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TRIBAL CONSTITUTION

INTERPRETATION NO. 1-80

WHEREAS, The Minnesota Chippewa Tribe is federally recognized Indian Tribe organized under Section 16 of the Act of June 18, 1934 (48 Stat. 984) as amended; and

WHEREAS, The Tribal Executive Committee and the Reservation Business Committees of the White Earth, Leech Lake, Fond du Lac, Bois Forte (Nett Lake), Grand Portage, and Non-removal Bands of Mille Lacs Chippewa Indians are the governing bodies of The Minnesota Chippewa Tribe; and

WHEREAS, The Minnesota Chippewa Tribe possesses the powers of sovereignty and self government; and

WHEREAS, The Tribal Executive Committee possesses and exercises quasi-judicial powers and among said quasi-judicial powers is the power to give official binding opinions regarding the meaning and powers possessed by tribal government under said Constitution,

NOW THEREFORE, The Minnesota Chippewa Tribal Executive Committee does declare that it shall henceforth issue written opinions as to the meaning and interpretation of its Constitution. Said opinions shall be issued in writing upon written request of the Reservation Business Committees, the Tribal Executive Director, Divisions Heads of the Tribe's subdivisions, Tribal Judges, the United States and its various departments and bureaus, the State of Minnesota and its political subdivisions and other entities at the discretion of The Tribal Executive Committee or upon its own motion. Said opinions shall be conclusive and final as to the meaning and interpretation of The Minnesota Chippewa Tribe's Constitution and the powers contained therein. (Said opinions shall be binding upon any tribal court system established by tribal ordinance.) All written opinions of the Tribal Executive Committee relating to interpretation of the Tribe's Constitution shall be numbered as Tribal Constitution Interpretations and given a number and said number shall be followed by the year in which the opinion is given. The Tribal Secretary shall keep said opinions in a separate binder. This opinion shall be known as Tribal Constitution Interpretation No. 1-80.

We do hereby certify that the foregoing Constitution Interpretation was duly presented and acted upon by a vote of 11 for, 0 against, at a regular meeting of the Minnesota Chippewa Tribal Executive Committee, a quorum present, held on October 22 & 23, 1980, at Grand Portage, Minnesota.

Darrell Wadena, President
The Minnesota Chippewa Tribe

ATTEST: Daniel Morrison, Sr., Secretary
The Minnesota Chippewa Tribe

TRIBAL CONSTITUTION

INTERPRETATION NO. 2-80

WHEREAS, The Minnesota Chippewa Tribal Executive Committee on its own motion has reviewed its Tribe's Constitution to make a determination as to whether The Tribal Executive Committee has the power and authority to establish a Tribal Court System by ordinance, and

WHEREAS, the Preamble of the Constitution sets forth that the Chippewa Indians of the White Earth, Leech Lake, Fond du Lac, Bois Forte (Nett Lake), Grand Portage and Non-removal Bands of Mille Lacs Chippewas organized under section 16 of the Act of June 18, 1934 (48 Stat. 984) as amended, and it states "to form a representative Chippewa Tribal organization, maintain and establish justice for our Tribe, and to conserve and develop our Tribal resources and common property; to promote the general welfare of ourselves and descendants;"

Article 1, Section 3 of said Constitution sets forth "the purpose and function of this organization shall be to conserve and develop Tribal resources and to promote the conservation and development of individual Indian trust property; to promote the general welfare of the members of the Tribe; to preserve and maintain justice for its members and otherwise exercise all powers granted and provided the Indians, and take advantage of the privileges afforded by the Act of June 18, 1934 (48 Stat. 984) and acts amendatory thereof or supplemental thereto, and all the purposes expressed in the preamble hereof."

It is now therefore the opinion of the Tribal Executive Committee that among the inherent powers of self government, The Tribal Executive Committee has the power to create by ordinance a judicial system to fulfill the needs and purposes set forth in the Preamble to the Tribe's Constitution and in Article 1, Section 3. A judicial system is necessary to maintain and establish justice for our Tribe, to conserve and develop Tribal resources and common property, to provide for the general welfare of the members of the Tribe. That said power is among the powers granted and provided Indians under the Act of June 18, 1934 (48 Stat. 984) as amended, and among the inherent rights of self government and sovereignty possessed by The Minnesota Chippewa Tribe.

It is the further opinion of the Tribal Executive Committee that the purposes of the Tribe as set forth in the Preamble to the Constitution and Article I, Section 3 relating to organization and purpose would be meaningless if interpreted to mean the implementation of these purposes was limited only to the authorities as set forth in Article V and VI of the Constitution.

