



WHITE EARTH RESERVATION

Vice-CHAIR & DISTRICT III Eugene "Umsy" Tibbetts **SECRETARY-TREASURER** Leonard Alan Roy
DISTRICT I Raymond Auginaush, Sr. **DISTRICT II** Kathy Goodwin

July 8, 2019 Statement

Good afternoon and thank you Madam President, members of the committee, Tribal members, and distinguished guests. I am Alan Roy, Secretary-Treasurer of the White Earth Nation. I have served honorably on this committee for approximately a year. Today I issue this statement in hopes of meaningful reform and to better serve our People.

The first matter that I wish to address—after weeks-long Tribal government engagement that was caused by concerns related to the MCT Land Transfer Resolution (96-19)—comes from the Enrollment Impact Report (EIR). However, I will address Article IV – Tribal Elections, Section 4, otherwise known as the felony clause, and as stated Article II – Membership as its affected by the EIR. I will also address the need for a Special Meeting to be held related to the approved MCT Land Transfer Resolution (96-19).

Article II – Enrollments: Address historical injustice, consider reform, initiate Clan Mothers

First, as related to Article II, Resolution 31-15 includes First Nation Anishinaabe blood and Resolution 32-15 includes other verified federally recognized Anishinaabe/Ojibway/Chippewa blood, both to be brought forward for a Secretarial Election ballot decision by MCT Tribal members. As I engaged several Tribal Leaders, many believed that the issue of enrollment reform is long overdue. Some also thought that these Resolutions were a step in that direction.

Beginning with elections last year, the matter of enrollment reform has been placed on the shelf for a few reasons, which includes providing an opportunity for Constitutional delegates to discuss the matter and for Tribal Leaders to consult their individual Bands.

Since the EIR was initiated, which directly affects Article II and Resolutions 31-15 and 32-15, the scope of enrollment issues have compounded due to recent discoveries. For example, an initial EIR summary has identified major issues associated with the 1901 Allotment List that wrongfully listed 1,089 individuals who lost full blood status.

Of the 1,089, a sampling of 5 Blood Quantum Corrections resulted in 1,963 individuals impacted. While an exact estimate of individuals negatively affected may never be known, a basic estimate, if divided equally among the sample size, would show that up to 427,541 Blood Quantum Corrections may be required. At a minimum, tens of thousands can be expected. Based on the current sample, the Blood Quantum Corrections affect every Band.

Because Article II is severely affected by the 1901 Allotment List—in which case many other rolls are not included in the EIR estimate but most certainly would increase the amount of Blood Quantum Corrections on top of the rough estimate of 427,541 individuals—the feasibility of implementing Resolutions 31-15 and 32-15 becomes questionable. The inclusion of outside blood does not mitigate the issues presented by current blood rolls. Resolutions 31-15 and 32-15 may complicate present and future Blood Quantum Corrections. Including outside blood will not fix the mistakes of the past—intentional, malicious, or otherwise. However, all hope may not be lost if proper analysis is conducted.

To further examine this issue, at the conclusion of this statement and in conjunction with other matters presented, a series of motions to assess each matter more deliberately will be made.

Whatever any analysis and assessment reveals, the issue of who belongs to the Tribe—the family—was traditionally decided by women. Therefore, Clan Mothers should be at the center of Article II - Enrollment.

Bottom line, we need to assess Article II with Resolutions 31-15 and 32-15, and the EIR for possible enrollment reform and Constitutional implementation. For those concerned with the possible rise in enrollment numbers, the answer to this concern is both pragmatic and values driven. A historical injustice occurred against our People. We have the freedom to choose its outcome by ending the injustice or allow the issue to carry on.

The injustice was the displacement of People, blood and identity for land. An injustice against one is an injustice against all. The truth is, if we cannot run from our past, we will not escape our future: continued displacement.

Depending on their laws, nations may die slowly and sooner than they think. If there is great concern about the issue that may stall Tribal Leaders from presenting it to the People for decision, questions must be asked:

- Have we reduced ourselves to what's best for the few is better than what's best for the whole?
- Does rabid self-interest supersede public interest?
- As Tribal Leaders, what will you do to fix this?

