



THE MILLE LACS BAND OF
OJIBWE INDIANS

Legislative Branch of Tribal Government

Joint Resolution 15-03-189-13

**A JOINT RESOLUTION AUTHORIZING THE SUBMISSION OF A
REQUEST FOR THE UNITED STATES' ASSUMPTION OF
CONCURRENT FEDERAL CRIMINAL JURISDICTION PURSUANT TO
THE TRIBAL LAW AND ORDER ACT**

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, the Mille Lacs Band's Indian country includes the Mille Lacs Indian Reservation, as established in Article 2 of the Treaty with the Chippewa, 10 Stat. 1165 (Feb. 22, 1855), and certain off-reservation trust lands; and

WHEREAS, historically, the United States had criminal jurisdiction to investigate and prosecute violations of the Indian Country Crimes Act (18 U.S.C. § 1152) and the Indian Major Crimes Act (18 U.S.C. § 1153) within the Mille Lacs Band's Indian country; and

WHEREAS, Public Law 83-280 (18 U.S.C. § 1162(a)), enacted in 1953, gave to the State of Minnesota jurisdiction over offenses committed by or against Indians in most of the Indian country within the State, including the Mille Lacs Band's Indian country, and provided that the State's criminal laws would have the same force and effect within such Indian country as they have elsewhere within the State; and

WHEREAS, Public Law 83-280 (18 U.S.C. § 1162(a)) also provided that the Indian Country Crimes Act (18 U.S.C. § 1152) and the Indian Major Crimes Act (18 U.S.C. § 1153) would not be applicable within such Indian country, thereby removing federal criminal jurisdiction under both Acts within the Mille Lacs Band's Indian country; and

WHEREAS, as a result of Public Law 83-280, the Mille Lacs Band currently exercises concurrent criminal jurisdiction with the State of Minnesota, Aitkin, Crow Wing, Mille Lacs and Pine Counties, and the Cities of Isle and Onamia within the Mille Lacs Band's Indian country; and

WHEREAS, the resources available to the State, the Counties, the Cities and the Band have proven insufficient to provide effective criminal law enforcement within the Mille Lacs Band's Indian country; and

WHEREAS, crime rates on the Mille Lacs Indian Reservation are much higher than they are elsewhere within Mille Lacs County and in the State of Minnesota as a whole; and

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WHEREAS, for at least the past six years criminal gangs have targeted the Mille Laes Band's Indian country, committing murders and other acts of violence and selling heroin and other illegal drugs to Band members and non-Band members; and

WHEREAS, the Tribal Law and Order Act (18 U.S.C. § 1162(d)), enacted in 2010, provides that, upon the request of an Indian tribe, and after consultation with and consent by the United States Attorney General, the Indian Country Crimes Act (18 U.S.C. § 1152) and the Indian Major Crimes Act (18 U.S.C. § 1153) shall apply in the tribe's Indian country and jurisdiction over such areas shall be concurrent among the Federal Government, State governments, and, where applicable, tribal governments; and

WHEREAS, the United States' assumption of concurrent federal criminal jurisdiction over the Mille Laes Band's Indian country under the Tribal Law and Order Act would provide additional law enforcement resources in the Mille Laes Band's Indian country, provide assistance to existing State, County, City and Band law enforcement agencies in the Mille Laes Band's Indian country, improve public safety and criminal law enforcement, and reduce crime, benefitting both Band members and non-Band members alike;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Chief Executive is authorized and directed to submit a request to the United States Department of Justice for the United States' assumption of concurrent federal criminal jurisdiction under the Indian Country Crimes Act (18 U.S.C. § 1152) and the Indian Major Crimes Act (18 U.S.C. § 1153) on the Mille Laes Indian Reservation and on off-reservation trust lands subject to the jurisdiction of the Mille Laes Band pursuant to the Tribal Law and Order Act (18 U.S.C. § 1162(d)); and
2. The Chief Executive, the Solicitor General and the Chief of Police are authorized and directed to meet and confer with Federal, State and local officials to provide for the cooperative implementation of the United States' assumption of concurrent federal criminal jurisdiction under the Indian Country Crimes Act (18 U.S.C. § 1152) and the Indian Major Crimes Act (18 U.S.C. § 1153) on the Mille Laes Indian Reservation and on off-reservation trust lands subject to the jurisdiction of the Mille Laes Band pursuant to the Tribal Law and Order Act (18 U.S.C. § 1162(d)).


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 19th of February, 2013, at Vineland, Minnesota, by a vote of 2 FOR, 0 AGAINST, 0 SILENT.

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



Curt Kalk, Speaker of the Assembly

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



Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND