



## UNITED SOUTH AND EASTERN TRIBES, INC.

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USET Resolution No. 2003:005

### NATIONAL INDIAN PROJECT ON THE JUDICIARY

- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** in recent years, the federal courts have undergone a philosophical shift which has resulted in legal decisions that have dramatically undermined tribal sovereignty; and
- WHEREAS,** leaders from tribes across the country have initiated the *National Indian Project on the Judiciary* to provide a voice for Indian Country in the selection, appointment, and confirmation of federal judges; and
- WHEREAS,** the *National Indian Project on the Judiciary* will promote the selection to the Federal Judiciary of Native Americans and other individuals/organizations who support tribal sovereignty; and
- WHEREAS,** the *National Indian Project on the Judiciary* will employ a nationwide network of scholars and students of Indian law to review the backgrounds of judicial nominees, advance the state of discussion on Indian law, and review and comment on current issues before the federal courts; and
- WHEREAS,** the *National Indian Project on the Judiciary* will provide a strong voice before the Congress and in the Administration on the issue of the selection of federal judges; and
- WHEREAS,** the efforts of the *National Indian Project on the Judiciary* to protect and enhance tribal sovereignty cannot be as successful without support from USET member tribes; therefore, be it
- RESOLVED** that the USET Board of Directors endorses the *National Indian Project on the Judiciary* and encourages all USET member tribes to provide any possible support, both financial and political, to the Project.

### CERTIFICATION

This resolution was duly passed at the USET Annual Board Meeting and EXPO, at which a quorum was present, in Uncasville, CT, Thursday, October 31, 2002.

Keller George, President  
United South and Eastern Tribes, Inc.

Beverly M. Wright, Secretary  
United South and Eastern Tribes, Inc.

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## National Indian Project on the Judiciary

**The Need.** In recent years, it has become increasingly apparent that the courts, once thought to be the guardian of Indian rights, have undergone a philosophical shift that has resulted in substantial legal setbacks for Indian Country. For example, Indian interests have been on the losing side 77% of the time in the U.S. Supreme Court since 1986. This is up from being on the losing side 42% of the time from 1969 - 1985. The affect of these losses is cumulative as tribal interests not only lose in the particular case, but generally the holdings have undermined fundamental principles of Indian law and tribal sovereignty which lead to further losses in future cases. Oddly, the increased number of anti-sovereignty opinions in the courts coincides with a period during which the policy of the Congress has been to support tribal sovereignty.

**A pro-active approach to the Judiciary.** For years, Tribal governments have focused their resources and energy on the executive and legislative branches of the Federal and state governments. Too little attention has been paid to the judicial branch, where extremely important decisions are made, on an almost daily basis, that affect the rights and interests of Indian nations and Indian peoples. To address this situation, the National Indian Project on the Judiciary (NIPJ) will undertake the following tasks:

- **Evaluation of judicial nominees.** NIPJ would evaluate the political and judicial philosophies of nominees, as well as their knowledge of, and positions with regard to, matters of importance to Indian nations.
- **Recommendations.** Based on the evaluation process, NIPJ would provide reports and make recommendations to Tribal leaders, and Federal and state officials, regarding whether a nominee should be elevated to the bench. The project's fundamental criteria would be whether a nominee understands Indian law and is supportive of tribal sovereignty.

~~and winning entries will be published. The project will seek to have this competition covered by the national media.~~

**Lobby the Congress and the Administration on judicial candidate's suitability with regard to Indian issues.** The project will ensure that Indian country has a voice in the review process for the selection of federal judges by bringing its research to the White House and to Capitol Hill. The project will also seek to have its reviews considered by other national groups such as the American Bar Association.

**Solicit free media coverage.** The project will cultivate relationships with local, regional and national media and will promote coverage of Indian legal issues. Such coverage will be directed toward influencing the judiciary. This effort will also result in an overall increased understanding of Indian law by policy makers in all sections of government.

**Create grass-roots network of activists.** The project will create a standing grass-roots network that will feed local information to the project, serve as an early warning system for the review of potential judicial nominees, and organize political opposition to anti-Indian judicial nominees.



## UNITED SOUTH AND EASTERN TRIBES, INC.

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USET Resolution No. 2003:006

### TRIBAL ENVIRONMENTAL PROGRAM BUDGET

- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribe's leadership; and
- WHEREAS,** the Environmental Protection Agency's (EPA) mission is the responsibility for human health and environmental protection of all peoples within the external boundaries of the United States; and
- WHEREAS,** the EPA has provided states protection since the early 1970s and states have progressed in the development of their environmental infrastructure and programs with extraordinary support of EPA over the past 30 years; and
- WHEREAS,** EPA is responsible to 565 federally-recognized Indian Tribes, their 572 governments, and their respective reservations and trust lands in carrying out the agency's mission and statute responsibility; and
- WHEREAS,** many tribes linger far behind states in environmental infrastructure and program development and tribes are subjected to the most hazardous environmental conditions over the years, and
- WHEREAS,** the EPA budget has never included the tribal assessment of the true environmental need in Indian Country, falling short in FY 2000, 2001 and 2002 by approximately \$250 Million; and
- WHEREAS,** at this time over 40% of all tribal governments do not have a Tribal Environmental Program, nor do they receive direct support from EPA; and
- WHEREAS,** EPA's full funding of Tribal Environmental Programs is desperately needed to be similar and/or equivalent to what states have received over the years; and
- WHEREAS,** that these multi-media Tribal Environmental Programs serve as basic tribal government support in protecting our families, human health, and the environment at a much lower cost than EPA can provide individual programs for every Tribal Government in Indian Country; therefore, be it
- RESOLVED** that the USET Board of Directors requests President George W. Bush, EPA Administrator Christine Todd Whitman and Congress protect Indian programs and respective Tribal Environmental Program budgets through fully funding the unmet needs which have been identified for years by national and regional tribal organizations and individual Tribes.

