

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

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