The United States Supreme Court in the case of Santa Clara Pueblo -vs- Martinez, 98S. Ct. 1670 (1978) held that Tribal Courts have repeatedly been recognized as appropriate forums for the exclusive adjudication of disputes affecting important personal and property interests of both Indians and non-Indians. It held the Tribes must apply and enforce the substantive provisions of the Indian Civil Rights Act of 1968, 25 U.S.C. § 1301-1341.

It is necessary that a Tribal and Reservation Court system be established by ordinance to allow The Minnesota Chippewa Tribe to apply and enforce the substantive provisions of the Indian Civil Rights Act in order to promote the general welfare and maintain justice within the jurisdiction of The Minnesota Chippewa Tribe.

We do hereby certify that the foregoing Constitutional Interpretation was duly presented and acted upon by a vote of 11 for, 0 against, at a regular meeting of The Minnesota Chippewa Tribal Executive Committee, a quorum present, held October 22 & 23, 1980, at Grand Portage, Minnesota.

Darrell Wadena, President
THE MINNESOTA CHIPPEWA TRIBE

ATTEST: Daniel Morrison, Sr., Secretary
THE MINNESOTA CHIPPEWA TRIBE

TRIBAL CONSTITUTION

INTERPRETATION NO. 3-81

WHEREAS, the Tribal Executive Director has requested a written opinion as to whether the Minnesota Chippewa Tribe is violating Article XIII—Rights of Members when it contracts and administers education contracts with the United States and the State of Minnesota which do not allow the funds granted under said contracts to be used to educate children of less than one-fourth (1/4) Indian blood and whose parents are citizens of the United States and of the State in which they reside.

WHEREAS, Article XIII—Rights of Members provides:

> "All members of the Minnesota Chippewa Tribe shall be accorded by the governing body equal rights, equal protection, and equal opportunities to participate in the economic resources and activities of the Tribe, and no member shall be denied any of the constitutional rights or guarantees enjoyed by other citizens of the Unites States, including but not limited to freedom of religion and conscience, freedom of speech, the right to orderly association or assembly, the right to petition for action or the redress of grievances, and due process of law."

And,

WHEREAS, Title 25, Section 297 of the United States Code, 40 Stat. 564, provides:

> "S297. Expenditure for children with less than one-fourth Indian blood. No appropriation, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided."

NOW, THEREFORE, it is the opinion of the Tribal Executive Committee that the Tribal Executive Committee may, through its employees on behalf of the Minnesota Chippewa Tribe, contract and administer grants and education programs with the United States government and the State of Minnesota even though said grants and programs limit their use to children of at least one-fourth Indian blood. The contracting and administering of said education programs does not violate Article XIII of the Tribe's Constitution.

The Tribe's Constitution under Article II, Section C, now limits tribal enrollment to "all children of at least one-quarter (1/4) degree Minnesota Chippewa blood born after July 3, 1961, to a member, provided that an application for enrollment was or is filed with the Secretary of the Tribal Delegates for the Tribal Executive Committee within one year after the date of birth for such children."

The United States Congress and the Legislature of the State of Minnesota have seen fit to pass legislation that limits their educational appropriations for the education of Indian children of one-fourth Indian blood or more. The acceptance and administering of these funds for educational programs by the Minnesota Chippewa Tribe is not denying equal rights, and equal opportunities to members of the Tribe who possess less than one-fourth Indian blood.

The Tribe, through its officers and employees, is merely administering Federal and State funds according to the provisions of the legislation authorizing said funds and programs. The Tribe is not exercising any authority or creating any classes among its members.

The reasonable classification of members of the Tribe that grant or deny certain rights or benefits is not a violation of the rights of those members. The Tribe's Constitution sets out reasonable classes by setting forth membership requirements in Article II, Voting Rights, and Conditions for being a Candidate for Office in Article IV.

It is not unconstitutional to decide that people over 65 will receive retirement benefits; that people under 18 cannot vote; that one must be a resident of a reservation for one year or more to be eligible to run for office.

The Minnesota Chippewa Tribe did not create the classification or pass the legislation with the language contained in 25 U.S.C. 297, 40 Stat. 564. The Tribal Executive Committee finds that the contracting and administering of educational programs that limit the benefits to children of one-fourth or more Indian blood does not violate the rights of members as set forth in Article XIII of the Tribal Constitution.

We do hereby certify that the foregoing Constitution Interpretation was duly presented and acted upon by a vote of 9 for, 0 against, at a regular meeting of the Minnesota Chippewa Tribal Executive Committee, a quorum present, held on January 27 & 28, 1981, at St. Paul, Minnesota.

