

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WHEREAS, on August 8, 1996, the Tribal Executive Committee rescinded Interpretation No. 9-95; and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