



Little River Band of Ottawa Indians

PO Box 314
Manistee MI 49660-0314
(616) 723-8288

RESOLUTION NO. #98-0111-22

AUTHORIZING INTERVENTION IN UNITED STATES v. MICHIGAN AND FILING COMPLAINT IN INTERVENTION TO ASSERT AND PROTECT TRIBE'S RESERVED TREATY RIGHTS

WHEREAS, the Little River Band of Ottawa Indians is a federally recognized tribe, as reaffirmed under P.L. 103-324, enacted on September 21, 1994, with property rights secured to it under the 1836 Treaty of Washington (7 Stat. 491) and the 1855 Treaty of Detroit (11 Stat. 621); and

WHEREAS, the Little River Band of Ottawa Indians is descended from, and is the political successor to, Grand River Ottawa Bands which were signatories of the 1836 Treaty of Washington (7 Stat. 491), as reaffirmed under P.L. 103-324, enacted on September 21, 1994; and

WHEREAS, the Little River Band of Ottawa Indians reserved certain rights to hunt, fish, trap and gather natural resources from the lands and waters in those portions of Michigan which were ceded under the 1836 Treaty. These treaty based rights were confirmed, in part, by United States v. Michigan, 471 F.Supp 192 (W.D. Mich. 1979); *affirmed*, 653 F.2d 277 (6th Cir. 1981); *certiorari denied*, 454 U.S. 1124, 102 S.Ct. 971 (1981), and reaffirmed by P.L. 103-324 section 5, and are protected by the United States Constitution (Art. 1, §8, cl. 3 and Art. 6, cl. 2); and

WHEREAS, the nature, scope and current existence of the reserved rights to hunt, fish, trap and gather natural resources outside of the waters of the Great Lakes in the territory ceded under the 1836 Treaty has never been determined by any court, nor recognized by the State of Michigan; and

WHEREAS, the Tribal Council has determined that it is in the best interests of its members to promote, honor and respect our traditional spiritual and physical relationship to the resources, and usufructuary rights thereto, which were reserved by our ancestors; and

WHEREAS, the maintenance and preservation of the Tribe's treaty rights, including the reserved right to hunt, fish, trap and gather natural resources are a critical priority of the Tribe; and

WHEREAS, it is the responsibility of the Tribe and of the United States to protect Tribal members and Tribal property; and

WHEREAS, court-supervised negotiations and/or litigation regarding Great Lakes commercial fishing and litigation concerning the nature and scope of reserved rights to hunt, fish, trap and gather natural resources outside the waters of the Great Lakes in the ceded territory is imminent; and

WHEREAS, the Tribal Council has determined that active participation in such negotiations and litigation is necessary to protect the unique interests the Tribe and its members have in such negotiations and litigation and that such active participation requires the Tribe to intervene as a party in the pending litigation entitled United States v. Michigan.

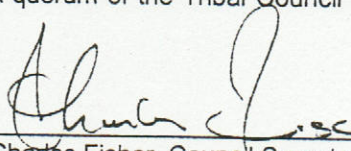
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NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians authorizes the Tribal Attorney and its Special Counsel, through Marc Slonim, to file intervene in United States v. Michigan at such time as they deem necessary and appropriate, to file a Complaint in Intervention on behalf of the Tribe which asserts and preserves the full scope of the Tribe's treaty reserved rights under the 1836 Treaty of Washington, and to recommend such further actions as may be necessary to advance the Tribe's interests in connection with such litigation.

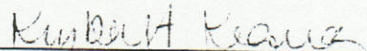
Certificate of Adoption

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at its Regular Session held in Manistee, Michigan on January 11, 1998, by a vote of 6 in favor, 0 opposed, 1 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: 1/11/98


Charles Fisher, Council Secretary

Attest:


Kimberly Kequom, Councilor