Darrell Wadena, President
The Minnesota Chippewa Tribe

ATTEST: Alfred Pemberton, Acting Secretary
The Minnesota Chippewa Tribe

TRIBAL CONSTITUTION

INTERPRETATION NO. 4-81

WHEREAS, the Office of the Field Solicitor of the Department of the Interior has issued an opinion, by a letter dated November 19, 1980, directed to Edwin L. Demery, Area Director of the Minneapolis Area Office of the Bureau of Indian Affairs; said letter being signed by Mariana R. Shulstad for the Field Solicitor, and said letter concludes:

> "We thus conclude that, under the present provisions of the Minnesota Chippewa Tribe Revised Constitution and Bylaws, the TEC may not validly create a subordinate corporate entity such as they have attempted to do here. A constitution amendment would be necessary to give them such power. We hope this letter had adequately dealt with your questions on this matter. If you have further questions, or if we may assist you in any way, you may contact Ann M. Spencer of this office."

NOW, THEREFORE, the Tribal Executive Committee of the Minnesota Chippewa Tribe on its own motion does give the following opinion as to its authority as the governing body of the Minnesota Chippewa Tribe to create and recognize corporate entities.

There is no dispute that the Chippewa People existed in North America and what is now the United States long before Europeans arrived here. The Chippewa people were self-governing long before there was a United State of America or a State of Minnesota.

The European governments, and later the United States government, dealt with all of the Indian nations, tribes, and bands as sovereign peoples. The United States government has entered into a long series of treaties with the Chippewa Nation since the first treaty of 1785, 7 Stat. 16, 16 Stats. 719.

The principal of this relationship between Indian nations and tribes is set out in the **Handbook of Federal Law**, by John Cohen, wherein he states, at page 34:

> "Generally speaking, the incidents attaching to a treaty with a foreign power have been held applicable to Indian treaties. Thus, in accordance with the general rule applicable to foreign treaties, the courts will not go behind a treaty which has been ratified to inquire whether or not an Indian tribe was properly represented by its head men, or determine whether a treaty has been procured by duress or fraud, and declare it inoperative for that reason. **United States v. New York Indians**, 173 U.S. 464 (1899); **United States v. Old Settlers**, 148 U.S. 427 (1893).
>
> ...the treaty, after executed and ratified by the proper authorities of the Government, becomes the supreme law of the land, and the courts can no more go behind it for the purpose of annulling its effect and operation than they can behind an Act of Congress. **Fellow v. Blacksmith**, 60 U.S. 366 (1856).

It is common knowledge among Indian people, including the Chippewa people, that the Unites States government in some cases negotiated treaties where valuable land was ceded for nominal sums from Indian people who did not have the authority to execute those treaties. The United States has said, through opinions of its Supreme Court, that the courts will not look to see if the head men negotiating the treaty properly represented the tribe.

It is the opinion of the Tribal Executive Committee that it is the only proper body to interpret the Constitution of the Minnesota Chippewa Tribe and that the United States, through its courts, solicitors, or employees, lacks the authority or jurisdiction to determine the meaning of the Constitution of the Minnesota Chippewa Tribe in opposition to the interpretations or actions of the Tribal Executive Committee.

It is the further opinion of the Tribal Executive Committee that it has both the inherent power and the authority, both implied and stated, under its Constitution to create and recognize corporate entities. No constitutional amendment is required to do so.

The Minnesota Chippewa Tribe has chartered corporations since the 1960s when it chartered the Housing Authorities. Since then, literally millions of dollars have changed hands based upon the authority of these corporations to do what they were chartered to do. Currently, many contracts and legal obligations on all of the six reservations are dependent upon the authority of these tribally chartered corporations to do business. Substantial rights would be affected and unnecessary litigation would proliferate if these corporations were held to have no authority nor to be validly in existence. Such a result is not necessary or desireable.

The Minnesota Chippewa Tribe finds the United States government and its Departments, such as the Department of the Interior, to be constantly in the position of supporting the authority of Indian leaders who executed treaties, either without authority or under duress or fraud whereby the vast estate and resources of the Chippewa people were depleted and, on the other hand, attempting to find tribal leadership without power or authority to perform necessary government functions and exercise authority needed to promote the welfare, maintain justice, and develop tribal resources for the members of the Minnesota Chippewa Tribe.

We do hereby certify that the foregoing Constitution Interpretation was duly presented and acted upon by a vote of 9 for, 0 against, at a regular meeting of the Minnesota Chippewa Tribal Executive Committee, a quorum present, held on January 27 & 28, 1981, at St. Paul, Minnesota.

Darrell Wadena, President
The Minnesota Chippewa Tribe

ATTEST: Alfred R. Pemberton, Acting Secretary
The Minnesota Chippewa Tribe

TRIBAL CONSTITUTION INTERPRESTATION NO. 5-84 WAS RECINDED BY THE TRIBAL EXECUTIVE COMMITTEE ON NOVEMBER 7, 1996.

