

**OCTOBER 2023 QUARTERLY SESSION
CROW TRIBE LEGISLATIVE BRANCH**

Legislative Resolution (LR) NO. 23-08

Introduced by the Judicial Committee

A Legislative Resolution Titled:

**“A RESOLUTION RECOMMENDING SEN. TESTER AND SEN. DAINES NOMINATE
A NATIVE AMERICAN CANDIDATE TO FILL THE CURRENT JUDICIAL VACANCY
IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF MONTANA”**

Legislative Findings:

WHEREAS, The Crow Tribal Legislature is “The People’s Branch of Government” for the Crow Tribe, and is comprised of eighteen members, three representatives, elected from each of the six districts of the Crow Indian Reservation. Established by the Crow Tribal Constitution, the mission of the Legislative Branch was pronounced in Legislative Resolution (LR) No. 10-22 as follows:

“It is the mission of the Crow Tribal Legislative Branch to remain an autonomous entity of the tribal government of the Apsaalooke people while working in conjunction with the Executive and Judicial Branches to benefit the Tribe. The lawmaking power of the Legislative Branch will be directly responsive to the needs of the Apsaalooke people. The Legislative Branch will work to create a voice for the Apsaalooke people. Legislators from each of the six districts on the Reservation represent their respective constituents by ensuring wise land and resource management, tribal fiscal responsibility, creating opportunities for economic growth, upgrading tribal infrastructure, promoting tribal culture, advancing systems of education, justice, government oversight, and providing for an enhanced relationship with the Crow Tribal General Council.”; and

WHEREAS, The Crow Tribal Legislature (the “Legislature”) has the power and duty under Article V, Section 2 of the Crow Tribal Constitution and Bylaws 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 enacted LR 10-20 (Branch Policy and Procedure for Legislative Resolutions), identifying that Legislative Resolutions are the expression of the voice of the elected Senators of the Legislature, which is based on the inherent sovereign authority of the Crow Tribal General Council, as delegated the Legislature by the Crow Tribal Constitution; and

WHEREAS, LR 10-20 identifies different categories of legislative resolutions, including but not limited to those which are made to express “recommendations and statements of support, or endorsements in any public election, the hiring of any public official, or 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, Montana is home to thirteen (13) Native American Indian Tribes and eight (8) Indian Reservations, with Native Americans accounting for approximately seven percent (7%) of the total state population; and

WHEREAS, The Crow Tribe is comprised of over fourteen-thousand (14,000) members, many of whom, continue to reside on the 2.2-million-acre Crow Indian Reservation, located in South-East Montana; and

WHEREAS, the U.S. District Court for the District of Montana is often called upon to make determinations and issue decisions in matters closely tied to critical tribal-related matters such as, but not limited to, tribal sovereignty, tribal jurisdiction, and tribal treaty rights; and

WHEREAS, there has never been a Native American on the federal bench in Montana, which can lead to these cases having to be appealed to the U.S. Supreme Court, most recently, for instance, in the cases of *U.S. v. Cooley*, 593 U.S. ____ (2021); and

WHEREAS, the Crow Tribal Legislature hereby expresses its official recommendation to Sen. Jon Tester, and Sen. Steve Daines, to fill the judicial vacancy in the U.S. District Court for the District of Montana, with a Native American candidate, who is well-versed in tribal sovereignty, federal Indian law, and the rights of Native American Tribes and individuals.

**NOW THEREFORE, BE IT HEREBY RESOLVED BY THE CROW TRIBE
LEGISLATIVE BRANCH IN REGULAR SESSION:**

1. That the Crow Tribe Legislative Branch makes a strong recommendation to the Montana Senate Delegation, Senators Tester and Daines, to consider a Native American Candidate to fill the vacancy for the U.S. District Court for the District of Montana, as it gives the Crow Tribe perception that an individual on the district court reflects their community.
2. That this resolution of recommendation to Senators Tester and Daines to consider a Native American Candidate for the U.S. District Court for the District of Montana, shall take effect immediately upon passage by the Crow Tribal Legislature.

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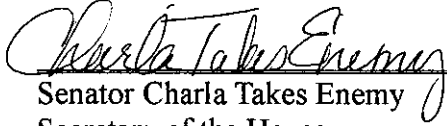
CERTIFICATION

I hereby certify that this LR 23-08 was duly approved by the Crow Tribal Legislature with a vote of 13 in favor, 0 opposed, and 0 abstained and that quorum was present on this 20th day of October, 2023.



Senator Sampson DeCrane
Speaker of the House
Crow Tribal Legislature

Attest:



Senator Charla Takes Enemy
Secretary of the House
Crow Tribal Legislature



A RESOLUTION RECOMMENDING SEN. TESTER AND SEN. DAINES NOMINATE A NATIVE AMERICAN CANDIDATE TO FILL THE CURRENT JUDICIAL VACANCY IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF MONTANA

Bill or Resolution: LR 23-08 Introduced by: Judicial Committee Date of Vote Oct. 20, 2023

REPRESENTATIVE:

	Yes	No	Abstain
V. Pickett	X		
D. Spotted	X		
C. Other Medicine	X		
Y. Little Light, Jr			
L. Hogan III			
C. Meeks	X		
D. Don't Mix	X		
H. Small	X		
T. Gros Ventre			
P. Alden, Jr	X		
T. Plainfeather	X		
J. Kills Pretty Enemy			
B. Hugs	X		
N. Old Crow, Jr	X		
B. Good Luck			
H. MaleBear-Stone	X		
S. DeCrane <i>Speaker of the House</i>	X		
C. Takes Enemy <i>Secretary of the House</i>	X		
TOTAL	13	0	0

Result of Vote: **Passed** Not Passed Tabled Veto-Override

 Senator S. DeCrane Date
 Speaker of the House
 Crow Tribal Legislative Branch

 Senator C. Takes Enemy Date
 Secretary of the House
 Crow Tribal Legislative Branch