

**WHITE EARTH RESERVATION TRIBAL COUNCIL
A/K/A WHITE EARTH BUSINESS COMMITTEE
WHITE EARTH BAND OF CHIPPEWA INDIANS**

Resolution No. 001-14-007

WHEREAS, the White Earth Reservation Tribal Council is the duly elected governing body of the White Earth Reservation pursuant to Article IV, Section 1, of the revised constitution of the Minnesota Chippewa Tribe, as amended, and organized under Section 16, of the Act of June 18, 1934 (48 Stat. 984), and

WHEREAS, the White Earth Reservation Tribal Council, also known as the White Earth Reservation Business Committee, is the duly authorized governing body of the White Earth Band, and

WHEREAS, the White Earth Reservation Tribal Council has the responsibility to set policy and authorize regulations that pertain to the operations of the various departments of the White Earth tribal government, and

WHEREAS, President Barack Obama on June 26, 2013, issued an Executive Order establishing a White House Council on Native American Affairs that includes as priorities in part:

To honor treaties and recognize tribes' inherent sovereignty and right to self-government under U.S. law, it is the policy of the United States to promote the development of prosperous and resilient tribal communities, including by:

- a) Promoting sustainable economic development, particularly energy, transportation, housing, other infrastructure, entrepreneurial, and workforce development to drive future economic growth and security, and

WHEREAS, the White House Council on Native American Affairs, Sec. 3. Membership, States in part (a) The Secretary of the Interior shall serve as the Chair of the Council, and is authorized designate other agencies and that the Federal Deposit Insurance Corporation (FDIC) should be added to this membership, and

WHEREAS, the State of New York as well as Federal Agencies including the United States Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Consumer Financial Protection Bureau (CFPB), and the FDIC are now encroaching upon Tribal Sovereignty by assisting States to use state laws and state taxes to eliminate Tribally-owned commercial enterprises engaged in Native Tobacco trade and online ecommerce including Tribally-owned short term lending operations, and

WHEREAS, the U.S. Supreme Court has determined in 1991's Oklahoma Tax Commission v. Citizen Band Potawatomi Indian Tribe of Oklahoma decision, that Tribes in their commercial activity with other entities are covered under the umbrella of the Tribes Sovereignty, and

WHEREAS, the Supreme Court in 1998's *Kiowa Tribe of Oklahoma v. Manufacturing Technologies* decision ruled that even when tribes entered into activities, executed off-reservation, they still enjoyed sovereign immunity, and

WHEREAS, Tribal Sovereignty in short term online lending was also affirmed in two State court decisions, the Ameriloan and Suthers cases, and

WHEREAS, the ATF is interpreting the Prevent All Cigarette Trafficking (PACT) Act to deny any meaningful Nation to Nation tobacco trade and have ignored the Tribal Sovereignty Protections included in the PACT Act, and

WHEREAS, though courts have spoken, Federal Agencies are now partnering with States in an attempt to force Tribes to abide by state laws and taxes and to destroy Nation to Nation commerce, and

WHEREAS, the Sovereignty of all federally recognized Tribes includes the protection of Sovereign immunity in Tribes' commercial endeavors wherever geographically located or through whatever modern technology utilized, now

THEREFORE BE IT RESOLVED, that the White Earth Reservation Tribal Council hereby requests that the Secretary of Interior work with the White Earth Nation and/or it's designee to include the Federal Deposit Insurance Corporation into the membership of the White House Council on Native American Affairs, and

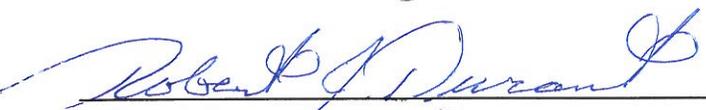
BE IT FURTHER RESOLVED, that Representatives of the White Earth Nation shall seek the assistance of the MN Congressional Delegation in ensuring that Tribal Sovereignty is not encroached upon by State and/or Federal Agencies, now

BE IT FINALLY RESOLVED, that White Earth Reservation Tribal Council requests the United States Senate Committee on Indian Affairs hold a hearing on these matters as soon as possible to investigate the actions of these Federal Agencies, inform policy discussion, and educate Federal Agencies and States on the framework of Tribal Sovereignty as these actions violate our rights as Sovereigns and tread heavily on our Nation to Nation relationship with the United States.

We do hereby certify that the foregoing resolution was adopted by a vote of 2 for, 0 against, 0 silent, a quorum being present at a special meeting of the White Earth Reservation Tribal Council held on December 10, 2013 in White Earth, Minnesota.



Erma J. Vizenor, Chairwoman



Robert J. Durant, Secretary/Treasurer