TRIBAL CONSTITUTION

INTERPRETATION NO. 5-84

WHEREAS, the Tribal Executive Committee of The Minnesota Chippewa Tribe did in Tribal Constitution Interpretation No. 1-80 find that the Tribal Executive Committee has the authority to make final interpretations of the Constitution of The Minnesota Chippewa Tribe; and

WHEREAS, the Fond du Lac Band has through its elected government requested the Tribal Executive Committee interpret Article VIII – Majority Vote which provides:

"Section 1. All elections held under this Constitution, the majority of eligible votes cast shall rule, unless otherwise provided by and act of Congress.

The questions to be decided are whether "majority of eligible votes cast" means a number greater than the total or if it means a preponderant quantity or share?

NOW THEREFORE, The Tribal Executive Committee opinion of Article VIII – Majority Vote, is that it means the preponderant quantity or greatest share. This means when there are more than two candidates for an office in an election, that the candidate receiving the most votes will have received the majority of votes cast as required under the provisions of Article VIII.

This opinion is consistent with the interpretations applied to Article VIII of the Constitution by the Tribal Executive Committee in past elections.

The Tribal Executive Committee has the authority under Article V – Tribal Elections, of the Constitution of The Minnesota Chippewa Tribe to adopt a uniform election ordinance to provide for primary elections when there are more than two candidates for an office and to provide that the two candidates receiving the most votes cast in the primary, shall then run in a general election for that office. The candidate then receiving the most votes would also receive over half of the total. Until such time as the Tribal Executive Committee decides to adopt a uniform election ordinance that provides for primary elections, majority vote shall mean the greater share of votes received.

We do hereby certify that the foregoing Constitutional Interpretation was duly presented and acted upon by a vote of 8 for, 4 against, * at a Special Meeting of The Minnesota Chippewa Tribal Executive Committee, a quorum present, held on March 12 & 13, 1984, at Cass Lake, Minnesota.

Darrell Wadena, President
THE MINNESOTA CHIPPEWA TRIBE

ATTEST: Daniel Morrison, Sr.. Secretary
THE MINNESOTA CHIPPEWA TRIBE

* Roll Call Vote

TRIBAL CONSTITUTION

INTERPRETATION NO. 6-84

WHEREAS, the Tribal Executive Committee of The Minnesota Chippewa Tribe did in Tribal Constitution Interpretation 1-80 find that the Tribal Executive Committee has the authority to make final interpretations of the Constitution of the Minnesota Chippewa Tribe, and

WHEREAS, the Legislative Subcommittee of the Tribal Executive Committee has requested the full Tribal Executive Committee to issue a formal interpretation of Section 4, (b) of the By-laws of the Revised Constitution of The Minnesota Chippewa Tribe, which provides:

> Section 4 (b); keep and maintain, open to inspection by members of the Tribe or representative of the Secretary of Interior, at all reasonable times adequate and correct accounts of the properties and business transactions of the Tribe.

The questions to be decided as to what records of the Minnesota Chippewa Tribe are included to be open to inspection to members of the Tribe or representatives of the Secretary of the Interior under this section.

NOW THEREFORE BE IT RESOLVED, that the Tribal Executive Committee of The Minnesota Chippewa Tribe is of the opinion that Section 4 (b) is limited in its application to only certain records of The Minnesota Chippewa Tribe. It specifically refers to allowing members of the Tribe or representatives of the Secretary of the Interior to inspect at reasonable times, "adequate and correct **accounts of the properties and business transactions** of the Tribe."

This section makes no reference to other types of records or accounts. The Tribal Executive Committee is of the opinion that properties refers to such tangible items as real property, timber, equipment and other tangible property owned by the Tribe. It is the further opinion of the Tribal Executive Committee that business transactions refers to transactions that are in the nature of business and not governmental in nature.

Such records do not include the personnel records of the employees of the Tribe or expenditures for meetings of the Tribal Executive Committee or of the costs of operating Tribal government as examples of records not covered by this section.

It is the opinion of the Tribal Executive Committee that the clear intent of the meaning of Section 4 (b) is to allow Tribal members or representatives of the Secretary of Interior to inspect accounts of the physical assets of the Tribe and of its business activities in order that both Tribal members and representatives of the Secretary of the Interior can be kept aware of the transactions that might effect both the trust properties of the Tribe or its economic well-being from business transactions.

