

Oglala Sioux Tribe: Law and Order Code

Last amended: 1996; Environmental Review Code, Hemp Ordinances and Resolution, and Water Quality Management Code received 2002.

[Hemp Ordinances and Resolution]

ORDINANCE NO. 98-27

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE (An Unincorporated Tribe)

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL AMENDING THE OGLALA SIOUX TRIBAL PENAL CODE RELATED TO INDUSTRIAL HEMP.

WHEREAS, the Oglala Sioux Tribe recognizes that industrial hemp is a safe and profitable commodity in the international marketplace and is grown in more than thirty countries including Canada, France, England, Russia, China, Germany and Australia, and

WHEREAS, treaties signed between the Oglala Sioux Tribe and the United States government acknowledge that the tribe retains the right to grow food and fiber crops from the soil, and

WHEREAS, the Oglala Sioux Tribe recognizes that industrial hemp was a viable and profitable crop grown in the Pine Ridge region when the treaties were entered between the United States and the Oglala Sioux Tribe, and

WHEREAS, the Oglala Sioux Tribe seeks to develop sustainable, land-based, economic opportunities for tribal members, and

WHEREAS, the Oglala Sioux Tribe recognizes that there is a consistent, predictable, genetically based difference between the varieties of Cannabis sativa that produce marijuana and those that produce industrial hemp and that the difference is based on the amount of tetrahydrocannabinol present in the plant, and

WHEREAS, law enforcement agents and farmers can learn to readily distinguish between the different varieties of Cannabis sativa, and

WHEREAS, the Oglala Sioux Tribe seeks to maintain its current policy of prohibiting the use and proliferation of marijuana on the reservation, and

WHEREAS, international treaties and trade agreements including the 1961 Single Convention on Narcotic Drugs, the North American Free Trade Agreement (NAFTA) and the General Agreement on Tariffs and Trade (GATT) specifically classify industrial hemp as a commodity that is separate and distinct from any narcotic, and

WHEREAS, the law enforcement policies of the United States Government are inconsistent, severely overburden industrial hemp agriculture, and do not adequately carry out the original intent of Congress regarding industrial hemp and marijuana, now

THEREFORE BE IT ORDAINED, that the Oglala Sioux Tribal Council does hereby expressly reserve and retain jurisdiction to enact legislation relating to industrial hemp agriculture and amends the Oglala Sioux Tribe Penal Code to clarify its policy allowing agricultural and economic development while retaining its existing policy against marijuana, and

BE IT FURTHER ORDAINED, that any members of the Oglala Sioux Tribe who wish to harvest or cultivate industrial hemp must first organize, or join an existing, a land use association. Each land use association making use of industrial hemp will then appoint, and arrange for the compensation of, a liaison who will file a quarterly report to the Land Committee of the Oglala Sioux Tribal Council, delineating with specificity the industrial hemp acreage to be cultivated and/or harvested, the end products to be manufactured and the progress since the previous report. The liaison will serve as the interface between the land use association, the Oglala Sioux Tribal Council and any interested law enforcement agencies, and

BE IT FURTHER ORDAINED, that the Oglala Sioux Tribal Penal Code, Title 9, Section 106 - Marijuana and Section 106.00 - Controlled Drugs and Substances are amended as follows:

a) TITLE 9. SECTION 106 - MARIJUANA is amended to read:

Any Indian who shall plant, grow, cultivate, harvest or gather, sell, barter, or give away or have in possession any Marijuana shall be deemed guilty of an offense and upon conviction thereof, shall be sentenced to labor for a period not to exceed six (6) months, or to a fine not to exceed three hundred and sixty dollars (\$360.00), or to both such fine and imprisonment, with costs.

b) The definition of "Marijuana" in TITLE 9, SECTION 106.00 (a) is amended to read:

"Marijuana"-All parts of the plant of the genus Cannabis whether growing or not, the seeds thereof, resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin THAT CONTAINS ONE PERCENT OR MORE CONCENTRATION OF TETRAHYDROCANNABINOL BY WEIGHT. MARIJUANA DOES NOT INCLUDE INDUSTRIAL HEMP AS DEFINED IN THIS SECTION.

c) The following definition of "Industrial Hemp" shall be added to TITLE 9, SECTION 106.00 as appropriate:

"Industrial Hemp"-All parts and varieties of the plant Cannabis sativa, both indigenous and imported, that are, or have historically been, cultivated and harvested for fiber and seed purposes and contain a tetrahydrocannabinol concentration of one percent or less by weight.

And,

BE IT FURTHER ORDAINED, that all ordinances, resolutions, policy letters, memoranda of understanding or agreement and any other official documents created by, or entered into by, the Oglala Sioux Tribal Council that relate to marijuana are hereby amended to encompass the distinction now created in TITLE 9, SECTION 106.00.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, as undersigned Recording Secretary of the Oglala Sioux Tribal Council, hereby certify that this Ordinance was adopted by a vote of: 8 for; 4

against; 0 abstain; 0 not voting. During a REGULAR SESSION held on the 28th day of JULY, 1998.

(Signature)
STACY TWO LANCE
Recording Secretary
Oglala Sioux Tribe

A-T-T-E-S-T

(Signature)
R. MILO YELLOW HAIR
Vice-President
Oglala Sioux Tribe.