We are burdened with knowledge that hundreds of thousands of people are affected by enrollment. The issue will persist until its presented to the People for decision.

Article IV, Section 4 – Elections: Strengthen and Amend the Felony Clause, support Clan Mother decisions

Second, Article IV, Section 4, also deserves assessment as large segments of our population are disproportionately incarcerated. The rates of recidivism for men and women are above 80%. Our people are racially profiled by law enforcement agencies. Even for those individuals that turn their lives around after incarceration, they continue to experience employment discrimination.

Section 4 prevents individuals with a felony conviction of any kind at any time in their lives from ever being a Tribal Leader. Theoretically, Section 4 protects Bands from predatory and corrupt Tribal Officials. Certainly, some people should never be allowed to hold public office if they've betrayed the public trust. Convictions follow people for a reason and rightfully so.

Not distinguishing among felony convictions is problematic, however. For example, felony shoplifting is much different than felony murder. Using a wide brush to color convictions as one in the same is disproportionate in response and absolutely imprecise. Furthermore, three major questions come to mind with the blanket application of Section 4:

- What of those individuals that have reformed and served their time?
- What of those minors with convictions?
- Does the Tribe (government) have the power to reduce the freedom of choice at the ballot box and deprive candidates of due process?

Perhaps we are institutionally depriving individuals of second chances, leadership, and the People's freedom to choose their leaders.

I do not believe that Section 4 needs to be repealed. On the contrary, Section 4 must be amended: strengthened and honed for greater precision and adjusted for a more equitable process. Moreover, the Section recognizes State and Federal courts, but it does not recognize Tribal Courts. Section 4, arguably, has elements that may be in non-conformance with Article XII – Rights of Members.

Earlier I spoke of Clan Mothers deciding who belonged to the family, I also believe they should determine who is fit to lead. Family and leadership being a critical duty of our Clan Mothers must be considered. Pragmatically, Clan Mothers would be integrated into the process of certification of candidates seeking approval under Section 4, which would otherwise be normally excluded.

Overall, an assessment is called for because the issue of injustice is prevalent. Article IV, Section 4 needs enhanced precision and a more equitable process.

Resolution 96-19 – Notify, Amend, Assess, and put to Referendum

Third, and finally, Resolution 96-19 (MCT Land Transfer Resolution) builds upon Resolutions 67-19 and 33-18 by authorizing additional legislative language. The current draft legislation in the House of Representatives Bill has changed several times since Resolution 96-19 was passed—to include incorrect versions being circulated among the Bands from Congressional staffers. As a point of clarification, I request from the Tribal Executive Committee and the MCT Administration exact language within Tribal laws that discusses how MCT lands located outside of the exterior boundaries of each Band are to be governed if certain lands are not in conformance with Land Ordinance 3 and other provisions.

While Resolution 96-19 states several times, “which a constituent Band exercises jurisdiction,” it remains unclear how a constituent Band has come to formally exercise jurisdiction over said lands located off their respective Reservation to begin with. It appears the statement is so broad sweeping that it is meant to cover all circumstances and future disagreements.

What is more peculiar, the draft House of Representatives Bill does not conform with Resolution 96-19 because it states:

(1) Such lands located within the reservation of a constituent Band of the Minnesota Chippewa Tribe to the constituent Band within whose reservation the land is located.

(2) Such lands not located within the reservation of a constituent Band of the Minnesota Chippewa Tribe **to the constituent Band whose reservation is closest to the land.**

Because such lands not located within the reservation of a constituent Band is not clearly defined at this point, how can the TEC move forward without an appropriate land assessment and without it clearly defined by resolution? The draft bill states that the land should be transferred to the reservation that is closest, but Resolution 96-19 says that it belongs to the Band that exercises jurisdiction over the lands.

What about those lands that are closest to one Band, but another Band somehow exercises jurisdiction?

