

To: The Honorable Justices of the Supreme Court of the State of Minnesota
From: Leonard Roy
Date: March 28, 2017
Re: Rule 10 and proposed amendments (Tribal Court Orders and Judgments)

Honorable Justices, thank you for allowing me to submit this testimony on the proposed Rule 10 amendments under consideration. I am Leonard Roy, a White Earth Tribal member, and I oppose Rule 10 and the proposed amendments because it negatively affects Tribal members.

On October 29, 2002, the Supreme Court of the State of Minnesota considered the possibility of granting full faith and credit to Tribal Courts.¹ Specifically, the petition for adoption of a rule of procedure for the recognition of Tribal Court orders and judgments was presented. However, the Supreme Court decided not to provide full recognition.

During the hearing, Tribal members claimed that no separation of powers existed in the Minnesota Chippewa Tribe Constitution.² Specifically, Tribal members from the Minnesota Chippewa Tribe—which includes White Earth Reservation, Bois Forte Reservation, Mille Lacs Reservation, Fon Du Lac Reservation, Grand Portage Reservation, and Leech Lake Reservation—claimed that an independent judiciary did not exist. This was true in 2002 and it is still true today.

While the Minnesota Chippewa Tribe and its Bands have made great progress towards professionalizing and institutionalizing Tribal Courts, the Tribe has yet to amend its Constitution to create Tribal Courts. To complicate the matter even further, Minnesota passed Rule 10 that provided a modicum of recognition for Tribal Court decisions.³ This has led to the hearing today.

This Constitutional impasse was evident at the Minnesota Chippewa Tribe's Special Meeting held on March 15, 2017. During this meeting, Tribal attorneys requested the Tribal Executive Committee pass a resolution in support of Rule 10 and its amendments.⁴ The request died on the floor and was not recognized as the Tribal Executive Committee passed a motion to hold a Constitutional Convention that would address Constitutional shortcomings.⁵

These shortcomings focused on separation of powers and an independent judiciary. For example, at White Earth Reservation, Judge Robert Blaeser oversees a committee that writes criminal code, and he executes judicial services through the Tribal Court. This is problematic. In Article XIII of the Minnesota Chippewa Tribe Constitution, Tribal members are guaranteed the same rights and protections as all United States Citizens.⁶ In other words, Judge Blaeser executes two independent government functions in his position: 1) he directs codes (laws) to be written, which is a legislative function; and 2) he magistrates, which is a judicial function.

¹ Appendix A: 2002 Supreme Court Consideration (CX-89-1863)

² Appendix B: The Revised Constitution of The Minnesota Chippewa Tribe

³ Appendix C: Rule 10: Tribal Court Orders and Judgements

⁴ Appendix D: March 15, 2017, Tribal Executive Committee Proposed Rule 10 Resolution

⁵ Appendix E: March 15, 2017, Tribal Executive Committee Motion to hold a Constitutional Convention

⁶ Appendix B: The Revised Constitution of The Minnesota Chippewa Tribe

Conflated with no Constitutional mandate or institutional legitimacy, the Minnesota Chippewa Tribe and its Courts encroach on civil liberties and rights guaranteed by the United States Constitution. Until civil liberties are fortified with a Bill of Rights at the Tribal level, I urge the Supreme Court to postpone Rule 10 and these amendments.

While the State may be prepared to recognize Tribal Court decisions—which is not uncommon in other jurisdictions across the United States—the Minnesota Chippewa Tribe is still not ready for full faith and credit. This was evident at the March 15, 2017 Tribal Executive Committee Special Meeting and in 2002.

I also disagree with how Rule 10 and Tribal Courts have advanced this agenda—an agenda to fortify and legitimize their rulings. Upon reviewing submitted testimony and evidence provided for this hearing, I only see support provided by Tribal judges and attorneys. What is missing? Aside from David Morrison, Sr., Bois Forte Secretary-Treasurer, no letters of support or testimony have been provided by Tribal Leaders or Governments for this initiative. This supports the Tribal Executive Committee's decision to not act on a Rule 10 Resolution.

As a Tribal member, I am confused. If Tribal Governments and leaders don't openly support Rule 10 and its proposed amendments and Tribal attorneys and judges do, who should I believe? Of the 6 Bands and 12 committee members that compose the Tribal Executive Committee, only one Tribal leader has sent a letter of support, but nearly all Tribal judges profess their support for Rule 10 and its proposed amendments. Who controls the Minnesota Chippewa Tribe? Elected officials or Tribal attorneys and judges? I vote for the former, and I feel oppressed by the latter.

How is this related to separation of powers? In 2002, then Minnesota Chippewa Tribe President Norm Deschampe supported full faith and credit and provided testimony to the Supreme Court. While his support for full faith and credit was not fully recognized, his activity represented the Minnesota Chippewa Tribe's position. And now, we have no representation or testimony from Tribal leaders at this hearing. Does this negate the testimony from Minnesota Chippewa Tribe Courts, attorneys, and judges? Yes.

As the Minnesota Chippewa Tribe possesses a government-to-government relationship with the United States, any agreement or decision that occurs—i.e., judicial—must originate from elected representatives or through appointed representatives. While the Minnesota Chippewa Tribe doesn't possess a law similar to the Logan Act⁷—a United States federal law that details the fine and/or imprisonment of unauthorized citizens who negotiate with foreign governments...which was intended to prevent the undermining of the government's position—the fact that non-Tribal leaders are advancing interests not explicitly authorized by the Tribe demonstrates a breach of powers by the Tribal judiciary.

Simply put, how can a Tribal judge negotiate on behalf of Tribal members when they don't possess this power?

Moreover, as the Minnesota Chippewa Tribe Constitution doesn't recognize Tribal Courts—i.e., they aren't even mentioned in the document—testimony from Tribal attorneys and judges don't represent the Tribe. And yet, there is a fix.

⁷ Appendix F: The Logan Act, 1 Stat. 613; 18 U.S.C. 953

The Tribal Executive Committee's motion to hold a Constitutional Convention could rectify these problems. In short, I highly recommend the committee postpone this petition for Rule 10 and its proposed amendments until the Convention has concluded. The Minnesota Chippewa Tribe is not ready for Rule 10. Other Federally Recognized Tribes may be ready for this step, but safeguarding civil liberties and rights for the Minnesota Chippewa Tribe must occur first. Otherwise, the State could find itself supporting decisions that aren't legal on the Tribal side of the agreement.

It's also important to recognize the progress that has been made since 2002. Tribal Courts and judges have matured and become more professionalized. Your willingness to recognize and support Tribal sovereignty and self-determination must be applauded and is greatly appreciated. However, while Minnesota Courts are ready for Rule 10, the Minnesota Chippewa Tribe must fix its side of the agreement.

