

**SEPTEMBER 2010 SPECIAL SESSION,  
CROW TRIBAL LEGISLATURE**

**JOINT ACTION RESOLUTION NO. JAR 10-14**

JOINT ACTION RESOLUTION OF THE CROW TRIBAL EXECUTIVE BRANCH  
AND CROW TRIBAL LEGISLATIVE BRANCH ENTITLED:

**“STATING THE SENSE OF THE BRANCHES REGARDING THE INDIAN  
HEALTH SERVICE EMPLOYMENT OF DR. A. SCOTT DEVOUS WITHIN  
THE BOUNDARIES OF THE CROW RESERVATION”**

**WHEREAS**, the Crow Law and Order Code, Title 8, currently provides for punishment via incarceration and/or fines to the maximum extent of the criminal jurisdiction of the Crow Tribe regarding illegal drugs; and

**WHEREAS**, the illicit drug threat to the Crow Reservation, particularly the abuse of diverted pharmaceuticals, presents an increasing concern regarding the current and future generations of the Apsaalooke Nation; and

**WHEREAS**, non-Indians play a large role in a significant amount of trafficking, sales, and distribution of illegal drugs, including diverted pharmaceuticals, within the boundaries of the Crow Indian Reservation; and

**WHEREAS**, the federal government, through its' 1868 Fort Laramie Treaty between the United States and the Crow Nation, has the duty and obligation to provide qualified physicians and medical staff to the Crow people residing on the Crow Reservation; and

**WHEREAS**, the United States Senate, through House Concurrent Resolution 331, issued in 1988, reaffirmed “the continuing government-to-government relationship between Indian tribes and the United States established in the Constitution”, “acknowledges and reaffirms the trust responsibility and obligation of the United States Government to Indian tribes ... for their preservation, protection, and enhancement, including the provision of health, education, social, and economic assistance programs ...” H. Con. Res. 331 (1988)

**WHEREAS**, the federal government, through the Bureau of Indian Affairs Law Enforcement, the United States Drug Enforcement Agency, as well as other agencies and bureaus, currently shares the responsibility for enforcement of these laws, as well as all applicable federal laws prohibiting the use and sale of illegal drugs on the Crow Indian Reservation; and

**WHEREAS**, the Indian Health Service Crow-Northern Cheyenne Hospital is located within the boundaries of the Crow Indian Reservation and is the source of healthcare for the majority of the citizens of the Crow Tribe; and

**WHEREAS**, Dr. A. Scott Devous, a currently practicing physician at the Indian Health Service Crow - Northern Cheyenne Hospital, is a tried and convicted felon, found guilty in United States of America v. A. Scott Devous, 764 F.2d 1349, (10<sup>th</sup> Cir.) for the distribution of controlled substances, particularly diverted narcotics, which resulted in his sentencing for that offense, and the relinquishment of his medical licenses in the states of Montana, Wyoming and California, although the Crow Tribe is aware Dr. Devous's medical license was later reinstated in, at least, the State of Montana and is current and valid on today's date; and

**WHEREAS**, the Apsaalooke Nation Health Board made findings regarding the presence Dr. A. Scott Devous at the Crow-Northern Cheyenne Hospital through Findings and Recommendations approved and issued on September 2, 2010, entitled "REGARDING THE INDIAN HEALTH SERVICE EMPLOYMENT OF DR. A. SCOTT DEVOUS WITHIN THE BOUNDARIES OF THE CROW RESERVATION".

**NOW THEREFORE BE IT RESOLVED BY THE EXECUTIVE AND LEGISLATIVE BRANCHES** that the recitations above hereby be incorporated and recognized as a matter of Crow Tribal Law; and

**BE IT FURTHER RESOLVED BY THE EXECUTIVE AND LEGISLATIVE BRANCHES** that these Branches concur with the Findings and Recommendations of the Apsaalooke Nation Health Board entitled "REGARDING THE INDIAN HEALTH SERVICE EMPLOYMENT OF DR. A. SCOTT DEVOUS WITHIN THE BOUNDARIES OF THE CROW RESERVATION" approved and issued on September 2, 2010; and

**BE IT FURTHER RESOLVED BY THE EXECUTIVE AND LEGISLATIVE BRANCHES** that a vote of no confidence be entered regarding the employment of this individual at the Crow/Northern Cheyenne Hospital; and