ORDINANCE NO. 00-13

**ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An unincorporated Tribe)**

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL APPROVING THE MARCH 21, 2000 MEMORANDUM OF THOMAS J. BALLANCO, ESQUIRE, IN REGARDS TO DUTIES AND RESPONSIBILITIES UNDER THE LAW OF TRIBAL MEMBERS CULTIVATING INDUSTRIAL HEMP.

WHEREAS, the Oglala Sioux Tribal Council did adopt Ordinance No. 98-27, which regulates the cultivation of Industrial Hemp or to harvest Industrial Hemp, and

WHEREAS, Thomas J. Ballanco, Esquire, has drafted a Memorandum in regards to the cultivation and harvest on Industrial Hemp upon the Pine Ridge Reservation, and

WHEREAS, the Oglala Sioux Tribe had been appraised by Thomas J. Ballanco that there is a market for Industrial Hemp in clothing and housing areas, now

THEREFORE BE IT ORDAINED, that the Oglala Sioux Tribal Council does

hereby approve the March 21, 2000 Memorandum of Thomas J. Ballanco, Esquire, in regards to duties and responsibilities under the law for tribal members cultivating Industrial Hemp (attached hereto and incorporated by reference herein), and

BE IT FURTHER ORDAINED, that the Oglala Sioux Tribal Council does agree with Thomas J. Ballanco's, Esquire, offer that he will represent any persons or entity, who is prosecuted for cultivating Industrial Hemp or wild Industrial Hemp upon the Pine Ridge Reservation.

CERTIFICATION

I, as undersigned Secretary of the Oglala Sioux Tribal Council of the Oglala Sioux Tribe, hereby certify that this Ordinance was adopted by the vote of: 12 for; 2 against; 0 abstain; 0 not voting, during a REGULAR SESSION held on this 10th day of MAY, 2000.

(Signature)
STACY L. TWO LANCE
Secretary
Oglala Sioux Tribe

ATTEST:

(Signature)
WILBUR BETWEEN LODGES
Vice President
Oglala Sioux Tribe.

RESOLUTION NO. 01-12B

**RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)**

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL REQUESTING

RECOGNITION OF TRIBAL SOVEREIGNTY REGARDING INDUSTRIAL HEMP PRODUCTION ON THE PINE RIDGE RESERVATION.

WHEREAS, the Oglala Sioux Tribe recognizes that industrial hemp is a safe and profitable commodity in the international marketplace and is grown in more than thirty countries including Canada, France, England, Russia, China, Germany and Austria, and

WHEREAS, treaties signed between the Oglala Lakota Nation and the United States Government acknowledge that the Tribe retains the right to grow food and fiber crops from the soil, and

WHEREAS, the Oglala Sioux Tribe recognizes that industrial hemp was a viable and profitable crop grown in the Pine Ridge region when the treaties were entered between the United States and the Oglala Lakota Nation, and

WHEREAS, the Oglala Sioux Tribe seeks to develop sustainable, land-based, economic opportunities for Tribal members, and

WHEREAS, the Oglala Sioux Tribe has two (2) Tribal ordinances authorizing the growing and harvesting of industrial hemp on the Pine Ridge Reservation, and

WHEREAS, the agents of the United States Government have disregarded Tribal Sovereignty by destroying industrial hemp crops belonging to Tribal members on the Pine Ridge Reservation for two (2) years in a row, and

WHEREAS, the sovereign government of the United States has done nothing to restrain its agents from interfering with, and obstructing the exercise of sovereign rights of Tribal members on the Pine Ridge Reservation; now

THEREFORE BE IT RESOLVED, that the Oglala Sioux Tribal Council does hereby reaffirm its commitment to the exercise of the sovereign rights of Tribal members to raise industrial hemp crops, and such crops as members see fit, and reaffirms its jurisdiction retained by Treaty, as sole legislative authority regarding the development of sustainable agriculture on the Pine Ridge Reservation, and

BE IT FURTHER RESOLVED, that the Oglala Sioux Tribal Council calls upon the government of the United States to take the necessary and appropriate steps, be they legislative, administrative or political to restrain its agents, including the Federal Bureau of Investigation, the Drug Enforcement Administration, the U.S. Marshals Service and the U.S. Attorney for the District of South Dakota, from interfering with the exercise of sovereign rights by Tribal members on the Pine Ridge Reservation, and

BE IT FURTHER RESOLVED, that the Oglala Sioux Tribal Council calls upon the governments of the World; local, state, national and tribal, to support its request for recognition of its sovereign right to develop industrial hemp agriculture and other sustainable, land-based, economic development programs on the Pine Ridge Reservation.

CERTIFICATION

I, as undersigned Secretary of the Oglala Sioux Tribal Council of the Oglala Sioux Tribe, hereby certify that this Resolution was adopted by the vote of: 10 for; 2 against; 0 abstain; and 0 not voting, during a SPECIAL SESSION held on the 20th day of NOVEMBER, 2001.

(Signature)
DONNA M. SALOMON
Secretary
Oglala Sioux Tribe

ATTEST:

(Signature)
THERESA B. TWO BULLS
Vice President
Oglala Sioux Tribe