



ENTERED
3-27-17 AB
SSM Chippewa Tribal Court

SAULT STE. MARIE CHIPPEWA TRIBAL COURT

PEOPLE OF THE SAULT STE. MARIE
TRIBE OF CHIPPEWA INDIANS,
Petitioner,

v.

Case No.: BR 17-01

MICHAEL LEE SORRELL,
d.o.b. 01/07/1990,
Respondent.

ORDER
Granting Request for Exclusion and Removal After Hearing

Barring, or exclusion, has been used by tribes for centuries, not only as a form of punishment, but also as a means for a Tribe to protect its people and property. The inherent and sovereign authority of tribes to banish or bar individuals, whether members of the tribe or not, is well-established, and it is a privilege, not a right for all.

Recently, however, tribes throughout the country have re-instituted barring practices to address increasing threats on their reservations from drugs, gangs, and violence.

Tribal Code, Chapter 61: Barring Individuals from Tribal Lands, provides the statutory grounds for which any person may be excluded or removed from Sault Tribal Lands. *Id.* § 61.104. A review of the specific grounds, applicable to both members and nonmembers, establishes that barring is to occur only when a person conducts himself in such a way that significantly threatens the well-being of the Tribe, as each of the grounds set forth proscribe such conduct. In addition, the stated purpose of the Code is

"to provide a means whereby the Tribe can protect itself, its members, and other persons living on Tribal Lands, from people whose presence on Tribal Lands is harmful to, or threatens harm to, the peace, health, safety, morals, general welfare or environmental quality of life on Tribal Lands. Such action is deemed necessary as a result of the Tribe's interest in maintaining the aforementioned interests free from harm, to protect the cultural identity of the Tribe, and to

protect those residents of Tribal Lands who may be imposed upon, harmed or otherwise disadvantaged..."

Id. at § 61.101. Therefore, the Court must read and apply the Code in light of the Code's stated purpose.

In this case, evidence was submitted and testimony provided regarding respondent Sorrell's prior behavior consistent with acts of intimidation, harassment and threats.

Moreover, despite his statement that he is "not a violent man," Mr. Sorrell presented little by way of evidence to establish the same. He seemed to rest his argument on the fact that he was merely posting "memes" on FaceBook of sayings and pictures he liked, and stood firm in his stance that he had "not done anything wrong".

The Court is sensitive to the fact that Mr. Sorrell's family resides on our reservation and that a barring order may result in separating his family from him. The statute tasks this Court with protecting "those residents of Tribal Lands who may be imposed upon, harmed or otherwise disadvantaged." TC § 61.101 In this Court's opinion, the risk of harm Mr. Sorrell poses to his family and this community outweighs the impact of separating him from his family.

In conclusion, the Court FINDS that MICHAEL LEE SORRELL poses a grave risk to the general quality of life within the Sault Tribe community. The petitioner has proven, by clear and convincing evidence, that statutory grounds exist warranting his exclusion.

Therefore, the Court ORDERS the continuation of the ex parte order entered on February 10, 2017 barring him until February 10, 2018. The respondent shall not be permitted to enter onto any Tribal lands as that term is defined under Tribal Code §61.102, and if found upon Tribal lands, shall immediately be removed from such lands by law enforcement. This order is entered specifically to protect our Tribal community from the grave risk of harm respondent Sorrell poses to the community, to maintain peace, safety, and well-being within the Sault Tribe community and in respect for the laws of the Tribe.

Any person adversely affected by a decision of the Tribal Court in a civil case may file an appeal within 30 days after entry of the written judgment or order in accordance with Tribal Code Chapter 82: Appeals.

IT IS SO ORDERED this 23rd day of March 2017, by the Sault Ste. Marie Chippewa Tribal Court located in Sault Ste. Marie, Michigan within the sovereign land of the Sault Ste. Marie Tribe of Chippewa Indians.


Bryan Newland, sitting Judge