The quick fix to this problem is to change the draft House of Representatives Bill once again, but it still does not resolve the TEC's end of the proposal: who's land is it, and who controls it?

Furthermore, Article V – Authorities of the Tribal Executive Committee, Section 1 (b) states that the TEC has the power to “prevent any sale, disposition, lease or encumbrance of tribal lands, interest in lands, or other assets including minerals, gas and oil.” In contrast, the TEC under Article V, Section 1 (f) is “authorized to manage, lease, permit, or otherwise deal with tribal lands, interests in lands or other tribal assets.”

These powers are important to all MCT lands, especially those lands not located within the reservation of a constituent Band because authority over these lands is Constitutionally defined. To compound the issue, it is important because it has come to my attention that there may be precious minerals located in specific lands not located within the reservation of a constituent Band. On top of that, there exists lands with alleged precious minerals that are closer to one Band but another Band exercises jurisdiction.

What is the goal then?

- To utilize precious resources without MCT interference?
- To prevent future disagreements related to precious resource claims?
- To truly implement the Hearth Act and streamline land administration?

How will we address these issues?

Because of this conflict, a formal assessment (list) of all MCT lands not located within reservations is warranted. The transfer of beneficial interests in lands held in trust by the United States for the Minnesota Chippewa Tribe to a constituent Band of the Tribe also warrants further discussion. Because the beneficial interests of MCT members will be dissolved on those lands not located within the reservation of a constituent Band, those Treaty Beneficiaries must be consulted before beneficial interests are actually passed by Congress. In short, the People must have a vote on this matter.

To my knowledge, the TEC has never exercised Article XIV – Referendum. For the sake of the People, on this specific subject, just this one time, let their voices be heard through referendum.

Madam President, in accordance with the MCT Bylaws, Article II – Tribal Executive Committee Meetings, Section 3, the President shall “call a special meeting of the Tribal Executive Committee when matters of special importance pertaining to the Tribe arise for which he deems advisable the said Committee should meet.” If approved now, or no later than July 12, 2019, I will request that the President call a special meeting on July 30, 2019 to address Resolution 96-19. If the President deems Resolution 96-19 is not advisable for the TEC to meet, no later than July 12, 2019 (19 days prior to the requested meeting) I will attempt to furnish a written request to the President for a special meeting under Section 3, “The President shall call a special meeting of the Tribal Executive Committee upon a written request of at least one-third of the Tribal Executive Committee.”

Further, to amend Resolution 96-19, should it come to a vote, for majority rule under Robert’s Rules of Order, it requires advance notice for any amendment for an already approved Resolution. A draft of the July 12, 2019 motion(s) read as follows:

1. Motion to immediately amend Resolution 96-19 with the attached amendments.
2. Motion for the MCT Legal Advisor and MCT Staff to coordinate with individual Bands and concurrently assess MCT lands located outside the exterior boundaries of individual reservations that clearly defines which Band exercises jurisdiction and deconflicts lands located closer to another reservation, which a “Deconflicting Land Resolution” be brought to the TEC no later than the next Regular Meeting for consideration and decision.
3. Motion for the MCT Legal Advisor and MCT Staff to coordinate with individual Bands and concurrently assess MCT lands located outside the exterior boundaries of individual reservations that includes the “Deconflicting Land Resolution,” which a proposal for Referendum will be brought to the TEC no later than the next Regular Meeting for consideration and decision.
4. Motion to approve Resolution 1855 – Restoration of the 1855 Sandy Lake and Rice Lake Reservations

The exact amendment(s) for the first motion will be included in the correspondence to be furnished on July 12, 2019. To clarify, these draft motions and any amendments will not be brought forward until July 12, 2019.

Reform: Serve the People by giving them choices

Related to Article II – Enrollments and Article IV – Elections, Section 4, in the most basic terms, what is being requested is the opportunity to look at these Articles and the issues that surround them. If the assessments find feasible amendments for TEC consideration to bring to the People for decision, then those solutions ought to be presented. With the understanding that the following motions are to look at these issues deliberately, they will be made consecutively and with a request for roll call vote on each motion separately.

