

<p><b>Minnesota Chippewa Tribal Executive Committee Special Meeting</b></p>	<p><b>Date/Time of Meeting:</b> November 22, 2017</p>
<p><b>Location of Meeting:</b> Shooting Star Casino and Events Center Mahnomon, MN</p>	<p><b>Submitted By:</b> Susan Klapel, Deputy Assistant to The Chief Executive Mille Lacs Band of Ojibwe</p>
<p><b>Facilitator:</b> Kevin R. Dupuis, President</p>	<p><b>NOTE:</b> (Several conversations and/or statements were made without clear identification of the speaker; therefore the speaker may be only marked as "Female", "Male", etc.)</p>

1 President Dupuis: Boozhoo, Anishinabe du. Uh, we're having some - - we're  
 2 making decisions up here. Uh, we need to uh, make sure that this is  
 3 going to be done right. So, uh, one of the - - one of the issues is  
 4 that initial thing that was passed out to everybody - - if it's been  
 5 passed out, from this morning - - needs to be taken back. Because  
 6 no - - no other charges or things can be applied after the initial  
 7 motion that was done. Okay? So we're going to follow the  
 8 Constitution the way the Constitution's supposed to be followed. So  
 9 we're going to have somebody go around - - if them documents  
 10 were given, we'd like them back. Because no additional information  
 11 can be brought forward at this point, from the initial uh, motion and  
 12 the second for the - - the meeting. Or the hearing.

13 (pause)

14 President Dupuis: Okay. We'll start in a minute here when Melanie comes back up  
 15 here. (short pause) So how is everybody today? Pretty good?  
 16 We had a great Constitutional Convention meeting at - - at Fond du  
 17 Lac the last two days. It went really well. Had a lot of people, a lot

18 of good discussion. Had some great door prizes. Hint, for Leech

19 Lake. Hint. But...

20 (laughter)

21 President Dupuis: Okay. I'd like to bring Tribal Executive Committee Special Meeting

22 to order. I want to make a clarification to this, that within the

23 Ordinance - - the censorship ordinance - - in 9.4, it does state that

24 it's a "meeting". But 9.5 gives the direction to - - for the TEC to act

25 in the capacity of two different issues. One to exonerate and one to

26 actually call it the "censure", which at that time would go back to the

27 individual Band. Which would be White Earth. I just want to make

28 that clarification because there is a hearing in part of this - - this

29 meeting. So with that, roll call, please.

30 Mr. Frazer: Okay. Roll call. Tara Mason?

31 Ms. Mason: Here.

32 Mr. Frazer: Terry Tibbetts.

33 Mr. Tibbetts: Here.

34 Mr. Frazer: Kathy Chavers.

35 Ms. Chavers: Here.

36 Mr. Frazer: Dave Morrison?

37 Mr. Morrison: Here.

38 Mr. Frazer: Marie Spry?

39 Ms. Spry: Here.

40 Mr. Frazer: Dennis Morrison.

41 (short pause)

42 Mr. Frazer: Ferdinand Martineau?

43 Mr. Martineau: Here.

44 Mr. Frazer: Kevin Dupuis?

45 President Dupuis: Here.

46 Mr. Frazer: Melanie Benjamin?

47 Ms. Benjamin: Here.

48 Mr. Frazer: Carolyn Beaulieu?

49 Ms. Beaulieu: Here.

50 Mr. Frazer: Archie LaRose?

51 Mr. LaRose: Here.

52 Mr. Frazer: Faron Jackson?

53 Mr. Jackson: Here.

54 Mr. Frazer: We have a quorum.

55 President Dupuis: Okay. With that, can we have - - go with the Invocation, which  
56 would be Ricky White and Murphy Thomas? And Merlin Deegan?

57 (Invocation given)

58 Translation given: Just, uh, wanted to say a few words in English, to translate. It's an  
59 honor to be given tobacco to smoke in our pipes. To open up any  
60 meeting that brings our people together, Anishinabe. These are the  
61 gifts that were given to us. Our pipes, our drum, our eagle feathers,  
62 our medicines. To bring our people together. 'Cause in the end we  
63 want what's good. That's the message that - - that I received as we

64 smoked these pipes. That song is the pipe song. We're sending  
65 those messages, those thoughts, to our Good Spirit. And we know,  
66 definitely thought about our (Ojibwe words), our leaders. Our  
67 Chiefs. The challenge of leadership is one that doesn't go past  
68 each day. They go well into the night. In the end, you know as  
69 people as well, Anishinabe, that we just want what's good.  
70 Sometimes in a meeting when we come together, our thoughts and  
71 our minds sometimes get the best of us. So the thing that hit me, is  
72 that word (Ojibwe word), literally (inaudible) with something. It's  
73 again to be honored and have our leaders here. Our drum. Our  
74 medicines to send that good message to all of you good people,  
75 Anishinabe. I say Miigwech (inaudible).