Tribal government could be brought to a standstill by demands to inspect all of its records including its governmental operation records. This interpretation does not prevent the Tribal Executive Committee from adopting, by ordinance, resolution, or guidelines, provisions to allow members to examine or inspect other records than those covered by this interpretation. The purpose to be served by this interpretation is to establish that the Revised Constitution and By-laws of The Minnesota Chippewa Tribe does not provide for inspection of all of the records and accounts of The Minnesota Chippewa Tribe.

We do hereby certify that the foregoing Constitutional Interpretation #6-84 was duly presented and acted upon by a vote 8 For, 0 Against, 0 Silent, at a Special Meeting of The Minnesota Chippewa Tribal Executive Committee, a quorum present, held on April 10, 1984, at Duluth, Minnesota.

Darrell Wadena, President
The Minnesota Chippewa Tribe

ATTEST: Daniel Morrison Sr., Secretary
The Minnesota Chippewa Tribe

TRIBAL CONSTITUTION

INTERPRETATION NO. 7-86

WHEREAS, Article X, Section 3 of the Constitution of the Minnesota Chippewa Tribe provides as follows:

Section 3. "Any member of the Reservation from which the Reservation Business Committees elected may prefer charges by written notice supported by the signatures of no less than 20 percent of the resident eligible voters of said Reservation, stating any of the causes for removal set forth in Section 2 of this Article, against any member or members of the respective Reservation Business Committee. The notice must be submitted to the Business Committee. The Reservation Business Committee shall consider such notice and take the following action:".....and

WHEREAS, a question has arisen as to the definition of the term "resident eligible voters" and how the number of resident eligible voters is to be determined.

NOW THEREFORE BE IT RESOLVED that the following is the interpretation to be given the term "resident eligible voters" and how the number is to be determined.

1. Resident Eligible Voters shall mean all enrolled members of a Band who reside within the boundaries of their Reservation who are 18 years of age and otherwise qualify to vote on their Reservation of enrollment. They need not have voted in any election.

2. Resident Eligible Voters shall be determined by each Reservation Business Committee who shall maintain a list of enrolled members who reside upon their reservation of enrollment. The list of eligible resident voters shall be updated every two (2) years.

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 9 for, 2 against, 0 silent, at a Special Meeting of the Minnesota Chippewa Tribal Executive Committee, a quorum present, held on April 11, 1986 at Cass Lake, Minnesota.

Darrell Wadena, President
The Minnesota Chippewa Tribe

ATTEST: Daniel Morrison, Sr., Secretary
The Minnesota Chippewa Tribe

TRIBAL CONSTITUTION

INTERPRETATION 8-94

WHEREAS, the Tribal Executive Committee of the Minnesota Chippewa Tribe did in Tribal Constitution Interpretation 1-80 find that the Tribal Executive Committee has the authority to make final interpretations of the Constitution of the Minnesota Chippewa Tribe; and

WHEREAS, the Secretary/Treasurer of the White Earth Reservation Business Committee (also known as the Tribal Council) requested the Tribal Executive Committee to interpret the Minnesota Chippewa Tribe Constitution's provisions relating to the powers of Chairpersons of Reservation Business Committees (also known as Reservation Tribal Councils) and relating to delegation of authority; and

WHEREAS, the Minnesota Chippewa Tribe Constitution states in Article VI:

> Section 1. Each of the Reservation Business Committees shall, in accordance with applicable laws or regulations of the Department of the Interior, have the following powers:
>
> (e) To delegate to committees, officers, employees or cooperative associations any of the foregoing authorities, reserving the right to review any action taken by virtue of such delegated authorities.

NOW THEREFORE BE IT RESOLVED that the Tribal Executive Committee interprets the language of the Constitution to mean that the delegation of authority is given to the Reservation Business Committee (also known as Reservation Tribal Council).

We do hereby certify that the foregoing Constitutional Interpretation was duly presented and acted upon by a vote of 11 For, 0 Against, 0 Silent at a Special Meeting of the Minnesota Chippewa Tribal Executive Committee, a quorum present, held on July 13, 1994, at St. Paul, Minnesota.

Darrell Wadena, President
The Minnesota Chippewa Tribe

ATTEST: Peter J. Defoe, Jr., Secretary
The Minnesota Chippewa Tribe

TRIBAL CONSTITUTION
INTERPRETATION NO. 9-95
WAS RECINDED BY THE
TRIBAL EXECUTIVE COMMITTEE
ON AUGUST 8, 1996.