*“Because there is strength in Unity”*

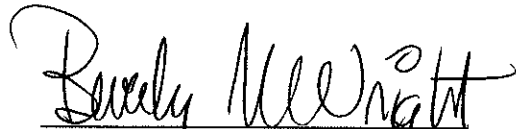
USET Resolution 2003:006

**CERTIFICATION**

This resolution was duly passed at the USET Annual Board Meeting and EXPO, at which a quorum was present, in Uncasville, CT, Thursday, October 31, 2002.



Keller George, President  
United South and Eastern Tribes, Inc.



Beverly M. Wright, Secretary  
United South and Eastern Tribes, Inc.



## UNITED SOUTH AND EASTERN TRIBES, INC.

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USET Resolution No. 2003:007

### EPA AND TRIBES

- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** the Environmental Protection Agency's (EPA) mission includes the responsibility for human health and environmental protection of all peoples within the external boundaries of the United States; and
- WHEREAS,** EPA has provided states this protection since the early 1970s which has allowed states to progress in the development of their environmental infrastructure and programs with extraordinary support from the EPA over the past 30 years; and
- WHEREAS,** EPA is responsible to 565 federally-recognized Indian Tribes, their 572 governments, and their respective reservations and trust lands in carrying out the agency's mission and statute responsibility; and
- WHEREAS,** according to the Indian Health Service (IHS), American Indian communities have the most serious environmental and hazardous health conditions of any communities in the country; and
- WHEREAS,** the EPA is responsible for carrying out all environmental statutes throughout the country and has *never* fulfilled this responsibility in Indian Country; and
- WHEREAS,** the EPA is not carrying out their federal fiduciary responsibilities, the EPA Indian Policy, and numerous statutes related to Indian Country; and
- WHEREAS,** 551 Indian Tribes do not have Water Quality Standards, few, if any, Tribes have total maximum daily loads, and many are not in full compliance with the *10 Goal EPA system*; and
- WHEREAS,** programs such as *Direct Implementation* and *Direct Implementation Tribal Cooperative Agreements* are available but not being utilized in Indian Country, due to the lack of information about existing programs for American Indians; and
- WHEREAS,** EPA does not currently have an overall strategic plan implemented for Indian Country to ever develop EPA programs for all tribes; therefore, be it
- RESOLVED** that the USET Board of Directors support protecting our families, human health and our environment through adequate EPA resources, technical and financial, and that EPA not be excused from fulfilling their federal fiduciary responsibilities to all Indian Nations; and, be it further
- RESOLVED** that the USET Board of Directors requests President George W. Bush, EPA Administrator Christine Todd-Whitman and Congress protect and improve American Indian programs and their respective environmental budgets based on real identified unmet need

*“Because there is strength in Unity”*

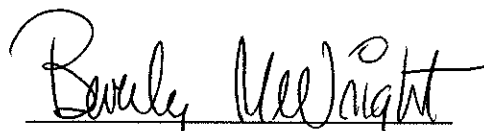
USET Resolution 2003:007

**CERTIFICATION**

This resolution was duly passed at the USET Board Annual Meeting and EXPO, at which a quorum was present in Uncasville, CT, Thursday, October 31, 2002.



Keller George, President  
United South and Eastern Tribes, Inc.



Beverly M. Wright, Secretary  
United South and Eastern Tribes, Inc.



## UNITED SOUTH AND EASTERN TRIBES, INC.

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USET Resolution No. 2003:008

### INCREASE USET SCHOLARSHIP FUNDING

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** the USET Board of Directors has established a College Scholarship for students from the member tribes to help with college expenses; and
- WHEREAS,** the number of students receiving the scholarship monies from sources outside of our tribes has increased over the last three years; and
- WHEREAS,** the total individual award remains under one thousand dollars per year and less than 10 students are funded; and
- WHEREAS,** the cost of education has increased steadily over the last five years, and many of our students are struggling to make ends meet; therefore, be it
- RESOLVED** that the USET Board of Directors makes a concerted effort to increase the Scholarship Funds and encourage member tribes to contribute to this fund.

### CERTIFICATION

This resolution was duly passed at the USET Annual Board Meeting and EXPO, at which a quorum was present, in Uncasville, CT, Thursday, October 31, 2002.

Keller George, President  
United South and Eastern Tribes, Inc.

Beverly M. Wright, Secretary  
United South and Eastern Tribes, Inc.





