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EvAnn White Feather

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TRIBAL COUNCIL MEMBERS

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Johnilyn Garrett

DISTRICT 2
Theodore Knife, Jr.

DISTRICT 3
Edward Widow
Ben Elk Eagle

DISTRICT 4
Wayne L. Ducheneaux II
Kevin Keckler
Merrie Miller
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DISTRICT 5
Ryman LeBeau
Raymond Uses The Knife
Robert Chasing Hawk
Derek Bartlett

DISTRICT 6
Tuffy Thompson
Richard Rousseau

TRIBAL MEMORANDUM

DATE : 1/13/16

TO : SUPERINTENDENT, Cheyenne River Agency

FROM : Ev Ann White Feather, Tribal Secretary *EvAnn White Feather*

SUBJECT: Resolution No. 9-2016-CR: That any individual, whether or not that individual is an enrolled member of the Cheyenne River Sioux Tribe, who is convicted as an adult, including juveniles removed from Children’s Court to Criminal Court and then convicted, in any Tribal, State or Federal Court of offenses committed after July 8, 2015 for dealing, distributing, manufacturing or trafficking Methamphetamine, including convictions for possession with intent to distribute, regardless of whether the behavior underlying the conviction occurred on or off of the Cheyenne River Sioux Indian Reservation, shall be immediately excluded from the Cheyenne River Sioux Indian Reservation and that there shall be no right of appeal or review in the Tribal Court from an Order of Exclusion issued under this Resolution and that the requirement of immediacy as stated above shall preclude any stay pending appeal of the underlying methamphetamine-related conviction, but shall allow such time as is necessary to serve time imposed by an Order of Disposition pursuant to a conviction in the CRST Tribal Court, provided that no stay or temporary release shall be granted regarding the time imposed, and that the order of exclusion will take effect immediately once the time imposed is served and that this resolution cannot be modified or rescinded unless by two-thirds (2/3) vote of the Cheyenne River Sioux Tribal Council and contains the provision.

Transmitted herewith are an original and two (2) copies of Resolution No. 9-2016-CR which was duly adopted by the Cheyenne River Sioux Tribal Council during its Regular Session held on January 6, 2016.

The blue represents the thunderclouds above the world where live the thunder birds who control the four winds. The rainbow is for the Cheyenne River Sioux people who are keepers of the Most Sacred Calf Pipe, a gift from the White Buffalo Calf Maiden. The eagle feathers at the edges of the rim of the world represent the spotted eagle who is the protector of all Lakota. The two pipes fused together are for unity. One pipe is for the Lakota, the other for all the other Indian Nations. The yellow hoops represent the Sacred Hoop, which shall not be broken. The Sacred Calf Pipe Bundle in red represents Wakan Tanka – The Great Mystery. All the colors of the Lakota are visible. The red, yellow, black and white represent the four major races. The blue is for heaven and the green for Mother Earth.

Resolution No. 9-2016-CR

Page Two

Cc: Chairman
Treasurer
Administrative Officer
Tribal Comptroller
Central Records
Law & Order Committee Chair
Chief of Police
Judicial Department
Prosecutor Office
Public Defender Office
Health Committee Chair
Tribal Health CEO
Legal Department
Committee Secretary
District Officers (6)
File/2

RESOLUTION NO. 9-2016-CR

WHEREAS, the Cheyenne River Sioux Tribe of South Dakota is an unincorporated Tribe of Indians having accepted the provisions of the Act of June 18, 1934 (48 Stat. 984); and

WHEREAS, the Tribe in order to establish its Tribal organization, to conserve its Tribal property, to develop its common resources, and to promote the general welfare of its people, has ordained and established a Constitution and By-laws; and

WHEREAS, Article I of the Fort Laramie Treaty of 1868 reserves the right of the Cheyenne River Sioux Tribe to identify "bad men among whites, or among other people subject to the authority of the United States;"; and

WHEREAS, Article IV Section 1(k) of the CRST Constitution authorizes the CRST Council to promulgate ordinances for the purpose of safeguarding the peace and safety of residents of the Cheyenne River Indian Reservation; and

