

TRIBAL CONSTITUTION
INTERPRETATION NO. 13-09

WHEREAS, Interpretation No. 1-80 provides that the Tribal Executive Committee (TEC) may at its own motion issue written opinions as to the meaning and interpretation of the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe;

WHEREAS, Article IV, Section 4 of the revised Constitution and Bylaws provides that "[n]o member of the Tribe shall be eligible to hold office, either as a Committeeman or Officer, if he or she has ever been convicted of a felony of any kind; or of a lesser crime involving theft, misappropriation, or embezzlement of money, funds, assets, or property of an Indian tribe or a tribal organization"; and

WHEREAS, a question has arisen whether a conviction for an attempt to commit theft, misappropriation, or embezzlement of tribal money, funds, assets, or property is a disqualifying offense under Article IV, Section 4, and

WHEREAS, the TEC believes that the provisions of the Constitution should be interpreted to give effect to the common sense expectations of the membership; and

NOW THEREFORE BE IT RESOLVED that Article IV, Section 4 of the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe is hereby interpreted as follows:

A conviction of a lesser crime involving theft, misappropriation, or embezzlement of money, funds, assets or property of an Indian tribe or tribal organization shall include a conviction for an attempt to commit such a crime if the attempt is punishable as an offense under applicable law.

We do hereby certify that the foregoing Constitutional Interpretation was duly presented and acted upon by a vote of 7 For, 2 Against (Herbert Weyaus, Arthur LaRose), 2 Silent (Marge Anderson, Michael Bongo), at a Special Meeting of the Minnesota Chippewa Tribal Executive Committee, a quorum present, held on December 8, 2009 at Prior Lake, Minnesota.


Norman W. Deschampe, President
THE MINNESOTA CHIPPEWA TRIBE


Franklin B. Heisler, Secretary
THE MINNESOTA CHIPPEWA TRIBE