

**CROW TRIBAL LEGISLATURE**  
**AUGUST 23, 2019 SPECIAL SESSION**  
**CROW LEGISLATIVE BILL NO. 19-02**

INTRODUCED BY ALVIN NOT AFRAID, JR., CHAIRMAN  
CROW TRIBAL EXECUTIVE BRANCH

CROW LEGISLATIVE BILL OF THE CROW TRIBAL LEGISLATURE AND THE CROW  
TRIBAL EXECUTIVE BRANCH ENTITLED:

**“APPROVING ‘HERRERA’ AMENDMENTS TO THE CROW LAW AND ORDER  
CODE REGARDING THE AUTHORITY OF CROW TRIBAL MEMBERS TO HUNT  
ON UNOCCUPIED PUBLIC LAND CONSISTENT WITH ARTICLE IV. OF THE  
TREATY OF 1868 BETWEEN THE UNITED STATES AND THE CROW TRIBE”**

**WHEREAS**, the Chairman of the Executive Branch has authority and responsibility pursuant to the “enumerated powers” in Article IV, Section 3(a) of the Constitution and Bylaws of the Crow Tribe of Indians (the “Constitution”) to represent the Crow Tribe in negotiations in matters of economic development, in Article IV Section 3(a) represent the Crow Tribe of Indians in negotiation with Federal, State, and local governments and other agencies, corporations, associations, or individuals in matters of welfare, education, recreation, social services and economic development affecting the Crow Tribe of Indians; and

**WHEREAS**, the Crow Legislature has the authority and responsibility pursuant to in Article V, Section 2(a) of the Constitution and Bylaws of the Crow Tribe of Indians to promulgate and adopt laws, resolutions, ordinances, codes, regulations, and guidelines in accordance with this Constitution and federal laws for the governance of the Crow Tribe of Indians and for providing for the manner of the sale, disposition, lease or encumbrance of tribal lands, interests in land, or other assets of the Crow Tribe of Indians; for providing the levying of taxes, licensing of members and non-members for various purposes; for the exclusion of persons not legally entitled to reside or remain within the exterior boundaries of the Crow Indian Reservation; and

**WHEREAS**, tribal member Clayvin Herrera was convicted in Wyoming State District Court for taking elk off-season and without a state hunting license and being an accessory to the same, while hunting on state land, outside the exterior boundaries of the Crow Indian Reservation; and

**WHEREAS**, Herrera asserted the defense that he was exercising his treaty right as a member of the Crow Tribe to hunt on unoccupied lands that are traditional hunting grounds for the Crow people in the State of Wyoming District Court, where the Wyoming District Court and

Wyoming Supreme Court failed to recognize his treaty right, forcing Herrera to seek relief with the United States Supreme Court; and

**WHEREAS**, the United States Supreme Court issued a favorable decision to Herrera and the Crow Tribe in *Herrera v. Wyoming* (2019) where the Supreme Court affirmed the Crow Tribe's off reservation hunting rights, so long as, there is game to be hunted; the land is unoccupied; and there is peace between the Crow Indians and non-Indians; and

**WHEREAS**, the Crow Tribe has been advised that the Crow Tribe's government should adopt tribal laws that recognize the rights of Crow Tribal members to hunt off of the Crow Indian Reservation consistent with the treaty right delineated in the treaty and consistent with the *Herrera v. Wyoming* United States Supreme Court Decision,

**NOW THEREFORE, BE IT RESOLVED BY THE CROW TRIBAL LEGISLATURE  
AND THE CROW TRIBAL EXECUTIVE BRANCH HEREBY ADOPT THE  
"HERRERA AMENDMENTS" TO THE CROW TRIBE'S FISH AND GAME CODE:**

**PROPOSED AMENDMENT**

**CHAPTER 15-OFF RESERVATION HUNTING**

12-15-101. Purpose.

The purpose of this chapter is to recognize the Crow Tribe's 1868 Treaty right of tribal members to hunt off the Crow Indian Reservation on unoccupied public lands.

12-15-102 Tribal Members exercise of treaty right to hunt off reservation.

Consistent with the regulations provided in this title, a tribal member of the Crow Tribe, is authorized under this Chapter to exercise the treaty right to hunt on non-Indian, federal and state public lands outside of the exterior boundaries of the Crow Indian Reservation, consistent with the historical traditional hunting grounds of the Crow People.

**This amendment is consistent with the Crow Law and Order Code, Title 12 of the Fish and Game Code to add Chapter 15 – Off Reservation Hunting is made consistent with the following:**

Treaty of 1868 between the United States and the Crow Tribe of Indians, concluded on May 7, 1868; ratified on July 25, 1868, Proclaimed on August 12, 1868. Affirmed on May 20, 2019 by the United States Supreme Court.