In conclusion, I recommend the committee considers and adopts this single act:

- Exclude the Minnesota Chippewa Tribe from Rule 10 and its proposed amendments until its Constitutional Convention has concluded to protect Tribal members.

You can reach me at 218-983-9917, 651-747-5078, or by email at leonard.roy56@gmail.com.

Sincerely,

A handwritten signature in cursive script that reads "Leonard P. Roy". The signature is written in black ink and is positioned above the typed name and address.

Leonard Roy
White Earth Tribal Member
33966 Mary Yellowhead Road
Ogema, MN 56569

APPENDIX A: 2002 SUPREME COURT CONSIDERATION (CX-89-1863)

CITIZENS for LAWFUL GOVERNMENT

White Earth Reservation

June 14, 2002

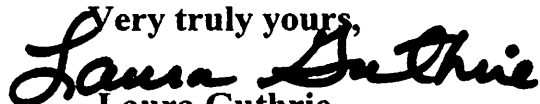
Bridget C. Johnson
Project Specialist
State Court Administrator's Office
25 Constitution Avenue Suite 120
St. Paul, MN 55155

Re: Full Faith and Credit Committee
Comments for inclusion in Tribal Court State Court Forum

Dear Ms. Johnson:

Please find enclosed our letter of comments and supplementary attachments for distribution to the Committee.

Thank you.

Very truly yours,

Laura Guthrie
Interim Secretary

Request to Be Heard

TO: Frederick Grittner, Clerk of the Appellate Courts



RE: State of Minnesota in Supreme Court, CX-89-1863, October 29, 2002
Hearing to Consider Peition for Adoption of a Rule of Procedure for the
Recognition of Tribal Court Orders and Judgments

The following persons, members of the Citizens for Lawful Government,
request time to be heard, on their individual behalf and as members of the
Citizens for Lawful Government:

1. Laura Guthrie, resident (non-enrolled) of the White Earth Reservation
2. Leonard Roy, resident of White Earth, enrolled member
3. Ken Pearson, non-enrolled, resident on the White Earth Reservation;
President of the Citizens for Lawful Government
4. Ed Peterson, human rights worker and Minnesota lawyer, Detroit Lakes
on Minnesota Constitution, statutes; tribal constitution, equal protection
and human rights issues, and a member of Citizens for Lawful Government
5. Clarence Roy, enrolled member of White Earth from Moorhead, and
member of the Citizens for Lawful Government
6. Marvin Manypenny, resident and enrolled member of White Earth,
member of Citizens for Lawful Government

Please reserve our time and 14 copies of materials submitted for consideration
are enclosed.

Sincerely,

For and on behalf of
the listed members of
Citizens for Lawful
Government

APPENDIX B: THE REVISED CONSTITUTION OF THE MINNESOTA CHIPPEWA TRIBE

**REVISED CONSTITUTION AND BYLAWS
OF
THE MINNESOTA CHIPPEWA TRIBE**



**REVISED CONSTITUTION AND BYLAWS
OF THE
MINNESOTA CHIPPEWA TRIBE, MINNESOTA**

PREAMBLE

We, the Minnesota Chippewa Tribe, consisting of the Chippewa Indians of the White Earth, Leech Lake, Fond du Lac, Bois Forte (Nett Lake), and Grand Portage Reservations and the Nonremoval Mille Lac Band of Chippewa Indians, in order 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, do establish and adopt this constitution for the Chippewa Indians of Minnesota in accordance with such privilege granted the Indians by the United States under existing law.

ARTICLE I - ORGANIZATION AND PURPOSE

Section 1. The Minnesota Chippewa Tribe is hereby organized under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended.

Sec. 2. The name of this tribal organization shall be the "Minnesota Chippewa Tribe."

Sec. 3. 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.

Sec. 4. The Tribe shall cooperate with the United States in its program of economic and social development of the Tribe or in any matters tending to promote the welfare of the Minnesota Chippewa Tribe of Indians.

ARTICLE II - MEMBERSHIP

Section 1. The membership of the Minnesota Chippewa Tribe shall consist of the following:

- (a) **Basic Membership Roll.** All persons of Minnesota Chippewa Indian blood whose names appear on the annuity roll of April 14, 1941, prepared pursuant to the Treaty with said Indians as enacted by Congress in the Act of January 14, 1889 (25 Stat. 642) and Acts amendatory thereof, and as corrected by the Tribal Executive Committee and ratified by the Tribal Delegates, which roll shall be known as the basic membership roll of the Tribe.
- (b) All children of Minnesota Chippewa Indian blood born between April 14, 1941, the date of the annuity roll, and July 3, 1961, the date of approval of the membership ordinance by the Area Director, to a parent or parents, either or both of whose names appear on the basic membership roll, provided

an application for enrollment was filed with the Secretary of the Tribal Delegates by July 4, 1962, one year after the date of approval of the ordinance by the Area Director.

- (c) All children of at least one quarter (1/4) degree Minnesota Chippewa Indian 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 or the Tribal Executive Committee within one year after the date of birth of such children.

Sec. 2. No person born after July 3, 1961, shall be eligible for enrollment if enrolled as a member of another tribe, or if not an American citizen.

Sec. 3. Any person of Minnesota Chippewa Indian blood who meets the membership requirements of the Tribe, but who because of an error has not been enrolled, may be admitted to membership in the Minnesota Chippewa Tribe by adoption, if such adoption is approved by the Tribal Executive Committee, and shall have full membership privileges from the date the adoption is approved.

Sec. 4. Any person who has been rejected for enrollment as a member of the Minnesota Chippewa Tribe shall have the right of appeal within sixty days from the date of written notice of rejection to the Secretary of the Interior from the decision of the Tribal Executive Committee and the decision of the Secretary of Interior shall be final.

Sec. 5. Nothing contained in this article shall be construed to deprive any descendant of a Minnesota Chippewa Indian of the right to participate in any benefits derived from claims against the U.S. Government when awards are made for and on behalf and for the benefit of descendants of members of said tribe.

ARTICLE III - GOVERNING BODY

The governing bodies of the Minnesota Chippewa Tribe shall be the Tribal Executive Committee and the Reservation Business Committees of the White Earth, Leech Lake, Fond du Lac, Bois Forte (Nett Lake), and Grand Portage Reservations, and the Nonremoval Mille Lac Band of Chippewa Indians, hereinafter referred to as the six (6) Reservations.

Section 1. Tribal Executive Committee. The Tribal Executive Committee shall be composed of the Chairman and Secretary-Treasurer of each of the six (6) Reservation Business Committees elected in accordance with Article IV. The Tribal Executive Committee shall, at its first meeting, select from within the group a President, a Vice-President, a Secretary, and a Treasurer who shall continue in office for the period of two (2) years or until their successors are elected and seated.

