

## **Little River Band of Ottawa Indians**

375 River Street  
Manistee, MI 49660  
(231) 723-8288

### **Resolution # 03-0115-6**

*Approval to Support Amicus Brief Being Drafted by the Native America Rights Fund on behalf of Michigan Tribes and to Support Submission of that Amicus Brief*

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156, 25 U.S.C. s. 1300k, et seq.; and

WHEREAS, the Tribe adopted a new Constitution pursuant to a vote of the membership on May 27, 1998, which became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribal Council is delegated under Article IV, Section 7(a)(1) and (e) to promote, protect and provide for public health, peace, morals, education and general welfare of the Tribe and its members, and to engage legal counsel; and

WHEREAS, the Tribe has a high interest in encouraging members to participate in higher education opportunities for the benefit of members and increasing the knowledge base available to participate in Tribal government and manage Tribal programs; and

WHEREAS, the Tribal Council is aware of two cases being argued before the United States Supreme Court (Grutter v. Bollinger, No. 02-241 and Gratz v. Bollinger, No. 02-514) which will affect affirmative action plans in the University of Michigan systems, and in colleges and universities throughout the United States; and

WHEREAS, the action of the United States Supreme Court affects all members of the Little River Band of Ottawa Indians such that the Tribe should participate in the submission of an amicus brief that clarifies and presents the Tribe's position regarding affirmative action programs; and

WHEREAS, the Native America Rights Fund, through the Little Traverse Bay Band of Odawa, has been requested to develop an amicus brief that emphasizes -

1. the special mission and purpose of the University of Michigan in light of the Fort Meigs Treaty;
2. the importance of education to Indian children to Indian tribes, an important governmental interest that can be traced to and before the Fort Meigs Treaty; and

3. the non-applicability of conventional equal protection concepts about racial classifications to Indian classifications in the admissions proves in light of Morton v. Mancari and the express language of section 2 of the Fourteenth Amendment of the Constitution; and

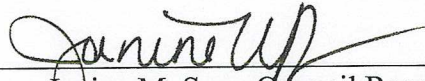
NOW THEREFORE BE IT RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby supports the drafting and submission of an amicus brief on behalf of the Michigan Tribes and encourages all Tribes to participate in the submission of this brief.

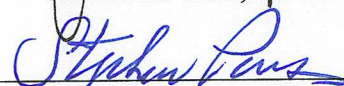
**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on January 15, 2003, at the Little River Band's Downtown Offices in Manistee, Michigan, with a quorum being present for such vote.

Attest:

Distribution: Council Records  
Tribal Ogema  
Tribal Court  
Legal Department

  
\_\_\_\_\_  
Janine M. Sam, Council Recorder

  
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Stephen Parsons, Council Speaker