



MILLE LACS BAND OF CHIPPEWA INDIANS
Legislative Branch of Tribal Government

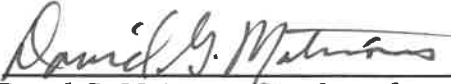
RESOLUTION 04-04-110-91

A RESOLUTION FROM THE MILLE LACS BAND OF CHIPPEWA INDIANS FAVORING THE "OPT-IN" PROVISION FOR FEDERALLY RECOGNIZED INDIAN TRIBES WITH REGARDS TO THE DEATH PENALTY SECTION OF H.R. 857.

- WHEREAS, the Mille Lacs Reservation Band Assembly is the duly elected governing body of the Mille Lacs Band of Chippewa Indians, a federally recognized Indian tribe; and,
- WHEREAS, the United States House of Representatives is considering anti-crime legislation which will implement the application of the death penalty to many federal crimes including first degree murder; and,
- WHEREAS, first degree murder is the most common crime prosecuted under federal law; and,
- WHEREAS, Indians and Native Alaskans comprise the majority of federal murder defendants--not because they have a greater propensity for criminal behavior than other groups, but because unlike most citizens, Indians primarily live in areas subject to federal jurisdiction; and,
- WHEREAS, Indians will be impacted to a much greater degree than any other group by the implementation of a federal death penalty for first degree murder; and,
- WHEREAS, unlike citizens who are subject to state jurisdiction for murder, Indians who are subject to federal jurisdiction for murder have no voice in deciding whether the death penalty should be imposed on them; and,
- WHEREAS, an "opt-in" provision allowing Indian tribes to decide whether the death penalty should apply to crimes like murder which are prosecuted under federal rather than state law solely because they occur in Indian country would (1) mitigate the unintended disproportionate impact on Indian people, (2) further the federal policy of self-determination, and (3) support tribal sovereignty:
- NOW, THEREFORE, BE IT RESOLVED, that the Mille Lacs Reservation Band Assembly opposes any anti-crime legislation implementing a death penalty for first degree murder which does not contain an opt-in provision for Indian tribes; and,
- BE IT FURTHER AND FINALLY RESOLVED, that the Mille Lacs Reservation Band Assembly urges the members of the United States House of Representatives to support the inclusion of an opt-in provision for Indian tribes in the death penalty section of the anti-crime legislation, and to oppose any anti-crime legislation that does not contain an opt-in provision for Indian tribes.
- 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 27th day of August, 1991, at Vineland, Minnesota by a vote of 3 FOR, 0 AGAINST, 0 SILENT.

Resolution 04-04-110-91
August 27, 1991
Page Two

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



David G. Matrious, 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.



Marge Anderson, Chief Executive

OFFICIAL SEAL OF THE BAND