## UNITED SOUTH AND EASTERN TRIBES, INC.

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USET Resolution No. 2003:009

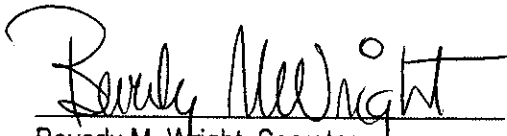
### NEED FOR BIA OFFICE OF INDIAN EDUCATION PROGRAMS, EDUCATION LINE OFFICER POSITION TO BE IMMEDIATELY ANNOUNCED FOR VACANCY AND HIRED FOR NEW NASHVILLE OFFICE LOCATION

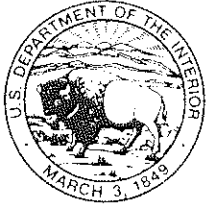
- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** the Bureau of Indian Affairs (BIA) South & Eastern Office of Indian Education is in the process of relocating to Nashville, TN; and
- WHEREAS,** there are in excess of 18 schools funded through the BIA/OIEP in the South and Eastern region representing over 3000 Native American students, and 10% of the tribal schools nationwide; and
- WHEREAS,** the Education Line Officer position for the South & Eastern region is vacant, and has been for four (4) months and has not as yet been advertised; and
- WHEREAS,** the guidance and support of an Education Line Officer within the South and Eastern region is essential for the continued educational advancement of the USET tribes; and
- WHEREAS,** it is imperative that the Education Line Officer represent only the South & Eastern region; therefore, be it
- RESOLVED** that the USET Board of Directors request that an Education Line Officer be identified, hired and placed in the BIA Office of Indian Education immediately.

#### CERTIFICATION

This resolution was duly passed at the USET Annual Board Meeting and EXPO, at which a quorum was present, in Uncasville, CT, Thursday, October 31, 2002.

  
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Keller George, President  
United South and Eastern Tribes, Inc.

  
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Beverly M. Wright, Secretary  
United South and Eastern Tribes, Inc.

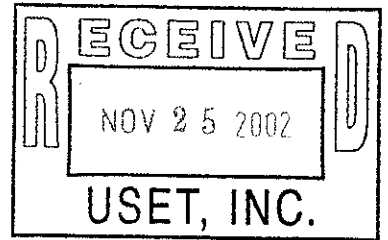


IN REPLY REFER TO:

OIEP-School Operations

## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Office of Indian Education Programs  
Office of School Operations  
500 Gold Avenue SW, 7<sup>th</sup> Floor  
P.O. Box 829  
Albuquerque, New Mexico 87103-0829



NOV 21 2002

James T. Martin, Executive Director  
United South and Eastern Tribes Inc.  
711 Stewarts Ferry Pike, Suite 100  
Nashville, Tennessee 37214

Dear Mr. Martin:

Thank you for your letter of November 7, 2002 of your concerns for the Bureau of Indian Affairs, South and Eastern Education Office in Nashville, Tennessee. Office of Indian Education Programs, Human Resource Office is in the process of preparing the vacancy announcement for the Education Line Officer position. The vacancy announcement position will be advertised for thirty (30) days. Our office is willing to work with the Eastern Tribes to get the position filled as soon as possible. We are happy to inform you that the Nashville Education Office will be moving into their new office location December 13, 2002.

Thank you for your interest in the Indian Education. If you have any questions, please contact Carol Gipp, Acting Education Line Officer, South and Eastern Education Office in Nashville, Tennessee at (615) 695-4103.

Sincerely,

Edward Parisian  
Deputy Director for School Operations

cc: Carol Gipp, Actg. ELO  
South & Eastern Education Office

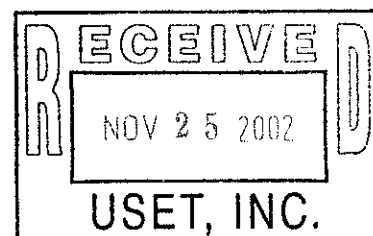


IN REPLY REFER TO:

OIEP-School Operations

## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Office of Indian Education Programs  
Office of School Operations  
500 Gold Avenue SW, 7<sup>th</sup> Floor  
P.O. Box 829  
Albuquerque, New Mexico 87103-0829



NOV 22 2002

Tiffany D. Chevront, Bureau Information Officer  
United South and Eastern Tribes Inc.  
711 Stewarts Ferry Pike, Suite 100  
Nashville, Tennessee 37214

Dear Ms. Chevront:

Thank you for your letter of November 18, 2002 of your concerns for the Bureau of Indian Affairs, South and Eastern Education Office in Nashville, Tennessee. Office of Indian Education Programs, Human Resource Office is in the process of preparing the vacancy announcement for the Education Line Officer position. The vacancy announcement position will be advertised for thirty (30) days. Our office is willing to work with the Eastern Tribes to get the position filled as soon as possible. We are happy to inform you that the Nashville Education Office will be moving into their new office location December 13, 2002.

Thank you for your interest in the Indian Education. If you have any questions, please contact Carol Gipp, Acting Education Line Officer, South and Eastern Education Office in Nashville, Tennessee at (615) 695-4103.

Sincerely,

Edward Parisian  
Deputy Director for School Operations

cc: Carol Gipp, Actg. ELO  
South & Eastern Education Office



## UNITED SOUTH AND EASTERN TRIBES, INC.

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USET Resolution No. 2003:010

### EASTERN REGION TRIBAL COURT LIAISON POSITION

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** Eastern Tribal Courts, as represented by the USET Tribal Justice Committee, request that a permanent representative, who has the best interest of the Tribal Courts as a priority, is employed by USET and funded by the U.S. Department of Interior Bureau of Indian Affairs, Eastern Regional Office; and
- WHEREAS,** no such person is presently available to Eastern Tribal Court personnel to serve as an advocate for tribal court issues and interest such as training, technical assistance and legislative matters; and
- WHEREAS,** such a position would provide a single resource to promote support for efficiency in communications and eliminate duplication of requests for assistance; therefore be it
- RESOLVED** that the USET Board of Directors request the U.S. Department of Interior, Bureau of Indian Affairs, Eastern Regional Office, provide the funds necessary to enable USET to establish and employ an advocate for Tribal Courts on a permanent basis.

