

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

Resolution No. 001-10-023

**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, as the duly elected governing body of the White Earth Reservation has the power under the constitution and by-laws to promulgate resolutions governing the conduct of business on the Reservation, and

**WHEREAS:** the White Earth Reservation Tribal Council is the duly elected governing body of the White Earth Band of Chippewa Indians, and the Tribal Council has the authority and the responsibility to manage tribal lands on the Reservation, and

**WHEREAS:** the White Earth Reservation Tribal Council has the authority and the responsibility to set reasonable time, place and manner restrictions on the use of tribal lands for the expression of political speech, and

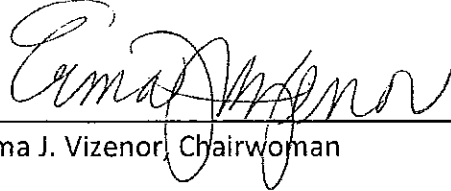
**WHEREAS:** the White Earth Reservation Tribal Council has the authority and the responsibility to protect the peace and public safety of tribal members and other residents of the Reservation; and to prohibit the exercise of conduct by individuals on tribal lands which terrorizes, harasses or intimidates other persons, or is conduct that is disorderly or constitutes a nuisance to any other person, and

**WHEREAS:** the White Earth Reservation Tribal Council recognizes its responsibility to balance the rights of tribal members to get their message out, while at the same time protecting other tribal members from the threats, intimidation and other unwanted conduct that the exercise of political speech may bring, now

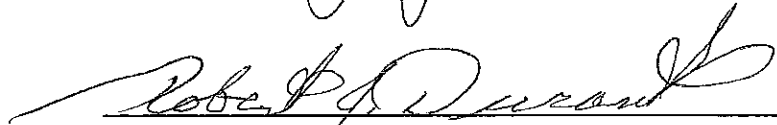
**THEREFORE BE IT RESOLVED,** that the White Earth Reservation Tribal Council hereby establishes a code of prohibited conduct which is applicable to any tribal member on the White Earth Reservation, and shall be known as "Title 500, Prohibited Conduct", and

**BE IT FURTHER RESOLVED**, that the White Earth Reservation Tribal Council hereby confers jurisdiction upon the White Earth Tribal Court to adjudicate alleged violations of Title 500, Prohibited Conduct.

We do hereby certify that the foregoing resolution was adopted by a vote of 3 for, 0 against, 0 silent, a quorum being present at a special meeting of the White Earth Reservation Tribal Council held on July 15, 2010 in White Earth, Minnesota.



Erma J. Vizenor, Chairwoman



Robert J. Durant, Secretary/Treasurer

## TITLE 500

### PROHIBITED CONDUCT

#### 500.01 Unlawful assembly

When two or more Indians assemble, each participant is guilty of unlawful assembly which is a misdemeanor, punishable by a fine of up to \$5000.00, up to one year in jail or both, if the assembly is:

- a) With intent to commit an unlawful or lawful act by force; or
- b) With intent to carry out any purpose in such a manner as will disturb or threaten the public peace; or
- c) Without unlawful purpose, but the participants so conduct themselves in a disorderly manner as to disturb or threaten the public peace.

#### 500.02 Riot

When two or more Indians are assembled and disturb the public peace by an intentional act or threat of unlawful force or violence to person or property, each participant therein is guilty of riot which is a misdemeanor, punishable by a fine of up to \$5000.00, up to one year in jail or both.

#### 500.03 Terroristic Threats

Subdivision 1. Any Indian who threatens to commit any crime with the purpose to terrorize another or to cause evacuation of a building or place of assembly or otherwise to cause serious public inconvenience or in reckless disregard of the risk of causing such terror or inconvenience is guilty of terroristic threat which is a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both.

Subdivision 2. Any Indian who communicates to another with the purpose to terrorize another or in reckless disregard of the risk of causing such terror, that explosives or an explosive device or any incendiary device is present at a named place or location, whether or not the same is in fact present, is guilty of an offense under this subdivision which is a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both.

#### **500.04 Public Nuisance**

Any Indian who by his act or failure to perform an act does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both:

- a) Causes a disturbance to the health, safety or peace and comfort of any number (including one) of members of the public; or
- b) Interferes with, obstructs, or renders dangerous for passage, any public highways or right-of-way, or waters used by the public; or
- c) Maintains or permits conditions which disturb the health, safety or peace and comfort of any number (including one) of members of the public; or
- d) Fails to obey a police officer who commands an individual to refrain from interfering with a police officer's duties or fails to leave or keep away from a public or private place, in order to maintain peace.

#### **500.05 Disorderly Conduct**

Any Indian who does any of the following in a public or private place, knowing or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of peace, is guilty of disorderly conduct which is a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both:

- a) Engages in brawling or fighting; or
- b) Disturbs an assembly or meeting, not unlawful in its character; or
- c) Engages in offensive, obscene, or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others; or
- d) Because of intoxication, alarms, angers or disturbs other persons on public or private property. Under such circumstances, the police shall have authority to immediately remove such Indian from the public or private property where he is causing the disturbance; or
- e) Due to intoxication by alcohol and/or controlled substances causes a potential danger to himself, herself or others, or, in some other manner presents a nuisance or hazard to the public.

**500.06        Vandalism**

Any Indian who defaces, defiles, damages, harms, injures or destroys real, personal or public property in whole or part, shall be guilty of vandalism, which shall be punishable by a fine of up to \$5000.00, up to one year in jail or both.