76 (pause)

77 President Dupuis: Okay. Miigwech. Miigwech. Is there a motion to approve or deny  
78 the agenda?

79 Ms. Chavers: Uh, Mr. Chair? Um, this is Kathy Chavers. I would like to at this  
80 time, with uh, no disrespect to Mille Lacs but to table that issue until  
81 our next meeting? Or if a meeting could be set up separately to just  
82 address that issue? Um, it is - - it was my uh, understanding that  
83 today's um, meeting was to address the White Earth Reservation,  
84 Tara Mason, and the censorship. And uh, not knowing how long  
85 that process will take, I don't want to do a disservice to Mille Lacs

86                                   either. Um, so I would like to table that uh, until the next meeting if  
87                                   possible?

88   President Dupuis:   Is that a motion?

89   Ms. Chavers:        Yes, please.

90   President Dupuis:   Okay. There's a motion by Cathy to table the Mille Lacs Band  
91                                   issues.

92   Ms. Beaulieu:       (inaudible due to distance from a microphone) - - and I second.

93   President Dupuis:   There is a motion and a se - - the motion is from Kathy. Second by  
94                                   Carolyn. With a request. If there's any questions to the Mille Lacs  
95                                   issue, that they contact Todd Matha. Um, with that motion and a  
96                                   second, all in favor, say "Aye".

97   Voices in unison:   Aye.

98   President Dupuis:   Opposed? Silent?

99   Ms. Benjamin:       Silent.

100   President Dupuis:   One silent by Melanie. Are there any add - - any more add-ons or  
101                                   deletions to the Agenda? (short pause) With that, is there a motion  
102                                   to approve or deny?

103   Ms. Chavers:        I'll move to approve.

104   President Dupuis:   There is a motion by Cathy to approve the Agenda.

105   Mr. Tibbetts:        Second.

106   President Dupuis:   Second by Terry. There is a motion and a second to approve the  
107                                   Agenda. All in favor, say "Aye".

108   Voices in unison:   Aye.

109 President Dupuis: Opposed? Silent? Okay, so we have the - - on the Agenda here is  
110 the Secretary/Treasurer Tara Mason. And what happened at the  
111 last TEC meeting, the TEC made a motion and a second for  
112 censure. And under the rules and regulations under the new  
113 ordinance... the statement was a "censure hearing". Correction. But  
114 with - - within the ordinance that we have, under section nine  
115 ninety-four - - or nine point four (9.4), it states that it's a "meeting".  
116 But also within nine - - nine point five (9.5), it also states that - - that  
117 two things will happen outside of this meeting today. One would be  
118 to exonerate uh, the Secretary/Treasurer of White Earth, Tara  
119 Mason. Or move forward with the censorship of  
120 Secretary/Treasurer Tara Mason, which would go to the Band level  
121 at that time. So with that, I just have to give my (chuckling) opinion.  
122 I - - I believe it's also a "hearing" inside of a "meeting". If that makes  
123 any sense. So, we're going to start. Uh, bear with us and I'll ask  
124 everybody when - - uh, (inaudible) over there spoke (Ojibwe word),  
125 the respect principle has to be here today. So, let us do what we  
126 need to do today, following the Constitution of this ordinance,  
127 whether we agree with it or not. It's here. We're - - I will do  
128 everything I can to make sure that our Constitution is followed in  
129 that manner. So just bear with us. And uh, please, let's not argue  
130 today. Okay? Miigwech.

131 Ms. Mason: Uh, Mr. President?

132 President Dupuis: Yes?

133 Ms. Mason: Uh, I would like to start. Um, Boozhoo. Tara Mason,  
134 Secretary/Treasurer for White Earth. Uh, what happened in  
135 October um, one, is - - it's semantics whether it's a "meeting" or a  
136 "hearing". I, of course, say that this is a "meeting". When we look  
137 at the Constitution, Article X, Section 4 um, the TEC doesn't go into  
138 a "hearing". But, so just moving on with that uh, either way um,  
139 what I have prepared today - - I've had the 45 days to prepare my  
140 response to the allegations. And uh, just for clarification, I know  
141 some of the membership may have seen this. Um, there was uh,  
142 distribution of the - - the charges and allegations against me. Um,  
143 two packets went out. Both packets have been since picked up.  
144 Because the only thing that can be presented at this meeting was  
145 what was given to us um, in October on Fond du Lac. And what  
146 had happened is that there was additional things added in uh, by  
147 Chairman Tibbetts. So those things, I had requested be picked up.  
148 Because again, we're going to talk about uh, Due Process when we  
149 get to Charge 5. And uh, we can kind of go through some of those  
150 things. So me being charged with violating the Constitution, Article  
151 XIII um, I think applies at all times at this table. So we'll go through  
152 and we'll address those. The other thing that I'm asking um, Mr.  
153 President, is that the charges were read to me by a Band member  
154 in October. And um, for everyone here, I just want to make sure

