

The Minnesota Chippewa Tribe  
Tribal Executive Committee  
Regular meeting  
July 12, 2021

A regular Tribal Executive Committee meeting was called to order at 2:56 p.m. by President Chavers at Grand Casino-Mille Lacs, Onamia, Minnesota.

Invocation: Syngen Kanassatega, Legal and Policy Counsel

Roll Call: Michael J. Fairbanks, Chairman, White Earth; Alan Roy, Secretary-Treasurer, White Earth; Robert Deschampe, Chairman, Grand Portage; Faron Jackson, Chairman, Leech Lake; Archie LaRose, Secretary-Treasurer, Leech Lake; Catherine Chavers, Chairwoman, Bois Forte; David Morrison Sr., Secretary-Treasurer, Bois Forte; Kevin Dupuis, Chairman, Fond du Lac; Ferdinand Martineau, Secretary-Treasurer, Fond du Lac; Melanie Benjamin, Chief Executive, Mille Lacs; Sheldon Boyd, Secretary-Treasurer, Mille Lacs. via Zoom: April McCormick, Secretary-Treasurer, Grand Portage.

Others: Zoom: Perry Skinaway, Ravyn Gibbs, Sandra Skinaway, Shannon Porter, Tashina Perry, Terry Savage

Motion by Secretary-Treasurer Roy to approve the agenda. Seconded by Secretary-Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Minutes: April 29, 2021, June 22, 2021

Motion by Secretary-Treasurer McCormick to table minutes of April 29, 2021, and June 22, 2021. Seconded by Chief Executive Benjamin. 11 For, 0 Against, 0 Silent. Carried.

## **RESOLUTIONS**

Motion by Chairman Fairbanks to approve Resolution 69-21 regarding enrollment: White Earth Eligibles (58). Seconded by Secretary-Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 70-21 regarding enrollment: White Earth Ineligibles (30). Seconded by Secretary-Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 71-21 regarding enrollment: White Earth Relinquish to Red Lake (1). Seconded by Secretary-Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 72-21 regarding enrollment: White Earth Relinquish to Oglala (1). Seconded by Secretary-Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 73-21 regarding enrollment: White Earth No Parent Enrolled (3). Seconded by Secretary-Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve Resolution 74-21 regarding enrollment: Fond du Lac Eligibles (13). Seconded by Secretary-Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve Resolution 75-21 regarding enrollment: Fond du Lac Ineligibles (8). Seconded by Secretary-Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve Resolution 76-21 regarding enrollment: Fond du Lac No Parent Enrolled (9). Seconded by Secretary-Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Morrison to approve Resolution 77-21 regarding enrollment: Bois Forte Eligibles (16). Seconded by Secretary-Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Morrison to approve Resolution 78-21 regarding enrollment: Bois Forte Ineligibles (5). Seconded by Secretary-Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve Resolution 79-21 regarding enrollment: Mille Lacs Eligibles (48). Seconded by Secretary-Treasurer Boyd. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve Resolution 80-21 regarding enrollment: Mille Lacs Ineligibles (41). Seconded by Secretary-Treasurer Boyd. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve Resolution 81-21 regarding enrollment: Mille Lacs No Parent Enrolled (4). Seconded by Secretary-Treasurer Boyd. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 82-21 regarding enrollment: Leech Lake Eligibles (52). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 83-21 regarding enrollment: Leech Lake Ineligibles (26). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 84-21 regarding enrollment: Leech Lake Transfer to Bois Forte (4). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 85-21 regarding enrollment: Leech Lake No Parent Enrolled (2). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

**LEGAL:** Phil Brodeen

Phil informed the Committee that at the June 22<sup>nd</sup> meeting he was asked to draft a resolution for consideration by the full Tribal Executive Committee. Phil described that this is the resolution that I drafted and I'm open to questions related to the substance of the resolution, but I want to make it clear that the policy implications of that is the Tribal Executive Committee's decision on how to proceed on the resolution. Reads draft resolution starting at the third whereas (see attachment).

President Chavers asked for comments:

Many comments from audience and Tribal Executive Committee regarding the following topics: Enrollment requirements under the current constitution, approval of the Secretary of Interior, removal of the Secretary of Interior from the MCT Constitution. Announcement: Constitutional Delegation meeting Friday at Northern Lights, and request made to TEC to allow the delegation time to review the resolution presented before TEC action is taken on the proposed resolution. Comment regarding the six bands ability to make their own decisions as part of the Minnesota Chippewa Tribe.

