



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

AUG 25 2015

The Honorable Erma J. Vizenor
Chairwoman, White Earth Reservation Tribal Council
P.O. Box 418
White Earth, Minnesota 56591

Dear Chairwoman Vizenor:

Thank you for your letter dated May 12, 2015, requesting that I hold a special Secretarial election for the purpose of conducting an independence referendum for the White Earth Band of Chippewa Indians (White Earth). Your letter requested a response within 30 days, and I apologize for the delay in responding to you. For reasons set forth below, I must decline the request to hold a Secretarial election.

As a member of the Minnesota Chippewa Tribe (MCT), White Earth is in an unusual situation. The bands that formed the MCT are separate sovereigns with independent relationships with the United States; for example, in 1934 White Earth voted to accept the Indian Reorganization Act (IRA) by a 1,122 to 245 margin. However, the MCT was formed in 1936 when the residents of six reservations¹ joined together and voted to adopt a constitution under the Indian Reorganization Act (IRA). In forming a single tribal organization, in which six bands operate under one umbrella constitution, each band voluntarily bound itself to the constraints of the MCT.

The IRA recognized that a governmental structure should be flexible and provided a process to revoke or amend a previously adopted constitution via Secretarial election.² Secretarial elections are governed by Federal regulations. The Federal regulations provide a framework for the formulation and submission of petitions requesting a Secretarial election to amend a tribal constitution.³

The MCT Constitution itself provides a method to revoke or amend the Constitution by election.⁴ It is the duty of the Secretary to call an election to amend or revoke the Constitution when requested by two-thirds of the Tribal Executive Committee.⁵ The MCT Constitution also provides a mechanism for individual tribal members to petition for a referendum vote on any

¹ The MCT is made up of 6 component reservations: Boise Forté Band (Nett Lake), Fond du Lac Band, Grand Portage Band, Leech Lake Band, Mille Lacs Band, and White Earth Band.

² 25 U.S.C. §476(b).

³ 25 C.F.R. Part 82.

⁴ Revised Constitution and Bylaw of the Minnesota Chippewa Tribe, Article XII

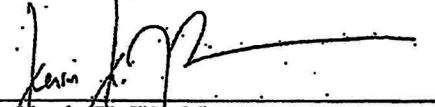
⁵ *Id.*

proposed resolution or ordinance.⁶ Thus, the MCT Constitution provides a safety valve to request a Secretarial election if two-thirds of the Tribal Executive Committee decline to request an election. In sum, absent a request from two-thirds of the Tribal Executive Committee under Article XII of the MCT Constitution, or a petition arising under Article XIV, I lack the necessary authorization to call a Secretarial election.

Adopting, amending, or revoking a Constitution is a difficult process; this is by design. The MCT Constitution is not unusual in this regard, and I understand White Earth's frustrations. In some ways, it might appear to an outside observer that efforts toward tribal self-determination for White Earth are being impeded by the MCT. But the Federal Government has not always been a force for good in disputes within and among tribes. In light of our own tainted history, I believe that the United States must proceed with great humility when approaching such disputes, whether they are characterized as intratribal or intertribal. Thus, while this is a close case and I am sympathetic with your plight, it is more consistent with my own principles in support of tribal self-determination and self-governance to allow any solution to this issue to come from the processes already authorized within the MCT Constitution. I encourage you to engage those processes.

I appreciate your understanding in these matters and wish you success in achieving your goals of independence for the White Earth Nation.

Sincerely,



Kevin E. Washburn
Assistant Secretary - Indian Affairs

⁶ Revised Constitution and Bylaw of the Minnesota Chippewa Tribe, Article XIV, Section 1.

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KARIN R. DIVER, VICE PRESIDENT

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August 15, 2014

Kevin K. Washburn
Assistant Secretary - Indian Affairs
MS-4141-MIB
1849 C Street, N.W.
Washington, DC 20240

Dear Assistant Secretary Washburn:

As President of the Minnesota Chippewa Tribal Executive Committee (TEC), I am writing to give you my perspective on the efforts of the White Earth Band to adopt a separate governing document. It is my understanding that White Earth Chairwoman Erma Vizenor has met with you and asked that the Bureau of Indian Affairs provide some assistance to that effort.

My primary message is this: It is my expectation that the Department of the Interior and the Bureau of Indian Affairs will honor the provisions of the Revised Constitution and Bylaws when considering this or any other issue affecting the Minnesota Chippewa Tribe. White Earth is one of the constituent Bands organized under the Constitution and, like the others, will remain so until the Constitution is changed through the process provided in Article XII.

That amendment article provides that "[i]t shall be the duty of the Secretary to call an election when requested by two-thirds of the Tribal Executive Committee." That means that at least eight (8) of the twelve (12) members would have to vote in favor of a resolution to call a Secretarial Election on an amendment that would make possible what White Earth is trying to accomplish. That has not happened despite the fact that in 2004 the TEC authorized its attorney to draft for consideration a new article that, if adopted through the amendment process, would provide a mechanism by which any of the six constituent Bands could adopt a separate governing document and remove itself from the Minnesota Chippewa Tribe. Although Chairwoman Vizenor placed that draft on the TEC agenda in December 2013, neither she nor any other TEC member moved its adoption. Similarly, no action has been proposed at any of the TEC meetings in 2014.

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Each of the TEC members is obliged to comply with the current governing document and because it establishes the terms of our relationship, so must the Secretary. It has been suggested that there is an alternative means by which our Constitution can be changed, but no one has explained how we could simply ignore what has been in place for the last fifty years. If you believe there is authority to depart from our governing document, I expect that your written explanation will be forthcoming.

Sincerely,

A handwritten signature in cursive script that reads "Norman W. Deschampe". The signature is written in dark ink and is positioned above the printed name and title.

Norman W. Deschampe
President

cc: Tribal Executive Committee