TRIBAL CONSTITUTION

INTERPRETATION NO. 9-95

WHEREAS, Article XIV of the Revised Constitution of the Minnesota Chippewa Tribe provides for a referendum process with regard to Reservation Business Committee resolutions or ordinances; and

WHEREAS, Article XIV is silent on several issues, and further interpretation is needed concerning the circumstances in which the referendum process can be used; and

WHEREAS, The Minnesota Chippewa Tribal Executive Committee is the governing body of The Minnesota Chippewa Tribe and has the authority to interpret the Tribal Constitution; and

WHEREAS, There are certain responsibilities that are so fundamental to the operation and continuation of self-government that they cannot be affected by referendum; and

WHEREAS, The Tribal Executive Committee has interpreted the Tribal Constitution so as to provide some guidance with regard to the use of the referendum process.

NOW THEREFORE BE IT RESOLVED that Article XIV, Section 2, of the Revised Constitution of the Minnesota Chippewa Tribe is hereby interpreted as follows:

1. The right of reservation voters to petition for a referendum is limited to resolutions or ordinances of a Reservation Business Committee which have been finally enacted by the Committee.

2. The right of reservation voters to petition for a referendum is limited to legislative enactments by the Reservation Business Committee, and does not extend to the exercise of administrative and executive power of the Committee

3. The right of reservation voters to petition for a referendum does not extend to emergency enactments passed for the preservation of the public peace, health, and safety.

4. The right of reservation voters to petition for a referendum does not extend to enactments or appropriations necessary for the expenses, maintenance, and support of the reservation government and its institutions.

We do hereby certify that the foregoing Constitutional Interpretation was duly presented and acted upon by a vote of 9 For, 0 Against, 2 Absent, at a Regular Meeting of The Minnesota Chippewa Tribal Executive Committee, a quorum present, held on May 19, 1995, at Duluth, Minnesota.

Norman W. Deschampe, President
THE MINNESOTA CHIPPEWA TRIBE

ATTEST: Peter J. Defoe, Secretary
THE MINNESOTA CHIPPEWA TRIBE

TRIBAL CONSTITUTION

INTERPRETATION NO. 10-96

WHEREAS, The Minnesota Chippewa Tribal Executive Committee is the duly elected governing body of the Minnesota Chippewa Tribe, comprised of six member reservations (Bois Forte, Fond du Lac, Grand Portage, Leech Lake, Mille Lacs, and White Earth); and

WHEREAS, In a letter dated June 26, 1996, the Acting Area Director, Minneapolis Area Office, Bureau of Indian Affairs has stated that because of the "lack of constitutional direction" he possessed the legal authority to take "extraordinary measures", and that he has the power to remove duly elected members of a Tribal Council of a Band of the Minnesota Chippewa Tribe and establish rules for the operation of that Tribal Council; and

WHEREAS, The Tribal Executive Committee of the Minnesota Chippewa Tribe established the principle, in its Constitutional Interpretation No. 4-81, on January 27 and 28, 1981 that the Tribal Executive Committee—

> Is the only proper body to interpret the Constitution of the Minnesota Chippewa Tribe and that the United States, through its courts, solicitors, or employees, lacks the authority or jurisdiction to determine the meaning of the Constitution of the Minnesota Chippewa Tribe in opposition to the interpretations or actions of the Tribal Executive Committee.

NOW THEREFORE BE IT RESOLVED, The Tribal Executive Committee of the Minnesota Chippewa Tribe does herewith reaffirm its long-held position that the officials of the government of the United States, including but not limited to the Acting Area Director of the Minneapolis Area Office, Bureau of Indian Affairs, do not possess any legal authority to interpret the Constitution of the Minnesota Chippewa Tribe, or to remove sitting members of a government of a Band of the Tribe, or to establish rules for the operation of a government of a Band of the Minnesota Chippewa Tribe.

We do hereby certify that the foregoing Constitution Interpretation was duly presented and acted upon by a vote of 10 For, 0 Against, 0 Silent during a telephone conference meeting with the Minnesota Chippewa Tribal Executive Committee, a quorum present, held on July 3, 1996.

Norman W. Deschampe, President
THE MINNESOTA CHIPPEWA TRIBE

ATTEST: Peter J. Defoe, Secretary
THE MINNESOTA CHIPPEWA TRIBE

TRIBAL CONSTITUTION

INTERPRETATION NO. 11-09

WHEREAS, Article XIV of the Revised Constitution of the Minnesota Chippewa Tribe provides for a referendum process with regard to Tribal Executive Committee and Reservation Business Committee resolutions or ordinances; and

WHEREAS, Article XIV is silent on several issues, and further interpretation is needed concerning the circumstances in which the referendum process can be used; and

WHEREAS, the Minnesota Chippewa Tribal Executive Committee is the governing body of the Minnesota Chippewa Tribe and has the authority to interpret the Tribal Constitution; and

WHEREAS, there are certain responsibilities that are so fundamental to the operation and continuation of self-government that they cannot be affected by referendum; and

