

THE MINNESOTA CHIPPEWA TRIBE  
TRIBAL ELECTION COURT OF APPEALS

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In Re the Matter of the Appeal of:  
VANESSA LYN NORTHRUP,  
Certification for the office of  
District 1 Committeeperson on the  
Fond du Lac Reservation Business  
Committee.

Decision & Order

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**BACKGROUND**

On Wednesday, August 22, 2018 an official copy of the Certification letter signed by the Secretary/Treasurer for Fond du Lac candidates for the District 1 Committeeperson was delivered to the Executive Director of the Minnesota Chippewa Tribe (MCT). On Thursday, August 23, 2018, Wally Dupuis, a candidate for the District 1 Committeeperson filed a challenge to the certification of candidate Vanessa Northrup for the District 1 position.

Dupuis argues that because

Ms. Northrup was charged with theft for depositing a check in the amount of \$2000 (felony offense) into her personal account to which an [MCT Constitution] Article X removal petition was generated and completed in the allotted time. On July 30, 2018, the Reservation Business Committee, after hearing the charge and considering the evidence, voted 4 to 1 to remove Ms Northrup from the RBC as District 1 Representative. Malfeasance in the Handling of Tribal Affairs was their verdict. Therefore, Mrs Northrup is not eligible to be certified by the Reservation Business Committee. The Fond du Lac Reservation Business Committee, by hearing this matter was

acting as the court of competent jurisdiction. The Fond du Lac Reservation Business Committee are the judge and jury as part of our sovereignty. Ms. Northrup was charged by the Fond du Lac membership, tried by the Fond du Lac Reservation Business Committee and convicted by the Fond du Lac Reservation Business Committee, which led to Ms. Northrup's removal and the vacant seat on the Reservation Business Committee.

Ms. Northrup is now participating in a Diversion Program which is a Deferred Prosecution Agreement (DPA). To be eligible for this program Mrs Northrup was required to admit her wrong doing (theft) to participate in this program. The felony charge in state court is still pending and is dependent on the completion of the diversion requirements.

(See Challenge of Vanessa Northrup's Candidacy, by Wally Dupuis).

## **DISCUSSION**

The Dupuis challenge cites to the MCT Election Ordinance 1.3(D)

*Ineligibility by Reason of Criminal Conviction.* Dupuis also cites to MCT Const. Art. IV, Section 4, “. . . *if ever convicted . . .*” Clearly Dupuis understands that Northrup has not been convicted by the State Court and the criminal charges were dismissed, albeit because of conditions of a diversion program.

According to the Record from Fond du Lac Band governing body the Criminal background investigation for Northrup states that “[t]here is nothing found that would eliminate Vanessa Lyn Northrup from running for candidacy on the Fond du Lac Reservation.” The Record under review does not provide any evidence of a criminal conviction for Northrup.

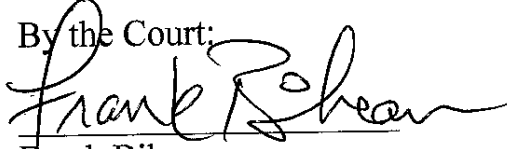
This Court is sympathetic to the circumstances spelled out by Dupuis, however *if ever convicted* is the legal requirement, and no evidence provided shows Northrup was convicted.<sup>1</sup>

### CONCLUSION

For the reasons stated above, this Court confirms the decision of the Fond du Lac Band to certify Northrup as a candidate for the office of District 1 Committeeperson.

WHEREFORE IT IS HEREBY ORDERED that the appeal of the decision of the Fond du Lac Band to certify Northrup as a candidate for the office of District 1 Committeeperson is DENIED.

Dated this 29<sup>th</sup> day of August, 2018

By the Court:  
  
Frank Bibeau  
Chief Judge

Judge Christina Deschampe Concurring  
Judge Deanna Sam Concurring  
Judge Susan Allen Concurring  
Judge BJ Jones Concurring  
Judge Brandee J. Kowalzyk did not participate in this decision

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<sup>1</sup> The Record on Appeal did not contain the actual decision of the FDL RBC on removal of Northrup, the protocols for possible conviction and supporting MCT or FDL ordinance that might suggest that Ms Northrup was in fact convicted of an offense under *Applicable Law*, as defined in MCT Election Ordinance 1.3(d)(2)(c), by the RBC acting as jury in a criminal context, leading to a conviction under the FDL jurisdiction.