



MILLE LACS BAND OF OJIBWE
Executive Branch of Tribal Government

EXECUTIVE ORDER NO. 168-14

AN EXECUTIVE ORDER EXAMINING AND CLARIFYING A PREVIOUS INTERIM CHIEF EXECUTIVE ORDER.

WHEREAS, the Chief Executive possesses all Executive Branch authority unless expressly divested of such authority by Band statute, 4 MLBSA § 2; and

WHEREAS, the Chief Executive, as an elected official, maintains an overriding duty to honor and adhere to Band statutory law, which includes a presumption of innocence in relation to alleged criminal acts until definitively adjudicated otherwise, 1 MLBSA § 12; 2 MLBSA § 8; and

WHEREAS, former Interim Chief Executive Herbert Weyaus, Sr. violated the foregoing duty by including a conclusory indictment within a standing executive order, MLB EXEC. ORDER 156-08; and

WHEREAS, former Chief Executive Weyaus' preliminary assessment improperly intruded upon the exclusive province of the Judiciary in relation to its reserved subject matter and corresponding authority to determine criminal guilt, 5 MLBSA §§ 1, 111(b); and

WHEREAS, former Chief Executive Weyaus' official action and commentary upon specific purported acts could have arguably inappropriately influenced a possible judicial proceeding, which ultimately never materialized, in contravention of an ethical responsibility, 6 MBLSA § 1157(b, i); and

WHEREAS, the foregoing actions of former Chief Executive Weyaus may likely constitute knowing violations of Band statute, 6 MLBSA § 1157(m); and

WHEREAS, former Chief Executive Weyaus unduly objected to necessary limitations imposed upon the dissemination of an investigatory report prepared under the auspices of the Office of the Solicitor General since such work product is statutorily entitled to confidentiality protection, especially considering a legitimate attempt to not prejudice an earlier pending federal review, 4 MLBSA § 19(a-b); and

WHEREAS, the Chief Executive must ensure the impartial application of Band law, 4 MLBSA § 6(a); and

WHEREAS, the Chief Executive may issue an executive order upon any subject matter falling under the purview of the Executive Branch, 4 MLBSA § 6(e).

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NOW THEREFORE, IT IS ORDERED that the above critique of the aforementioned November 10, 2008 executive order, which repealed two (2) prior executive orders, forever accompany it and reflect the official position of the Mille Lacs Band of Ojibwe, Office of the Chief Executive. This executive order neither repeals nor reverses MLB Executive Order 156-08 due to the moot impact of such an action.

Expiration Date: None

Dated this 13 day of March 2014.



Melanie A. Benjamin
Chief Executive

OFFICIAL SEAL