

Wichita and Affiliated Tribes

Leslie Standing
President

Stratford Williams
Vice President

Terri Parton
Secretary

Gladys L. Walker
Treasurer



Shirley Davilla
Committee Member

Gerald W. Collins
Committee Member

Grace Fields
Committee Member

Tribal Administration
P.O. Box 729 · Anadarko, OK 73005
Telephone (405) 247.2425 Fax (405) 247.2430
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July 21, 2011

Dan Deerinwater, Director
Southern Plains Region
Bureau of Indian Affairs
P.O. Box 368
Anadarko, OK 73005

Re: Approval of Amendment to Tribal Court Civil Jurisdiction

Dear Mr. Deerinwater:

On behalf of the Wichita and Affiliated Tribes ("Tribe"), please accept the enclosed copy of the Tribal Court Civil Jurisdiction Ordinance of 2011 (adopted as the Tribe's law by the Wichita Executive Committee ("WEC") upon approval of Resolution No. WT-11-117). The WEC approved the Ordinance at its July 13, 2011, meeting, duly called with a quorum present, as authorized by the Tribe's Governing Resolution.

The Ordinance clarifies the civil jurisdiction of the Court of Indian Offenses for the Wichita and Affiliated Tribes, clarifying that the Tribe may enforce its federally approved laws in the Court of Indian Offenses and that the Tribe may appear as a party in the Court of Indian Offenses regardless of whether the opposing party is an individual Indian. However, the ordinance **does not** waive the Tribe's sovereign immunity or grant the Court of Indian Offenses jurisdiction over internal tribal government disputes or election disputes. The ordinance requires approval by your office because it clarifies the jurisdictional provisions of 25 C.F.R. Pt. 11.

We understand that a similar ordinance adopted by a nearby tribe was recently approved in short order due to the importance and pressing nature of the subject matter. We respectfully request that this Ordinance be approved in similar fashion.

Thank you in advance for your consideration. Please contact me at (405) 247-2425 if you have any questions.

Sincerely,

Leslie Standing, President
Wichita and Affiliated Tribes

Enclosures

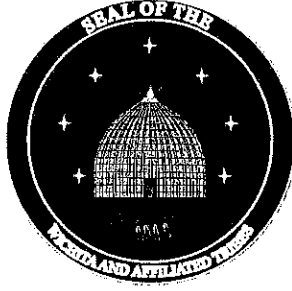
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WT-11-117

RESOLUTION

Approving the Tribal Court Civil Jurisdiction Ordinance of 2011

WHEREAS, the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, and Tawakoni) (the "Tribe") possess substantial inherent sovereign powers and has exercised those powers since time immemorial; and

WHEREAS, the Tribe has a duly established Tribal Government recognized by the Secretary of the Interior; and

WHEREAS, Article V of the Wichita Governing Resolution authorizes and empowers the Executive Committee of the Wichita and Affiliated Tribes to act in all matters of business on behalf of the Tribe; and

WHEREAS, the Executive Committee finds that it is in the best interest of the Tribe to clarify the jurisdiction of the Court of Indian Offenses for the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, and Tawakoni) (also known as the ("CFR Court")); and

WHEREAS, the Executive Committee intends that nothing in this Resolution shall be deemed a waiver of the Tribe's sovereign immunity from suit; and

WHEREAS, the Executive Committee intends that nothing in this Resolution shall be deemed to supersede or conflict with the provisions of 25 C.F.R. § 11.118.

NOW THEREFORE BE IT RESOLVED, that the Executive Committee approves and enacts the Tribal Court Civil Jurisdiction Ordinance of 2011, as set forth below, to clarify the jurisdiction of the CFR Court.

BE IT FURTHER RESOLVED that nothing in this Resolution or in the Tribal Court Civil Jurisdiction Ordinance of 2011 shall be construed or interpreted as a waiver of the sovereign immunity of the Tribe or any of its boards, commissions, agencies, corporations, enterprises, or similar entities.

BE IT ENACTED BY THE EXECUTIVE COMMITTEE:

The Tribal Court Civil Jurisdiction Ordinance of 2011 is enacted in the following form:

Tribal Court Civil Jurisdiction Ordinance of 2011

1. Tribal Court Civil Jurisdiction

The Court of Indian Offenses for the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, and Tawakoni) ("Tribal Court") shall have jurisdiction over any civil action arising within the territorial jurisdiction of the Tribal Court in which:

- (a) At least one party is an Indian, provided that the term "Indian" shall not include the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, and Tawakoni) ("Tribe") or any of its boards, commissions, agencies, corporations, enterprises, or similar entities and provided further that actions in which the Tribe, or any of its boards, commissions, agencies, corporations, enterprises, or similar entities, is a party shall be governed by subsections (b) and (c) and 2 and 3 below;
- (b) The Tribe, or any of its boards, commissions, agencies, corporations, enterprises, or similar entities, is a plaintiff; or
- (c) The Tribe, or any of its boards, commissions, agencies, corporations, enterprises, or similar entities, is a defendant, provided that:
 - (i) The Tribe or the board, commission, agency, corporation, enterprise, or similar entity that is named as a defendant has provided a lawful, express, and unequivocal waiver of sovereign immunity for the cause of action; or
 - (ii) The Tribe has enacted an ordinance that expressly authorizes the cause of action to be resolved in the Tribal Court against the Tribe or the board, commission, agency, corporation, enterprise, or similar entity that is named as a defendant.

2. Tribal Sovereign Immunity from Suit

Nothing in this Ordinance shall be construed to waive the sovereign immunity of the Tribe or any of its boards, commissions, agencies, corporations, enterprises, or similar entities.

3. Savings Clause

In the event that any provision of this Ordinance shall be found or declared to be invalid, the remaining provisions shall be unaffected and shall remain in full force and effect.

4. Internal Tribal Government Disputes

This Ordinance shall not be interpreted to grant the Tribal Court jurisdiction to adjudicate election disputes or internal tribal government disputes.

5. Application

This Ordinance is jurisdictional in nature. This Ordinance shall apply to all pending and future cases in the Tribal Court.

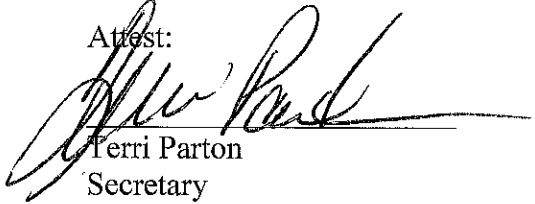
6. Effective Date

This Ordinance shall take effect upon approval of the Bureau of Indian Affairs.

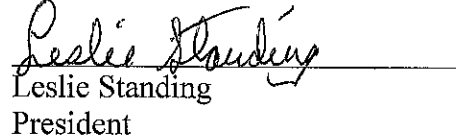
CERTIFICATION

The foregoing resolution was adopted by the Executive Committee of the Wichita and Affiliated Tribes of Oklahoma on **July 13, 2011**, in Anadarko, Oklahoma, by a vote of 4 for, 0 against and 0 abstentions, a quorum being present.

Attest:


Terri Parton
Secretary

Approved:


Leslie Standing
President