**BE IT FURTHER RESOLVED BY THE EXECUTIVE AND LEGISLATIVE BRANCHES** that the qualifications and background of physicians practicing medicine and supervising the practice of medicine at the Crow-Northern Cheyenne Hospital, and any other practice of medicine on the Crow Reservation, effects the health, welfare, and safety of the citizens of the Crow Nation, and impacts the health, welfare, safety of all individuals residing within the boundaries of the Crow Reservation; and

**BE IT FURTHER RESOLVED BY THE EXECUTIVE AND LEGISLATIVE BRANCHES** that Dr. A. Scott Devous be barred from practicing medicine within the boundaries of the Crow Reservation, given Dr. Devous's past actions of knowing and intentional distribution of a Schedule II controlled substance (Demerol), outside the course of his professional practice, in violation of 21 U.S.C. Sec. 841(a)(1); and

**BE IT FURTHER RESOLVED BY THE EXECUTIVE AND LEGISLATIVE BRANCHES** that the Indian Health Service shall not employ individuals convicted of drug-related felonies in supervisory positions or other positions of authority at the Crow-Northern Cheyenne Hospital in violation of applicable existing federal personnel policies; and

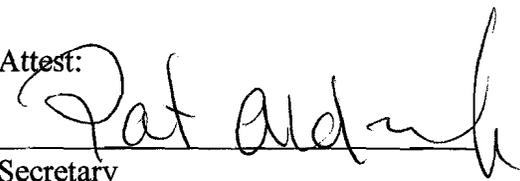
**BE IT FURTHER RESOLVED BY THE EXECUTIVE AND LEGISLATIVE BRANCHES** that individuals convicted of drug-related felonies are hereby barred from practicing medicine within the boundaries of the Crow Reservation.

**BE IT FURTHER RESOLVED BY THE EXECUTIVE AND LEGISLATIVE BRANCHES** that the Indian Health Service shall not allow individuals who have previously been convicted of drug-related felonies to practice medicine on the Crow people.

### CERTIFICATION

I hereby certify that this Joint Action Resolution was duly approved by the Crow Tribal Legislature with a vote of 16 in favor, 0 opposed, and 0 abstained and that a quorum was presented on this 9<sup>th</sup> day of September, 2010.

  
Speaker of the House  
Legislative Branch, Crow Tribe

Attest:   
Secretary  
Legislative Branch, Crow Tribe



### EXECUTIVE ACTION

I hereby X (approve), \_\_\_\_\_ (veto) this Joint Action Resolution pursuant to the Authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians.

Dated this 10 day of SEPT., 2010.

  
Cedric Black Eagle, Chairman  
Executive Branch, Crow Tribe

**JAR "STATING THE SENSE OF THE BRANCHES REGARDING THE INDIAN HEALTH SERVICE EMPLOYMENT OF DR. A. SCOTT DEVIOUS WITHIN THE BOUNDARIES OF THE CROW RESERVATION"**

**Bill or Resolution:** JAR10-14 **Introduced by:** Executive & Legislative **Date of Vote:** 9/9/10  
**Number**

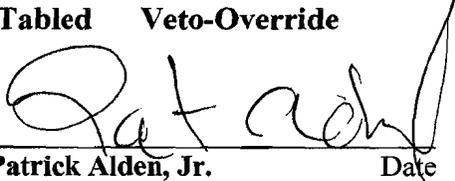
<u>Representative:</u>	<b>Yes</b>	<b>No</b>	<b>Abstained</b>
H. Two Leggins	<u>  X  </u>	<u>          </u>	<u>          </u>
V. Pretty Paint	<u>  X  </u>	<u>          </u>	<u>          </u>
C. J. Stewart	<u>  X  </u>	<u>          </u>	<u>          </u>
K. Shane	<u>  X  </u>	<u>          </u>	<u>          </u>
S. Backbone	<u>  X  </u>	<u>          </u>	<u>          </u>
O. Half, Jr.	<u>  X  </u>	<u>          </u>	<u>          </u>
W. Plainfeather	<u>  X  </u>	<u>          </u>	<u>          </u>
R. Old Crow, Sr.	<u>  X  </u>	<u>          </u>	<u>          </u>
M. Not Afraid	<u>  X  </u>	<u>          </u>	<u>          </u>
V. Crooked Arm	<u>  X  </u>	<u>          </u>	<u>          </u>
L. DeCrane	<u>  X  </u>	<u>          </u>	<u>          </u>
C. Goes Ahead	<u>  X  </u>	<u>          </u>	<u>          </u>
B. Hugs	<u>  X  </u>	<u>          </u>	<u>          </u>
G. Real Bird, Jr.	<u>  X  </u>	<u>          </u>	<u>          </u>
M. Backbone	<u>          </u>	<u>          </u>	<u>          </u>
D. Wilson	<u>          </u>	<u>          </u>	<u>          </u>
P. Alden, Jr. <i>Secretary of the House</i>	<u>  X  </u>	<u>          </u>	<u>          </u>
M. Covers Up, Sr. <i>Speaker of the House</i>	<u>  X  </u>	<u>          </u>	<u>          </u>
<b>Totals:</b>	<u>  16  </u>	<u>    0    </u>	<u>    0    </u>