As there may be concern if staff are able to conduct this work in the requested time period, once the assessments are underway a mid-point report ought to be delivered to the TEC at the October Regular Meeting. The mid-point report will assist the TEC in determining which issues should advance to the December Special Meeting: all, some, or none.

The motions read as follows for initial consideration and they will be repeated a second time for actual motion:

1. Motion for the MCT Legal Advisor and MCT Staff to coordinate with individual Bands and concurrently assess Article II – Enrollments for Amendment as related to Resolutions 31-15, 32-15 and to develop a third Resolution that addresses findings related to the Enrollment Impact Report due October 2019, which all associated and final proposals will be brought to the TEC no later than the December 2019 Special Meeting for consideration and decision related to Article XII – Amendment.
2. Motion for the MCT Legal Advisor and MCT Staff to coordinate with individual Bands and concurrently assess Article IV – Elections, Section 4, for Amendment, which all associated and final proposals will be brought to the TEC no later than the December 2019 Special Meeting for consideration and decision related to Article XII – Amendment.
3. Motion for the MCT Executive Director and MCT Staff to coordinate with individual Bands and concurrently assess the foregoing motions and to develop a plan for implementation such as June 2020 (specifically: direct coordination with federal agencies, timeline, budget, public information campaign, and any associated election and referendum), which will be brought to the TEC no later than the December 2019 Special Meeting for consideration and decision to execute Article XII – Amendment.

Prior to making these motions, Madam President I want to thank you for allowing me to address the committee and the public in attendance. I see that our future is promising since we now have several women leading our Bands and Tribe. In many ways, I believe it will take women to lead us where others could not. I pray that each person that serves on this committee finds the courage to support these motions for the People. I pray that you will lead us where others could not.

In consecutive order, and if each item is separately seconded, I hereby make the following motions with a request for roll call vote for each:

1. Motion for the MCT Legal Advisor and MCT Staff to coordinate with individual Bands and concurrently assess Article II – Enrollments for Amendment as related to Resolutions 31-15, 32-15 and to develop a third Resolution that addresses findings related to the Enrollment Impact Report due October 2019, which all associated and final proposals will be brought to the TEC no later than the December 2019 Special Meeting for consideration and decision related to Article XII – Amendment.

(Motion Passed with unanimous 11-0 Roll Call Vote)

2. Motion for the MCT Legal Advisor and MCT Staff to coordinate with individual Bands, the Constitutional Reform Committee and concurrently assess Article IV – Elections, Section 4, for Amendment, which all associated and final proposals will be brought to the TEC no later than the December 2019 Special Meeting for consideration and decision related to Article XII – Amendment.

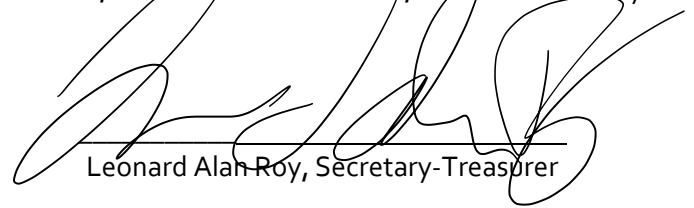
(Motion Passed with unanimous 11-0 Roll Call Vote)

3. Motion for the MCT Executive Director and MCT Staff to coordinate with individual Bands and concurrently assess the foregoing motions and to develop a plan for implementation such as June 2020 (specifically: direct coordination with federal agencies, timeline, budget, public information campaign, and any associated election and referendum), which will be brought to the TEC no later than the December 2019 Special Meeting for consideration and decision to execute Article XII – Amendment.

(Motion Passed with unanimous 11-0 Roll Call Vote)

The MCT Administration is requested to publish a public notice of this July 8, 2019 Statement. The White Earth Nation Administration is directed to publish a public notice of this July 8, 2019 Statement via Facebook, Everyone Email, Anishinaabeg Today, the RBC Building Entrance, the Administration desk, and at Community Centers.

Date: July 8, 2019



Leonard Alan Roy, Secretary-Treasurer