WHEREAS, Methamphetamine use and trafficking poses an imminent and serious threat to the health, safety and wellbeing of the Cheyenne River Sioux Tribe, in that methamphetamine is causing short and long term psychological, medical, and social damage to our People and our Communities, including increases in violent crime, anti-social behavior, and child neglect and abuse, and health effects such as paranoia and delusions, extreme weight loss, damage to the heart and brain, increased risk of stroke, dental problems, pregnancy complications, and damage to unborn children; further, unlike other stimulant drugs, the damaging effects of methamphetamine use on the brain are extremely long-lasting and certain effects on brain function are irreversible¹; and

WHEREAS, because of the extreme and present harm that methamphetamine use and trafficking poses to the Cheyenne River Sioux Tribe, the Cheyenne River Sioux Tribal Council recognizes that strong action must be taken now to protect our families and our future generations; now

THEREFORE BE IT RESOLVED, that any individual, whether or not that individual is an enrolled member of the Cheyenne River Sioux Tribe, who is convicted as an adult, including juveniles removed from Children's Court to Criminal Court and then convicted, in any Tribal, State or Federal Court of offenses committed after July 8, 2015 for dealing, distributing, manufacturing or trafficking Methamphetamine, including convictions for possession with intent to distribute, regardless of whether the behavior underlying the conviction occurred on or off of the Cheyenne River Sioux Indian Reservation, shall be immediately excluded from the Cheyenne River Sioux Indian Reservation; and

¹ *Research Report: Methamphetamine*, National Institute on Drug Abuse, September 2013, <http://www.drugabuse.gov/publications/research-reports/methamphetamine/>

RESOLUTION NO. 9-2016-CR

Page Two

BE IT FURTHER RESOLVED, that there shall be no right of appeal or review in the Tribal Court from an Order of Exclusion issued under this Resolution; and

BE IT FURTHER RESOLVED, that the requirement of immediacy as stated above shall preclude any stay pending appeal of the underlying methamphetamine-related conviction, but shall allow such time as is necessary to serve time imposed by an Order of Disposition pursuant to a conviction in the CRST Tribal Court, provided that no stay or temporary release shall be granted regarding the time imposed, and that the order of exclusion will take effect immediately once the time imposed is served; and

BE IT FURTHER RESOLVED, that CRST Law Enforcement may be authorized to escort or transport any individual so convicted from the CRST Reservation, and that any return contrary to a duly imposed sentence of exclusion shall be a separate criminal act punishable as a Class A offense under the CRST Criminal Code, and that any means of transport used to return any excluded individual shall immediately be impounded, and upon proof by preponderance of the evidence that the owner of such vehicle knew of the use of the vehicle for purpose of returning an excluded individual to the Reservation, such property shall become the property of the Cheyenne River Sioux Tribe, and


BE IT FURTHER RESOLVED, that after five years following the completion of the period of incarceration of a criminal sentence for a crime involving methamphetamine as set forth above, and payment of any imposed fine, an enrolled member of the Cheyenne River Sioux Tribe who has been excluded may petition the Tribal Council for permission to return; upon receipt of such a petition the Council may consider any evidence of rehabilitation, and if persuaded the petitioning member has been fully rehabilitated, may lift the order of exclusion; Council action or inaction on such a petition shall not create any right of review or appeal in the Cheyenne River Sioux Tribal Court; and

BE IT FURTHER RESOLVED, that this resolution cannot be modified or rescinded unless by two-thirds (2/3) vote of the Cheyenne River Sioux Tribal Council; and

BE IT FINALLY RESOLVED, that nothing in this resolution diminishes, divests, alters, or otherwise affects any inherent treaty, statutory, or other rights of the Cheyenne River Sioux Tribe over the property or activities described above or the activities described herein. The Cheyenne River Sioux Tribe expressly retains all rights and authority over the property and activities described herein, including but not limited to legislative, regulatory, adjudicatory, and taxing powers.

CERTIFICATION

I, the undersigned, as Secretary of the Cheyenne River Sioux Tribe, certify that the Tribal Council is composed of fifteen (15) members of whom 12, constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held this 6th day of January, 2016, Regular Session; and that the foregoing resolution was duly adopted at such meeting by a roll call vote of 11 yes, 0 no, 1 abstaining, 1 not voting (Vice-Chairman) and 2 absent.


Ev Ann White Feather, Secretary
Cheyenne River Sioux Tribe

