



Little River Band of Ottawa Indians

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

Resolution # 03-0409-95

*Adoption of Policy Regarding Application of Criminal Penalties in Federal Crimes
Committed Within Indian Country*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

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

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council is aware of the concurrent application of federal and Tribal criminal law regarding activities of members and Native Americans within Indian Country; and

WHEREAS, the federal criminal law allows for the application of the death penalty in cases where the offense committed resulted in the death of a human being; and

WHEREAS, the Tribal Council has determined that the application of the death penalty in cases occurring in Indian Country that would not have the same penalty applied off the reservation is a policy conflict which may result in higher criminal penalties to Native Americans than those of other persons; and

WHEREAS, the Tribal Council finds that all criminal actions should be prosecuted according to applicable laws regardless of the nationality of the person committing the crime, however, the policy conflict regarding the death penalty should be resolved in favor of the local community determination; and

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby requests the Federal Prosecutor to recognize the Tribe's determination that it is the community's policy that the death penalty not be requested in those criminal cases occurring within Indian Country to which federal law would apply.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 1 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on April 9, 2003, at the Little River Band's Community Center in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court
Legal Department