155 that we're - - we're clear and we understand that when these came  
156 in October, I did request um - - well, the first thing that I did say was  
157 that "this is White Earth's business". This is White Earth's business.  
158 How many times at this table has something gone back because it  
159 is Band business? The second thing I also said is that um, that this  
160 be heard on White Earth first. The last time there was a censure  
161 motion made at this table, it came with a resolution from the RBC of  
162 White Earth. It was heard at a Quarterly. It was heard at a  
163 Quarterly public meeting before it came to this table. Again I'd  
164 asked earlier when it was first put on the Agenda to be able to see  
165 the charges. I was - - I wasn't able to see them or receive them  
166 until the rest of the full Body um, received them. So when we start  
167 looking at the process, when we start looking at - - at how we're  
168 following the Constitution, which I think we've clearly uh, recognized  
169 um, with White Earth's process that - - that we do follow this  
170 Constitution. And we need to. And I think it's very serious. And  
171 um, and I think it's very important. So what I'm going to do is I'm  
172 going to read the charges again for the membership that - - that  
173 wasn't able to hear them or see them. So we're clear on what the  
174 charges are. I'll also briefly go through some of the evidence that  
175 was presented against me. Um, and then I will answer to the  
176 allegations. This will be my response to the allegations. Um, and  
177 I'll have some questions, of course, for the TEC. I have uh, three



178 witnesses that I would like to call on the first charge. So I'll - - I will  
179 ask them to come up. Um, I've asked no - - no White Earth  
180 employees to um, have to present any evidence. Um, but I will ask  
181 Gary Frazer. And I will ask the MCT Attorney, Phil Brodeen um, if  
182 there's any clarifications or if - - if I need any kind of um, assistance  
183 with walking through some of these processes. So um, with that, I  
184 think I will start by reading um, what was presented in October.  
185 Um, as we know, nothing in addition can be presented. Otherwise  
186 we would have to go again with another motion. And a second.  
187 And again, I would get forty-five (45) days. "Censorship Hearing  
188 request. Tara Mason, White Earth Secretary/Treasurer. October  
189 twelve (12), twenty-seventeen (2017). Honorable Tribal Executive  
190 Committee members: Based on the following information, it is with  
191 utmost concern that we have humbly request a hearing to be  
192 scheduled to deliberate the censorship of Tara Mason, White Earth  
193 Secretary/Treasurer. As you will see below by the examples we  
194 present today, Ms. Mason has not only failed to look out for the best  
195 interest of White Earth Band of Ojibwe and its members. She has  
196 repeatedly broken written laws of the White Earth RBC and failed to  
197 follow the oath of office she took to uphold Constitution Bylaws of  
198 the Minnesota Chippewa Tribe. With neither RBC resolution or  
199 TEC Constitution preventing her reckless actions, we feel we have  
200 no choice but to ask for - - ask to begin the censorship process

201 pursuant to Article X, Section 2, (a): Malfeasance in the handling of  
202 Tribal affairs, (b) Dereliction of duty, (e) Refusal to comply with any  
203 provisions of the Constitution and Bylaws of the Tribe". And so  
204 what you'll see before you is within my 45 days of preparing for my  
205 defense, which um, which I have been doing and using, so this has  
206 limited um, my ability to perform some of my job duties as  
207 Secretary/Treasurer because I've been focused on this. Um, one of  
208 the pieces starting with - - on the front page. Everybody should  
209 have a Table of Contents. And that will go through all of the  
210 different pieces that we have. Uh, one of the - - under Section 1,  
211 under Tab 1, we have the Revised Constitution Bylaws of the  
212 Minnesota Chippewa Tribe as that's what we're referring to. And I  
213 see that um, MCT also brought pieces of that. Behind that, we have  
214 I-65. I-65 is White Earth's Bylaws. I know for others have I-64 and  
215 Mille Lacs has statutes. Um, but I-65 - - and we're the only  
216 Reservation that has that - - um, is included in the packet because I  
217 know the charges do refer to I-65. So, just for convenience um...  
218 I've included those just for reference purposes. Okay. So when we  
219 go into um, Allegation 1. Well, let me - - before I start reading that.  
220 Here's the piece that I want to remind the TEC. No disrespect.  
221 But.. as we've seen there's been additional inclusions of - - of paper  
222 that has been brought to this table that we know cannot be allowed.  
223 And so I really appreciate the fact that those were able to be um,