### CERTIFICATION

This resolution was duly passed at the USET Annual Board Meeting and EXPO, at which a quorum was present in Uncasville, CT, Thursday, October 31, 2002.

Keller George, President  
United South and Eastern Tribes, Inc.

Beverly M. Wright, Secretary  
United South and Eastern Tribes, Inc.



Office of the Director

## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Eastern Regional Office  
711 Stewarts Ferry Pike  
Nashville, TN 37214

cc Tiffany v 11/2/02 RE  
Resolution Book

NOV 26 2002

United South and Eastern Tribes, Inc.  
Attn: Tim Martin  
711 Stewarts Ferry Pike  
Nashville, TN 37214

Dear Mr. Martin:

This office is in receipt of the United South and Eastern Tribes (USET) resolution number 2003:010. This resolution requests a permanent Tribal Courts' representative who is employed by USET and compensated by Bureau of Indian Affairs (BIA).

The present structure of this office places the Branch of Tribal Government Services (TGS) in charge of providing technical assistance to Tribal Courts. TGS has indicated that inquiries regarding Tribal Courts' issues are almost non-existent. This is not to say the need does not exist, it is to point out that the amount of assistance requested for Tribal Courts' matters does not appear to justify the creation of a full-time permanent position.

For further comment and questions, please call Howard Bemer at (615) 467-2925.

Sincerely,

Franklin Keel  
Regional Director



## UNITED SOUTH AND EASTERN TRIBES, INC.

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USET Resolution No. 2003:011


### BIA-OFFICE OF LAW ENFORCEMENT DISTRICT VI

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** currently the District VI BIA Office of Law Enforcement Services (BIA-OLES) is not properly staffed and the demands on the District VI office have increased as a result of the additional number of operational Tribal Police Agencies within District VI; and
- WHEREAS,** the District VI BIA-OLES currently needs one assistant commander and two drug agents; therefore, be it
- RESOLVED** that the USET Board of Directors strongly urges the BIA Office of Law Enforcement Services to properly staff the District VI Office to ensure that each District BIA-OLES is properly represented and fairly dealt with; and, be it further
- RESOLVED** that the USET Board of Directors demands the Office of Law Enforcement Services, through coordination with the USET Tribal Justice Committee, properly staff the District VI Office.

### CERTIFICATION

This resolution was duly passed at the USET Annual Board Meeting and EXPO, at which a quorum was present in Uncasville, CT, Thursday, October 31, 2002.

  
Keller George, President  
United South and Eastern Tribes, Inc.

  
Beverly M. Wright, Secretary  
United South and Eastern Tribes, Inc.



## UNITED SOUTH AND EASTERN TRIBES, INC.

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USET Resolution No. 2003:012

### **STRENGTHENING THE LINKS BETWEEN JUSTICE SYSTEMS: FULL FAITH AND CREDIT CONFERENCE FOR TRIBAL, STATE AND FEDERAL JUDGES**

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** the Eastern Tribal Court Judges Association ("Association"), is a newly formed organization of Eastern area tribal court judges, tribal court non-judicial personnel, tribal law enforcement officers, tribal prosecutors, tribal bar members and tribal governmental officials; and
- WHEREAS,** among the purposes of the Association are: 1) to improve cooperation and communication between tribal justice systems, tribal governments, intertribal organizations, governmental agencies, private organizations, and others to accomplish common justice goals; 2) to provide accessible and specific training for tribal court judges, administrators, clerks and other court personnel and 3) to further public awareness of Native American courts; and
- WHEREAS,** the Association is dedicated to improving the delivery of justice through educational efforts; and
- WHEREAS,** various federal laws, including the Indian Child Welfare Act, the Full Faith and Credit in Child Support Act, the full faith and credit provisions of the Violence Against Women Act, and the Maine Indian Land Claims Settlement Act, require that state courts honor tribal court orders; and
- WHEREAS,** there is not full compliance with these federal Full Faith and Credit mandates and tribal communities do not enjoy the full protection and benefits of these laws as a result; and
- WHEREAS,** there is a need for training of federal, state and tribal judiciaries to ensure proper observance of federal Full Faith and Credit mandates; and
- WHEREAS,** the Association is planning to host a regional training conference entitled, "Strengthening the Links Between Justice Systems: Full Faith and Credit Conference for Tribal, State and Federal Judges" on October 12-14, 2003 in Atlanta, GA; and
- WHEREAS,** it is necessary for tribal, state and federal courts to reach out to each other with mutual honor and respect to develop ways in which existing federal mandates may be implemented to improve the effectiveness of each justice system's orders; and
- WHEREAS,** this conference will not only provide judicial training on existing laws but will also provide an opportunity for the development of Tribal-State Coordinating Councils, such as the highly successful one functioning for the past decade in the State of Maine, which will provide permanent forums for ongoing discussion between justice systems on mutual matters of concern; and

*"Because there is strength in Unity"*

USET Resolution No. 2003:012

- WHEREAS,** the Association historically has worked collaboratively with USET's Tribal Justice Committee ("Committee") on tribal justice issues and many of the members of the Association actively participate in the work of the Committee; and
- WHEREAS,** the Association has not yet been incorporated nor been granted federal tax-exempt status that would allow it to independently apply for various government and private grants to fund the Conference; and
- WHEREAS,** it is necessary for the Association to partner with an existing 501(c)(3) organization to gain access to the necessary funds and for other logistical purposes; and
- WHEREAS,** USET, through its Tribal Justice Committee, has supported the efforts of the Association and shares similar goals; therefore, be it
- RESOLVED** that the USET Board of Directors hereby supports the efforts of the Eastern Tribal Court Judges Association to conduct a regional conference entitled, "Strengthening the Links Between Justice Systems: Full Faith and Credit Conference for Tribal, State and Federal Judges"; be it further
- RESOLVED** that the USET Board of Directors directs the USET Executive Director to partner with the Eastern Tribal Court Judges Association in its efforts to host the conference.

