

IN THE COURT OF APPEALS FOR THE
SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN

DENNIS TAPPEN, ET AL.

Plaintiffs/Appellants,

v.

TRIBAL CERTIFIERS, ET AL.

Defendants/Appellees.

Case No. 10-CA-1044
Tribal Court Case No. 09-CI-0264

A True Copy

Saginaw Chippewa
Appellate Court

Before Judges Kevin K. Washburn, Robert Kittlecon, and Dennis Peterson.

ORDER

This appellants assert that the Tribe has certified that their mother's blood quantum is ½ degree Indian blood and that they are therefore entitled to enrollment under the Tribe's Constitution. The Tribe now seeks to deny the validity of the certification. The Tribe cannot certify a fact and proclaim its truth and later summarize deny its truth. The Tribe's certification is valid until the Tribe provides particularized evidence as to why the certification must be revoked and appellant is provided an opportunity to contest the validity of such evidence.

Where the Tribe's Constitution makes a fact relevant, such as blood quantum, the Tribe generally may not implement a procedure that limits the presentation of relevant evidence to establish or refute that fact. Nor does the Court interpret the Tribe's enrollment ordinance to require such an outcome.

This case is accordingly reversed and remanded. The case should be reconsidered in light of the Court's consolidated opinion in *Gravette v. Saginaw Chippewa Indian Tribe and Ayling v. Tribal Certifier*, No. 09 – CA – 1040, 1041 (August 16, 2010).

It is so ordered this 16th day of August, 2010.

Robert Kittlecon, Associate Judge


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FILED

AUG 16 2010

SAGINAW CHIPPEWA APPELLATE CO


Dennis Peterson, Associate Judge


Kevin K. Washburn, Chief Judge

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