224 turned back in. And um, and uh, so we can kind of move forward  
225 with these. The other piece too, is that we need to be able to prove  
226 that this packet that came in October shows evidence - - evidence  
227 - - of fact. Okay? And so I think that's one of the pieces. Um, I  
228 have a number of pages as you all see. Um, that will respute (sic)  
229 that. But I need to remind you guys that... they cannot make  
230 allegations without providing fact. Right? So my basic and easiest  
231 argument would've been, "Where are the facts to prove this?" With  
232 nothing really attached um, I think the issue and the problem then  
233 comes, "Can this be proved?" What I've done for clarification and  
234 because we know that we are going into an election year is that I  
235 have answered to the allegations. So we can't just throw out  
236 rumors. We can't throw out hearsay. We can't throw out opinions.  
237 And not back them up by fact. This has really had my focus for the  
238 past forty (40)-some days. And I put this together to prove that I did  
239 not violate the Constitution. Not only for this table but also for the  
240 White Earth membership. Because these kind of attacks are going  
241 to continue on for all of us, as we know, and especially for the  
242 Secretary/Treasurers sitting at this table, that it starts. And it has  
243 started. Um, so this is about politics. This isn't about what has  
244 been presented. So with that, I will go through and I will answer to  
245 the allegations that have not been supported by fact. Charge One:  
246 A MCT Constitutional Educational Meeting was held on September

247 twenty-fifth (25<sup>th</sup>) and twenty-sixth (26<sup>th</sup>), twenty-seventeen (2017)  
248 at the Shooting Star Casino. TEC member Tara Mason made the  
249 decision to undermine and override a TEC eleven-oh (11-0) vote to  
250 contractually hire NNI-NGC to facilitate and take notes at the  
251 Constitutional Educational session. It is our interpretation of the  
252 portions of this Constitution below that the local RBC resolution that  
253 was passed not allowing anyone that was not an enrolled member  
254 of the Tribe to attend should not supersede the TEC resolution that  
255 was in place. And did not meet the necessary timelines for  
256 approval and enactment. Below is included MCT Revised  
257 Constitution Article VI, Authorities of the Reservation Business  
258 Committee, Section 1(c): To consult, negotiate, contract and  
259 conclude agreements on behalf of its respective Reservations with  
260 federal, state and local governments or private persons or  
261 organizations on all matters within the power of the Reservation  
262 Business Committee provided that no such agreements or contract  
263 shall directly affect any other Reservation or Tribal Executive  
264 Committee without their consent.” The second bullet is MCT  
265 Revised Constitution Article XV, Manner of Review, Section 3: “Any  
266 resolution or ordinance enacted by the Reservation Business  
267 Committee, which by the terms of this Constitution and Bylaws is  
268 subject to approval by the Tribal Executive Committee, shall within  
269 ten (10) days of its enactment be presented to the Tribal Executive

270 Committee. The Tribal Executive Committee shall at its next  
271 regular or special meeting approve or disapprove such resolutions  
272 or ordinances.” Such resolutions or ordinances. “Upon approval or  
273 disapproval by the Tribal Executive Committee any resolution or  
274 ordinance submitted by the Reservation Committee - - Business  
275 Committee - - it shall advise the Reservation Business Committee  
276 within 10 days in writing of the action taken. In the event of  
277 disapproval, the Tribal Executive Committee shall advise the  
278 Reservation Business Committee at that time of its reasons  
279 therefore”. So we’re going to start with the first part of the allegation  
280 number One. Um, “TEC member Tara Mason made the decision to  
281 undermine and override a TEC 11-0 vote to contractually hire  
282 NNI/NGC.” So um, well, I have on the big screen is the minutes  
283 from the Tribal Executive Committee, August twenty-second (22<sup>nd</sup>),  
284 twenty-seventeen (2017) um, Special Meeting that was held in Mille  
285 Lacs. Uh, towards the bottom of the page I have a motion made by  
286 Chairwoman Chavers to continue with the same format and utilize  
287 Nation Nations Institute with an option for each reservation to select  
288 a co-facilitator. Second by Committee-woman Spry. Eleven for,  
289 zero against, zero silent, motion carried.” So when we start looking  
290 at the allegation here, is that uh - - and a lot of times too, please  
291 bear with me - - I wasn’t really sure on how to be able to respond to  
292 this because it’s kind of vague? Uh, what kind of decision was