**CERTIFICATION**

This resolution was duly passed at the USET Annual Board Meeting and EXPO, at which a quorum was present in Uncasville, CT, Thursday, October 31, 2002.



Keller George, President  
United South and Eastern Tribes, Inc.



Beverly M. Wright, Secretary  
United South and Eastern Tribes, Inc.



## **Janes, Wanda (USET)**

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**From:** Janes, Wanda (USET)  
**Sent:** Tuesday, July 01, 2003 4:04 PM  
**To:** 'jill.tompkins@colorado.edu'  
**Subject:** Conference

Jill: I was reviewing notes in my pending file and came across the USET Resolution discussing the Strengthening the Links Between Justice Systems Conference. Is the conference still planned for October 12-14, and has USET been involved in any way?

Wanda Janes, Tribal Liaison Officer  
United South and Eastern Tribes, Inc.  
711 Stewarts Ferry Pike, Suite 100  
Nashville, TN 37214  
(615) 872-7900, (615) 872-7417 FAX  
wjanes@usetinc.org, [www.usetinc.org](http://www.usetinc.org)



**UNITED SOUTH AND EASTERN TRIBES, INC.**

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USET Resolution No. 2003:012

**STRENGTHENING THE LINKS BETWEEN JUSTICE SYSTEMS:  
FULL FAITH AND CREDIT CONFERENCE  
FOR TRIBAL, STATE AND FEDERAL JUDGES**

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- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** the Eastern Tribal Court Judges Association ("Association"), is a newly formed organization of Eastern area tribal court judges, tribal court non-judicial personnel, tribal law enforcement officers, tribal prosecutors, tribal bar members and tribal governmental officials; and
- WHEREAS,** among the purposes of the Association are: 1) to improve cooperation and communication between tribal justice systems, tribal governments, intertribal organizations, governmental agencies, private organizations, and others to accomplish common justice goals; 2) to provide accessible and specific training for tribal court judges, administrators, clerks and other court personnel and 3) to further public awareness of Native American courts; and
- WHEREAS,** the Association is dedicated to improving the delivery of justice through educational efforts; and
- WHEREAS,** various federal laws, including the Indian Child Welfare Act, the Full Faith and Credit in Child Support Act, the full faith and credit provisions of the Violence Against Women Act, and the Maine Indian Land Claims Settlement Act, require that state courts honor tribal court orders; and
- WHEREAS,** there is not full compliance with these federal Full Faith and Credit mandates and tribal communities do not enjoy the full protection and benefits of these laws as a result; and
- WHEREAS,** there is a need for training of federal, state and tribal judiciaries to ensure proper observance of federal Full Faith and Credit mandates; and
- WHEREAS,** the Association is planning to host a regional training conference entitled, "Strengthening the Links Between Justice Systems: Full Faith and Credit Conference for Tribal, State and Federal Judges" on October 12-14, 2003 in Atlanta, GA; and
- WHEREAS,** it is necessary for tribal, state and federal courts to reach out to each other with mutual honor and respect to develop ways in which existing federal mandates may be implemented to improve the effectiveness of each justice system's orders; and
- WHEREAS,** this conference will not only provide judicial training on existing laws but will also provide an opportunity for the development of Tribal-State Coordinating Councils, such as the highly successful one functioning for the past decade in the State of Maine, which will provide permanent forums for ongoing discussion between justice systems on mutual matters of concern; and


*"Because there is strength in Unity"*


USET Resolution No. 2003:012

- WHEREAS,** the Association historically has worked collaboratively with USET's Tribal Justice Committee ("Committee") on tribal justice issues and many of the members of the Association actively participate in the work of the Committee; and
- WHEREAS,** the Association has not yet been incorporated nor been granted federal tax-exempt status that would allow it to independently apply for various government and private grants to fund the Conference; and
- WHEREAS,** it is necessary for the Association to partner with an existing 501(c)(3) organization to gain access to the necessary funds and for other logistical purposes; and
- WHEREAS,** USET, through its Tribal Justice Committee, has supported the efforts of the Association and shares similar goals; therefore, be it
- RESOLVED** that the USET Board of Directors hereby supports the efforts of the Eastern Tribal Court Judges Association to conduct a regional conference entitled, "Strengthening the Links Between Justice Systems: Full Faith and Credit Conference for Tribal, State and Federal Judges"; be it further
- RESOLVED** that the USET Board of Directors directs the USET Executive Director to partner with the Eastern Tribal Court Judges Association in its efforts to host the conference.

**CERTIFICATION**

This resolution was duly passed at the USET Annual Board Meeting and EXPO, at which a quorum was present in Uncasville, CT, Thursday, October 31, 2002.

