*Larose v. U.S. Dept. of the Interior*, 2023 WL 2333408 (D. Minn., March 2, 2023).

- **Holding**: The federal court lacked jurisdiction to hear claims against tribal defendants challenging tribal constitutional amendment barring persons previously convicted of felonies from being elected to tribal offices, and could not hear claims arising from Secretary of Interior's approval of the constitutional provision due to plaintiff's lack of standing.
- **Summary:** Plaintiff LaRose was an enrolled member of the Leech Lake Band of the Minnesota Chippewa Tribe (MCT), a tribe organized pursuant to the Indian Reorganization Act ("IRA"). LaRose sought reelection to the office of Secretary-Treasurer of the Tribe's business committee. The MCT's Election Court of Appeals found that LaRose was ineligible to run for tribal office under the MCT Constitution and the MCT Uniform Election Ordinance ("Election Ordinance") because he had previously been convicted of a felony. LaRose brought an action against the Department of Interior and certain tribal officers in federal court, alleging that the 2005 amendment to the MCT Constitution prohibiting former felons from serving in tribal offices had been unlawfully conducted by the Bureau of Indian Affairs, which had waived certain regulations regarding registrations to vote. The 2005 constitutional amendment had previously survived challenges before the Regional BIA Director and the Interior Board of Indian Appeals, alleging that the numbers of ballots cast did not meet the 30% of tribal membership threshold required by tribal and federal law. LaRose also asserted that the defendants had violated the Indian Civil Rights Act ("ICRA") by retroactively applying the 2006 constitutional amendment to LaRose's 1992 conviction and barring him from running for tribal office.

  The court concluded it lacked jurisdiction to hear the claims against the tribal officers due to tribal sovereign immunity. The court could not hear LaRose's claims pursuant to ICRA, since the only relief available under ICRA is a writ of habeas corpus, which is available only to "test the legality of [a person's] detention by order of an Indian tribe." 25 U.S.C. § 1303. Reviewing case law from the 2d, 9th, and 10th Circuits, the court determined that "detention" requires a severe actual or potential restraint on liberty," such as permanent banishment from a reservation, and exclusion from tribal office did not constitute banishment or detention.

  The court further determined that LaRose lacked standing to challenge the Department of Interior's certification of the 2005 election that resulted in the constitutional amendment, because after the 2005 election, the MCT adopted an ordinance that likewise barred felons from holding tribal offices. The court held that LaRose did not meet the "redressibilty" requirement for standing, because even if the Court were to decertify the 2005 election and the Secretary of the Interior's approval, LaRose would still be barred from holding tribal office by the Election Ordinance (the validity of which was not challenged by LaRose).

  The court further concluded that even if LaRose had standing, he had knowledge of the alleged infirmities in the 2005 election at the time of the election, but failed to exhaust the administrative remedies available to him for challenging the 2005 election immediately after the results of that election were posted.

- **Relevant (2023) Deskbook Section:** 4:11