Sec. 2. Reservation Business Committee. Each of the six (6) Reservations shall elect a Reservation Business Committee composed of not more than five (5) members nor less than three (3) members. The Reservation Business Committee shall be composed of a Chairman, Secretary-Treasurer, and one (1), two (2), or three (3) Committeemen. The candidates shall file for their respective offices and shall hold their office during the term for which they were elected or until their successors are elected and seated.

ARTICLE IV - TRIBAL ELECTIONS

Section 1. Right to Vote. All elections held on the six (6) Reservations shall be held in accordance with a uniform election ordinance to be adopted by the Tribal Executive Committee which shall provide that:

- (a) All members of the tribe, eighteen (18) years of age or over, shall have the right to vote at all elections held within the reservation of their enrollment.¹
- (b) All elections shall provide for absentee ballots and secret ballot voting.
- (c) Each Reservation Business Committee shall be the sole judge of the qualifications of its voters.
- (d) The precincts, polling places, election boards, time for opening and closing the polls, canvassing the vote and all pertinent details shall be clearly described in the ordinance.

Sec. 2. Candidates. A candidate for Chairman, Secretary-Treasurer and Committeeman must be an enrolled member of the Tribe and reside on the reservation of his or her enrollment for one year before the date of election.² No member of the Tribe shall be eligible to hold office, either as a Committeeman or Officer, until he or she has reached his or her twenty-first (21) birthday on or before the date of election.³

Sec. 3. Term of Office.

- (a) The first election of the Reservation Business Committee for the six (6) Reservations shall be called and held within ninety (90) days after the date on which these amendments became effective in accordance with Section 1, of this Article.
- (b) For the purpose of the first election, the Chairman and one (1) Committeeman shall be elected for a four-year term. The Secretary-Treasurer and any remaining Committeemen shall be elected for a two-year term. Thereafter, the term of office for officers and committeemen shall be four (4) years. For the purpose of the first election, the Committeeman receiving the greatest number of votes shall be elected for a four-year term.

Sec. 4. No 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.⁴

ARTICLE V - AUTHORITIES OF THE TRIBAL EXECUTIVE COMMITTEE

Section 1. The Tribal Executive Committee shall, in accordance with applicable laws or regulations of the Department of the Interior, have the following powers:

- (a) To employ legal counsel for the protection and advancement of the rights of the Minnesota Chippewa Tribe; the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, or his authorized representative.

¹ As amended per Amendment I, approved by the Secretary of the Interior on November 6, 1972.

² As amended per Amendment III, approved by the Secretary of the Interior on January 5, 2006.

³ As amended per Amendment II, approved by the Secretary of the Interior on November 6, 1972.

⁴ As amended per Amendment IV, approved by the Secretary of the Interior on January 5, 2006.

- (b) To prevent any sale, disposition, lease or encumbrance of tribal lands, interest in lands, or other assets including minerals, gas and oil.
- (c) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Minnesota Chippewa Tribe, except where such appropriation estimates or projects are for the benefit of individual Reservations.
- (d) To administer any funds within the control of the Tribe; to make expenditures from tribal funds for salaries, expenses of tribal officials, employment or other tribal purposes. The Tribal Executive Committee shall apportion all funds within its control to the various Reservations excepting funds necessary to support the authorized costs of the Tribal Executive Committee. All expenditures of tribal funds, under the control of the Tribal Executive Committee, shall be in accordance with a budget, duly approved by resolution in legal session, and the amounts so expended shall be a matter of public record at all reasonable times. The Tribal Executive Committee shall prepare annual budgets, requesting advancements to the control of the Tribe of any money deposited to the credit of the Tribe in the United States Treasury, subject to the approval of the Secretary of the Interior or his authorized representative.
- (e) To consult, negotiate, contract and conclude agreements on behalf of the Minnesota Chippewa Tribe with Federal, State and local governments or private persons or organizations on all matters within the powers of the Tribal Executive Committee, except as provided in the powers of the Reservation Business Committee.
- (f) Except for those powers hereinafter granted to the Reservation Business Committees, the Tribal Executive Committee shall be authorized to manage, lease, permit, or otherwise deal with tribal lands, interests in lands or other tribal assets; to engage in any business that will further the economic well being of members of the Tribe; to borrow money from the Federal Government or other sources and to direct the use of such funds for productive purposes, or to loan the money thus borrowed to Business Committees of the Reservations and to pledge or assign chattel or income, due or to become due, subject only to the approval of the Secretary of the Interior or his authorized representative, when required by Federal law or regulations.
- (g) The Tribal Executive Committee may by ordinance, subject to the review of the Secretary of the Interior, levy licenses or fees on non-members or non-tribal organizations doing business on two or more Reservations.
- (h) To recognize any community organizations, associations or committees open to members of the several Reservations and to approve such organizations, subject to the provision that no such organizations, associations, or committees may assume any authority granted to the Tribal Executive Committee or to the Reservation Business Committees.
- (i) 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.

ARTICLE VI - AUTHORITIES OF THE RESERVATION BUSINESS COMMITTEES

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:

- (a) To advise with the Secretary of the Interior with regard to all appropriation estimates on Federal projects for the benefit of its Reservation.
- (b) To administer any funds within the control of the Reservation; to make expenditures from Reservation funds for salaries, expenses of Reservation officials, employment or other Reservation purposes. All expenditures of Reservations funds under the control of the Reservation Business Committees shall be in accordance with a budget, duly approved by resolution in legal session, and the amounts so expended shall be a matter of public record at all reasonable times. The Business Committees shall prepare annual budgets requesting advancements to the control of the Reservation of tribal funds under the control of the Tribal Executive Committee.
- (c) To consult, negotiate and contract and conclude agreements on behalf of its respective Reservation with Federal, State and local governments or private persons or organizations on all matters within the power of the Reservation Business Committee, provided that no such agreements or contracts shall directly affect any other Reservation or the Tribal Executive Committee without their consent. The Business Committees shall be authorized to manage, lease, permit or otherwise deal with tribal lands, interests in lands or other tribal assets, when authorized to do so by the Tribal Executive Committee but no such authorization shall be necessary in the case of lands or assets owned exclusively by the Reservation. To engage in any business that will further the economic well being of members of the Reservation; to borrow money from the Federal Government or other sources and to direct the use of such funds for productive purposes or to loan the money thus borrowed to members of the Reservation and to pledge or assign Reservation chattel or income due or to become due, subject only to the approval of the Secretary of the Interior or his authorized representative when required by Federal law and regulations. The Reservation Business Committee may also, with the consent of the Tribal Executive Committee, pledge or assign tribal chattel or income.
- (d) The Reservation Business Committee may by ordinance, subject to the review of the Secretary of the Interior, levy licenses or fees on non-members or non-tribal organizations doing business solely within their respective Reservations. A Reservation Business Committee may recognize any community organization, association or committee open to members of the Reservation or located within the Reservation and approve such organization, subject to the provision that no such organization, association or committee may assume any authority granted to the Reservation Business Committee or to the Tribal Executive Committee.
- (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.
- (f) The powers heretofore granted to the bands by the charters issued by the Tribal Executive Committee are hereby superceded by this Article and said charters will no longer be recognized for any purposes.

