

## MILLE LACS BAND OF CHIPPEWA INDIANS

### *Legislative Branch of Tribal Government*

RESOLUTION 02-01-22-87

A RESOLUTION IN OPPOSITION TO THE ESTABLISHMENT OF FEDERAL STANDARDS AND REGULATIONS FOR THE CONDUCT OF GAMING ACTIVITIES ON INDIAN RESERVATIONS AND LANDS, AND FOR OTHER PURPOSES.

- WHEREAS, the Non Removable Mille Lacs Band of Chippewa Indians is a federally recognized Indian tribe that possesses the sovereign right to determine appropriate activities to be conducted on lands under its jurisdiction; and,
- WHEREAS, the Band is concerned about the impact of H.R. 1920 that would effectively impose additional federal law to the detriment of the sovereign right of the Band to regulate its land and any activities that may occur thereon; and,
- WHEREAS, the enactment of H.R. 1920 would impose federal standards on the conduct of gaming and intrude upon the right of all Indian tribes to make their own laws and be governed by them; and,
- WHEREAS, a similiar intrusion occurred in 1968, with the enactment of the Indian Civil Rights Act; and,
- WHEREAS, the establishment of Federal Gaming Control Commission would subject the legislative right of all the Bands to the discretion of an executive whim of the Secretary of Interior and his appointees to this Commission; and,
- WHEREAS, in the event that the Mille Lacs Band endorses H.R. 1920, we are in the position of concurring to a limitation of the legislative authority of the Band. We choose none of the above and protest the efforts of those who would attempt to "politically blackmail" the Bands into a position of accepting a further erosion of our inherent rights. Therefore, we do not see this issue as simply the regulations of gaming on our lands. We can never surrender our sovereign rights for if we do, there will be no more Indians or tribal governments on this Island. We ask all of you to think hard on this question to subject the legislative authority of our Indian tribes to the discretion of the Secretary of Interior. In our mind this is a relinquishment of our aboriginal rights. We think this also violates the terms of President Reagan's Indian Policy, in which he stated that he would conduct government-to-government relations. If this is the exercise of his policy, then government-to-government relations have little meaning; and,
- WHEREAS, the Mille Lacs Band of Chippewa Indians is an Indian tribe recognized by the United State and the State of Minnesota as a sovereign Indian tribe possessing and exercising from time immemorial the powers and rights of self-government within the territories subject to our jurisdiction; and,

WHEREAS, in January, 1983, the President of the United States issued a document entitled "the President's Indian Policy Statement" which recognizes and confirmed the historical inherent sovereignty of Indian tribes and ~~declared~~ there will be a recognition of a government-to-government federal/tribal relationship; and,

WHEREAS, the Mille Lacs Band of Chippewa Indians from time immemorial have established tribal laws governing the Mille Lacs Band Indian lands and Reservation, which have included the authorization and regulation of gaming activities participated in by Indian and non-Indians including the intra-tribal and inter-tribal games of chance, hand games, stick games, moccasin games and bingo which was introduced to the Indians by the missionaries of organized religion; and,

WHEREAS, tribal operations and licensing of gaming activity have provided revenues for tribal government operations and economic and social development programs on the Reservation; and,

WHEREAS, the Mille Lacs Band and the other Indian tribes have been successful in their operation and licensing of gaming activity on their Reservations, under tribal laws and regulations adopted by the Indian Tribal Governing Body, which operations have been free from the interference of organized crime, and those who would defraud or otherwise attempt to exert corrupt influence upon the Indians; and,

WHEREAS, since it has been judicially established that Indian tribes have the exclusive right to regulate gaming activity on Indian lands, which is not specifically prohibited by federal law and which is conducted within a State which does not, as a matter of criminal law and public policy, prohibit such gaming activity.

NOW THEREFORE BE IT RESOLVED, that the Mille Lacs Band does hereby oppose adoption by Congress of H.R. 1920 in its entirety or any other legislation that would have the purpose of imposing upon Indian tribes Federal Standards and Regulations for the conduct of gaming activity on Indian Reservation lands, for the reason that such legislation:

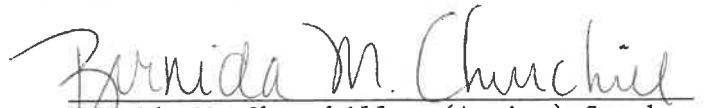
1. Violates the historical Indian tribe right of tribal self government and is contrary to the "President's Indian Policy Statement" and the "Indian Self-Determination Policy" set by Congress in Public Law 93-638.
2. Is erroneously predicated on the stated assumption that "Federal standards or regulations are necessary to insure the orderly conduct of gaming activities on Indian lands", which is nothing more than a fear-mongering unfounded statement.
3. Erroneously "declares that the establishment of federal standards for gaming activity on Indian lands and a National Indian Gaming Commission are necessary to meet the concerns regarding gaming activities and to protect such activities as a means of generating tribal revenue" which is a self-serving unfounded declaration predicated by unfounded fear-mongering concerns.

4. Erroneously states "there are no existing statutes which require approval of management contracts dealing with Indian gaming" which ignores Federal Statute 25 USC Sec. 81 which requires the Secretary of Interior approval of contracts made with Indian tribes and is erroneously predicated on the unfounded fearmongering assumption that the Indian tribes and Secretary of Interior are incompetent, and the Chairman appointed by the Secretary of Interior of the proposed newly created bureaucracy of the "National Indian Gaming Commission" would be competent.
5. Abolishes tribal government control and places in the Federal Government appointed Chairman of the proposed "National Indian Gaming Commission" exclusive power to control Indian Reservation gaming activity through his "exclusive power" (1) to approve tribal ordinances or resolutions regulating Class II gaming (Bingo and other similar gaming defined by the bill), and (2) to approve management contracts for Class II gaming.
6. Limits the authority of the seven voting members of the proposed "National Indian Gaming Commission" to the approval of administrative functions, reducing them to a rubber stamp Commission.
7. Abolishes tribal government control of Class III gaming (which is all other gaming except traditional games Class I, and Bingo and similar games Class II) and provides for operation only with approval and licensing by the "National Indian Gaming Commission" and under regulations and standards imposed by the States.
8. Will result in bureaucratic destruction of a business which provides revenue for tribal government operations and economic and social development by Federal Bureaucratic interference.


BE IT FURTHER & FINALLY RESOLVED, that if any Federal Legislation is enacted imposing upon Indian Tribes Federal Standards and Regulations for the conduct of gaming activity within Indian Country that the Mille Lacs Band of Chippewa Indians be exempted from its application.

WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a regular session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present held on the 13th day of February, 1987 at Lake Lena, Minnesota by a vote of 2 FOR, 0 AGAINST, 0 SILENT.

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

  
Bernida M. Churchill, (Acting) Speaker  
of Assembly

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

  
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Arthur Gahbow, Chief Executive

OFFICIAL SEAL OF THE BAND