

1 SENATE RESOLUTION NO. 159

2 BY WARNSTADT, LARSON, LAMBERTI, GRONSTAL,
3 MILLER, and KREIMAN

4 A Resolution urging the General Assembly to continue
5 the work begun during the 2006 Legislative Session
6 in determining the proper manner for the Iowa court
7 system to recognize civil judgments, decrees, and
8 orders issued by the Meskwaki Tribal Court.

9 WHEREAS, the Meskwaki Settlement has existed within
10 the borders of the state of Iowa near Tama since 1857,
11 and the Sac and Fox tribe of the Mississippi in Iowa
12 is a federally recognized tribe; and

13 WHEREAS, the Meskwaki Nation and the state of Iowa
14 have an established government-to-government
15 relationship that is based on mutual respect which has
16 resulted in cooperative efforts, including legislation
17 creating landmark laws such as the Iowa Indian Child
18 Welfare Act and the reestablishment of the tribe's
19 right to control the taking of game on its own land;
20 and

21 WHEREAS, the Meskwaki Nation previously operated a
22 tribal court in the 1930s and, after several years of
23 study by past councils and input from tribal members,
24 the present tribal council has recently established a
25 tribal court to handle civil matters between and
26 concerning tribal members; and

27 WHEREAS, the Meskwaki Nation is in the process of
28 amending its Constitution to incorporate the creation
29 of the tribal court into the Constitution, along with
30 other progressive reforms initiated by the current

1 tribal council; and

2 WHEREAS, while nearly 300 tribal courts exist in
3 the United States, the Meskwaki Tribal Court is the
4 first tribal court established within Iowa's borders;
5 and

6 WHEREAS, the Meskwaki Tribal Court, while giving
7 consideration to tribal customs and traditions,
8 operates under rules of procedure that are similar to
9 the rules of procedure used by state and federal
10 courts, including rules that address a party's
11 appropriate notice and opportunity to be heard; and

12 WHEREAS, the tribal council is in the process of
13 adopting laws granting reciprocal full faith and
14 credit to orders from state courts, and the tribal
15 court has already given full faith and credit to
16 orders from Iowa district courts; and

17 WHEREAS, in recruiting judges to hear cases in the
18 Meskwaki Tribal Court, the tribal council sought some
19 of the nation's leading judges familiar with tribal
20 court caseloads, including two judges who serve on the
21 board of directors for the National American Indian
22 Court Judges Association; and

23 WHEREAS, the Chief Judge of the 6th Judicial
24 District supported the creation of the Meskwaki Tribal
25 Court, and the United States Supreme Court and the
26 United States Congress have taken steps to support the
27 creation and operation of tribal courts across the
28 country; and

29 WHEREAS, the General Assembly adopted legislation
30 during the 2005 Legislative Session asking the Iowa

1 Supreme Court to study whether a court rule should be
2 created to recognize civil judgments, orders, and
3 decrees issued by the Meskwaki Tribal Court, and the
4 General Assembly, during the 2006 Legislative Session
5 dedicated a significant amount of time to determining
6 the proper manner in which to recognize civil
7 judgments, orders, and decrees issued by the Meskwaki
8 Tribal Court; NOW THEREFORE,

9 BE IT RESOLVED BY THE SENATE, That the Senate
10 firmly supports the cross-education of state, local,
11 and tribal officials concerning state, local, and
12 tribal systems of law and jurisdictional authority;
13 and

14 BE IT FURTHER RESOLVED, That the Senate recognizes
15 the right of the Sac and Fox tribe of the Mississippi
16 in Iowa to form a tribal court with the ability to
17 resolve disputes emanating from the tribe, and
18 believes that a tribal court can bring a special
19 perspective and unique insight to issues involving the
20 Meskwaki Nation and tribal members; and

21 BE IT FURTHER RESOLVED, That the Senate also
22 believes that the Meskwaki Tribal Court will not only
23 benefit members of the tribe, but may benefit the
24 state of Iowa and all of its citizens; and

25 BE IT FURTHER RESOLVED, That the Senate urges
26 members of the judicial branch of state government,
27 members of the Iowa legal community, members of law
28 enforcement, and all affected Iowa citizens to
29 establish a working relationship with the Sac and Fox
30 tribe of the Mississippi in Iowa, and in particular,

1 the Meskwaki Tribal Court, to maximize understanding
2 of the tribe's legal system, including but not limited
3 to due process considerations, and to ensure strong
4 communication between the tribal legal system and the
5 legal system for the state of Iowa; and

6 BE IT FURTHER RESOLVED, That the Senate urges the
7 next General Assembly to continue the work begun by
8 this General Assembly in determining the proper
9 reciprocal manner for the Iowa court system and the
10 Meskwaki Tribal Court system to recognize civil
11 judgments, decrees, and orders issued by the
12 respective courts.

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