ARTICLE VII - DURATION OF TRIBAL CONSTITUTION

Section 1. The period of duration of this tribal constitution shall be perpetual or until revoked by lawful means as provided in the Act of June 18, 1934 (48 Stat. 984), as amended.

ARTICLE VIII - MAJORITY VOTE

Section 1. At all elections held under this constitution, the majority of eligible votes cast shall rule, unless otherwise provided by an Act of Congress.

ARTICLE IX - BONDING OF TRIBAL OFFICIALS

Section 1. The Tribal Executive Committee and the Reservation Business Committees, respectively, shall require all persons, charged by the Tribe or Reservation with responsibility for the custody of any of its funds or property, to give bond for the faithful performance of his official duties. Such bond shall be furnished by a responsible bonding company and shall be acceptable to the beneficiary thereof and the Secretary of the Interior or his authorized representative, and the cost thereof shall be paid by the beneficiary.

ARTICLE X - VACANCIES AND REMOVAL

Section 1. Any vacancy in the Tribal Executive Committee shall be filled by the Indians from the Reservation on which the vacancy occurs by election under rules prescribed by the Tribal Executive Committee. During the interim, the Reservation Business Committee shall be empowered to select a temporary Tribal Executive Committee member to represent the Reservation until such time as the election herein provided for has been held and the successful candidate elected and seated.

Sec. 2. The Reservation Business Committee by a two-thirds (2/3) vote of its members shall remove any officer or member of the Committee for the following causes:

- (a) Malfeasance in the handling of tribal affairs.
- (b) Dereliction or neglect of duty.
- (c) Unexcused failure to attend two regular meetings in succession.
- (d) Conviction of a felony in any county, State or Federal court while serving on the Reservation Business Committee.
- (e) Refusal to comply with any provisions of the Constitution and Bylaws of the Tribe.

The removal shall be in accordance with the procedures set forth in Section 3 of this Article.

Sec. 3. Any member of the Reservation from which the Reservation Business Committee member is 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:

- (a) The Reservation Business Committee within fifteen (15) days after receipt of the notice or charges shall in writing notify the accused of the charges brought against him and set a date for a hearing. If the Reservation Business Committee deems the accused has failed to answer charges 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 which shall be held within thirty (30) days after the date set for the hearing. In either event, the action of the Reservation Business Committee or the outcome of the recall election shall be final.

(b) All such hearings of the Reservation Business Committee shall be held in accordance with the provisions of this Article and shall be open to the members of the Reservation. Notices of such hearings shall be duly posted at least five (5) days prior to the hearing.

(c) The accused shall be given opportunity to call witnesses and present evidence in his behalf.

Sec. 4. When the Tribal Executive Committee finds any of its members guilty of any of the causes for removal from office as listed in Section 2 of this Article, it shall in writing censor the Tribal Executive Committee member. The Tribal Executive Committee shall present its written censure to the Reservation Business Committee from which the Tribal Executive Committee member is elected. The Reservation Business Committee shall thereupon consider such censure in the manner prescribed in Section 3 of this Article.

Sec. 5. In the event the Reservation Business Committee fails to act as provided in Sections 3 and 4 of this Article, the Reservation membership may, by petition supported by the signatures of no less than 20 percent of the eligible resident voters, appeal to the Secretary of the Interior. If the Secretary deems the charges substantial, he shall call an election for the purpose of placing the matter before the Reservation electorate for their final decision.

ARTICLE XI – RATIFICATION

Section 1. This constitution and the bylaws shall not become operative until ratified at a special election by a majority vote of the adult members of the Minnesota Chippewa Tribe, voting at a special election called by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote, and until it has been approved by the Secretary of the Interior.

ARTICLE XII – AMENDMENT

Section 1. This constitution may be revoked by Act of Congress or amended or revoked by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior if at least 30 percent of those entitled to vote shall vote. No amendment shall be effective until approved by the Secretary of the Interior. It shall be the duty of the Secretary to call an election when requested by two-thirds of the Tribal Executive Committee.

ARTICLE XIII - RIGHTS OF MEMBERS

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 United 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.

ARTICLE XIV – REFERENDUM

Section 1. The Tribal Executive Committee, upon receipt of a petition signed by 20 percent of the resident voters of the Minnesota Chippewa Tribe, or by an affirmative vote of eight (8) members of the

Tribal Executive Committee, shall submit any enacted or proposed resolution or ordinance of the Tribal Executive Committee to a referendum of the eligible voters of the Minnesota Chippewa Tribe. The majority of the votes cast in such referendum shall be conclusive and binding on the Tribal Executive Committee. The Tribal Executive Committee shall call such referendum and prescribe the manner of conducting the vote.

Sec. 2. The Reservation Business Committee, upon receipt of a petition signed by 20 percent of the resident voters of the Reservation, or by an affirmative vote of a majority of the members of the Reservation Business Committee, shall submit any enacted or proposed resolution or ordinance of the Reservation Business Committee to a referendum of the eligible voters of the Reservation. The majority of the votes cast in such referendum shall be conclusive and binding on the Reservation Business Committee. The Reservation Business Committee shall call such referendum and prescribe the manner of conducting the vote.

ARTICLE XV - MANNER OF REVIEW

Section 1. Any resolution or ordinance enacted by the Tribal Executive Committee, which by the terms of this Constitution and Bylaws is subject to review by the Secretary of the Interior, or his authorized representative, shall be presented to the Superintendent or officer in charge of the Reservation who shall within ten (10) days after its receipt by him approve or disapprove the resolution or ordinance.

If the Superintendent or officer in charge shall approve any ordinance or resolution it shall thereupon become effective, but the Superintendent or officer in charge shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of approval, rescind the ordinance or resolution for any cause by notifying the Tribal Executive Committee.

If the Superintendent or officer in charge shall refuse to approve any resolution or ordinance subject to review within ten (10) days after its receipt by him he shall advise the Tribal Executive Committee of his reasons therefor in writing. If these reasons are deemed by the Tribal Executive Committee to be insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its referral, approve or reject the same in writing, whereupon the said ordinance or resolution shall be in effect or rejected accordingly.

Sec. 2. Any resolution or ordinance enacted by the Reservation Business Committee, which by the terms of this Constitution and Bylaws is subjected to review by the Secretary of the Interior or his authorized representative, shall be governed by the procedures set forth in Section 1 of this Article.

