

Crow Country

LEGISLATIVE BRANCH OF THE CROW TRIBAL GOVERNMENT

P.O. Box 309 – ITCHIK BLDG., MAKAWASHA Avenue

Crow Agency, Montana 59022

Phone: (406) 638-2023/2025

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Legislative Branch

Pryor:

Arrow Creek

Benjamin Cloud, III
Oliver Costa
Carlson Goes Ahead

Big Horn:

Valley of the Give Away

Vincent Crooked Arm
Ralph Iron, Jr.
Willie Plainfeather,
Speaker of the House

Dunmore:

Black Lodge

Jared Stewart
Larry Costa
Ertis Figher, Sr.

Reno:

Center Lodge

Lloyd Hogan, Jr.
Daniel Old Elk, Sr.
Kennard Real Bird

Lodge Grass:

Valley of the Chief

Eloise Pease
Scott Medicine Horse
Leroy Not Afraid

Wyola:

Mighty Few

Pius Real Bird
Dana Wilson
J.D. Stone,
Secretary

Staff

Freda Knows Gun,
Office Manager
Karta Bishop,
Adm. Assistant
Alex Medicine Horse, Jr.
Sergeant at Arms
Thomas J. Half,
Interpreter/Office Asst.
Nellie Moccasin,
Office Assistant
Ronald Arneson, Esq.
Attorney At Law

VETO OVERRIDE CERTIFICATION

I hereby certify that the Executive Veto of Crow Legislation CLB05-01 was duly considered for override by the Crow Tribal Legislature on this 12 day of April, 2005.

A motion to override the veto was made by Carlson Goes Ahead and seconded by Kennard Real Bird and the veto override was approved by the Crow Tribal Legislature by a vote of: 17 in favor, 0 opposed and 0 abstained.

Willie Plainfeather
Speaker of the House
Crow Tribal Legislature

4.12.05

Date

ATTESTS:

Jonathan D. Stone
Secretary, Crow Legislative Branch

4.12.05

Date



Bill or Resolution Number CLB05-01 Introduced by: EXECUTIVE Date of Vote 4-12-05
 Representative

	Yes	No	Abstain
B. Cloud	<input checked="" type="checkbox"/>		
C. Goes Ahead	<input checked="" type="checkbox"/>		
O. Costa	<input checked="" type="checkbox"/>		
V. Crooked Arm	<input checked="" type="checkbox"/>		
R. Iron	<input checked="" type="checkbox"/>		
J. Stewart	<input checked="" type="checkbox"/>		
E. Fighter	<input checked="" type="checkbox"/>		
L. Costa	<input checked="" type="checkbox"/>		
L. Hogan	<input checked="" type="checkbox"/>		
D. Old Elk	<input checked="" type="checkbox"/>		
K. Real Bird	<input checked="" type="checkbox"/>		
E. Pease	<input checked="" type="checkbox"/>		
S. Medicine Horse	<input checked="" type="checkbox"/>		
L. Not Afraid	<input checked="" type="checkbox"/>		
P. Real Bird	<input checked="" type="checkbox"/>		
D. Wilson			
J. Stone <i>Secretary of the House</i>	<input checked="" type="checkbox"/>		
W. Plain Feather <i>Speaker of the House</i>	<input checked="" type="checkbox"/>		
Totals:	<u>17</u>	<u>0</u>	<u>0</u>

Results of Vote:

Passed

Not Passed

Tabled

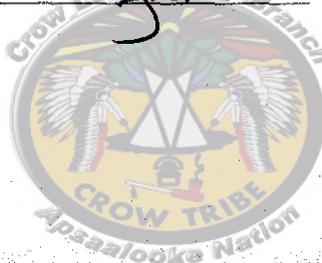
Veto Override

Signature of Officer

W. Plain Feather

Date:

4-12-05





Crow Nation

Crow Tribe Executive Branch

P.O. Box 159
Crow Agency, Montana 59022
Phone: (406) 638-3769
Fax : (406) 638-3885

Carl Venne, Sr.
Chairman

Cedric Black Eagle
Vice - Chairman

Andrew Old Elk
Secretary

Darren Old Coyote
Vice Secretary

MEMORANDUM

TO: Speaker Plainfeather
Crow Legislature

FROM: Chairman Carl Venne, Sr. 

DATE: February 15, 2005

RE: Veto of CLB05-01: "AN ACT TO AMEND THE CROW LAW AND ORDER CODE TO PROVIDE FOR A TRIBAL PROSECUTOR"

I have decided that it is necessary to veto the above-referenced legislation. As you know, significant amendments were made on the floor of the Legislature. One of the amendments imposes a requirement on the Executive Branch to submit the appointment of the Tribal Prosecutor to the Legislature for confirmation, sets the term of the appointment, and provides for termination in the same manner in which judges may be removed from office.