  
Keller George, President  
United South and Eastern Tribes, Inc.

  
Beverly M. Wright, Secretary  
United South and Eastern Tribes, Inc.

Conference

Page 1 of 1

**Janes, Wanda (USET)**

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**From:** Jill Tompkins  
**Sent:** Tuesday, July 01, 2003 5:49 PM  
**To:** Janes, Wanda (USET)  
**Subject:** RE: Conference

Hi Wanda,

Actually ETCJA ended up voting to postpone that conference for a host of reasons. One is to get more on our feet and to obtain our own 501(c)(3) status and the other is to get more and more consistent involvement of the Association's members (we recently expanded membership beyond tribal judges). Quite frankly, if we were to do the conference it would have all fallen on me and I simply cannot pull it off.

We may revisit it in a couple of years. Please see page 4 of the attached minutes which addresses the "tabling" of the conference. Let me know if I should write a letter or something like that for the USET Board (a sort of "thank you but we aren't ready yet")

Jill E. Tompkins  
Clinical Professor of Law  
Director, Indian Law Clinic  
Univ. of Colorado School of Law  
(303) 735-2194

-----Original Message-----

**From:** Janes, Wanda (USET) [mailto:wjanes@usetinc.org]  
**Sent:** Tuesday, July 01, 2003 3:04 PM  
**To:** 'jill.tompkins@colorado.edu'  
**Subject:** Conference

Jill: I was reviewing notes in my pending file and came across the USET Resolution discussing the Strengthening the Links Between Justice Systems Conference. Is the conference still planned for October 12-14, and has USET been involved in any way?

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07/02/2003

## EASTERN TRIBAL COURT JUDGES' ASSOCIATION

### MINUTES: ASSOCIATION MEETING: FEBRUARY 4-5, 2003

#### February 4, 2003

In Attendance: Wendy Fisher, Oneida Nation; Ben C. Bennett, Tunica-Biloxi; Donna White, Poarch Creek; Kim Vele, Mohegan; Richard Chapman, Mohegan; John Henry Clark, Mohegan; Mary Rubino, Mohegan; Anita Dupris, Mohegan; Timothy Walker, Mashantucket Pequot; Roxane Ackerman, Wampanoag; Kevin Briscoe, Mississippi Band of Choctaw; Rae Nell Vaughn, Mississippi Band of Choctaw; Gay Story Hamilton, Mohegan; Jill Tompkins, Passamaquoddy/Pequot; Irene Warrior, Seneca Nation; Patrice John, Seneca Nation; Steven B. Cook, St. Regis Akwesasne Mohawk; Ava Cole, St. Regis Akwesasne Mohawk; Holly A. Robicheaux, Chitimacha Tribal Court; and Randy R. Noka, Narragansett.

#### President's Report and Minutes

President Jill Tompkins (Tompkins) reported that we have not received many votes yet on the proposed By-Law amendments. She stated we have received 32 votes out of a possible 120+ eligible members.

Tim Walker (Walker) stated he met with the Mashantucket Pequot Tribal Nation (MPTN) Peacemaker's Council and there were a number of questions of whether each Peacemaker was a member of ETCJA. Five out of the 22 sent their votes in. Many of the others didn't feel they were ETCJA members.

Tompkins reported she and Pamela Watt, (Watt) Court Administrator/Clerk for the Mohegan Tribal Court, did make calls to the Peacemakers and to the Seneca Indian Nation judges. Tompkins will follow up on the concerns of the MPTN Peacemakers.

Judge Anita Dupris (Dupris) requested a correction to the minutes of the last meeting to state Judge Theresa Pouley is from the Lummi Tribal Court and not the Puyallup Tribal Court. Justice Rae Nell Vaughn (Vaughn) moved to accept the minutes as corrected. Elder Gay Story Hamilton (Hamilton) seconded the motion. The motion passed unanimously.

Tompkins asked for suggestions regarding what we should do about the Secretary/Treasurer position and lack of votes pending getting more members to vote on the issue. Dupris moved to continue the interim positions of Secretary and Treasurer pending the outcome of the voting on the proposed By-Law amendments. Hamilton seconded the motion. Richard Chapman, (Chapman), Interim Treasurer, agreed with the motion. He stated that we have nearly \$600.00 in the treasury already.

### Nonprofit Corporation Issues

Tompkins has pulled together information regarding incorporating as a 501(c)(3) non-profit corporation. She has contacted CSC in Delaware already. Tompkins asked if we should have a D.C. attorney do the work. Vele stated that if Tompkins was signing, not as an attorney but as an officer, there should be no barrier to doing so.

Chapman stated he was holding all the checks he has received until he could open an account. He couldn't open a bank account without a tax identification number. Vele stated we could get a tax identification number without being incorporated yet. She volunteered to help Tompkins with the forms.

**HANDOUT:** Tompkins provided a handout entitled "Requirements and Costs Associated with Incorporation and Application for 501(c)(3) Status for the Eastern Tribal Court Judges Association." The immediate costs identified in the sheet amounted to about \$304.00. This included: (1) Delaware Registered Agent fee of \$204.00; (2) Delaware County Recording fee of \$31.00; and (3) two certified copies of the Certificate of Incorporation for the corporate records and one to file with IRS.

We discussed the role of the Treasurer. In the current By-Laws the role is limited. Once a bank account is opened, we need two people to be signers on the checks. Walker, who is Treasurer for NAICJA, explained how NAICJA handles it: he and the NAICJA President are the signers. An account is set up with a charge card with a \$5,000 limit. The President can use the card and then notifies the Treasurer of such use.

