

2019-29

JC

12-7-18

ROSEBUD SIOUX TRIBE

RESOLUTION No. \_\_\_-\_\_\_

**WHEREAS,** The Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and pertinent amendments thereof; and

**WHEREAS,** The Rosebud Sioux Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with the powers granted to it by its Constitution and By-laws; and

**WHEREAS,** The Rosebud Sioux Tribal Council, is authorized to promulgate and enforce ordinances for the maintenance of law and order, and to safeguard the peace and morals, and general welfare of the Tribe, pursuant to the Rosebud Sioux Tribe Constitution and By-Laws Article IV Sections 1 (k), and (m), and

**WHEREAS,** This Rosebud Sioux Tribe is authorized, pursuant to the Constitution and By-laws of the Rosebud Sioux Tribe, Article IV, Powers of the Rosebud Sioux Tribal Council, Section 1, Subsection (1), to promulgate and enforce ordinances providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers; and

**WHEREAS,** The Rosebud Sioux Tribal Council has enacted Ordinance No. 80-03, creating and establishing the Rosebud Sioux Tribe Judiciary Committee, to develop and coordinate all aspects of law and order of the Rosebud Sioux Tribe; and

**WHEREAS,** The RST Judiciary Committee has the authority to review and recommend legislation for concurrence by the Tribal Council; and

**WHEREAS,** The National Congress of American Indians ("NCAI") has requested the Rosebud Sioux Tribe to authorize joining as signatory to Amicus ("Friend of the Court") Brief to the Fifth Circuit Court of Appeals in support of the Indian Child Welfare Act to join the intervening Tribal Nations in the case, Brackeen v. Zinke, where the Federal District Court held (1) that ICWA operates as a racial statute and violates the Constitution's guarantee of equal protection, (2) that ICWA violates the Tenth Amendment by forcing States to carry out federal policy, (3) that ICWA includes an unconstitutional delegation of Congress's legislative authority to tribal nations, and (4) that the Final Rule violates the Administrative Procedures Act; and

**WHEREAS,** The RST Judiciary Committee recommends the Rosebud Sioux Tribal Council authorize the joining of the amicus brief to present arguments to the Fifth Circuit Court of Appeals and join the Cherokee Nation, Morongo Band of Mission Indians, Oneida Nation, and Quinault Nation, and the Native American Rights Fund ("NARF") and join all 573 Federally recognized Tribal Nations to stand together on one brief; and

no action