I believe these amendments intrude unnecessarily on the prerogatives of the Chairman. Article IV, Section 3 of the 2001 Constitution lists certain enumerated powers of the Executive Branch, including the power to "employ legal counsel for the protection and advancement of the rights of the Crow Tribe and its members."

I have recently appointed Sherry Matteucci to do a review of how the legal needs of the Crow Tribe are being addressed. One of her assignments is to make recommendations about the organizational structure of legal services within the Executive Branch. This project is related to the work she has been doing to recommend and implement improvements in the Tribe's court and justice system.

A very important goal of this administration is to implement the separation of powers created by the 2001 Crow Constitution. One of the things which must be done to accomplish this goal is to clearly locate the prosecution function within the Executive Branch. That is the reason the above-referenced bill was drafted and submitted to the Legislature for action during the January 2005 session.

The amendments made by the Legislature appear to be intended to protect the position of Tribal Prosecutor from political influence. We will redraft the bill with this goal in mind for future reconsideration by the legislative body.

CC: Sherry Matteucci



JANUARY 2005 CROW TRIBAL LEGISLATURE

BILL NO. CLB05-01

**INTRODUCED BY CARL E. VENNE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH**

A BILL FOR AN ACT ENTITLED:

**“AN ACT TO AMEND THE CROW LAW AND ORDER CODE TO PROVIDE FOR A
TRIBAL PROSECUTOR”**

WHEREAS, the Crow Law and Order Code currently contains provisions making reference to a “Tribal Attorney General,”; and

WHEREAS, the duties of the Tribal Attorney General are essentially the duties of a Tribal Prosecutor; and

WHEREAS, the enforcement of the laws of the Crow Nation is essential to the good order, safety and security of the members of the Crow Tribe and citizens of the Reservation; and

WHEREAS, this amendment is necessary to clarify the duties and responsibilities of the Tribal Prosecutor; and

WHEREAS, the interests of the Crow Nation will be served by adoption of the following amendments to the Crow Law and Order Code;

NOW, THEREFORE, BE IT ENACTED BY THE CROW TRIBAL LEGISLATURE:

Section 1. The Crow Law and Order Code is amended as follows:

Section 1. The Crow Law and Order Code is amended as follows:

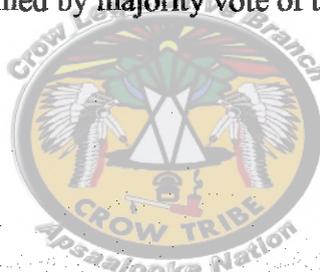
- 1) Every reference in the Crow Law and Order Code to the “Tribal Attorney General” shall be replaced with the term “Tribal Prosecutor” as follows:

Title 3. Chapter 2.

- (3) Appellate Judge. The Appellate Judge shall be appointed by the Chief Tribal Judge and confirmed by majority vote of the Legislature. The appointment

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shall be made after consideration of recommendations of qualified candidates from the Chairman of the Executive Branch, the Speaker of the Legislature, and the Tribal Prosecutor, each of whom shall be given at least ten days notice and opportunity to submit their recommendations to the Chief Judge. If the Chief Judge fails or neglects to appoint a candidate within a reasonable time after a vacancy occurs, the Chairman may propose a candidate to the Legislature for confirmation. A reasonable time shall not be more than sixty days after the vacancy occurs.

Title 3. Chapter 4. TRIBAL PROSECUTOR.

3-4-401. Establishing and Hiring. There is hereby established the position of "Tribal Prosecutor". Said Tribal Prosecutor or his or her assistant shall represent the Absalooka (Crow) Tribe of Indians in all criminal prosecutions in the Tribal Courts. The Tribal Prosecutor shall be the highest ranking law enforcement official within the Executive Branch. The Tribal Prosecutor shall be appointed by the Chairman of the Executive Branch for a term concurrent with the term of the Chairman, subject to confirmation by a majority of the Legislature and subject to termination by two-thirds of the Legislature upon the recommendation of the Judicial Ethics Board for a violation of Crow law or the ethical rules applicable to attorneys practicing in the Crow Tribal Court..

3-4-402. Qualifications. The Tribal Prosecutor shall have the following minimum qualifications:

1. Possess a juris doctorate degree from an ABA accredited law school, or shall have completed a course of study on Indian justice systems or lay advocate program, or shall have at least five (5) years relevant experience in a federal, state or tribal court or relevant experience in any of the aforementioned courts that total five (5) years. The Tribal Prosecutor must be admitted to practice in the Tribal Court and take and pass the Tribal Bar examination¹, must have a satisfactory background investigation meeting the same standards as tribal judges², and must comply with tribal drug testing requirements..