**MOTIONS:** (1) Vaughn, Vice President, moved for a Board Resolution to authorize the Treasurer to pay fees necessary to incorporate. Dupris seconded. After a discussion, Vaughn withdrew her motion and Dupris withdrew her second.  
(2) Vele moved to authorize the Board of Directors to take whatever action is necessary to incorporate the organization and to seek 501(c)(3) status from the IRS. Bennett seconded the motion. Chapman called for the question. The motion passed unanimously.  
(3) Walker moved we table the setting of a date for any national or regional conference for ETCJA until we feel we are strong enough to address it. Vaughn seconded. Bennett called for the question. The motion passed unanimously.

### Future Agendas

Tompkins pointed out that we needed a substantive training agenda in order for some of the judges to attend the meetings. This is one reason we have Full Faith and Credit training tomorrow. Tompkins asked for any ideas the members had for training topics. The following issues were suggested:

- (1) Roxane Ackerman, (Ackerman), Wampanoag, suggested **probate**. She asked if any court had a registry. Bennett stated his tribe [Tunica-Biloxi] was developing one. Ackerman stated there were jurisdiction questions regarding allotment lands and tribally-owned fee

## **Minutes of the Eastern Tribal Court Judges Association**

**October 29, 2002**

**Mohegan Sun Resort  
Uncasville, Connecticut**

**ETCJA Members Present:** Judges Anita Dupris, Edythe Chenois, Elbridge Coochise, Don Sollars, Earnest White, John Henry Clark, Gay Story Hamilton, Bill Ihloff, Mary Rubino, Richard Chapman, and Jill Tompkins.

**Others Present<sup>1</sup>:** Keri Paniagua, Pamela Watt, Helen Avalos, and Roxanne Ackerman.

Eastern Tribal Court Judges Association (ETCJA) President Judge Jill Tompkins called the meeting to order at 8:15 a.m. Members of the Mohegan Tribe offered an invocation and smudging ceremony. Gay Story Hamilton, Chair of the Mohegan Tribe Council of Elders, welcomed the Association. Judge Tompkins thanked the Mohegan Tribe Council of Elders for their generous support and sponsorship of the meeting and the Eastern Tribal Judicial Conference.

### **Minutes of June 10, 2002**

1.) Motion to approve the minutes of June 10, 2002 with the correction of "Justice Dupris" to "Judge Dupris" by Judge Dupris. Seconded by Judge White. Vote: In favor: 9, Opposed: 0; Abstentions: 2.

### **Bylaws Amendments**

Judge Tompkins presented two sets of amendments to the ETCJA Bylaws. The first set was developed pursuant to the Association's directive at the June 10, 2002 meeting to broaden the categories of persons that would be eligible to join and participate in the Association. The second set was designed to separate the position of Secretary/Treasurer into two separate positions, a Secretary and a Treasurer, in the hopes that more members would be willing to consider holding these offices.

2.) Motion to approve the proposed amendments to Article III, Membership, to allow a broader cross-section of the tribal justice community to join ETCJA as Associate Members by Judge Dupris. Seconded by Judge White. Vote: In favor: Unanimous.

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<sup>1</sup> If the proposed amendments to the ETCJA Bylaws are approved these persons will be eligible for membership. Currently membership is limited to judges.

3.) Motion to approve the proposed amendments to separate the position of Secretary/Treasurer into two positions and to grant the President an additional vote in the event of a tie vote in Board meetings by Judge Sollars. Seconded by Elders Council Chair Hamilton. Vote: In favor: Unanimous.

The amendments approved at the June 10, 2002 meeting and the amendments approved on October 28, 2002 will be mailed out to all Association members for the final vote. Judge Dupris suggested that the Association look at adding language to our Bylaws in regard to how our NAICJA representatives are elected.

### **Conference Planning Update**

Judge Tompkins gave an update on the planning for ETCJA's October 2003 conference, "Strengthening the Links Between Justice Systems: Full Faith and Credit Conference for Tribal, State and Federal Judges." She informed the Association that Justice/Professor Frank Pommersheim (Mississippi Choctaw Supreme Court & University of South Dakota School of Law) agreed to keynote the conference. Professor Robert Laurence of the University of Arkansas School of Law, a well known authority on the full faith and credit and comity issues, has also agreed to participate.

A review of the Conference Committees was undertaken. Judge Edythe Chenois, Judge Don Sollars and Elders Council Chair Gay Story Hamilton agreed to join the Curriculum & Speakers Committee.