Sec. 3. Any resolution or ordinance enacted by the Reservation Business Committee, which by the terms of this Constitution and Bylaws is subject to approval by the Tribal Executive Committee, shall within ten (10) days of its enactment be presented to the Tribal Executive Committee. The Tribal Executive Committee shall at its next regular or special meeting, approve or disapprove such resolution or ordinance.

Upon approval or disapproval by the Tribal Executive Committee of any resolution or ordinance submitted by a Reservation Business Committee, it shall advise the Reservation Business Committee within ten (10) days, in writing, of the action taken. In the event of disapproval the Tribal Executive Committee shall advise the Reservation Business Committee, at that time, of its reasons therefore.

BYLAWS

ARTICLE I - DUTIES OF THE OFFICERS OF THE TRIBAL EXECUTIVE COMMITTEE

Section 1. The President of the Tribal Executive Committee shall:

- (a) Preside at all regular and special meetings of the Tribal Executive Committee and at any meeting of the Minnesota Chippewa Tribe in general council.
- (b) Assume responsibility for the implementation of all resolutions and ordinances of the Tribal Executive Committee.
- (c) Sign, with the Secretary of the Tribal Executive Committee, on behalf of the Tribe all official papers when authorized to do so.
- (d) Assume general supervision of all officers, employees and committees of the Tribal Executive Committee and, as delegated, take direct responsibility for the satisfactory performance of such officers, employees and committees.
- (e) Prepare a report of negotiations, important communications and other activities of the Tribal Executive Committee and shall make this report at each regular meeting of the Tribal Executive Committee. He shall include in this report all matters of importance to the Tribe, and in no way shall he act for the Tribe unless specifically authorized to do so.
- (f) Have general management of the business activities of the Tribal Executive Committee. He shall not act on matters binding the Tribe until the Tribal Executive Committee has deliberated and enacted appropriate resolution, or unless written delegation of authority has been granted.
- (g) Not vote in meetings of the Tribal Executive Committee except in the case of a tie.

Sec. 2. In the absence or disability of the President, the Vice-President shall preside. When so presiding, he shall have all rights, privileges and duties as set forth under duties of the President, as well as the responsibility of the President.

Sec. 3. The Secretary of the Tribal Executive Committee shall:

- (a) Keep a complete record of the meetings of the Tribal Executive Committee and shall maintain such records at the headquarters of the Tribe.
- (b) Sign, with the President of the Tribal Executive Committee, all official papers as provided in Section 1 (c) of this Article.
- (c) Be the custodian of all property of the Tribe.
- (d) Keep a complete record of all business of the Tribal Executive Committee. Make and submit a complete and detailed report of the current year's business and shall submit such other reports as shall be required by the Tribal Executive Committee.
- (e) Serve all notices required for meetings and elections.
- (f) Perform such other duties as may be required of him by the Tribal Executive Committee.

Sec. 4. The Treasurer of the Tribal Executive Committee shall:

- (a) Receive all funds of the Tribe entrusted to it, deposit same in a depository selected by the Tribal Executive Committee, and disburse such tribal funds only on vouchers signed by the President and Secretary.
- (b) Keep and maintain, open to inspection by members of the Tribe or representatives of the Secretary of the Interior, at all reasonable times, adequate and correct accounts of the properties and business transactions of the Tribe.
- (c) Make a monthly report and account for all transactions involving the disbursement, collection or obligation of tribal funds. He shall present such financial reports to the Tribal Executive Committee at each of its regular meetings.

Sec. 5. Duties and functions of all appointive committees, officers, and employees of the Tribal Executive Committee shall be clearly defined by resolution of the Tribal Executive Committee.

ARTICLE II - TRIBAL EXECUTIVE COMMITTEE MEETINGS

Section 1. Regular meetings of the Tribal Executive Committee shall be held once in every 3 months beginning on the second Monday in July of each year and on such other days of any month as may be designated for that purpose.

Sec. 2. Notice shall be given by the Secretary of the Tribal Executive Committee of the date and place of all meetings by mailing a notice thereof to the members of the Tribal Executive Committee not less than 15 days preceding the date of the meeting.

Sec. 3. The President shall call a special meeting of the Tribal Executive Committee upon a written request of at least one-third of the Tribal Executive Committee. The President shall also call a special meeting of the Tribal Executive Committee when matters of special importance pertaining to the Tribe arise for which he deems advisable the said Committee should meet.

Sec. 4. In case of special meetings designated for emergency matters pertaining to the Tribe, or those of special importance warranting immediate action of said Tribe, the President of the Tribal Executive Committee may waive the 15-day clause provided in Section 2 of this Article.

Sec. 5. Seven members of the Tribal Executive Committee shall constitute a quorum, and Robert's Rules shall govern its meetings. Except as provided in said Rules, no business shall be transacted unless a quorum is present.

Sec. 6. The order of business at any meeting so far as possible shall be:

- (a) Call to order by the presiding officer.
- (b) Invocation.
- (c) Roll call.
- (d) Reading and disposal of the minutes of the last meeting.

(e) Reports of committees and officers.

(f) Unfinished business.

(g) New business.

(h) Adjournment.

ARTICLE III – INSTALLATION OF TRIBAL EXECUTIVE COMMITTEE MEMBERS

Section 1. New members of the Tribal Executive Committee who have been duly elected by the respective Reservations shall be installed at the first regular meeting of the Tribal Executive Committee following election of the committee members, upon subscribing to the following oath:

"I, _____, do hereby solemnly swear (or affirm) that I shall preserve, support and protect the Constitution of the United States and the Constitution of the Minnesota Chippewa Tribe, and execute my duties as a member of the Tribal Executive Committee to the best of my ability, so help me God."

ARTICLE IV – AMENDMENTS

Section 1. These bylaws may be amended in the same manner as the Constitution.

ARTICLE V – MISCELLANEOUS

Section 1. The fiscal year of the Minnesota Chippewa Tribe shall begin on July 1 of each year.

Section 2. The books and records of the Minnesota Chippewa Tribe shall be audited at least once each year by a competent auditor employed by the Tribal Executive Committee, and at such times as the Tribal Executive Committee or the Secretary of the Interior or his authorized representative may direct. Copies of audit reports shall be furnished the Bureau of Indian Affairs.

ARTICLE VI - RESERVATION BUSINESS COMMITTEE BYLAWS

Section 1. The Reservation Business Committee shall by ordinance adopt bylaws to govern the duties of its officers and Committee members and its meetings.

Section 2. Duties and functions of all appointive committees, officers, and employees of the Reservation Business Committee shall be clearly defined by resolution of the Reservation Business Committee.