¹ Note. Attorneys licensed to practice by the highest authority of a state or federal jurisdiction are not required to take the Crow bar examination.

² 3-3-303. **Chief Judge's Qualifications.** (1) The Chief Judge must be at least thirty (30) years of age when elected; must have graduated from an accredited college with a minimum of a four year degree; must be an enrolled member of the Absalooka (Crow) Tribe and must be fluent in both the Absalooka (Crow) and English languages; must not have ever been convicted of a felony and must not have been convicted of a misdemeanor offense within five (5) years of the election, not to include minor traffic offenses. Driving under the influence of drugs or alcohol is not a minor traffic offense. To be eligible for election or appointment, a background investigation including tribal, state and federal criminal and child protection history must be completed prior to certification of candidacy or confirmation. In order to be eligible to run for election as Chief Judge in all elections after the October 2001 election, and prior to certification as a candidate for election, each candidate shall have passed the Crow Tribal bar examination. [Standards for background investigations of associate judge candidates are the same as for the Chief Judge.]

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3-4-403 Assistant Prosecutor. An assistant or deputy Tribal Prosecutor may be hired if the criminal caseload in the Tribal Court so warrants. The assistant or deputy prosecutor shall meet all the requirements of the Tribal Prosecutor, and must work under the direct supervision of the Tribal Prosecutor.

3-4-404 Contracting for Services as a Tribal Prosecutor. The Tribal Prosecutor may contract with a licensed attorney to prosecute cases where the Tribal Prosecutor and the assistant or deputy Tribal Prosecutor may have a conflict or for other circumstances where both may be unable to prosecute a case.

3-4-405 Conflict of Interest. (1) It shall be the duty of the Tribal Prosecutor or any assistant or deputy prosecutor to disqualify themselves from adjudicating any criminal or civil case where any of the following circumstances exist: (a) the prosecutor is interested in the outcome of the case by reason of business, financial or professional association; (b) the prosecutor is related by blood or marriage within the second degree to any party or to counsel of any party; or (c) where the prosecutor has rendered legal assistance to any party.

2) Title 3, Chapter 4, is amended to add the following provisions:

a) 3-4-406. Duties of Tribal Prosecutor. The Tribal Prosecutor shall:

- (i) represent the interests of the Crow Tribe in the Crow Tribal Court in the prosecution of criminal offenses, civil infractions, cases involving the transfer of cases pursuant to the Indian Child Welfare Act, cases involving youth in need of care or youth in need of supervision, and similar matters;
- (ii) represent the interests of the Crow Tribe in the Crow Tribal Court in all matters involving protected persons, and similar matters;
- (iii) while upholding tribal sovereignty, cooperate with tribal, state and federal law enforcement and other officials and agencies in the prevention of crime and in improving the safety and security of persons found on the Crow Reservation;
- (iv) cooperate with tribal, state and federal law enforcement and other officials and agencies or programs in improving the prevention of juvenile delinquency, child abuse, neglect, and similar matters;
- (v) supervise the staff of the Office of the Tribal Prosecutor, including juvenile and adult probation officers, the juvenile case presenter, and any deputy or assistant prosecutors;
- (vi) six months prior to the end of the Tribe's fiscal year, make a report and recommendations to the Chairman of the Executive Branch

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concerning the performance of the Office of the Tribal Prosecutor and its budgetary and staff requirements.

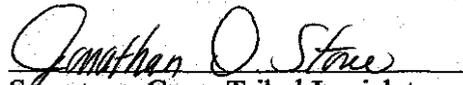
Section 2. Upon enactment of this Bill by the Crow Tribal Legislature and approval of the Chairman of the Executive Branch, the foregoing amendments are hereby adopted, with an immediate effective date.

CERTIFICATION

I hereby certify that this Bill, "AN ACT TO AMEND THE CROW LAW AND ORDER CODE TO PROVIDE FOR A TRIBAL PROSECUTOR", was duly enacted by the Crow Tribal Legislature with a vote of 14 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 12TH day of January, 2005.


Speaker of the House
Crow Tribal Legislature

ATTEST:


Secretary, Crow Tribal Legislature

EXECUTIVE ACTION

I hereby

_____ approve

_____ veto this Bill:

"AN ACT TO AMEND THE CROW LAW AND ORDER CODE TO PROVIDE FOR A TRIBAL PROSECUTOR" pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians, on this _____ day of _____, 200_____.

Carl E. Venne, Chairman
Crow Tribal Executive Branch

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