

Little River Band of Ottawa Indians

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

Resolution # 05-0223-93

Opposition to Nomination of William G. Myers, III to the Ninth Circuit Court of Appeals

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 Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; 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 has been made aware of the nomination of William G. Myers, III to be appointed to the Ninth Circuit Court of Appeals; and

WHEREAS, the Tribal Council finds that the Ninth Circuit Court of Appeals renders decisions that affect all of Indian Country and a great portion of the natural environment maintained and protected by the federal government for the benefit of the citizens of the United States; and

WHEREAS, the Tribal Council finds that the actions of Attorney Myers during his term as Solicitor to the Interior Department and during his private career have shown a disregard for the judicial decisions and constitutional interpretations, as well as the government-to-government responsibilities to Tribal governments evidenced through Treaties and agreements; and

WHEREAS, the Tribal Council finds that the opinions of Attorney Myers as a governmental representative and as a private citizen ignored the responsibility of the government, individuals, and businesses, to protect the environment for the present enjoyment by individuals and responsible use in the course of business activities, and for the future benefit of all persons and businesses; and

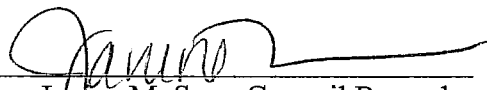
WHEREAS, the Tribal Council finds that the opinions of Attorney Myers have shown that he is not able to look objectively at the interests, opinions and actions of all persons and to weigh his opinions based on prior judicial and legal interpretation in order to render decisions that would have long term judicial weight; and

WHEREAS, the Tribal Council finds that Attorney Myers does not have sufficient experience in the types of legal actions presented before the Ninth Circuit Court of Appeals, does not have sufficient experience in court room processes, and does not have sufficient experience in the legal forums in order to provide insight and depth to the opinions and actions of this very important appellate court;

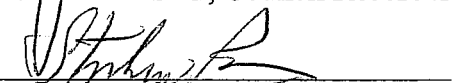
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby strongly opposes the appointment of William G. Myers, III, to the Ninth Circuit Court of Appeals, and urges the Senate Judiciary Committee to deny the authorization and ratification of this appointment.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 0 ABSTAINING, and 2 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on February 23, 2005, at the Little River Band's Dome Room 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