

RESOLUTION NO. XX-21
FOR DISCUSSION ONLY

- WHEREAS**, the Tribal Executive Committee is the duly elected governing body of the Minnesota Chippewa Tribe, which is comprised of six member reservations (Bois Forte, Fond du Lac, Grand Portage, Leech Lake, Mille Lacs and White Earth); and
- WHEREAS**, the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe provides that the governing bodies of the Tribe are the Tribal Executive Committee and the Reservation Business Committees of the six member Reservations and describes the respective authorities of the Tribal Executive Committee and the Reservation Business Committees; and
- WHEREAS**, each of the six member Reservations is also referred to as a constituent Band of the Tribe or simply as a Band; and
- WHEREAS**, before contact with Europeans the largest economic and political unit of Ojibwe society was the band; and
- WHEREAS**, although the United States purported to deal with the Ojibwe as a single entity in early treaties, the Ojibwe in fact comprised numerous independent self-governing bands or tribes; and
- WHEREAS**, by the mid-1800s, the United States recognized that the Ojibwe were divided into distinct bands and that individual bands or groups of bands occupied separate areas and were entitled to hold or cede the same independently from the other bands or the Ojibwe as a whole; and
- WHEREAS**, the United States negotiated treaties with the Ojibwe in Minnesota between 1854 and 1867 in which individual bands or groups of bands became the recognized occupants and holders of separate reservations and the holders of other rights, including hunting, fishing and gathering rights, reserved in those treaties; and
- WHEREAS**, under the provisions of the Nelson Act of 1889, the separate Ojibwe bands in Minnesota came to have common interests in certain lands ceded under that Act and in funds generated by the disposition of those lands, but retained their status as independent bands with separate federal recognition, sovereign authority and treaty rights; and
- WHEREAS**, between 1934 and 1936, all Ojibwe bands in Minnesota except the Red Lake Band formed the body known as the Minnesota Chippewa Tribe under the Indian Reorganization Act to establish a single organization to handle property and funds they held in common under the Nelson Act; and

WHEREAS, the original Constitution and Bylaws of the Minnesota Chippewa Tribe, which was adopted in 1936, preserved the independent self-governing authority of six constituent Bands by providing for the issuance of local self-governance charters to those Bands; and

WHEREAS, the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe, which was approved in 1964, continued to preserve the independent self-governing authority of the six constituent Bands by providing for a separate governing body for each of those Bands; and

WHEREAS, Article V of the Tribe's Revised Constitution expressly excludes from the authorities granted to the Tribal Executive Committee those authorities granted to the Reservation Business Committees in Article VI of the Revised Constitution; and

WHEREAS, Article VI of the Tribe's Revised Constitution grants to each constituent Band's Reservation Business Committee the authority to, among other things:

- advise with the Secretary of the Interior regarding appropriations for its Reservation;
- administer funds within the control of its Reservation;
- make expenditures of Reservation funds for salaries, expenses of Reservation officials, employment or other Reservation purposes;
- consult, negotiate, contract and conclude agreements on behalf of its Reservation with Federal, State and local governments or private parties on all matters within the power of the Reservation Business Committee, provided that such agreements do not directly affect any other Band or the Tribe without their agreement;
- manage, lease, permit or otherwise deal with Band lands;
- manage, lease, permit or otherwise deal with Tribal lands when authorized to do so by the Tribal Executive Committee, but no such authorization is needed in the case of lands or assets owned exclusively by the Band;
- engage in any business that will further the economic well-being of the Band's members;
- borrow money from the Federal government or other sources and pledge or assign Reservation property, subject only to the approval of the Secretary of the Interior;

- levy licenses or fees on non-members doing business solely within the Band's Reservation, subject to review by the Secretary of the Interior;
- recognize any community organization, association or committee open to the Band's members or located within the Band's Reservation, except that no such committee may exercise powers granted to the Reservation Business Committee or the Tribal Executive Committee; and
- 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; and

WHEREAS, Article VI of the Tribe's Revised Bylaws further authorizes each constituent Band's governing body to adopt its own laws to govern the duties of its officers and elected Band representatives and to define the duties and functions of each Band's own committees, officers and employees; and

WHEREAS, under the authority conferred by the above provisions of the Tribe's Revised Constitution and Bylaws each of the six constituent Bands has the authority to make its own laws and be governed by them without the approval of the Tribal Executive Committee, except in the areas of Tribal enrollment, elections, and commonly held property; and

WHEREAS, the authority of each constituent Band includes the authority to divide the powers exercised by its Reservation Business Committee among the members of the Committee and its officers and employees, and to identify its Reservation Business Committee by a name or names of its own choosing; and

WHEREAS, the Tribe's election and enrollment ordinances recognize the authority of each constituent Band's governing body without regard to whether those bodies are called "Reservation Business Committees" or something else; and

WHEREAS, exercising the foregoing authorities, the six constituent Bands have exercised inherent autonomy from the Tribe and each other over the past several decades by, among other things:

- entering into separate self-governance compacts with Federal agencies;
- entering into separate and distinct Tribal-State gaming compacts with the State of Minnesota that require the approval of the Secretary of Interior;
- entering into separate tax and law enforcement agreements with State and local agencies;
- entering into other agreements with governmental and private entities, including retrocession of the State of Minnesota's exercise of congressionally-

delegated jurisdiction granted under Public Law 83-280 over one Band's reservation;

- managing Band and allotted lands and waters within their respective reservations;
- employing their own legal counsel;
- changing the name of their Reservation Business Committee and defining the duties of the members of the Committee and its officers and employees;
- creating their own Band departments and agencies, such as Band Police and Tribal Employment Rights Office departments;
- establishing tribal schools and colleges;
- filing lawsuits to secure the individual Bands' rights under federal law, including treaty hunting, fishing and gathering rights;
- adopting conservation codes to implement and enforce the individual Bands' treaty rights; and
- acquiring lands in their own names and transferring those lands into trust for the benefit of their Bands; and

WHEREAS, While the U.S. Treasury Department was developing a methodology for disbursement of the \$8 billion set aside for tribes in the Coronavirus Relief Fund pursuant to Title V of the CARES Act that in part relied on how the Department of the Interior formatted the list of tribes in the Federal Register published on January 30 2020, Members of Congress reminded the U.S. Treasury Department in a letter dated April 8th of the separate sovereign status of each of the six Bands of the MCT, writing that *“Each Band within the Minnesota Chippewa Tribe is a distinct and sovereign tribal nation, with its own government, constitution, enrollment, and land. These tribal nations have been federally recognized for decades, and it has been a long-standing practice of the Department of the Interior, the Indian Health Service, and other federal agencies to engage in separate and independent Compacts of Self-Governance and Self-Determination Contract agreements with the individual Bands. In every way except the Federal Register listing, these are six distinct tribal nations and they deserve to be counted as such for the distribution of any federal relief funds.”*; and

WHEREAS, The Treasury Department did treat each of the six Bands as separately sovereign federally recognized tribal governments in its disbursement of CARES Act funds and continues to do so for purposes of disbursing other related funds; and

WHEREAS, The United States repeatedly has recognized that each of the six constituent Bands is a federally recognized Indian tribe and has dealt with them as such in federal legislative, administrative, and judicial actions;

NOW THEREFORE BE IT RESOLVED that the Tribal Executive Committee reaffirms the longstanding position of the Tribe, the Bands and the United States that each of the six constituent Bands are not only a component of the organization known as the Minnesota Chippewa Tribe, but are also distinct federally recognized Indian tribes with inherent sovereign authority and the right to govern themselves within the parameters of the Tribe's Revised Constitution and Bylaws.

We do hereby certify that the foregoing resolution was duly acted upon by a vote of ____ For, ____ Against, ____ Silent, at a Regular meeting of the Tribal Executive Committee, a quorum being present, held on _____, 20__, at _____, Minnesota.

President
THE MINNESOTA CHIPPEWA TRIBE

Secretary
THE MINNESOTA CHIPPEWA TRIBE