



Little River Band of Ottawa Indians

375 River Street
Manistee MI 49660
(231) 723-8288

Resolution # 03-0129-21

Approval to Support Amicus Brief Being Drafted on behalf of the National Congress of American Indians (NCAI) and to Support Submission of that Amicus Brief

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156, 25 U.S.C. s. 1300k, et seq.; and

WHEREAS, the Tribe adopted a new Constitution pursuant to a vote of the membership on May 27, 1998, which became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribal Council is delegated under Article IV, Section 7(a)(1) and (e) to promote, protect and provide for public health, peace, morals, education and general welfare of the Tribe and its members, and to engage legal counsel; and

WHEREAS, the Tribal Council has a Constitutional duty to take action as may be necessary to enhance and preserve tribal sovereignty by the affirmative exercise of governmental powers within the Tribe's territory and defending the Tribe from unwarranted intrusions upon the Tribe's territorial and political jurisdiction; and

WHEREAS, the Tribal Council is aware of a case that will be argued before the United States Supreme Court (Inyo County v. Bishop Paiute Tribe, No. 02-281) which will affect the extent to which Tribal sovereignty limits the application of state law and enforceability of state court warrants against Tribes and Tribal enterprises within Indian Country; and

WHEREAS, the action of the United States Supreme Court affects the Little River Band of Ottawa Indians and all other Tribes such that the Tribe should participate in the submission of an amicus brief that presents the Tribe's position regarding the validity and enforceability of State warrants against Tribes and Tribal enterprises within Indian Country; and

WHEREAS, the National Congress of American Indians and other interested Tribes, through a team of attorneys, has been requested to develop an amicus brief that emphasizes –

1. the legal and practical reasons why tribal sovereign immunity remains of critical importance in fending off destructive intrusions of state law into their core governmental and enterprise operations;
2. the legal and practical reasons why states and their subdivisions should not be permitted to unilaterally execute search warrants or other process against tribes within Indian Country; and
3. the extent to which tribal corporations, including tribal gaming enterprises, are entitled to the same degree of immunity as tribes themselves; and

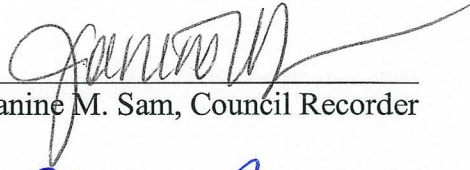
NOW THEREFORE BE IT RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby supports the drafting and submission of an amicus brief on behalf of the National Congress of American Indians and encourages all Tribes to participate in the submission of this brief.

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes the expenditure of up to \$10,000.00 from the Rights Protection Fund in the Legal Department Program Budget in support of fees and expenses incurred in the preparation of an amicus brief.

CERTIFICATION OF ADOPTION

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians its Regular Session held at the Little River Band Community Center on January 29, 2003, by a vote of 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT. A quorum of the Tribal Council being present for such vote.

Attest:



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Distribution: Council Records
Accounting Dept.
Legal Department
Tribal Ogema
NCAI
Kaighn Smith/Riyaz Kanji/Ian Gershengorn