CERTIFICATION OF ADOPTION

Pursuant to an order approved September 12, 1963, by the Assistant Secretary of the Interior, the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe was submitted for ratification to the qualified voters of the reservations, and was on November 23, 1963, duly adopted by a vote of 1,761 for and 1,295

against, in an election in which at least 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

(sgd) Allen Wilson, President
Tribal Executive Committee

(sgd) Peter DuFault, Secretary
Tribal Executive Committee

(sgd) H.P. Mittelholtz, Superintendent
Minnesota Agency

APPROVAL

I, John A. Carver, Jr., Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approved the attached Revised Constitution and Bylaws of the Minnesota Chippewa Tribe, Minnesota.

John A. Carver, Jr.,
Assistant Secretary of the Interior
Washington, D.C.
(SEAL) Date: March 3, 1964

APPENDIX C: RULE 10: TRIBAL COURT ORDERS AND JUDGEMENTS

MINNESOTA COURT RULES

GENERAL RULES OF PRACTICE

Rule 10. Tribal Court Orders and Judgments

Rule 10.01 When Tribal Court Orders and Judgments Must Be Given Effect

(a) Recognition Mandated by Law. Where mandated by state or federal statute, orders, judgments, and other judicial acts of the tribal courts of any federally recognized Indian tribe shall be recognized and enforced.

(b) Procedure. (1) Generally. Where an applicable state or federal statute establishes a procedure for enforcement of any tribal court order or judgment, that procedure must be followed.

(2) Violence Against Women Act; Presumption. An order that is subject to the Violence Against Women Act of 2000, 18 U.S.C. section 2265 (2003), that appears to be issued by a court with subject matter jurisdiction and jurisdiction over the parties, and that appears not to have expired by its own terms is presumptively enforceable, and shall be honored by Minnesota courts and law enforcement and other officials so long as it remains the judgment of the issuing court and the respondent has been given notice and an opportunity to be heard or, in the case of matters properly considered ex parte, the respondent will be given notice and an opportunity to be heard within a reasonable time. The presumptive enforceability of such a tribal court order shall continue until terminated by state court order but shall not affect the burdens of proof and persuasion in any proceeding.

(Added effective January 1, 2004.)

Rule 10.02 When Recognition of Tribal Court Orders and Judgments Is Discretionary

(a) Factors. In cases other than those governed by Rule 10.01(a), enforcement of a tribal court order or judgment is discretionary with the court. In exercising this discretion, the court may consider the following factors:

(1) whether the party against whom the order or judgment will be used has been given notice and an opportunity to be heard or, in the case of matters properly considered ex parte, whether the respondent will be given notice and an opportunity to be heard within a reasonable time;

(2) whether the order or judgment appears valid on its face and, if possible to determine, whether it remains in effect;

(3) whether the tribal court possessed subject-matter jurisdiction and jurisdiction over the person of the parties;

(4) whether the issuing tribal court was a court of record;

(5) whether the order or judgment was obtained by fraud, duress, or coercion;

(6) whether the order or judgment was obtained through a process that afforded fair notice, the right to appear and compel attendance of witnesses, and a fair hearing before an independent magistrate;

(7) whether the order or judgment contravenes the public policy of this state;

(8) whether the order or judgment is final under the laws and procedures of

the rendering court, unless the order is a non-criminal order for the protection or apprehension of an adult, juvenile or child, or another type of temporary, emergency order;

(9) whether the tribal court reciprocally provides for recognition and implementation of orders, judgments and decrees of the courts of this state; and

(10) any other factors the court deems appropriate in the interests of justice.

(b) Procedure. The court shall hold such hearing, if any, as it deems necessary under the circumstances.

(Added effective January 1, 2004.)

Advisory Committee Comment - 2007 Amendment

Introduction. *Rule 10 is a new rule intended to provide a starting point for enforcing tribal court orders and judgments where recognition is mandated by state or federal law (Rule 10.01), and to establish factors for determining the effect of these adjudications where federal or state statutory law does not do so (Rule 10.02).*

The rule applies to all tribal court orders and judgments and does not distinguish between tribal courts located in Minnesota and those sitting in other states. The only limitation on the universe of determinations is that they be from tribal courts of a federally-recognized Indian tribe. These courts are defined in 25 U.S.C. section 450b(e), and a list is published by the Department of the Interior, Bureau of Indian Affairs. See, e.g., 70 FED. REG. 71194 (Nov. 25, 2005).

Tribal court adjudications are not entitled to full faith and credit under the United States Constitution, which provides only for full faith and credit for "public acts, records, and judicial proceedings of every other state." U.S. CONST. Art IV, section 1. But state and federal statutes have conferred the equivalent of full faith and credit status on some tribal adjudications by mandating that they be enforced in state court. Where such full faith and credit is mandatory, a state does not exercise discretion in giving effect to the proper judgments of a sister state. Baker v. Gen. Motors Corp., 522 U.S. 222, 233 (1998) ("A final judgment in one State, if rendered by a court with adjudicatory authority over the subject matter and persons governed by the judgment, qualifies for recognition throughout the land.") Through full faith and credit, a sister state's judgment is given res judicata effect in all other states. See, e.g., id.: Hansberry v. Lee, 311 U.S. 32, 42 (1940).

The enforcement in state court of tribal court adjudications that are not entitled to the equivalent of full faith and credit under a specific state or federal statute, is governed by the doctrine of comity. Comity is fundamentally a discretionary doctrine. It is rooted in the court's inherent powers, as was early recognized in United States jurisprudence in Hilton v. Guyot, 159 U.S. 113, 163-164 (1895), where the court said: "No law has any effect, of its own force, beyond the limits of the sovereignty from which its authority is derived. The extent to which the law of one nation, as put in force within its territory, whether by executive order, by legislative act, or by judicial decree, shall be allowed to operate within the dominion of another nation, depends upon what our greatest jurists have been content to call 'the comity of nations.'"

This inherent power was recognized in Minnesota in Traders' Trust Co. v. Davidson, 146 Minn. 224, 227, 178 N.W. 735, 736 (1920) (citing Hilton, 159 U.S. at 227) where the court said: "Effect is given to foreign judgments as a matter of comity and reciprocity, and it has become the rule to give no other or greater effect to the judgment of a foreign court than the country or state whose court rendered it gives to a like judgment of our courts." In Nicol v. Tanner, 310 Minn. 68, 75-79, 256 N.W.2d 796, 800-02 (1976) (citing the Restatement (Second) of Conflicts of Laws section 98 (1971)), the court further developed the doctrine of comity when it held that the statement in Traders' Trust Co. that enforcement required a showing of reciprocity was dictum; that "reciprocity is not a prerequisite to enforcement of a foreign judgment in Minnesota;" and that the default

status of a foreign judgment "should not affect the force of the judgment."

