



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

AUG 25 2015

The Honorable Erma J. Vizenor
Chairwoman, White Earth Reservation Tribal Council
P.O. Box 418
White Earth, Minnesota 56591

Dear Chairwoman Vizenor:

Thank you for your letter dated May 12, 2015, requesting that I hold a special Secretarial election for the purpose of conducting an independence referendum for the White Earth Band of Chippewa Indians (White Earth). Your letter requested a response within 30 days, and I apologize for the delay in responding to you. For reasons set forth below, I must decline the request to hold a Secretarial election.

As a member of the Minnesota Chippewa Tribe (MCT), White Earth is in an unusual situation. The bands that formed the MCT are separate sovereigns with independent relationships with the United States; for example, in 1934 White Earth voted to accept the Indian Reorganization Act (IRA) by a 1,122 to 245 margin. However, the MCT was formed in 1936 when the residents of six reservations¹ joined together and voted to adopt a constitution under the Indian Reorganization Act (IRA). In forming a single tribal organization, in which six bands operate under one umbrella constitution, each band voluntarily bound itself to the constraints of the MCT.

The IRA recognized that a governmental structure should be flexible and provided a process to revoke or amend a previously adopted constitution via Secretarial election.² Secretarial elections are governed by Federal regulations. The Federal regulations provide a framework for the formulation and submission of petitions requesting a Secretarial election to amend a tribal constitution.³

The MCT Constitution itself provides a method to revoke or amend the Constitution by election.⁴ It is the duty of the Secretary to call an election to amend or revoke the Constitution when requested by two-thirds of the Tribal Executive Committee.⁵ The MCT Constitution also provides a mechanism for individual tribal members to petition for a referendum vote on any

¹ The MCT is made up of 6 component reservations: Boise Forte Band (Nett Lake), Fond du Lac Band, Grand Portage Band, Leech Lake Band, Mille Lacs Band, and White Earth Band.

² 25 U.S.C. §476(b).

³ 25 C.F.R. Part 22.

⁴ Revised Constitution and Bylaw of the Minnesota Chippewa Tribe, Article XII

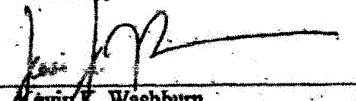
⁵ *Id.*

proposed resolution or ordinance.⁶ Thus, the MCT Constitution provides a safety valve to request a Secretarial election if two-thirds of the Tribal Executive Committee decline to request an election. In sum, absent a request from two-thirds of the Tribal Executive Committee under Article XII of the MCT Constitution, or a petition arising under Article XIV, I lack the necessary authorization to call a Secretarial election.

Adopting, amending, or revoking a Constitution is a difficult process; this is by design. The MCT Constitution is not unusual in this regard, and I understand White Earth's frustrations. In some ways, it might appear to an outside observer that efforts toward tribal self-determination for White Earth are being impeded by the MCT. But the Federal Government has not always been a force for good in disputes within and among tribes. In light of our own tainted history, I believe that the United States must proceed with great humility when approaching such disputes, whether they are characterized as intratribal or intertribal. Thus, while this is a close case and I am sympathetic with your plight, it is more consistent with my own principles in support of tribal self-determination and self-governance to allow any solution to this issue to come from the processes already authorized within the MCT Constitution. I encourage you to engage those processes.

I appreciate your understanding in these matters and wish you success in achieving your goals of independence for the White Earth Nation.

Sincerely,



Kevin K. Washburn
Assistant Secretary -- Indian Affairs

⁶ Revised Constitution and Bylaw of the Minnesota Chippewa Tribe, Article XIV, Section 1.