293 made to undermine and override the eleven-oh (11-0) vote? Um,  
294 one, looking at the contract. So as the TEC members know, there  
295 were a number of e-mails that were sent um, from my computer by  
296 me, written by me that had serious concerns with NNI. So White  
297 Earth, as you know, has lost the Chairwoman. Right? So we had  
298 - - our Chairwoman resigned. And a huge reasoning for that came  
299 to the Bush Foundation and the support of moving forward with  
300 White Earth's own Constitution. So a number of things happened  
301 there but NNI - - Native Nations Institute - - is the Bush Foundation.  
302 That is Bush Foundation money. And as you know, I requested a  
303 number of times in e-mails that you would take that into  
304 consideration that this, and the amount of money that they spent on  
305 White Earth has created a lot of hardships and difficulties on White  
306 Earth. One basic is the confusion of the Minnesota Chippewa  
307 Tribe, our Constitution. Without their understanding of exactly what  
308 needed to happen it really became a mess on White Earth. And it  
309 was really difficult for a number of years trying to figure out and  
310 straighten out what had happened. So that is one of the reasons  
311 why um, I had a strong opposition that this does directly affect  
312 White Earth. And that's why I voiced my concern. As you all know,  
313 I was not happy. I was not pleased. And I did not support the  
314 decision. But I did vote in favor for the motion made because we  
315 could have co-facilitators. And to me, that was very important.

316 Because it's been about the membership. The membership needs  
317 education and they need to have a voice in this process. And that  
318 is why I, at a TEC meeting, made a motion for a Constitutional  
319 Convention. Because I think this is the opportunity to straighten out  
320 some of the things that have happened. And when we get further  
321 along in these allegations, we can have um, further discussion  
322 regarding some of this. So, as we see that - - I don't argue that - -  
323 that there was an eleven-oh (11-0) vote. But also on the next page  
324 um, I have included an e-mail and some correspondence. One, I  
325 did e-mail the entire TEC. And I asked for the contract. Um, and  
326 that was August twenty-ninth (29<sup>th</sup>), twenty-seventeen (2017). And  
327 I have a response from Gary. Said that, "Tara, I talked to Wayne  
328 Ducheneaux today and he will be sending the contract to me as  
329 soon as tomorrow. When I receive a copy, I will send it out to all  
330 TEC members". And then if we go to the next page, we have um,  
331 and I will just read uh, really quickly: September fifth (5<sup>th</sup>), twenty-  
332 seventeen (2017) from Gary: "Wayne, I am talking about the  
333 agreement between MCT and the University of Arizona Board of  
334 Regents similar to the one I received prior to the Mille Lacs  
335 agreeing to act as the fiscal agent for their first meeting. I will  
336 forward this e-mail to Joan as well." So now we're into September  
337 fifth (5<sup>th</sup>). I believe at the meeting - - at the special meeting - - I did  
338 ask to see the contract at that time because I wanted to be clear on

339 the roles and responsibility of each of these entities. The next page  
340 is Native Government Center. Uh, Wayne Ducheneaux II. Um,  
341 that's just quickly going through what um - - even though we don't  
342 have a contract? But the agreement between the entities. The  
343 following page is just page 2 of 3. And the last page, page 3 of 3  
344 with signature at the top. We have Gary Frazer, Executive Director  
345 of MCT signing the agreement on November eighth (8<sup>th</sup>), twenty-  
346 seventeen (2017). So at that time, I had never seen a contract nor  
347 has any agreement been signed just until this month as well. But I  
348 think everybody was in agreement and they moved forward with the  
349 facilitators at that time. So what I'm going to do after reading this - -  
350 and again going back to "TEC member Tara Mason made the  
351 decision to undermine and override a TEC eleven-oh (11-0) vote to  
352 contractually hire NNI-NGC to facilitate and take notes at the  
353 Constitutional Educational sessions." So I'm not really sure what  
354 that means, that I "overrode" vote. We did select and picked our co-  
355 facilitators and I at that time, I'm requesting that Dale Guy Greene  
356 - - um, if he's in the audience - - if you would please come up? I'd  
357 also ask for Marvin Manypenny and Ray Bellcourt. If you could  
358 please approach. Um, I have some questions when we start talking  
359 about the facilitators and who was actually here to um, take care of  
360 the process for us.