Statutory Mandates. Rule 10.01 reflects the normal presumption that courts will adhere to statutory mandates for enforcement of specific tribal court orders or judgments where such a statutory mandate applies. Federal statutes that do provide such mandates include:

1. *Violence Against Women Act of 2000, 18 U.S.C. section 2265 (2003) (full faith and credit for certain protection orders).*
2. *Indian Child Welfare Act, 25 U.S.C. section 1911(d) (2003) ("full faith and credit" for certain custody determinations).*
3. *Full Faith and Credit for Child Support Orders Act, 28 U.S.C. section 1738B(a) (2003) ("shall enforce" certain child support orders and "shall not seek or make modifications ... except in accordance with [certain limitations]").*

In addition to federal law, the Minnesota Legislature has addressed custody, support, child placement, and orders for protection. The Minnesota Legislature adopted the Uniform Child Custody Jurisdiction and Enforcement Act, Minnesota Statutes 2002, sections 518D.101-518D.317, which: (1) requires recognition and enforcement of certain child custody determinations made by a tribe "under factual circumstances in substantial conformity with the jurisdictional standards of" the Act; and (2) establishes a voluntary registration process for custody determinations with a 20-day period for contesting validity. Minnesota Statutes 2002, sections 518D.103 and 518D.104 (not applicable to adoption or emergency medical care of child; not applicable to extent ICWA controls). In addition, the Minnesota Legislature has adopted the Uniform Interstate Family Support Act, Minnesota Statutes 2002, sections 518C.101 to 518C.902, which provides the procedures for enforcement of support orders from another state ["state" is defined to include an Indian tribe, Minnesota Statutes 2002, section 518C.101, paragraph (s), clause (1)] with or without registration, and enforcement and modification after registration. The Minnesota Legislature has also adopted the Minnesota Indian Family Preservation Act, Minnesota Statutes 2002, sections 260.751 to 260.835, which provides, among other things, that tribal court orders concerning child placement (adoptive and pre-adoptive placement, involuntary foster care placement, termination of parental rights, and status offense placements) shall have the same force and effect as orders of a court of this state. Minnesota Statutes 2002, section 260.771, subdivision 4. In 2006 the Minnesota Legislature adopted Minnesota Statutes 2002, section 518B.01, subdivision 19a, which requires enforcement of certain foreign or tribal court orders for protection.

The facial validity provision in Rule 10.01(b)(2) fills in a gap in state law. Minnesota Statutes 2002, section 518B.01, subdivision 14, paragraph (e), authorizes an arrest based on probable cause of violation of tribal court order for protection; although this law includes immunity from civil suit for a peace officer acting in good faith and exercising due care, it does not address facial validity of the order. Similar laws in other jurisdictions address this issue. See, e.g., 720 ILL. COMP. STAT. 5/12-30(a)(2) (Supp. 2003); OKLA. STAT. tit. 22 section 60.9B(1) (2003); WISC. STAT. section 813.128(1) (2001-02).

*The Minnesota Legislature has also addressed enforcement of foreign money judgments. The Minnesota Uniform Foreign Country Money-Judgments Recognition Act, Minnesota Statutes 2002, section 548.35, creates a procedure for filing and enforcing judgments rendered by courts other than those of sister states. Tribal court money judgments fall within the literal scope of this statute and the statutory procedures therefore may guide Minnesota courts considering money judgments. Cf. *Anderson v. Engelke*, 954 P.2d 1106, 1110-11 (Mont. 1998) (dictum) (statute assumed to allow enforcement by state courts outside of tribal lands, but question not decided). In general, money judgments of tribal courts are not entitled to full faith and credit under the Constitution, and the court is allowed a more expansive and discretionary role in deciding what effect they have. Rule 10.02(a) is intended to facilitate that process.*

Discretionary Enforcement: Comity. *Where no statutory mandate expressly applies, tribal court orders and judgments are subject to the doctrine of comity. Rule 10.02(a) does not create any new or additional powers but only begins to describe in one convenient place the principles that apply to recognition of orders and judgments by comity.*

Comity is also an inherently flexible doctrine. A court asked to decide whether to recognize a foreign order can consider whatever aspects of the foreign court proceedings it deems relevant. Thus Rule 10.02(a) does not dictate a single standard for determining the effect of these adjudications in state court. Instead, it identifies some of the factors a Minnesota judge may consider in determining what effect such a determination will be given. Rule 10.02(a) does not attempt to define all of the factors that may be appropriate for consideration by a court charged with determining whether a tribal court determination should be enforced. It does enumerate many of the appropriate factors. It is possible in any given case that one or more of these factors will not apply. For example, reciprocity is not a pre-condition to enforceability generally, Nicol, 310 Minn. at 75-79, 256 N.W.2d at 800-02, but may be relevant in some circumstances. Notice of the proceedings and an opportunity to be heard (or the prospect of notice and right to hearing in the case of ex parte matters) are fundamental parts of procedural fairness in state and federal courts and are considered basic elements of due process; it is appropriate at least to consider whether the tribal court proceedings extended these rights to the litigants. The issue of whether the tribal court is "of record" may be important to the determination of what the proceedings were in that court. A useful definition of "of record" is contained in the Wisconsin statutes. WIS. STAT. section 806.245(1)(c) (2001-02); see also WIS. STAT. section 806.245(3) (2001-02) (setting forth requirements for determining whether a court is "of record"). The rule permits the court to inquire into whether the tribal court proceedings offered similar protections to the parties, recognizing that tribal courts may not be required to adhere to the requirements of due process under the federal and state constitutions. Some of the considerations of the rule are drawn from the requirements of the Minnesota Uniform Enforcement of Foreign Judgments Act, Minnesota Statutes 2002, sections 548.26 to 548.33. For example, contravention of the state's public policy is a specific factor for non-recognition of a foreign state's judgment under Minnesota Statutes 2002, section 548.35, subdivision 4, paragraph (b), clause (3); it is carried forward into Rule 10.02(a)(7). Inconsistency with state public policy is a factor for non-recognition of tribal court orders under other states' rules. See MICH. R. Civ. P. 2.615(C)(2)(c); N.D. R. CT. 7.2(b)(4).

