

THE ORGANIZATION OF THE BANDS UNDER ONE TRIBE

In 1935, solicitor Margold said she believed that the members of each tribe had been recognized as a single tribe or band, yet she stated:

One of the chief purposes of the 1889 Nelson Act was centralization and consolidation. It would appear to be proper and consistent with that purposes **to organize these bands as one tribe** under the provisions of the IRA.

A local BIA employee, Jacob J. Munnell (Leech Lake), argued that the Minnesota Chippewas were "one tribe with several reservations."

- This contradicted the solicitor's opinion that each tribe had been recognized as a single tribe or band.
- This also contradicts what was known about the sources by which each tribe obtained their status of "under the Jurisdiction" of the U.S.:
 - Two examples of how they were considered "under the jurisdiction"
 - Treaty-making
 - Government-to-government relationship

Munnell asserted,

- We are not residents of any one reservation.
- We have no organized band
- Under the IRA we cannot incorporate separately.

He noted that the BIA “decided that the Chippewas of Minnesota **should be incorporated under one *organization***, *and we trust that you will approve of the action taken.*”

Upon his opinion and the solicitor’s advice, special elections were called under IRA Section 18 and by July 1936, six bands of the Chippewas of Minnesota had organized as the Minnesota Chippewa Tribe.



After the enactment of the 1934 IRA, a list established of tribes who were determined to be “**under the jurisdiction**” of the US Government. This list played a significant role of developing the concept of Federally Recognition and formed the basis for the 1994 Federal Register of Federally Recognized Tribes.



Historically, there was no such Tribe/Entity as the Minnesota Chippewa Tribe

This title was first used when the six Minnesota Chippewa bands were placed on the IRA list under the title: **The Minnesota Chippewa Tribe.**

The Minnesota Chippewa Tribe became the **umbrella organization** of the six bands.

REVISED CONSITUTION PREAMBLE

We, the Minnesota Chippewa Tribe, consisting of.... Band of Chippewa Indians, **in order to form a representative Chippewa tribal organization**

Article I Organization and Purpose

Section 1. The Minnesota Chippewa Tribe is **hereby organized under** Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended.

Sec. 2. The name of this **tribal organization** shall be the **"Minnesota Chippewa Tribe."**...

Sec. 3. The purpose and function of **this organization**....



Unlike the MCT website
and the Constitution,
which refers to the
Minnesota Chippewa
Tribe as an organization;

the Corporate Charter of
1937 (Revoked in 1996)
only uses the language
the Minnesota
Chippewa Tribe.

Minnesota Chippewa Tribe has best been described through history as an Organization, a government agent of the Bureau of Indian Affairs, that manages services and distributes funds for the Indians and whose organization functions are to process Enrollment, Assist in Government Affairs, Environment/ Natural Resources, Finance, Health and Human Services and Education.

The Native American Technical Corrections Act of 2004

Section 16 of the IRA of 1934 is amended by adding at the end of the following:

(h) TRIBAL SOVEREIGNTY. Notwithstanding any other provision of this Act

(1) each Indian tribe shall retain inherent sovereign power to adopt governing documents... and

(2) nothing in this Act invalidates any constitution or other governing document adopted... after June 18, 1934, in accordance with the authority described in paragraph (1).