361 President Dupuis: Dale? Marvin? And Ray. Are you here?



362 (short pause)

363 President Dupuis: My bad.

364 Ms. Mason: So the piece and reason why I'm - - I'm calling them and asking  
365 them to be uh, the witness um, for this process - - as this is a quasi-  
366 hearing - - is uh, for the fact is when - - and I don't know the  
367 difference between NNI or NGC. But when they chose to not be  
368 here on White Earth, I was not even on White Earth when the  
369 meeting was held. And so then I ask um, if you guys would speak  
370 to a meeting that was held uh, September twentieth (20<sup>th</sup>). I believe  
371 it was a Thursday? Um, at the White Earth RBC building in uh,  
372 Terry Tibbetts' office. Um, my understanding, because I was not in  
373 attendance in this meeting um, but I know Wayne Ducheneaux was  
374 present. And if you could speak to the meeting and exactly what  
375 the conversation was. Because I want to - - um, the membership to  
376 know that I never asked. I never instructed. And I never told NNI or  
377 NGC that they could not be at the meeting. So, if somebody would  
378 like to speak to the meeting, I'd really appreciate it.

379 Dale Greene: My sugar's already high.

380 (laughter)

381 Dale Greene: But that's a joke. Uh, I believe uh, the week, you know, that week  
382 we're talking about on Wednesday, I got a phone call and I was  
383 asked if I would be uh, one of the co-facilitators for the White Earth  
384 Constitutional Convention Informational meeting. Uh, no. Let me

385 back up a little. Monday. And uh, I took personal leave on  
386 Wednesday, Thursday and Friday uh, and the following Monday  
387 and Tuesday to facilitate the - - uh, to be one of the co-facilitators in  
388 the Constitutional Informational meeting. Uh, when I was off on  
389 Wednesday, I called all the Native Nation Institute people, Joanie  
390 Tenache (phonetic) Timeche, Diane something or another and  
391 another lady. And said that uh, Mr. Manypenny and I would be the  
392 co-facilitators at the next Monday's Constitutional Convention  
393 Informational meeting and I'd like to talk to them about the agenda  
394 and the format that we were going to co-facilitate with. Um, I didn't  
395 get any call back. I - - I did then reach out to Native Nations  
396 Governance, uh Mr. Wayne Ducheneaux and left a message for  
397 him. Uh, but apparently he had a - - a death in his family. He lost  
398 his mom and he was out that week. Um, I think it was that  
399 Thursday or possibly Friday, I did get a phone call from Chairman  
400 Tibbetts. And he said that Wayne Ducheneaux was on his way up  
401 from Mille Lacs. Uh and that uh, he wanted to meet in Mr. - - meet  
402 - - uh, wanted to meet with Mr. Manypenny, myself, and if we were  
403 available. And uh, just so happened that I was on my way to White  
404 Earth to meet with Mr. Manypenny and figure out uh, what was  
405 going to happen on the - - the following Monday and Tuesday. Uh,  
406 shortly after getting in White Earth, Chairman Tibbetts did call me  
407 and said that Mr. Ducheneaux was in his office. And uh, if uh, Mr.

408 Many penny and myself and Mr. Bellcourt, you know, could we  
409 come and meet with him and Mr. Ducheneaux. Uh, get to  
410 Chairman Tibbetts' office and uh, Mr. Wayne Ducheneaux's there. I  
411 think uh, Mr. Tibbetts was there. Uh, I believe also the Executive  
412 Director Ken Fox was there. Um, came in. It was a nice meeting.  
413 Uh, Wayne - - Mr. Ducheneaux - - you know, he kept saying that he  
414 wanted to respect the decision of the sovereign uh, White Earth  
415 Tribal Council's decision uh, having to do with uh, facilitating and - -  
416 in that he kept saying that uh, they wanted to respect White Earth.  
417 And he also indicated that the - - the folks coming from the Arizona  
418 university - - the Native Nations Institute - - had not had enough  
419 time to book their flights. And they weren't going to be in White  
420 Earth on Monday, Tuesday. And he kept reiterating that uh, it did  
421 sound like it was - - they were going to make it on Monday and  
422 Tuesday. And uh.. I told him that when people would ask me why  
423 they weren't there, I was going to tell them that when the - - I had  
424 sent the information to meet with Native Nations Institute to be the  
425 co-facilitator with them, I had included the Kevin Washburn letter to  
426 former Chairperson Erma Vizenor. I included the uh, former  
427 President Norman Deschampe's letter to uh, the Interior  
428 Department Kevin Washburn at that time. I included the letter from  
429 former President Norman Deschampe to um, Erma Vizenor. And  
430 also the letter that former President Norman Deschampe uh, wrote

431 to Mr. Ray Bellcourt. And I told Mr. Ducheneaux uh, because of the  
432 problems on White Earth um, that was the reason that they were  
433 backing out. And - - and the - - it was kind of a flippant remark. I'm  
434 not going to apologize because at the time that's what I really felt  
435 was happening as they didn't want the controversy of - - of those  
436 letters uh, being uh, included in their Informational Constitutional  
437 packet. Uh, and.. you know, I - - I hate to say this but I actually  
438 begged Wayne to stay in to the - - the Constitutional Convention  
439 meeting. I told him that we're co-facilitating. Uh, you know, that uh,  
440 he was saying that uh, for the Native Nations Institute, you know,  
441 there was just no time for them uh, you know, to make it to White  
442 Earth. Which is kind of funny since uh, they had the schedule far in  
443 advance to make any flight arrangements and hotel arrangements  
444 that uh, you know, at least a month prior to the scheduling of the  
445 White Earth Constitutional Convention Informational meeting. Uh,  
446 so I left the meeting uh, with the understanding that Wayne  
447 Ducheneaux was going to be at the meeting. And he was going to  
448 fill - - fulfill whatever obligation he had on recordkeeping and note-  
449 taking and uh, he was going to make those notes available to the  
450 TEC. That's my understanding of what happened uh, at the  
451 Thursday or Friday before Monday's Constitutional Convention  
452 Informational meetings. Uh, the politics, I don't know what was  
453 going on behind the scenes. You know, I was just happy to be

454 included as one of the co-facilitators. I made that - - made that sure  
455 that Mr. Ducheneaux understood that. So. Any questions? Okay,  
456 I'm going to turn the mic over to my left and Mr. Marvin Manypenny.  
457 Mr. Manypenny: Uh, as I recall we met on uh, September twentieth (20<sup>th</sup>). Uh,  
458 myself, Dale and Raymond. Um, Chairman Tibbetts was there.  
459 Uh, Umsy was there, as well as Wayne Ducheneaux. Uh, I believe  
460 as I recall, Ken Fox was also there briefly. He didn't stay for the full  
461 meeting. Uh, several different things were discussed. I think we all  
462 said that we'd uh, go along with the Native Nations Institute's format  
463 and agenda. And uh, I think some issues was also brought up on  
464 other members being recommended to be a facilitator. And uh, as I  
465 recall I um, stated to Chairman Tibbetts that if there was a problem  
466 with me being a facilitator, and someone else was chosen - - - and I  
467 believe that person was uh, Leonard Roy - - I made it known that I  
468 would uh, give up my position as a facilitator. And let uh, Leonard  
469 Roy take that uh, position. And all I requested is that I be given the  
470 opportunity to uh, bring up uh, the issues I was concerned of. That  
471 was my only concern. I wasn't there to uh, play politics. Uh, I  
472 wanted it known that uh, you know, if the Chairman had a  
473 preference for Leonard Roy to sit there, he could sit there. (Small  
474 break in audio, unknown exact length) But I did want the opportunity  
475 to bring the issues forward that were pertinent to the Constitution  
476 and some of the things that went wrong. And by the way, I did ask

477 if uh, Mr. Ducheneaux in fact had a contract. He stated in the  
478 negative. Uh, no contract was shown to me at that uh, point in time.  
479 So um, I thought - - I thought it went well. I felt Mr. Ducheneaux  
480 acquiesced and uh, said, well, you know, (inaudible) time  
481 constraints he was under and also the fact that his mother had  
482 passed away and that's why he um, he wasn't able to make contact  
483 um, with them. I questioned well, there had to be a chain of  
484 command or uh, certainly there were other people that could've  
485 communicated with us. But anyway, he more or less turned it over  
486 and uh, to us to run it. And he would record it or something to that  
487 effect. But uh, it wasn't that anybody chased him off. At least in - -  
488 in uh, my understanding. That's the way I recall it. So, there wasn't  
489 anything that - - that we said to uh - - um, say that we didn't want  
490 him here. We said we'd work with him. And we meant it. That's  
491 the way it was.

492 Mr. Bellcourt: Good morning. Uh, about all I can answer that is I was asked by  
493 Chairman Terry Tibbetts if I would be a co-facilitator and come to  
494 that meeting. Which I did. And I - - it was my understanding that  
495 Mr. Ducheneaux uh, backed out on his own. He said that uh, from  
496 what he understood, all he had to gather, was that uh, we had it  
497 under control and we could uh, handle it ourselves at White Earth. I  
498 remember Dale did ask him to - - to stay on. But he - - he uh,  
499 decided on his own that he was not going to be - - he said that uh,

500 once again I'll say it - - that he felt that the people at White Earth  
501 could handle their own situation. And we had discussed the Bush  
502 Foundation and the problems that we were having. That all the  
503 money they were putting into White Earth was causing more  
504 confusion than anything else. So, I came because Terry had asked  
505 me to come and uh, and Marlin also asked me to come. And - - and  
506 I didn't know - - I didn't really know what was going on at that point  
507 until I got there. And uh, but after further discussion, like I said, Mr.  
508 Ducheneaux backed out on his own. He just said that, you know,  
509 he felt that uh, everything would be - - could be handled in the right  
510 compassion by the people at White Earth. So that's about all I  
511 could add to that.

