

TRIBAL CONSTITUTION
INTERPRETATION NO. 6-84

WHEREAS, the Tribal Executive Committee of The Minnesota Chippewa Tribe did in Tribal Constitution Interpretation 1-80 find that the Tribal Executive Committee has the authority to make final interpretations of the Constitution of the Minnesota Chippewa Tribe, and

WHEREAS, the Legislative Subcommittee of the Tribal Executive Committee has requested the full Tribal Executive Committee to issue a formal interpretation of Section 4, (b) of the By-laws of the Revised Constitution of The Minnesota Chippewa Tribe, which provides:

Section 4 (b); keep and maintain, open to inspection by members of the Tribe or representative of the Secretary of Interior, at all reasonable times adequate and correct accounts of the properties and business transactions of the Tribe.

The questions to be decided as to what records of the Minnesota Chippewa Tribe are included to be open to inspection to members of the Tribe or representatives of the Secretary of the Interior under this section.

NOW THEREFORE BE IT RESOLVED, that the Tribal Executive Committee of The Minnesota Chippewa Tribe is of the opinion that Section 4 (b) is limited in its application to only certain records of The Minnesota Chippewa Tribe. It specifically refers to allowing members of the Tribe or representatives of the Secretary of the Interior to inspect at reasonable times, "adequate and correct accounts of the properties and business transactions of the Tribe."

This section makes no reference to other types of records or accounts. The Tribal Executive Committee is of the opinion that properties refers to such tangible items as real property, timber, equipment and other tangible property owned by the Tribe. It is the further opinion of the Tribal Executive Committee that business transactions refers to transactions that are in the nature of business and not governmental in nature.

Such records do not include the personnel records of the employees of the Tribe or expenditures for meetings of the Tribal Executive Committee or of the costs of operating Tribal government as examples of records not covered by this section.

It is the opinion of the Tribal Executive Committee that the clear intent of the meaning of Section 4 (b) is to allow Tribal members or representatives of the Secretary of Interior to inspect accounts of the physical assets of the Tribe and of its business activities in order that both Tribal members and representatives of the Secretary of the Interior can be kept aware of the transactions that might effect both the trust properties of the Tribe or its economic well-being from business transactions.

Tribal government could be brought to a standstill by demands to inspect all of its records including its governmental operation records. This interpretation does not prevent the Tribal Executive Committee from adopting, by ordinance, resolution, or guidelines, provisions to allow members to examine or inspect other records than those covered by this interpretation. The purpose to be served by this interpretation is to establish that the Revised Constitution and By-laws of The Minnesota Chippewa Tribe does not provide for inspection of all of the records and accounts of The Minnesota Chippewa Tribe.

We do hereby certify that the foregoing Constitutional Interpretation #6-84 was duly presented and acted upon by a vote 8 For, 0 Against, 0 Silent, at a Special Meeting of The Minnesota Chippewa Tribal Executive Committee, a quorum present, held on April 10, 1984, at Duluth, Minnesota.

Darrell Wadena, President
The Minnesota Chippewa Tribe

ATTEST: Daniel Morrison Sr., Secretary
The Minnesota Chippewa Tribe