



THE MILLE LACS BAND OF  
**OJIBWE INDIANS**  
*Legislative Branch of Tribal Government*

**JOINT RESOLUTION 17-04-36-18**

**A JOINT RESOLUTION AUTHORIZING LITIGATION AGAINST  
MILLE LACS COUNTY TO PREVENT INTERFERENCE WITH THE  
MILLE LACS BAND'S LAW ENFORCEMENT AUTHORITY WITHIN  
THE MILLE LACS INDIAN RESERVATION AND AUTHORIZING A  
REQUEST TO THE UNITED STATES DEPARTMENT OF THE  
INTERIOR FOR LITIGATION ASSISTANCE**

**WHEREAS,** the Mille Lacs Band Assembly is a duly elected governing body of the Mille Lacs Band of Ojibwe (also known as the Mille Lacs Band of Chippewa Indians), a federally recognized Indian Tribe and a constituent member of the Minnesota Chippewa Tribe (MCT); and

**WHEREAS,** Article VI, sec. 1(b) of the MCT's Revised Constitution authorizes each constituent Band government to administer funds within the control of the Band and expend Band funds for Band purposes; and

**WHEREAS,** Article VI, sec. 1(c) of the MCT's Revised Constitution authorizes each constituent Band government to consult, negotiate and enter into agreements with Federal, State and local governments on all matters with the power of the Band, to manage or otherwise deal with Band lands or interests in lands, and to manage or otherwise deal with MCT lands or interests in lands within the Band's jurisdiction when authorized to do so by the Tribal Executive Committee; and

**WHEREAS,** Section 102 of MCT Land Ordinance #3 authorizes each constituent Band government "to protect and manage the use of lands, waters and resources with respect to its Reservation so as to secure the political and economic security of the members"; and

**WHEREAS,** 2 MLBSA section 5(a) delegates to the Band Assembly the authority to direct in what manner the Band may be subject to suit; and

**WHEREAS,** 4 MLBSA sections 18(a) and 18(c) authorize the Band's Solicitor General to represent the Band's interests in all legal proceedings in exterior courts of competent jurisdiction and to initiate any legal action necessary that is brought in the name of the Band to protect the rights of enrolled members of the Band; and

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**WHEREAS,** for many years, Mille Lacs County has contended that the Mille Lacs Indian Reservation as established in the 1855 Treaty with the Chippewa no longer exists, and that the Band's reservation land in Mille Lacs County is limited to lands held in trust for the Band; and

**WHEREAS,** in early 2016, the U.S. Department of Interior publicly released a document entitled *Opinion on the Boundaries of the Mille Lacs Reservation*, Solicitor's Opinion M- 37032 (Nov. 20, 2015), which confirmed that it is the official position of the United States Department of the Interior that the Mille Lacs Indian Reservation as established in 1855 continues to exist as a reservation to this day; and

**WHEREAS,** in June 2016, Mille Lacs County informed the Band that it was terminating the cooperative law enforcement agreement between the Band and County that had been in effect since 2008; and

**WHEREAS,** in the 16 months since the County ended the law enforcement agreement with the Band, the County has taken numerous actions and positions that created a law enforcement crisis within the Reservation, including threatening Band Police officers with arrest if Band officers perform law enforcement duties outside of trust lands or with respect to non-Indians; and

**WHEREAS,** the Band sought help from Governor Dayton and the State Department of Public Safety, agreed to and participated in mediation arranged by the Governor, received federal law enforcement commissions from the United States Department of the Interior, and proposed a new cooperative agreement that addressed the County's stated concerns, but the public safety crisis remains; and

**WHEREAS,** the Band and the County have agreed to additional mediation on November 27, 2017, but comments by a County Commissioner at the County's November 7, 2017, Board Meeting call into question the County's intent to participate in that mediation; and

**WHEREAS,** it has become clear to the Band that the County chose to create this law enforcement crisis within the Reservation to gain an advantage in the County's longstanding dispute with the Band over the extent of the Mille Lacs Indian Reservation and to exercise control and dominion over the Band's police department; and

**WHEREAS,** during the last 16 months, the County demonstrated its willingness to place the lives of its residents in danger to further its position that the Mille Lacs Indian Reservation no longer exists and its desire to exercise control and dominion over the Band's police department; and

**WHEREAS,** the existence of the Mille Lacs Indian Reservation presents no harm or injury to the County or its residents, including non-Indians living on fee land within the Reservation; and

**WHEREAS,** the existence of the Mille Lacs Indian Reservation has no impact on fee title to any land within the Reservation and does not authorize the Band to tax or zone such lands; and

**WHEREAS,** the County's actions have exacerbated the public safety issues within the Reservation and created a genuine public safety crisis as drug activity increases due to a perceived lack of law enforcement; and

**WHEREAS,** the public safety crisis created by the County disproportionately impacts Band members; and

**WHEREAS,** during the first week of November 2017, eight people within the Reservation required medical intervention due to opiate overdoses, two of whom died as a result; and

**WHEREAS,** the Band is left with no choice but to commence litigation against the County and its officials in federal court and to ask the court to declare that, as a matter of federal law, the inherent law enforcement authority possessed by the Band and the law enforcement authority delegated to the Band by the Federal Government: (1) extends throughout the Mille Lacs Indian Reservation as established in the 1855 Treaty with the Chippewa; (2) authorizes Band officers to investigate any person suspected of violating federal, state or tribal law within the Reservation; and (3) authorizes Band officers to apprehend and turn over suspects to federal, state or tribal government jurisdictions with authority to prosecute such persons.


**NOW, THEREFORE, BE IT RESOLVED** the Mille Lacs Band of Ojibwe hereby authorizes its Solicitor General and external legal counsel to initiate a lawsuit against Mille Lacs County and its officials as described above; and

**BE IT FURTHER RESOLVED** that the Band authorizes its attorneys to incur costs and fees necessary to prepare and litigate the lawsuit; and

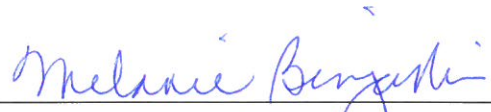
**BE IT FINALLY RESOLVED** that the Band authorizes its attorneys to formally request that the United States assist the Band in litigating the lawsuit, and to submit any documents to the United States as necessary to complete such request.

**WE DO HEREBY CERTIFY**, that the foregoing resolution was duly concurred with and adopted at a special session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present, held on the 16<sup>th</sup> day of November, 2017 at Nayahshing, Minnesota by a vote of 2 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.

  
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Carolyn Beaulieu, Speaker of the Assembly

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

  
\_\_\_\_\_  
Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**