



Crow Country

LEGISLATIVE BRANCH OF THE CROW TRIBAL GOVERNMENT

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Legislative Branch

Prvor:
Arrow Creek
Larry Plain Bull, Sr.
Carlson Goes Ahead
Speaker of the House
Oliver Costa

Big Horn:
Valley of the Give Away
Vincent Crooked Arm
Marlin D. Not Afraid
Pat Alden, Jr.

Dunmore:
Black Lodge
Bruce R. House
Ertis R. Fighter, Sr.
Conrad J. Stewart

Reno:
Center Lodge
Lloyd Hogan, Jr.
Sidney Fitzpatrick, Jr.
Oliver Half, Jr.

Lodge Grass:
Valley of the Chief
Manuel Covers Up, Sr
Rudolph K. Old Crow
Secretary of the House
Woodrow Plainfeather

Wvola:
Mighty Few
Beverly M. Shane
Jonathan D. Stone
Dana Wilson

Staff

Jackie Blacksmith,
Administrator

William Old Crow
Finance Officer/Admin. Assist

Hubert Noel Two Leggins
Legal Assistant

Kenny Pretty On Top
Maintenance/Custodian

Ronald Ameson, Esq.
Attorney At Law

NOTICE OF VETO OVERRIDE

THIS IS OFFICIAL NOTICE AS AUTHORIZED BY LAW, CLB06-08, and "AN ACT TO ESTABLISH A TIME LIMIT FOR EXECUTIVE VETO, A VETO OVERRIDE PROCESS AND REFERENDUM PROCESS."

THE CROW LEGISLATURE IN REGULAR SESSION ON JANUARY 10, 2008 TOOK THE FOLLOWING **VETO OVERRIDE** ACTION RELATIVE TO CLB07-16 A BILL FOR AN ACT ESTABLISHING A CROW TRADITIONAL SUPREME COURT IN THE CROW TRIBAL COURT SYSTEM."

BILL IS ATTACHED IN REFERENCE AND INCORPORATED BY REFERENCE HERETO.

Done and dated this 10th day of January 2008

Jonathan D. Stone, Sr.
Speaker of the House

Beverly M. Shane
Secretary of the House

CERTIFICATE OF SERVICE

Mr. William Watt, Attorney for the Executive Branch Legal Council was served from Legislative Branch Staff member Jackie M. Blacksmith the following:

1. NOTICE OF VETO OVERRIDE ACTION REGARDING CLB07-16 A BILL FOR AN ACT ESTABLISHING A CROW TRADITIONAL SUPREME COURT IN THE CROW TRIBAL COURT SYSTEM."

I,
(Signature of recipient) received as stated above from Jackie M. Blacksmith

Done and dated this 24th day of January, 2008.

~TO BE COMPLETED BY LEGISLATIVE BRANCH STAFF MEMBERS ONLY~

I, the undersigned Legislative Branch Staff member hand delivered the above to

William C. Watt Or designee for the Executive

Branch at approximately 10:12 a.m./p.m.

Done and dated this 24th day of January 2008

Jackie M. Blacksmith
Administrator
Crow Tribal Legislative Branch



Establishing a Crow Tribal Supreme Court in the Crow Tribal Court System

Bill or Resolution Number CUB07-16 Introduced by Legislative Date of Vote January 10, 2008

<u>Representative:</u>	<u>Yes</u>	<u>No</u>	<u>Abstained</u>
L. Plain Bull, Sr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Goes Ahead	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O. Costa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
V. Crooked Arm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. Not Afraid	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
P. Alden, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. House	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Fighter, Sr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C.J. Stewart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
L. Hogan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S. Fitzpatrick, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O. Half, Jr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. Covers Up, Sr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
R. Old Crow, Sr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
W. Plainfeather	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Wilson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Shane <i>Secretary of the House</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J.D. Stone, Sr. <i>Speaker of the House</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>15</u>	<u>2</u>	<u>0</u>

Result of Vote:

Passed
 Not Passed
 Tabled
 Veto-Override

Beverly M. Shane 1-10-2008
 Beverly M. Shane Date
 Secretary of the House

Jonathan D. Stone 1-15-08
 Jonathan D. Stone Date
 Speaker of the House

**OCTOBER 2007 REGULAR SESSION OF THE
CROW TRIBAL LEGISLATURE**

BILL NO. CLB07-16

INTRODUCED BY THE LEGISLATIVE BRANCH

**A BILL OF THE CROW TRIBAL LEGISLATURE AND THE CROW TRIBAL
EXECUTIVE BRANCH ENTITLED:**

**“A BILL FOR AN ACT ESTABLISHING A CROW TRADITIONAL SUPREME
COURT IN THE CROW TRIBAL COURT SYSTEM.”**

**WHEREAS, the Crow Constitution reads in part in Article 1 “The Crow Tribal
General Council as governing body of the Crow Tribe of Indians hereby
establishes three branches of government, the Executive, Legislative and
Judicial Branches, which shall exercise a separation of powers.”**

WHEREAS: THE Crow Constitution reads in part in

“ARTICLE X — JUDICIAL BRANCH OF GOVERNMENT

**A Judicial Branch of the Crow Tribal Government shall consist of all courts
established by the Crow Law and Order Code and in accordance with this
Constitution. The Judicial Branch shall have jurisdiction over all matters defined
in the Crow Law and Order Code. The Judicial Branch shall be a separate and
distinct branch of government from the Legislative and Executive Branches of
Crow Tribal Government. The election process for the Judicial Branch judges
shall be in accordance with the Crow Law and Order Code. Qualifications for the
Judicial Branch Judges shall be established in the Crow Law and Order Code.
The Judicial Branch shall have no power to review Executive Branch decisions
made within the scope of the enumerated powers of the Executive Branch. The
Judicial Branch shall have a limited review of legislation passed by the
Legislative Branch to determine whether the subject legislation is consistent
with or in conflict with this Constitution.”**

**WHEREAS; As to the Crow Tribal Courts, Title 3 of the Crow Law and Order
Code read in part as follows:**

“TITLE 3

**ESTABLISHMENT OF THE CROW TRIBAL COURTS AND
TRIBAL JURISDICTION**

CHAPTER I. GENERAL PROVISIONS

3-1-101. Crow Tribal Court. (1) There is hereby established the "Crow Tribal Court."

(2) The Crow Tribal Court shall be a court of general civil and criminal jurisdiction and shall hear appeals from final decisions of the Tribal Administrative bodies.

3-1-102. Crow Juvenile Court. (1) There is hereby established the "Crow Juvenile Court."

(2) The Crow Juvenile Court shall have original and exclusive jurisdiction over all cases arising under the Tribal Juvenile Code as set forth in Title 9 of the Crow Tribal Law and Order Code.

3-1-103. Crow Court of Appeals. (1) There is hereby established the "Crow Court of Appeals."

(2) The Crow Court of Appeals shall have original and exclusive jurisdiction to hear all appeals from final judgments and/or orders of the Crow Tribal Court and the Crow Juvenile Court.

3-1-104. Applicable Law. (1) The laws, ordinances, resolutions, treaties, customs, and traditions of the Crow Tribe shall be the law applied in all courts established under this Title."

(2) The laws and treaties of the United States shall be the applicable law in the Courts of the Crow Tribe where they specifically apply to the Crow Indian Reservation or the Crow Tribe as a matter of federal law or where incorporated by reference in tribal law.

(3) Wherever the issue in controversy shall not be resolved by federal law or by the laws of the Crow Tribe, the judge may seek authority in the custom, usage, and jurisprudence of the Crow Tribe, traditional or modern, and in common law jurisprudence both in law and equity.

(4) State laws and federal laws not applicable to the Crow Tribe or the Crow Indian Reservation shall not be deemed applicable law in any proceeding, except as provided herein, unless agreed to be applicable by the parties by stipulation with consent of the court, but in no event shall they be construed to have any greater authority than the laws, ordinances, resolutions, treaties, or the traditions and customs of the Crow Tribe."

WHEREAS, the Legislative Branch has authority and responsibility pursuant to its "powers and duties" in Article V, Section 2 of the Constitution reads in part as follows:

October 2007

"A BILL FOR AN ACT ESTABLISHING A CROW TRADITIONAL SUPREME COURT IN THE CROW TRIBAL COURT SYSTEM."

Page 2 of 6

"Section 2. Powers and Duties. The powers and duties of the Legislative Branch shall be:

- a. 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 for 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;
- b. to adopt legislation, not inconsistent with this Constitution, which is necessary in exercising the duties conferred upon the three branches of government; ..."

WHEREAS: it is very clear from the words written above the Crow Tribal Custom and Tradition shall play an important role in the operation and decision making of the Crow Tribal Courts.

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE AND THE EXECUTIVE BRANCH OF THE CROW TRIBE:

There is hereby this Bill established the Crow Traditional Supreme Court.

3-1-105 The Crow Traditional Supreme Court. The Crow Traditional Supreme Court shall have original and exclusive jurisdiction to hear all appeals from final judgments and/or orders of the Crow Tribal Court and the Crow Juvenile Court.

3-1-106 Crow Traditional Supreme Court The Crow Traditional Supreme Court shall consist of seven Judges who shall be enrolled members of the Crow Tribe of Indians, shall be thirty (30) years of age or more and shall speak and /or understand the Crow Language fluently. The Crow Traditional Supreme Court shall be a Court of equity responsible for the preservation of the ancient and historical Crow Tribal Custom and Tradition of fundamental fairness, impartiality: evenhanded dealing and established for the purpose of providing fundamental fairness and justice for all the members of the Crow Tribe with a particular duty to preserve and protect all Crow Tribal Members rights in the Crow Constitution's

“ARTICLE XI — BILL OF RIGHTS

Section 1. The rights to freedom of worship, conscience, speech, press, assembly and association of members of the Crow Tribe of Indians shall not be abridged or hindered without due process of law.

