



**THE MILLE LACS BAND OF**  
**OJIBWE INDIANS**

*Legislative Branch of Tribal Government*

**JOINT-RESOLUTION 10-01-41-02**

**A RESOLUTION REQUESTING THE UNITED STATES TO INTERVENE IN THE MILLE LACS COUNTY'S LAWSUIT AS A DEFENDANT.**

WHEREAS, the Mille Lacs Band Assembly is the duly-elected governing body of the Mille Lacs Band of Ojibwe, a federally-recognized Indian Tribe; and,

WHEREAS, On February 20, 2002, Mille Lacs County filed a lawsuit in the United States District Court for the District of Minnesota against five elected officials of the Mille Lacs Band of Ojibwe, entitled *County of Mille Lacs v. Melanie Benjamin et al.*, No. CV 02-407 JMR/RLE (D. Minn.), and

WHEREAS, The County's Complaint seeks "a declaratory judgment that the exterior boundaries of the 1855 Mille Lacs Indian Reservation have been disestablished/diminished," and

WHEREAS, The Mille Lacs Indian Reservation was established as the Band's "permanent home" in the Treaty with the Chippewa, 10 Stat. 1165 (Feb. 22, 1855) (Art. 2), and

WHEREAS, The County's claim that the Reservation was subsequently disestablished or diminished is contrary to the position taken by the United States Department of the Interior and the United States Environmental Protection Agency, both of which have concluded – after careful consideration of the issues raised in the County's lawsuit – that the 1855 Reservation has not been disestablished or diminished, and

WHEREAS, The United States has a trust responsibility to protect and preserve the Band's treaty rights, as well as an interest in defending the positions taken by these federal agencies,

NOW, THEREFORE, BE IT RESOLVED, that the Mille Lacs Band of Ojibwe respectfully requests that the United States intervene in the County's lawsuit as a defendant, in order to defend and preserve the continued existence of the Mille Lacs Indian Reservation as established in 1855, and

BE IT FURTHER RESOLVED, that the Band's attorneys, Ziontz, Chestnut, Varnell, Berley & Slonim, are authorized and directed to forward this request to the Bureau of Indian Affairs in the United States Department of the Interior and the United States Environmental Protection Agency.

**DISTRICT I**

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**DISTRICT II**

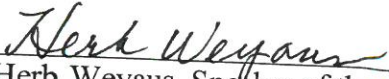
Route 2 • Box 58 • McGregor, MN 55760  
(218) 768-3311 • Fax (218) 768-3903

**DISTRICT III**

Route 2 • Box 233-N • Sandstone, MN 55072  
(320) 384-6240 • Fax (320) 384-6190

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 28th day of February, 2002 at Mille Lacs, Minnesota by a vote of 3 FOR, 0 AGAINST, 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 and forwarded to the Chief Executive for Concurrence.

  
Herb Weyaus, Speaker of the Assembly

IN CONCURRENCE, with the action of the Speaker of the Assembly, I, hereunto set my hand to this resolution.

  
Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**