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# MILLE LACS BAND OF CHIPPEWA INDIANS

## Legislative Branch of Tribal Government

RESOLUTION NO 40-83

A RESOLUTION PERTAINING TO THE RETENTION OF SOVEREIGN IMMUNITY OF MILLE LACS BAND OF CHIPPEWAS FOR A PENDING LAW-SUIT IN CROW WING COUNTY.

WHEREAS, The Band Assembly for the Mille Lacs Band of Chippewa Indians is the statutory recipient of sovereign immunity possessed by the people who comprise the Band; and,

WHEREAS, the Mille Lacs Band of Chippewa Indians retains authority under the Constitution of the Minnesota Chippewa Tribe to waive or retain sovereign immunity as a tribal defense to litigation involving the Band; and,

WHEREAS, Stephen John Barber, on behalf of himself and all others similarly situated has filed in the county of Crow Wing of the Ninth Judicial District, a notice of motion, summons and complaint against the governing body and its officials; and,

WHEREAS, the Mille Lacs Band of Chippewa Indians has sovereign immunity similar to the United States Government under Title 25 25CFR1302 Section 23; and,

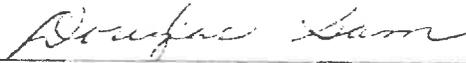
WHEREAS, the State cannot extend its powers into Indian country if it will thereby infringe upon right of Indian people to govern themselves under Title 25 25CFR1322 Section 1.

NOW THEREFORE BE IT RESOLVED, that the Mille Lacs Band of Chippewa Indians hereby elects to exercise their authority and invoke sovereign immunity as a defense in the aforementioned litigation.

BE IT FURTHER RESOLVED, that the Solicitor General for the Band be hereby served with this resolution and that he entered it into the record as to the official Governmental position of the Mille Lacs Band of Chippewa Indians.

WE DO HEREBY CERTIFY, that the foregoing resolutuion was duly presented by the District I Representative and adopted at a formal session of the Band Assembly in Legislative Council assembled, a quorum of legislatures being present, held on September 1, 1983 at Vineland, Minnesota by a vote of 3 for, 0 against, and 0 silent.

IN WITNESS WHEREOF, we, the Band Assembly hereunto cause to have set the signature of the Speaker of the Assembly to be affixed to this Resolution.

  
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Douglas Sam, Speaker of the Assembly

In concurrence with the action of the Speaker of the Assembly, we, the Administrative Policy Board, hereunto recommend to have set the hand of the Chief Executive to this resolution.

  
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Arthur Gahbow, Chief Executive

OFFICIAL SEAL OF THE BAND