Hearing. *Rule 10.02(b) does not require that a hearing be held on the issues relating to consideration of the effect to be given to a tribal court order or judgment. In some instances, a hearing would serve no useful purpose or would be unnecessary; in others, an evidentiary hearing might be required to resolve contested questions of fact where affidavit or documentary evidence is insufficient. The committee believes the discretion to decide when an evidentiary hearing is held should rest with the trial judge.*

**APPENDIX D: MARCH 15, 2017, TRIBAL EXECUTIVE COMMITTEE PROPOSED
RULE 10 RESOLUTION**

Resolution re: Rule 10

RESOLUTION 73-17

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, the Tribal Executive Committee, comprised of the Chairpersons and Secretary/Treasurers from the six constituent bands of the Minnesota Chippewa Tribe, is the duly elected governing body of the Tribe; and

WHEREAS, each of our Bands have independent tribal courts that provide legal forums for dispute resolution for tribal members and non-tribal members alike; and

WHEREAS, the effective operation of our tribal courts is dependent on the orders issued by tribal court judges receiving recognition and being honored by foreign jurisdictions to the greatest extent possible; and

WHEREAS, on November 30, 2016, the Minnesota Tribal Court/State Court Forum petitioned the Minnesota Supreme Court to amend Rule 10 of the Minnesota General Rules of Practice for District Courts which would strengthen the relationship between tribal courts and state courts by enhancing the basis for which Rule 10 exists: comity, deference, mutuality, and respect for our sovereignty; and

WHEREAS, the amendments have been referred to the Supreme Court's Advisory Committee on General Rules of Practice, which is currently seeking public comments; and

WHEREAS, the Minnesota Chippewa Tribal Executive Committee believes that the proposed amendments to Rule 10 would benefit Indian tribes in the state by ensuring that tribal court orders focusing on certain federal and state laws receive federally mandated recognition, by creating a presumption of comity for all other tribal orders, and providing robust and definite procedures by which a tribal court order would not be honored in state courts; and

NOW THEREFORE BE IT RESOLVED, the Minnesota Chippewa Tribal Executive Committee strongly supports the effort to amend Rule 10 of the Minnesota General Rules of Practice for District Courts in the manner presented by the Minnesota Tribal Court/State Court Forum in its petition to the Minnesota Supreme Court; and

Resolution re: Rule 10

Resolution 73-17
March 15, 2017
Page 2 of 2

BE IT FINALLY RESOLVED, that this Resolution shall serve as the official comments of the Minnesota Chippewa Tribal Executive Committee in relations to the proposed amendments to Rule 10 of the Minnesota General Rules of Practice and shall also serve as notice that we do not request an opportunity to testify before the Supreme Court's Advisory Committee on the General Rules of Practice.

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of ___ For, ___ Against, ___ Silent, at a Regular Meeting of the Minnesota Chippewa Tribal Executive Committee, a quorum present, held on March 15, 2017 at Hinckley, Minnesota.

Kevin R. Dupuis Sr., President
THE MINNESOTA CHIPPEWA TRIBE

Melanie Benjamin, Secretary
THE MINNESOTA CHIPPEWA TRIBE

**APPENDIX E: MARCH 15, 2017, TRIBAL EXECUTIVE COMMITTEE MOTION
TO HOLD A CONSTITUTIONAL CONVENTION**

**THE MINNESOTA CHIPPEWA TRIBE
TRIBAL EXECUTIVE COMMITTEE**

Special Meeting
March 15, 2017

The special meeting of the Minnesota Chippewa Tribe Tribal Executive Committee was called to order by President Kevin Dupuis at 9:13 a.m. at Grand Casino Hinckley, Hinckley, Minnesota.

Motion by Tara Mason to hold a Constitutional convention. Seconded by Carolyn Beaulieu. 6 For, 0 Against, 3 Silent. Carried.

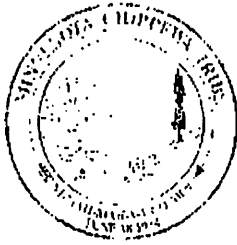
Leonard

Here is a draft of the motion for the Constitutional Convention that was made on March 15, 2017. Since this is only a draft, I would appreciate it if you do not post it on Social Media at this time.

Thank you,



Gary S. Frazer,
Executive Director



The Minnesota Chippewa Tribe

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DATE: 3/27/17

PAGES: 2
(Including Cover Page)

TO: Leonard Roy

ORGANIZATION: _____

FAX NUMBER: 218-983-9917

FROM: Gary S. Frazer, Executive Director gfrazer@mnchippewatribe.org

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MESSAGE: _____

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APPENDIX F: THE LOGAN ACT, 1 STAT. 613; 18 U.S.C. 953

Logan Act legal definition of Logan Act

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Logan Act

The Logan Act (18 U.S.C.A. § 953 [1948]) is a single federal statute making it a crime for a citizen to confer with foreign governments against the interests of the United States. Specifically, it prohibits citizens from negotiating with other nations on behalf of the United States without authorization.

Congress established the Logan Act in 1799, less than one year after passage of the [Alien and Sedition Acts](#), which authorized the arrest and deportation of [Aliens](#) and prohibited written communication defamatory to the U.S. government. The 1799 act was named after Dr. George Logan. A prominent Republican and Quaker from Pennsylvania, Logan did not draft or introduce the legislation that bears his name, but was involved in the political climate that precipitated it.

In the late 1790s, a French trade embargo and jailing of U.S. seamen created animosity and unstable conditions between the United States and France. Logan sailed to France in the hope of presenting options to its government to improve relations with the United States and quell the growing anti-French sentiment in the United States. France responded by lifting the embargo and releasing the captives. Logan's return to the United States was marked by Republican praise and Federalist scorn. To prevent U.S. citizens from interfering with negotiations between the United States and foreign governments in the future, the Adams administration quickly introduced the bill that would become the Logan Act.

The Logan Act has remained almost unchanged and unused since its passage. The act is short and reads as follows:

Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined under this title or imprisoned not more than three years, or both.

This section shall not abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects.

The language of the act appears to encompass almost every communication between a U.S. citizen and a foreign government considered an attempt to influence negotiations between their two countries. Because the language is so broad in scope, legal scholars and judges have suggested that the Logan Act is unconstitutional. Historically, the act has been used more as a threat to those engaged in various political activities than as a weapon for prosecution. In fact, Logan Act violations have been discussed in almost every administration without any serious attempt at enforcement, and to date there have been no convictions and only one recorded indictment.

One example of the act's use as a threat of prosecution involved the Reverend JESSE JACKSON. In 1984 Jackson took well-publicized trips to Cuba and Nicaragua and returned with several Cuban political prisoners seeking [Asylum](#) in the United

States. President RONALD REAGAN stated that Jackson's activities may have violated the law, but Jackson was not pursued beyond a threat.

The only Logan Act indictment occurred in 1803. It involved a Kentucky newspaper article that argued for the formation in the western United States of a separate nation allied to France. No prosecution followed.

Further readings

Kearney, Kevin M. 1987. "Private Citizens in Foreign Affairs: A Constitutional Analysis." *Emory Law Journal* 36 (winter). Roth, Brad R. 1993. "The First Amendment in the Foreign Affairs Realm: 'Domesticating' the Restrictions on Citizen Participation." *Temple Political and Civil Rights Law Review* 2 (spring).

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