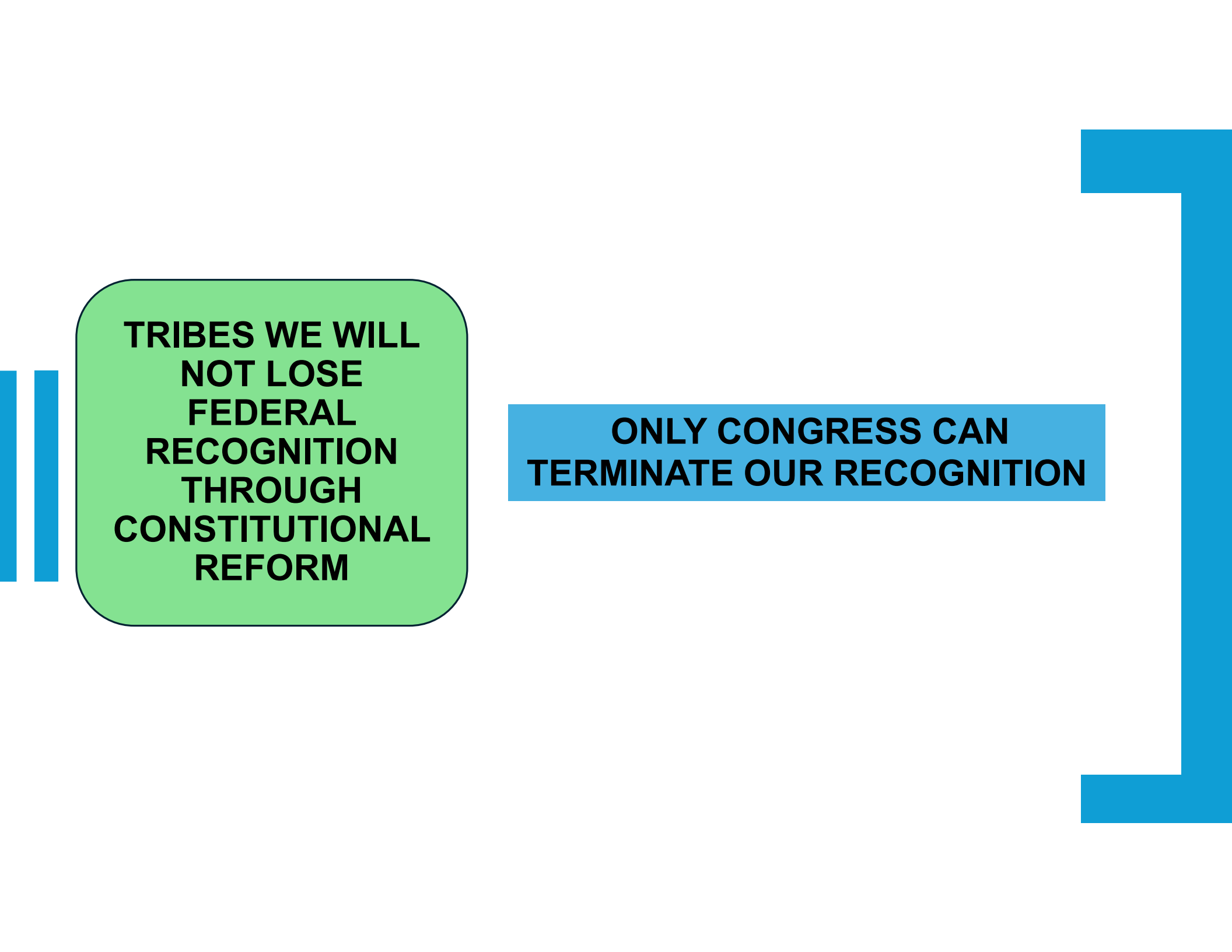


FEDERAL RECOGNITION



Recognition by the Federal Government is a
formal legal and political act





**TRIBES WE WILL
NOT LOSE
FEDERAL
RECOGNITION
THROUGH
CONSTITUTIONAL
REFORM**

**ONLY CONGRESS CAN
TERMINATE OUR RECOGNITION**



ELIGIBILITY UNDER THE INDIAN REORGANIZATION ACT (IRA) OF 1934?

- Sec. 19 The term "Indian" ... all persons of Indian descent who are members of any recognized Indian tribe **now under Federal Jurisdiction.**
 - The IRA does not define the term "**under the jurisdiction.**"
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STANDARD OF REVIEW:

"NOW UNDER THE JURISDICTION"

- The term "**NOW**" was settled when the Supreme Court ruled that tribes were "under the federal jurisdiction of the United States" **WHEN** the IRA was enacted in 1934
- A 2014 binding solicitor's opinion interpreted the phrase "**under federal jurisdiction**"

Part One: “Under federal jurisdiction”

Two-part inquiry:

- A tribe's history demonstrates that the Federal government took action or actions that reflect federal obligations, duties, responsibility for or authority over the tribe in or before 1934, that would include:
 - at **some identifiable period in its history, such as the treaties or the implementation of specific legislation...**

With clear evidence that the tribe met Part One there is no need to address step two.

Part two

- ...that the United States exercised its jurisdiction at some point **before 1934 and** that this jurisdictional status **remained intact in 1934.**

Once a Tribe has met the recognition of “under the Jurisdiction” it became an IRA TRIBE.

**THE IRA LEGISLATION ALLOWED FOR
THE ESTABLISHMENT OF CONSTITUTIONS
AND CORPORATIONS**

IRA Section 16 Constitutions

IRA Section 17 Charters.

- “Minnesota Chippewa Tribe”, became the **umbrella organization** of the six bands.
- The Secretary approved the MCT IRA Constitution and by-laws on July 24, 1936.
- The MCT Corporate Charter was issued as a section 17 Business Structure and ratified in 1937

WHAT MADE A CONSTITUTION AN IRA CONSTITUTION ?

1. Secretarial Elections under 25 CFR 81

So, if the Secretary is removed from **Article XII AMENDMENT**, future elections will be tribal elections.

2. SECRETARIAL OVERSIGHT AND APPROVE

Once the Secretarial approval requirement is removed,

**WE WILL STILL BE IRA TRIBES
WITHOUT AN IRA CONSTITUTION**

FEDERAL RECOGNITION COMES FROM:

- Tribes possessed inherent sovereignty. They had authority over territorial land and people and had a form of governance.
 - Tribes' government-to-government relationship with the U.S.
 - Treaties made with the U.S. government
 - Treaty signatory Indians were under the protection of the United States.
 - U.S. Constitution in Article 1. that recognizes tribal sovereignty
 - Tribes considered "Under the Jurisdiction" for the IRA
 - Federal statutes and Court rulings
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