

Land Division
Claims
48957-41

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY

Mr. C. H. Wilson
President, Minnesota Chippewa Tribe
Through Dept., Consolidated Chippewa Agency.

On July 26, 1941, the Tribal Executive Committee of the Minnesota Chippewa

the tribe
the Minnesota Chippewa
Tribe adopted Resolution No. 4 governing future enrollment of members in the tri
which resolution, pursuant to Section 2, Article II of the Constitution of the
Minnesota Chippewa Tribe, was ratified by the tribal delegates on July 26, 1941
and submitted for approval by the Secretary of the Interior

For the reasons hereinafter discussed I find it necessary to disapprove
Resolution No. 4.

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The resolution re-enacts Section 2 of Article II of the Tribal Constitution
in that only descendants of Chippewa Indians duly registered on the approved rolls
of any reservation or band referred to in Section 1, Article II of the Constitu
and tion as recognized by the United States pursuant to the Act of January 14, 1889
(25 Stat. 612), shall be eligible for membership in the Minnesota Chippewa Tribe
and also in that it recognizes the present rolls maintained by the Consolidated
Chippewa Agency subject, however, to correction by the governing body. The resol
ution declares that only descendants of Indians of the reservation, band, or tribe
such persons shall file a birth certificate or other supporting evidence as proof
of their right to enrollment. The procedure, after the establishment of their
right to enrollment, is, according to Section 4, Article II of the Tribal Constitu

tion, for the applications of such persons to receive consideration by the govern
ing body and the decision thereon to receive ratification by the tribal delegates.
The resolution provides that upon ratification thereof by the tribal delegates and
rolling only Indians who are residents of the recognized Indian country, or their

in determining future membership, apparently leaving such consideration to the
discretion of the governing body.

At the outset it should be stated that the Indian Reorganization Act of June
18, 1934 (48 Stat. 984), by providing for the organization of Indian tribes on the
basis of self-government, has delegated to those tribes the right to determine their
own membership wherever constitutions such as that of the Minnesota Chippewa Tribe
have been promulgated pursuant to that act and embodying provisions governing tri
bal membership. These provisions are alone governing and all prior departmental

the tribe, therefore, is not bound by departmental ruled and regulations
to recognize all descendants of Minnesota
in the tribe if it so desired and if the secretary of the interior
any resolution passed for that purpose.

study of the almites, however, appears to reveal that section 2 of the
restoration which relies on the act of January 14, 1889 (25 Stat. 1373), in order
to provide for such general right of entitlement seems to be based on an error
of law. That act did not require that all descendants of ancestors listed
on the 1889 roll be recognized as members of the tribe. It is clear, however, from
several remarks made by tribe members who spoke during the meetings at which
resolution 1c, 4 was discussed and adopted, that they believed they were legally
bound to accept as members all descendants of Minnesota Chippewa Indians.

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On Other remarks made during these meetings it appears that part of the
reason for the readiness of the tribe to sign the agreement was the belief that such an enormous increase in
tribal membership and in the number of Indians thereby entitled to share in tribal
benefits would not result in a depletion of tribal assets now available. The be-
lief was expressed that Congress would readily appropriate large sums of money in
order to satisfy the claims of these new tribal members so that they would not re-

the Suis de desreusing the share of assets now available for the
Minnesota Chippewa Tribe,

4% should be set aside for the tribe that any expectation of such congressional
appropriations without any basis in fact. If the Minnesota Chippewa Indians
Geokee to share their property with a large number of persons who are Indians
neither by birth, residence, or attachment but merely by the accident of a small
portion of Indian blood, in order to extend such benefits to maybe available to
Minnesota Chippewa Indians to the largest possible number of persons, then there
is no reason for Congress to increase those tribal assets in order
to safeguard the share which present members of the tribe may now expect, for
Congress cannot justifiably be expected to make large appropriations in order to
distribute unearned benefits to numerous Americans whose Indian heritage has been
lost. Specially is this true in time of war when financial needs upon
Congress for military expenditure are so very large. "The Minnesota Chippewa
therefore, must realize that every new name which they add to the membership roll
will by that much decrease the share every member now has in the limits of the
Minnesota Chippewa Tribe."

it should be noted also that the rules represented by Resolution 70 4 B
fundamentally opposed to the policy enunciated again and again by former
Secretaries of the Interior.

followed by this Experiment. It is the basic policy of the Indian Reorganization Act, supra, to enable tribal organizations to maintain their identity and to follow a natural development unhindered, so far as possible by outside influences. Section 19 of that Act provides that:

~~"The term 'Indian' as used in this act shall~~

Indian descent who are members of any recognized tribe now under Federal jurisdiction, all persons who are descendants of such members who were on June 2, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood."

(Underlining supplied.)

This provision makes it quite clear that nonresident persons of less than one-half Indian blood are not even included in the basic enumeration of groups considered by the very Act under which the constitution of the Minnesota Chippewa Tribe has been promulgated.

Similarly, the recent appropriation acts provide that educational benefits may be available only to persons of at least one-fourth Indian blood. The same restriction applies to loans to be made from revolving credit funds set up under the annual appropriation acts of this Department. Generally speaking, an ever increasing number of Indian tribes are incorporating in their constitutions provisions limiting membership to persons having a minimum quantum of Indian blood. This is in entire accord with the policy of Congress and this Department. The purpose of the Indian Reorganization Act and the system established thereunder could never be realized if the orderly and well-organized life of Indian tribes based on a close-knit membership steeped in the tradition and usage of their tribe were to be disrupted by the large scale admission of persons whose only contact with the Indian tribe is a negligible quantum of Indian blood and the desire to reap financial benefits from such membership.

This Department is charged with the responsibility of protecting the Indian tribes in their identity and their property, and of securing to them the benefits of the system of orderly tribal self-government established by the Indian Reorganization Act. This responsibility has been implemented by giving this Department the right to approve or disapprove certain tribal resolutions, and especially those dealing with admission to membership. I believe that Resolution No. 4 would have undesirable consequences which were not made manifest in the consideration given to that resolution by the council, and that in disapproving that resolution the Department will protect the tribe and its future generations from the damage to their property and to their tribal organization which that resolution might cause.

I am confident that once the errors of law and fact on which that resolution was clearly based are fully realized by the tribe, they will wish to modify these provisions and to limit tribal membership to those persons who by their degree of Indian blood, their residence within the Indian reservation, or other

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