The group then brainstormed on additional speakers and topics. The following suggestions were made:

- Collect all ETCJA member tribal recognition of judgment laws and procedures
- Connect with the National Conference of Chief Justices
- Invite Judge Lori Miner (Standing Rock Sioux; protection orders) and Judge Theresa Pouley (Puyallup; child support orders) to speak
- Ask Justice Terri Henry (Eastern Band of Cherokee), formerly of the VAWGO office for suggestions for a VAWA full faith and credit presenter (possibly Judge Patrick Lee of Oglala who was a presenter at the NAICJA VAWA training session)
- Invite NICWA (Terry Cross) to cover the ICWA full faith and faith provisions; also contact the authors of the annotated guide, Steve Moore (NARF) and Craig Dorsay
- Bring someone in to discuss information sharing among law enforcement and records management (NCIC); possibly the FBI



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- Invite Justice Canby of the Ninth Circuit Court of Appeals (also the author of the nutshell on Indian law)
  - Invite members of existing Tribal-State Coordinating Councils to present: Maine, Arizona, Oklahoma and/or Wisconsin.
  - Invite someone from the Federal Office of Child Support; follow up on the work of the late Lucille Dawson and Judges David Harding and Elbridge Coochise
  - Have law students research existing tribal-state memorandums of agreement (child support primarily)

The Association then met with the United South and Eastern Tribes Inc., Tribal Justice Committee. Judge Tompkins presented the idea of the conference to the Committee and explained that due to the fact that the Association was not yet incorporated and did not have 501(c)(3) status that many funding avenues were not open to it. ~~The Tribal Justice Committee agreed to consider a resolution to the USET Board requesting that USET partner with ETCJA on the conference project.~~

### **Organizational Status of ETCJA**

Discussion ensued about the need to move ahead on incorporation and 501(c)(3) process. Judge Tompkins informed the Association that she had approached Judge Edward O'Connell's law firm for possibly providing pro bono legal assistance similar to what it provided to NAICJA when it was revising its Bylaws. As of the date of the meeting, she had not heard anything back. Helen Avalos indicated that she might be able to offer some assistance.

It was the consensus of the group to incorporate in Delaware as it was a simple process under Delaware law. Discussion about the uncertainty of tribal law and the potential for conflicts of interests with the judicial members of ETCJA also occurred. Judge Tompkins also mentioned the need for a provision within ETCJA's articles of incorporation that addresses what will happen to ETCJA funds and assets should the Association dissolve. Judge Coochise suggested bidding it out like Arrow did.

The need for some immediate funds for incorporation related fees was discussed.

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<sup>2</sup> After the meeting adjourned, Judge Tompkins drafted a resolution which was approved by the Tribal Justice Committee on October 30, 2002. On October 31, 2002, the USET Board of Directors adopted the resolution.

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4) Motion to institute a twenty-five dollar (\$25.00) registration fee for ETCJA meetings to cover the cost of materials and other costs by Judge Dupris. Seconded by Elders Council Member Richard Chapman. Vote: In favor: Unanimous.

It was the consensus of the group that if co-signers are needed to make ETCJA expenditures that the Treasurer and President would be the authorized signatories.

5) Motion to appoint Elder Richard Chapman as ETCJA Treasurer pending elections by Judge Don Sollars. Seconded by Judge Dupris. Vote: In favor: Unanimous.

6) Motion to appoint Judge Anita Dupris as ETCJA Secretary pending elections by Elder Gay Story Hamilton. Seconded by Judge Sollars. Vote: In favor: Unanimous.

### **NAICJA Update**

Judge Elbridge Coochise, a member of the Board of Directors of the National American Indian Court Judges Association, gave an update of NAICJA's activities. He mentioned that NAICJA's VAWA project developing a model code was going to be tested at three different tribal courts. He discussed NAICJA's work on the Tribal Sovereignty Protection Initiative, which has been renamed the "Tribal Economic Enhancement Initiative." The most controversial issue is whether federal review of tribal court decisions should be included in the bill. At NAICJA's recent meeting in Michigan, the judges were reluctant to take a position on the federal review issue based on their opinion that it was the role of the tribal councils, not the tribal courts to take political positions on behalf of the tribes.

### **NAICJA Region 7 Vacancies and Elections**

The vacancies in the NAICJA Region 7 Steering Committee positions were discussed. After some discussion about the upcoming expiration of the Region 7 representatives to the Board of Directors, it was the consensus of the group that elections to fill the two NAICJA Director positions and the two Steering Committee positions should be held at ETCJA's next meeting in February 2003. It was also agreed that the elections for ETCJA Secretary and Treasurer should be conducted at the meeting rather than by mail.

**Next Meeting: January 2003**

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Consensus of the group that the next meeting of ETCJA will be held in conjunction with USET's Impact Week meetings from February 3-6, 2003 in Arlington, VA.

The group then enjoyed a luncheon provided by the Mohegan Tribal Council of Elders.

Meeting adjourned at 1:15 p.m.

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On October 30, 2002, the Eastern Tribal Judicial Conference was held.

In attendance: Justice Rae Nell Vaughn, Justice Cheryl Fairbanks, Elders Chair Gay Story Hamilton, Helen Avalos, Elders Council Member Bill Ihloff, Elders Council Member John Henry Clark, Lois Terrance, Roxanne Ackerman, Judge Edythe Chenois, Judge Anita Dupris, Pamela Watt, Judge Elbridge Coochise, Judge Don Sollars, Judge Jane Freeman, Jeanette Witkowski, Dean Nell Jessup Newton, Prof. Bethany Berger and Judge Jill Tompkins.

Training was provided by: Dean Newton on crafting tribal court opinions to withstand state and federal court scrutiny (she also gave a progress report on the new edition of the Handbook of Federal Indian Law); Justice Cheryl Fairbanks on tribal judicial ethics; Justice Rae Nell Vaughn on the Model Tribal Domestic Violence Code; Judge Jill Tompkins on the regulation of the practice of law within tribal jurisdictions; and Judge Anita Dupris on judicial independence.

Lunch at the Sunburst Buffet was generously sponsored by the Mohegan Tribe Council of Elders.

Respectfully submitted,

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Judge Jill E. Tompkins, President  
ETCJA