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HOUSE RESOLUTION NO. 173

BY EICHHORN, PAULSEN, and SWAIM

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

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

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

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

WHEREAS, the Meskwaki Nation is in the process of amending its Constitution to incorporate the creation of the tribal court into the Constitution, along with other progressive reforms initiated by the current tribal council; and

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

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

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

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

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

28 WHEREAS, the General Assembly adopted legislation  
29 during the 2005 Legislative Session asking the Iowa  
30 Supreme Court to study whether a court rule should be

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

8 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,

9 That the House of Representatives firmly supports the  
10 cross-education of state, local, and tribal officials  
11 concerning state, local, and tribal systems of law and  
12 jurisdictional authority; and

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

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

26 BE IT FURTHER RESOLVED, That the House of  
27 Representatives urges members of the judicial branch  
28 of state government, members of the Iowa legal  
29 community, members of law enforcement, and all  
30 affected Iowa citizens to establish a working

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

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

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