Result of Vote: **Passed**    **Not Passed**    **Tabled**    **Veto-Override**


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**Manuel Covers Up, Sr.**  
*Speaker of the House*


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**Patrick Alden, Jr.**  
*Secretary of the House*

Date

Date



# LEGISLATIVE BRANCH OF THE CROW TRIBAL GOVERNMENT

P.O. Box 309 – 144 MAKAWASHA Avenue  
Crow Agency, Montana 59022

Phone: (406) 638-2023/2025/2238

Fax: (406) 638-2030

Crow Country

## Legislative Branch

### Prvor:

#### Arrow Creek

Carlson Goes Ahead  
Bryce Hugs  
Lawrence DeCrane

### Big Horn:

#### Valley of the Give

#### Away

Vincent Crooked Arm  
Marlin D. Not Afraid  
Pat Alden, Jr.

### Dunmore:

#### Black Lodge

Conrad J. Stewart  
V. Jeannie Pretty Paint  
H.Noel Two Leggins

### Reno:

#### Center Lodge

Oliver Half, Jr.  
Shawn E. Backbone, Sr.  
Kenneth G. Shane

### Lodge Grass:

#### Valley of the Chief

Manuel Covers Up, Sr.  
Speaker of the House  
R. Knute Old Crow, Sr.  
Woodrow Plainfeather

### Wyola:

#### Mighty Few

Dana Wilson  
M. Tye Backbone  
Gordon Real Bird, Jr.

### Staff

Attorney Ron Arneson, Esq.  
Attorney at Law

Leslie Plain Feather  
Legal Assistant

Gerald Jay Harris  
Legal Clerk

Jackie Blacksmith,  
Administrative Officer

William Old Crow  
Finance Officer/Admin.  
Assist.

Sheri Chandler  
Office Assist./Receptionist  
/Editor

Kenny Pretty On Top  
Maintenance/Custodian  
Sergeant at Arms

## OFFICIAL CERTIFICATE OF DELIVERY

I, Pat Alden, Jr. Secretary of the Legislative Branch of the Crow Tribal Government hereby  
this Transitional Action do deliver a True and Correct Official copy

Of the Final Approval for the following:

JOINT ACTION RESOLUTION OF THE CROW TRIBAL EXECUTIVE BRANCH AND  
CROW TRIBAL LEGISLATIVE BRANCH ENTITLED:

**“STATING THE SENSE OF THE BRANCHES REGARDING THE INDIAN HEALTH  
SERVICE EMPLOYMENT OF DR. A. SCOTT DEVOUS WITHIN THE  
BOUNDARIES OF THE CROW RESERVATION”**

JAR10-14 to Hector Whiteman Runothim in the

Position of: Legal counsel for the

Crow Tribal Executive Branch.

Done and dated this 10 day of Sept, 2010 @ 12:15 a.m./p.m.

Secretary Of The House  
Legislative Branch of the  
Crow Tribal Government

Served by:

Legislative Branch Staff

Cc: file





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BOUNDARIES OF THE CROW RESERVATION”**

JAR10-14 to Dean Zorn in the

Position of: Court clerk for the

**Crow Tribal Judicial Branch.**

Done and dated this 13<sup>th</sup> day of Sept., 2010 @ 2:34 a.m./p.m.



Pat Alden Jr.

Secretary Of The House  
Legislative Branch of the  
Crow Tribal Government

Served by:

Jackie Blacksmith

Legislative Branch Staff

Cc: file