**500.07        Harassment; Stalking; Penalties**

Subdivision 1. Definition. As used in this section, "harass" means to engage in intentional conduct in a manner that: 1) would cause a person under such circumstances to feel oppressed, persecuted, or intimidated; and 2) causes this reaction on the part of the victim.

Subdivision 2. Harassment and Stalking Crimes

A person who harasses another by committing any of the following acts is guilty of a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both:

- 1) Directly or indirectly manifests a purpose or intent to injure a person, property, or rights of another by the commission of an unlawful act; or
- 2) Stalks, follows, or pursues another; or
- 3) Returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent; or
- 4) Repeatedly makes telephone calls, or induces a victim to make telephone calls to the actor, whether or not conversation ensues; or
- 5) Makes or causes the telephone of another repeatedly or continuously to ring; or
- 6) Repeatedly uses mail or delivers or causes the delivery of letters, telegrams, packages, or other objects; or
- 7) Engages in any other harassing conduct that interferes with another person or intrudes on the person's privacy or liberty.

Subdivision 3. Pattern of Harassing Conduct or Stalking.

- a) A person who engages in a pattern of harassing conduct with respect to a single victim or one or more members of a single household in a manner that would cause a reasonable person under the circumstances to feel terrorized or to fear bodily harm and which does

cause this reaction on the part of the victim, is guilty of a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both.

- b) For purposes of this subdivision, a “pattern of harassing conduct” means two or more acts within a five-year period that violate the provisions of any of the following, or any two or more acts within a five year period that would cause a reasonable person under the circumstances to feel oppressed, persecuted, or intimidated:

- (1) Terroristic Threats
- (2) Domestic Abuse
- (3) Trespass
- (4) Obscene or harassing telephone call
- (5) Burglary
- (6) Criminal Damage to Property

**500.08                      Trespass to Property**

Any Indian who, knowing that he or she is not licensed or privileged to do so is guilty of trespassing, which is a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both, if the Indian does any of the following:

- a) Enters or remains in any building or occupied structure, or separately secured or occupied portion thereof; or
- b) Enters or remains in any place as to which notice against trespass is given by actual communication to the defendant, or posting in a manner reasonably likely to come to the attention of the defendant, or fencing or other enclosure designed to exclude intruders.

**500.09                      Criminal Damage to Property**

Any Indian who intentionally, negligently or recklessly, causes physical damage to property of another without the latter's consent is guilty of a misdemeanor and may be sentenced to a fine of up to \$5000.00, up to one year in jail or both.

**500.10                      Burglary**

Any Indian who enters a building or dwelling without consent and with intent to commit a crime therein is guilty of burglary which is a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both.

**500.11 Breaking and Entering**

Any Indian who enters or occupies a building or dwelling without consent of the owner or the consent of the person who has the right to give consent; except, in emergency situations, is guilty of breaking and entering which is a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both.

**500.12 Coercion**

Any Indian who orally or in writing makes any of the following threats and thereby causes another against his will to do any act or forbear doing a lawful act is guilty of coercion, and shall be punished by a fine of up to \$5000.00, up to one year in jail or both:

- a) A threat to unlawfully inflict bodily harm upon the person threatened; or
- b) A threat unlawfully inflict damage to the property of the person threatened; or
- c) A threat to unlawfully injure a trade, business or profession of the person threatened; or
- d) A threat to expose any person to public disgrace or ridicule.

**500.13 Terroristic Threats Against Government Officials**

1) Any Indian who commits or attempts an act of coercion or terroristic threats directed against any elected official of the White Earth Band of Chippewa Indians or any officer or employee of the White Earth Band or members of their family is guilty of a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both.

**500.14 Acts Overthrowing the Government**

- a) Any Indian who intentionally advocates, abets, advises or teaches the desirability or propriety of overthrowing or destroying the government of the White Earth Band of Chippewa Indians by force or violence or by assassination of any such government, is guilty of a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both.
- b) Any Indian, with intent to cause the overthrow or destruction of the government of the White Earth Band of Chippewa Indians, prints,

publishes, issues, circulates, sells or distributes any written or printed matter advocating, advising or teaching the desirability or propriety of overthrowing or destroying such government by force or violence, is guilty of a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both.

- c) If two (2) or more Indians conspire to commit any offense named in this section, each is guilty of a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both; or
- d) Any Indian who incites, assists, participates or engages in any rebellion or insurrection against the authority of the White Earth Band of Chippewa Indians or laws thereof or gives aid or comfort thereto, is guilty of a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both.

#### **500.15 Interfering with Tribal Official**

A person commits the offense of interfering with a Tribal Official and he or she is guilty of a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both, if he or she does either of the following:

- a) By means of any threat, force or violence, attempts to deter or prevent any officer or employee of the Tribe from performing his or her duty; or
- b) Knowingly resists by threat, force or violence any officer or employee of the Tribe in the performance of his or her duty.

#### **500.16 Resisting Arrest or Process**

A person who knowingly resists or assists another person to resist a lawful arrest or the serving or execution of any legal process, commits the offense of resisting arrest or process and is guilty of a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both.

#### **500.17 Assault**

A person commits assault and is guilty of a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both, when the person does either of the following:

- a) With apparent ability, attempts unlawful conduct with another; or

- b) Intentionally threatens unlawful conduct upon another, coupled with an apparent ability to carry out that threat, and does some act which creates a well-founded fear in such other person that such contact is imminent.

**500.18**

**False Imprisonment**

A person commits false imprisonment when, without lawful authority, the person substantially interferes with the liberty of another by knowingly restraining the other against his or her will and is guilty of a misdemeanor punishable by a fine of up to \$5000.00, up to one year in jail or both.