

THE MINNESOTA CHIPPEWA TRIBE

ORDINANCE NO. 9

WHEREAS, the Constitution of The Minnesota Chippewa Tribe in Article II, Membership, provides for membership in The Minnesota Chippewa Tribe, and

WHEREAS, members of the Tribe from time to time seek to be disenrolled for the purpose of seeking enrollment in other tribes; some members are found to be members of another tribe and thus not eligible for continued enrollment in The Minnesota Chippewa Tribe when they refuse to relinquish membership in the other tribe; and some persons are enrolled based on false information or error and must be disenrolled, and

WHEREAS, a procedure is needed to provide due process for persons who are to be disenrolled for any of the above named reasons, and

WHEREAS, the Tribal Legislative Subcommittee did meet and review this Ordinance at their December 1, 1982 meeting and recommend Tribal Executive Committee approval of this Ordinance.

NOW THEREFORE BE IT RESOLVED, that the following Ordinance for disenrollment of members is adopted effective on the date of its adoption.

Section 1. When any enrolled member of The Minnesota Chippewa Tribe is found to be not eligible for enrollment pursuant to the provisions of the Constitution of The Minnesota Chippewa Tribe and was enrolled due to false information, error or has membership in another tribe and refuses to relinquish the membership in the other tribe, a written notice shall be sent to said enrolled member by certified mail, return receipt requested, stating that said person will be disenrolled and the grounds for the disenrollment. Said notice shall provide that said member may request, in writing, a hearing for the purpose of objecting to said enrollment and to present evidence and argument as to why they should not be disenrolled. The notice shall give the member thirty (30) days from the date of the mailing of said notice to request a hearing.

Section 2. Any member who receives the notice as set forth in Section 1, may request a hearing by sending a written request by certified mail, return receipt requested, to: The Minnesota Chippewa Tribe, at P.O. Box 217, Cass Lake, Minnesota 56633. Said written notice shall set forth the reasons the member believes he/she should not be disenrolled. Said request for a hearing must be postmarked no later than thirty (30) days after the date of mailing the proposed disenrollment to said member.

Section 3. Any request for a hearing by a member on his/her proposed disenrollment that meets the requirements of this Ordinance shall be scheduled for a hearing by the Reservation Judge appointed by the Reservation Business Committee where said member is enrolled. At the hearing, the member shall have the opportunity to present relevant, credible evidence, including witnesses, and to present official documents to support their claim why they should not be disenrolled. They may also make oral argument or statement why they should not lose their right to membership in the Tribe. Tribal employees and/or employees of the Band in which said member is enrolled or Bureau of Indian Affairs employees may also present evidence, testimony and documents to establish that said member should be disenrolled.

Section 4. The Reservation Judge shall determine if said member should be disenrolled. A written notice of said decision shall be mailed to said member by certified mail, return receipt requested, to the address given by said member in their request for a hearing or their last known address.

Section 5. Within fifteen (15) days of the mailing of said decision by the Reservation Judge, the member may appeal the decision to the Tribal Three-Judge Appeals Panel appointed by the Tribal Executive Committee by submitting, in writing, a notice of appeal to the Minnesota Chippewa Tribal Executive Committee, at P.O. Box 217, Cass Lake, Minnesota 56633. Said notice shall be sent by certified mail, return receipt requested. Said notice shall specify the decision being appealed from.

Section 6. The Minnesota Chippewa Tribal Executive Committee shall schedule a hearing by the Tribal Three-Judge Appeals Panel on the appeal by a member of the decision by the Reservation Judge to disenroll a member. At a hearing of the Tribal Three-Judge Appeals Panel, the member being disenrolled may present the same evidence as provided in Section 3 of this Ordinance and may make oral argument why he/she should not be disenrolled. The Tribal Three-Judge Appeals Panel may either affirm or overrule the decision to disenroll by the Reservation Judge. If the Tribal Three-Judge Appeals Panel affirms the disenrollment decision of the Reservation Judge by a majority vote of the Panel, then the Tribal Executive Committee shall adopt a resolution on the person's disenrollment setting an effective date for the disenrollment. A copy of said resolution shall be sent to the member disenrolled by certified letter.

We do hereby certify that the foregoing Ordinance was duly presented and acted upon by a vote of 10 For, 0 Against, 0 Silent, at a Regular Meeting of The Minnesota Chippewa Tribal Executive Committee, a quorum present, held on January 25 & 26, 1983 at St. Paul, Minnesota.

Darrell Wadena, President
THE MINNESOTA CHIPPEWA TRIBE

Alfred Pemberton, Acting Secretary
THE MINNESOTA CHIPPEWA TRIBE