WHEREAS, on May 19, 1995, the Tribal Executive Committee interpreted the Tribal Constitution to provide some guidance with regard to the use of the referendum process and designated that guidance as Interpretation No. 9-95; and

WHEREAS, on August 8, 1996, the Tribal Executive Committee rescinded Interpretation No. 9-95; and

WHEREAS, the Tribal Executive Committee finds that reinstatement of the principles in Interpretation No. 9-95 and extending its applicability to enactments of the Tribal Executive Committee is desirable; and

NOW THEREFORE BE IT RESOLVED that Article XIV of the Revised Constitution of the Minnesota Chippewa Tribe is hereby interpreted as follows:

1. The right of reservation voters to petition for a referendum is limited to resolutions or ordinances of the Tribal Executive Committee or a Reservation Business Committee which have been finally enacted by the Committee.

2. The right of reservation voters to petition for a referendum is limited to legislative enactments by the Tribal Executive Committee or the Reservation Business Committee, and does not extend to the exercise of administrative and executive power of the Committee.

3. The right of reservation voters to petition for a referendum does not extend to emergency enactments passed for the preservation of the public peace, health, and safety.

4. The right of reservation voters to petition for a referendum does not extend to enactments or appropriations necessary for the expenses, maintenance, and support of the tribal and reservation governments and their institutions.

5. The right of reservation voters to petition for a referendum does not permit either the disavowal of lawful contracts entered into by the Tribal Executive Committee or a Band governing body or the abridgement of rights created under such contracts.

6. The right of reservation voters to petition for a referendum is limited to the extent that any such proposed referendum seeks to compel the Tribal Executive Committee or a Band governing body to act in a manner which violates the rights of members secured by Article XIII of the Constitution and by the statutes of the United States, specifically including the Indian Civil Rights Act, 25 U.S.C. § 1301, et. seq.

We do hereby certify that the foregoing Constitutional Interpretation was duly presented and acted upon by a vote of 11 For, 0 Against, 0 Silent, at a Special Meeting of the Minnesota Chippewa Tribal Executive Committee, a quorum present, held on December 8, 2009 at Prior Lake, Minnesota.

Norman W. Deschampe, President
THE MINNESOTA CHIPPEWA TRIBE

Franklin B. Heisler, Secretary
THE MINNESOTA CHIPPEWA TRIBE

TRIBAL CONSTITUTION

INTERPRETATION NO. 12-09

WHEREAS, Interpretation No. 1-80 provides that the Tribal Executive Committee (TEC) may at its own motion issue written opinions as to the meaning and interpretation of the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe; and

WHEREAS, Article II, Section 1(c) of the Revised Constitution and Bylaws provides that the membership of the Tribe shall include "[a]ll children of at least one quarter (¼) degree Minnesota Chippewa Indian blood born after July 3, 1961, to a member, (Emphasis added); and

WHEREAS, a question has arisen whether a child adopted by a member or members of the Minnesota Chippewa Tribe may assume ½ of the Minnesota Chippewa Tribe blood of an adoptive parent or parents; and

WHEREAS, the Section III.G. of the Enrollment Ordinance adopted by the TEC on July 30, 2003, defines "child born to a member" as meaning "the biological child of a person who at the time of the child's birth was an enrolled member"...; and

WHEREAS, Article II, Section 3 of the 1936 Minnesota Chippewa Tribe Constitution provided that "[n]o person shall be enrolled as a member of the tribe unless he or she is a descendent of a member of the tribe; and

WHEREAS, the enrollment practices of the MCT have always determined Minnesota Chippewa Indian blood by reference to biological parents and not adoptive parents; and

NOW THEREFORE BE IT RESOLVED that the requirement of being "born to a member" in Article II of the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe has always meant that an applicant is attributed only with the Minnesota Chippewa Indian blood of his or her biological parents.

We do hereby certify that the foregoing Constitutional Interpretation was duly presented and acted upon by a vote of 11 For, 0 Against, 0 Silent, at a Special Meeting of the Minnesota Chippewa Tribal Executive Committee, a quorum present, held on December 8, 2009 at Prior Lake, Minnesota.

Norman W. Deschampe, President
THE MINNESOTA CHIPPEWA TRIBE

Franklin B. Heisler, Secretary
THE MINNESOTA CHIPPEWA TRIBE

TRIBAL CONSTITUTION

INTERPRETATION NO. 13-09

WHEREAS, Interpretation No. 1-80 provides that the Tribal Executive Committee (TEC) may at its own motion issue written opinions as to the meaning and interpretation of the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe;

WHEREAS, Article IV, Section 4 of the revised Constitution and Bylaws provides that "[n]o member of the Tribe shall be eligible to hold office, either as a Committeeman or Officer, if he or she has ever been convicted of a felony of any kind; or of a lesser crime involving theft, misappropriation, or embezzlement of money, funds, assets, or property of an Indian tribe or a tribal organization"; and

WHEREAS, a question has arisen whether a conviction for an attempt to commit theft, misappropriation, or embezzlement of tribal money, funds, assets, or property is a disqualifying offense under Article IV, Section 4, and

WHEREAS, the TEC believes that the provisions of the Constitution should be interpreted to give effect to the common sense expectations of the membership; and

NOW THEREFORE BE IT RESOLVED that Article IV, Section 4 of the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe is hereby interpreted as follows:

> A conviction of a lesser crime involving theft, misappropriation, or embezzlement of money, funds, assets or property of an Indian tribe or tribal organization shall include a conviction for an attempt to commit such a crime if the attempt is punishable as an offense under applicable law.

We do hereby certify that the foregoing Constitutional Interpretation was duly presented and acted upon by a vote of 7 For, 2 Against (Herbert Weyaus, Arthur LaRose), 2 Silent (Marge Anderson, Michael Bongo), at a Special Meeting of the Minnesota Chippewa Tribal Executive Committee, a quorum present, held on December 8, 2009 at Prior Lake, Minnesota.

Norman W. Deschampe, President
THE MINNESOTA CHIPPEWA TRIBE

Franklin B. Heisler, Secretary
THE MINNESOTA CHIPPEWA TRIBE

TRIBAL CONSTITUTION

Interpretation No. 14-2011

WHEREAS, Interpretation No. 1-80 provides that the Tribal Executive Committee (TEC) may at its own motion issue written opinions as to the meaning and interpretation of the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe; and

WHEREAS, Article X, Section 2 of the Revised Constitution and Bylaws provides that a "Reservation Business Committee by a two-thirds (2/3) vote of its members shall remove any officer or member of the Committee for the [causes listed thereafter]" and in accordance with the procedures in Article X, Section 3; and

WHEREAS, from time to time the Tribal Executive Committee has been asked to provide its interpretation of the two-thirds vote provision and did so at a Special Meeting on January 5, 1998, and

WHEREAS, the motion that was approved on January 5, 1998, was not memorialized as a written opinion as to the meaning and interpretation of the Constitution as required by Interpretation No. 1-80; and

WHEREAS, in order to conform the interpretation approved on January 5, 1998, to the requirements of Interpretation No. 1-80, the Tribal Executive Committee hereby confirms that interpretation; and

NOW THEREFORE BE IT RESOLVED that the two-thirds provision of Article X, Section 2 of the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe shall be interpreted as meaning that four affirmative votes of a five-member RBC (Band governing body) are required to remove one of its members and the accused member shall be permitted to vote.

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 11 For, 0 Against, 0 Silent, at a Regular Meeting of the Minnesota Chippewa Tribal Executive Committee, a quorum present, held on January 5, 2011 at Onamia, Minnesota.

Norman W. Deschampe, President
THE MINNESOTA CHIPPEWA TRIBE

Michael J. Bongo, Secretary
THE MINNESOTA CHIPPEWA TRIBE

TRIBAL CONSTITUTION

Interpretation No. 15--2011

WHEREAS, Interpretation No. 1-80 provides that the Tribal Executive Committee (TEC) may at its own motion issue written opinions as to the meaning and interpretation of the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe; and

WHEREAS, Article X, Section 3 of the Revised Constitution and Bylaws provides that "[i]f the Reservation Business Committee deems the accused has failed to answer charges [in a valid petition] to its satisfaction or fails to appear at the appointed time, the Reservation Business Committee may remove as provided in Section 2 or it may schedule a recall election ..." (Emphasis added); and

WHEREAS, the Tribal Executive Committee finds that it is in the best interest of the Minnesota Chippewa Tribe to interpret the Revised Constitution and Bylaws and, in doing so, determine the number of votes necessary to schedule a recall election; and

NOW THEREFORE BE IT RESOLVED that Article X, Section 3 of the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe shall be interpreted as requiring a majority vote of the members of a Reservation Business Committee to schedule a recall election and all members, including the accused member, shall be permitted to vote.

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 11 For, 1 Against, 0 Silent, at a Regular Meeting of the Minnesota Chippewa Tribal Executive Committee, a quorum present, held on January 5, 2011 at Onamia, Minnesota.

Norman W. Deschampe

Norman W. Deschampe, President
THE MINNESOTA CHIPPEWA TRIBE

Michael J. Bongo

Michael J. Bongo, Secretary
THE MINNESOTA CHIPPEWA TRIBE