old Crow, Sr.

SECRETARY

Shawn Backbone

VICE-SECRETARY

EXHIBIT A

November 5, 2018

Dear Crow Elder,

I would like to take this opportunity to apologize to you for the delay in mailing your October and November Benefit check. However, you will find your October Benefit enclosed.

As you know, the Tribe faces heavy economic obstacles that cannot be corrected overnight, including:

- **Debt** – We remain over-burdened with debt payments, which run in the millions, from decades of mismanagement;
- **Revenue** – The War on Coal has devastated the Tribe's revenue, directly leading to reduced sales of coal – which serves as our main source of Tribal income. This has resulted in Westmoreland's recent bankruptcy filing and the volatility of their contracts with coal buyers makes future revenue uncertain. I will continue to update you on this topic as we move forward with Westmoreland.
- **Loans** – Funds from the 107th Settlement Account that were supposed to provide steady, reliable Benefit Payments to Elders was used again and again, throughout the 1990s and 2000s to pay for loans. Very little money remains from our monthly 107th Settlement Funds to provide these benefits to you; and
- **Legislature** – Instead of passing the FY2019 Annual Budget Bill, the Legislature has passed an Unconstitutional bill that not only breaks our Nation's laws, but it also directs me to move money from Elder payments to the Legislative payroll account. I cannot legally or morally accept this bill. (Please see attachment for more detail.)

Though we may not approve of these actions, leadership requires that we face the consequences directly. In doing so, I make the following commitments to you:

- **Elder Benefits** -- I make a commitment to you that I will not sign a budget bill that jeopardizes Elder Benefits, no matter the pressure I receive from the Legislature to do so.

- Youth Funds – I promise to safeguard funds for Youth activities.
- December Per Cap – I have hired Gusena Howe to manage the Enrollment Department, and I am confident in her experience and ability to successfully disburse the December Per Capita payments. Please contact her at (406) 665-7135 or (406) 679-3218 with questions.

Though these times are painful, there are good and positive things occurring everyday. I am frustrated that it has taken years to uncover decades of mismanagement, but I am optimistic that if we stay the course, together, and follow the wisdom of our ancestors, we will overcome all of these challenges. And I truly believe that our sovereignty and our government will be stronger for it. I ask you to pray for the Tribe and all of our Members: through your prayers, your guidance and your support, our Great Nation can stand tall and proud.

Sincerely,



Alvin "A.J." Not Afraid, Jr.
Chairman, Crow Tribe of Indians

COMPARISON OF PRIORITIES - ANNUAL BUDGET BILL

The Legislature's Budget Priorities	Chairman Not Afraid's Budget Priorities
Their Own Salaries: The Average Senator Makes \$262 Per Hour	He Cut His Travel To Zero, And Cut His Salary - To Safeguard Full Benefits For Every Elder
Their Own Travel: \$90,000 For Travel And Mileage	He Secures Funds For Education And Our Youth
Their Own Benefits: \$49,080 For A "Legislative Benefits Package"	He Pays Off Debts And Works To Increase Per Cap Payments To Members
<i>They Work For Themselves</i>	<i>He Works Hard To Protect What's Important To Us!</i>