ARTICLE IV. The Indians herein named agree, when the agency house and other buildings shall be constructed on the reservation named, they will make said reservation their permanent home, and they will make no permanent settlement elsewhere, but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and as long as peace subsists among the whites and Indians on the borders of the hunting districts.

**\*\*\*Remainder of Page Intentionally Left Blank\*\*\***

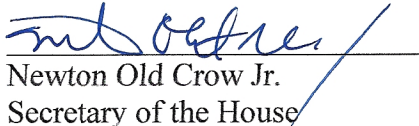


## CERTIFICATION

I, hereby certify that this **Crow Legislative Bill 19-02** entitled, **“APPROVING ‘HERRERA’ AMENDMENTS TO THE CROW LAW AND ORDER CODE REGARDING THE AUTHORITY OF CROW TRIBAL MEMBERS TO HUNT ON UNOCCUPIED PUBLIC LAND CONSISTENT WITH ARTICLE IV. OF THE TREAT OF 1868 BETWEEN THE UNITED STATES AND CROW TRIBE”** was duly approved by the Crow Tribal Legislature pursuant to Section 2(d) of the Constitution and Bylaws of the Crow Tribe with a vote of 14 in favor, and 0 opposed, and 0 abstained and that a quorum was present on this 23<sup>rd</sup> day of August, 2019.

  
Bryce Hugs  
Speaker of the House  
Crow Tribal Legislature

ATTEST:

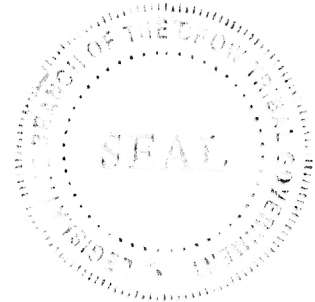
  
Newton Old Crow Jr.  
Secretary of the House  
Crow Tribal Legislature

## EXECUTIVE ACTION

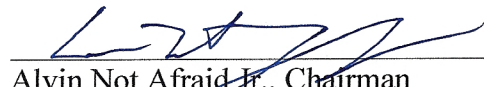
I hereby,

 approve,

\_\_\_\_\_ veto



That this Crow Legislative Bill **“APPROVING ‘HERRERA’ AMENDMENTS TO THE CROW LAW AND ORDER CODE REGARDING THE AUTHORITY OF CROW TRIBAL MEMBERS TO HUNT ON UNOCCUPIED PUBLIC LAND CONSISTENT WITH ARTICLE IV. OF THE TREAT OF 1868 BETWEEN THE UNITED STATES AND CROW TRIBE”** pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 and Article IV, Section 3(f) of the Constitution and Bylaws of the Crow Tribe of Indians on this 29<sup>th</sup> day of August, 2019

  
Alvin Not Afraid Jr., Chairman  
Executive Branch, Crow Tribe of Indians



**CROW LEGISLATIVE BILL**

APPROVING 'HERRERA' AMENDMENTS TO THE CROW LAW AND ORDER CODE REGARDING THE  
AUTHORITY OF CROW TRIBAL MEMBERS TO HUNT ON UNOCCUPIED PUBIC LAND CONSISTENT WITH  
ARTICLE IV. OF THE TREATY OF 1868 BETWEEN THE UNITED STATES AND THE CROW TRIBE

Bill or Resolution: **CLB 19-02**Introduced by: **Alvin Not Afraid**Date of Vote: **8/23/2019****REPRESENTATIVE:**

	Yes	No	Abstain
M. White Clay	<u>X</u>	<u>          </u>	<u>          </u>
D. Spotted	<u>X</u>	<u>          </u>	<u>          </u>
F. Whiteclay	<u>          </u>	<u>          </u>	<u>          </u>
L. Hogan	<u>X</u>	<u>          </u>	<u>          </u>
B. Brown	<u>X</u>	<u>          </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	<u>          </u>	<u>          </u>	<u>          </u>
M. Not Afraid	<u>X</u>	<u>          </u>	<u>          </u>
G. Bouyer	<u>X</u>	<u>          </u>	<u>          </u>
L. DeCrane	<u>          </u>	<u>          </u>	<u>          </u>
J. Deomontiney	<u>X</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>
B. Hugs	<u>X</u>	<u>          </u>	<u>          </u>
N. Old Crow, Jr.	<u>X</u>	<u>          </u>	<u>          </u>
 TOTAL	 <u>14</u>	 <u>0</u>	 <u>0</u>

Result of Vote:

**Passed**

Not Passed

Tabled

Veto-Override

  
Senator Bryce Hugs

Date

Speaker of the House

Crow Tribal Legislative Branch

  
Senator Newton Old Crow, Jr.

Date

Speaker of the House

Crow Tribal Legislative Branch