President Chavers responded to a question, stating the purpose of this resolution is addressing the Enrollment requirement and not the removal of the Secretary of the Interior at this point. The Tribal Executive Committee wants to take to Constitutional committee. Chief Executive Benjamin stated she thinks that this is going to be the first of many recommendations and supported taking resolution to delegates meeting.

Chairman Fairbanks stated we were going to empower own delegates to get out and get more information and to hear back from our constituents to what we want to do. I know we all want our own enrollment, there is going to be a lot of work behind this. I'm thinking of next seven generations when we have this change, if there is going to be a change that I know there has to be something in place to protect all our members. Think we have to do more work than we are doing.

President Chavers addressed an audience members comment about are there 'two questions in here'. It is a complicated question and I think what people need is a simplified version. It is my understanding that when I presented this was: 'Let them decide if tribes should make their own

determination on should enrollment be placed with the individual tribes. Period'. This was the intent of my presentation of this last meeting. With constitutional reform committee, there are issues within the committee coming together themselves, I've heard that some members may pull out of constitution reform, this is concerning. But at least with the referendum you are getting all everybody's input not just the constitution committee itself – all Minnesota Chippewa Tribe enrollees will get a copy of it. The constitution committee has a huge job, and I commend them for the work they are doing, but it is going to take time, a long time. This is a simple question: do we want individual bands to make enrollment decisions? A referendum gives us a direction. Another point is, a referendum is not stating when this has to be done.

Phil responded that the most important article of this is 'the question' that is submitted to the voters. We will have more thorough review on actual question and how it is presented. A lawyer will draft the referendum question. The referendum question as it is presented to the public typically will have a plain language explanation, followed by the exact question on which to vote (during the referendum process).

Chairman Jackson stated this not only impacts the members but we need to be mindful of the descendants. This issue is very complicated and has been talked about for many, many years, it has been thoroughly talked about through each of the administrations. Leech Lake thought each tribe should be able to decide its own enrollment, that each of the six tribes should be able to determine how to recognize its own membership. I believe that is a sovereign right. Leech Lake may want to do it different than Grand Portage, and that's okay, that is their right as well. This is what we are talking about self-determination. Our constitution delegation committee has different opinions on this too, like Ms. McCormick said, we can work in tandem with each other (TEC and Constitutional Committee Delegates), and we can keep this ball rolling. Chairman Jackson cites the preamble of the MCT Constitution, the MCT organization maintains and establishes justice for our tribe, to conserve and develop our tribal resources, our common property, to promote the general welfare for ourselves and our descendants. What kind of benefits are our descendants getting today? Children are being denied services because they are not being identified as a member. I want to make sure these kids can get acknowledged and identified as a member of the tribe; they want that identity established. I believe we don't have a right to deny their blood inherent rights any longer. The more we wait on this, we are hurting our children and grandchildren. It won't be 100% perfect, but is there a chance that we can make some improvements and work in tandem with the committee and our members? I think we can do that.

Chairman Dupuis expressed concerns about the cart before the horse that if the referendum passed today, that we are still stuck with the Secretary of Interior. Also believes that the required 30% entitled to vote, under Article 12, will never happen. Chairman Dupuis stated that he didn't believe we need a secretarial election, that we have the ability to do simple changes, simple ordinances to force the constitution to move forward, we've chose not to do that as a collective. He further references the 2005 election – 13-09 interpretation done by the TEC and there are 14 other interpretations.

President Chavers responded, we will forward to constitutional delegate and have them report back to next meeting on Friday. Give a report on at the next Tribal Executive Committee meeting in White Earth.

### **QUARTERLY REPORTS:**

BIA MN Agency: Alan Fogarty, Superintendent

Superintendent Fogarty stated the main thing besides report provided is to really encourage your tribal departments to look at Partners in Action conference and get enrolled in that registration ends July 14<sup>th</sup>. Recently Brian Newland was nominated to be the Assistant Secretary of Indian Affairs, and Newland is pushing to streamline fee to trust process. As a part of that there will be tribal consultation for determination of 'under federal jurisdiction', referencing an 2020 opinion affirming that each of the six bands of the MCT were under federal jurisdiction. BIA fire resources really stretched thin this year due to drought, however doing well in Northern Minnesota firewise.