Section 2. This Constitution shall not in any way alter, abridge, or otherwise jeopardize the rights and privileges of the members of the Crow Tribe of Indians as citizens of the United States.

Section 3. The individual property rights of any member of the Crow Tribe of Indians shall not be altered, abridged or otherwise affected except as specifically provided in this Constitution.

Section 4. In accordance with Title II of the Indian Civil Rights Act of 1968 (82 Stat. 77), the Crow Tribe of Indians in exercising its powers of self-government shall not:

- b. make or enforce any law prohibiting the full exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
- c. violate the right of the people to be secure in their persons, houses, papers and effects against unreasonable search and seizure, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- d. subject any person for the same offense to be twice put in jeopardy;
- e. compel any person in any criminal case to be a witness against him/herself;
- f. take any private property for a public use without just compensation;
- g. deny to any person in a criminal proceeding the right to a speedy trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, to have the assistance of counsel for his defense at his/her own expense;
- h. require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of one (1) year or a fine of \$1000 or both;
- i. deny to any person within its jurisdiction the equal protection of its law or deprive any person of liberty or property without due process of laws;
 - (ii) pass any bill of attainder or ex post facto law;
 - (j) Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.”

3-1-106-1 The Judges in the Crow Traditional Supreme Court shall be elected. At the first election, three Judges shall serve a two year term and four judges shall serve a four year term. One of the four Judges, who serve a four year term, shall be elected as the Chief Judge of the Crow Traditional Supreme Court. After the first election, Judges shall be elected and serve a four year term. No Judge shall preside or have authority to preside in any way in the Crow Traditional Supreme Court unless he/she has been sworn in an official meeting of the Crow Legislature in session.

3-1-107 The Chief Judge of the Crow Traditional Supreme Court shall appoint three Judges to hear, decide and enforce the Tribal law and equity of each filed case.

3-1-107-1 The final Order of the three Judge Panel may appealed to the seven member Crow Traditional Supreme Court sitting en banc.

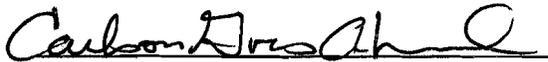
3-1-108 The Crow Traditional Supreme Court shall have exclusive original jurisdiction of all Constitutional and Crow Tribal Sovereignty questions and/or directly related issues of Crow Constitutional law from the Crow Court of Appeals. The Crow Traditional Supreme Court shall have exclusive original jurisdiction of all questions of Crow Tribal Custom and Tradition and directly related issues thereto and all final judgment from the Crow Court of Appeals. .

3-1-109 The Crow Traditional Supreme Court shall have the authority to establish its own rules of procedure. However, in the absence of established Crow Traditional Supreme Court Rules of Procedure, Title V, Rules of Civil Procedure and Title 8A rules of Criminal Procedure, CLOC, shall be applicable law.

3-1-10 En Banc Appeal: Upon filing an appeal from the decision of the three judge panel decision all seven Judges, En Banc, shall hear, decide and enforce a final decision of the Crow Tribal Court Judicial System.

CERTIFICATION

I hereby certify that this BILL "A BILL FOR AN ACT ESTABLISHING A CROW TRADITIONAL SUPREME COURT IN THE CROW TRIBAL COURT SYSTEM." was duly approved by the Crow Tribal Legislature with a vote of 15 in favor, 2 opposed, and 0 abstained and that a quorum was present on this 11th day of October, 2007.


Speaker of the House
Crow Tribal Legislature
~Servant of the Apsáalooke Nation~

ATTEST:


Secretary, Crow Tribal Legislature



EXECUTIVE ACTION

I hereby
 approve,
 veto

this BILL "A BILL FOR AN ACT ESTABLISHING A CROW TRADITIONAL SUPREME COURT IN THE CROW TRIBAL COURT SYSTEM.", pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 and Article IV, Sections 3(f) and 3(k) of the Constitution and Bylaws of the Crow Tribe of Indians on this 16 day of Nov, 2007.


Chairman, Executive Branch
Crow Tribe of Indians

Crow Traditional Supreme Court
in the Crow Tribal Court System

Bill or Resolution Number CLB07-16 Introduced by Legislative Date of Vote 10-11-2007
Branch

Representative:	Yes	No	Abstained
L. Plain Bull	✓		
O. Costa	✓		
V. Crooked Arm	✓		
M. Not Afraid	✓		
R. Iron	✓		
B. House	✓		
E. Fighter	✓		
L. Costa	✓		
L. Hogan	✓		
S. Fitzpatrick	✓		
K. Real Bird			
M. Covers Up	✓		
L. Not Afraid	✓		
B. Shane	✓		
J. Stone		✓	
D. Wilson		✓	
R. Old Crow <i>Secretary of the House</i>	✓		
D. Goes Ahead <i>Speaker of the House</i>	✓		
Totals:	15	2	0

Result of Vote:

Passed Not Passed Tabled Veto Override

Signature Officer: Carlton Jackson Date: 10-11-07