BIA is still under 25% in office, staffing restriction right now and all the federal government is operating under that restriction and travel bans. Superintendent Fogarty would like to schedule time to meet with each of the bands to discuss how the MN Agency can serve you better.

Presentation Free Service: David Glass, White Earth Nation  
Kim Valentini, founder, Smile Network

Short video played about Smile Network: A Minnesota based organization offering free medical services. Kim informed the committee that she brought some small gifts, touch stones. She gave a brief presentation: She has worked for 18 years in this profession with children and adults. We desire to work with the indigenous tribes, and we have doctors that would work with you today.

4:05 p.m. President Chavers, Secretary-Treasurer Morrison, Chief Executive Benjamin leave due to previous engagements.

Meeting resumes: Tribal Executive Committee Vice-Chairman Jackson presides over the remainder of the meeting as chair.

Constitutional reform committee update: Michaa Aubid

Michaa informed the committee the next Constitutional delegate meeting is scheduled for Friday, Northern Lights Casino, Hotel & Event Center 10:00 a.m. - 2:00 p.m.

### **NEW BUSINESS**

Executive Director Frazer informed the Committee the first week of August, a meeting of the election ordinance review committee. Review current election ordinance and look at anything that may be revised, this committee usually meets twice and take any changes to the Tribal Executive Meeting in October. Memo will be sent out next week. Chairman Jackson asked if the meetings are open to comments. Executive Director Frazer stated the ordinance can be put on website. Chairman Jackson commented about the review process reflecting inclusiveness or

involving membership. Executive Director Frazer responded the committee is mostly a working session and it we could 'zoom it'.

LEGAL: Phil Brodeen

U.S. Supreme Court Case 'Cooley case' was victorious regarding a traffic stop that occurred in state of Montana. The ability and authority that tribal police have in 'stop and search' a non-Native American motorist on public road on reservation land.

More recently the house litigation was resolved, regarding ANCSA Native Corporations accessing CARES act monies, Court found that ANC offered support to people in certain circumstances.

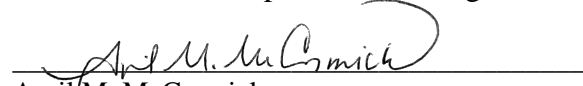
Thanks in no small part to White Earth, the Haven's Garden case has been resolved. White Earth was involved as Amicus. Minnesota court of appeals case involving a business restaurant called Haven's Garden, operating outside of the Governor's executive order regarding COVID-19 restaurant restrictions claiming a violation of the 14<sup>th</sup> amendment and citing that the tribal casinos were operating outside the Governor's order also. Attorneys argued that tribal nations are sovereign and state has no jurisdiction, which was a positive result. However, court was largely silent on the Governor's authority over tribal jurisdiction.

Chairman Dupuis asked about the win and do we need to take anything back to the state regarding the states position on their jurisdiction? Lenny Fineday responded, we can wait to see what happens, whether Haven's Garden is going to appeal, which unlikely that it will happen. I do want you to know that court of appeals opinion has an "unpublished opinion", it means it doesn't have precedent so future attorneys wouldn't be able to rely on that opinion as part of their argument. The good thing was the right decision was made from the legal analysis, even though the court was pretty silent on the Governor's authority to regulate on reservation conduct of tribal business as Phil described. The bigger issue is to keep the pressure on the Attorney General and Governor so that they know they don't have the authority over us. Chairman Dupuis thanked them for the explanation.

Phil summarized this became a policy matter, the Haven's Garden case tried to hook tribes in and create a wedge between tribes and the Attorney General's office, however the state jurisdiction remains the same: that the state government doesn't have the authority to regulate. We will continue to maintain that.

Chairman Jackson addressed audience comments regarding ICWA and described its strength and importance.

Motion by Secretary-Treasurer McCormick to adjourn the meeting at 4:25 p.m. Seconded by Chairman Deschampe. 11 For, 0 Against, 0 Silent. Carried.



April M. McCormick

Secretary, Minnesota Chippewa Tribe

Minutes Approved on October 29, 2021 at a Regular Tribal Executive Committee Meeting