512 Ms. Mason: Any further questions?

513 President Dupuis: Are there any further questions? Are there any questions?

514 Female: Mr. Chairman? Members of the TEC. I have a question. Why isn't  
515 Wayne Ducheneaux here? This is all hearsay. He should be here  
516 himself. Or had written some kind of documentation saying exactly  
517 what happened. But this is hearsay.

518 Ms. Mason: Excuse me, Mr. President. Um, for the members um, in the  
519 audience, the concern is that the three that were present with the  
520 Chairman on White Earth, that their testimony is "hearsay". Um,  
521 Dale, Marv, Ray, were you guys at the meeting?

522 Male voice: Yeah. It was a "hearsay" meeting.

523 (laughter)

524 Ms. Mason: Okay. So these are the witnesses that I called. Um, and I wasn't - -  
 525 again, like I said, I wasn't present so I'm not going to present  
 526 hearsay because I was not in attendance. Chairman Tibbetts was  
 527 in attendance at this meeting. And I wasn't aware that they were  
 528 not going to be there until um, later that day. I myself was in um, I  
 529 believe I was in Maple Grove. So - - taking care of some insurance  
 530 um, meeting with some of our insurance partners. Uh, so with that,  
 531 I don't have any other questions for them. Thank you, guys.

532 Male in audience: (inaudible) Um, there was a Constitution convention or meeting at  
 533 Mille Lacs previously, right?

534 President Dupuis: Correct.

535 Male in audience: And Ducheneaux was there and then I was there. Uh, was there a  
 536 monetary amount given to them from Mille Lacs? (inaudible) My  
 537 point is this, there's - - they're expecting someone to be there and  
 538 there is either a contract or mutual agreement or whatever that  
 539 might be.

540 Female voice: (from audience) Can't hear him!

541 Male in audience: - - (inaudible) White Earth - -

542 Ms. Mason: Um - -

543 Female voice: Can't hear you!

544 President Dupuis: What - - what we need to do is, let's go through this entire process  
 545 and come up with the questions. Because if - - if we take the



546 questions from the audience, we'll be here for about fifteen different

547 days. So, just - - and I'm - - I'm not - - no disrespect whatsoever.

548 Um, but to answer your question um - -

549 Male in audience: What do you (inaudible)? What (inaudible)?

550 President Dupuis: We - - we - - we followed what - - what the TEC requested. As - -

551 as their vote to have the Native - -

552 (short period of applause)

553 President Dupuis: - - Nations Institutes there. But we also had a co - - co-facilitator

554 also. We also had a co-facilitator at our meeting that we just had

555 Monday and Tuesday. (short pause) There - - there was a

556 statement by Terry to inform everybody that it is not a

557 "Constitutional Convention". That the - - the meetings that are there

558 is a "Constitutional Convention Education meeting". So it is not a

559 true "Constitutional Convention" yet.

560 Ms. Mason: Okay. To sum up um, my response to that is that I never asked

561 them to not attend. Um, I wasn't on White Earth when the meeting

562 happened uh, that was held in Chairman Tibbetts' office from my

563 understanding. And that they elected to not attend themselves.

564 Even though that they were asked by Dale to - - to be there to be

565 the co-facilitators. So one, that's an allegation that's unfounded.

566 And there's no proof to that. Um, moving forward, "It is our

567 interpretation that the portions of the Constitution below, that the

568 local RBC resolution that was passed not allowing anyone that was

569 not an enrolled member of the Tribe to attend should not supersede  
570 the TEC resolution that was in place. And did not meet the  
571 necessary timeline for approval and enactment”. So this goes back  
572 to Article XV, Section 3: Manner of Review. Um, one of the  
573 questions that I know wasn’t answered in the October Regular  
574 Meeting of the TEC, was um - - maybe if we could flip - - flip the  
575 page? And we will go to the August twenty-eighth (28<sup>th</sup>), twenty-  
576 seventeen (2017) meeting minutes. Um, and then if we flip the  
577 next page and we go to Agenda for Constitution. “Kathy stated to  
578 have an agenda set up with David Greene” - - sorry about that.  
579 “And Marvin Manypenny. Ken will follow up with a letter to them.”  
580 So that was talking about our co-facilitators. On page - - with the  
581 following page, we have a Special Meeting, September eighteenth  
582 (18<sup>th</sup>), twenty-seventeen (2017). That following um, page  
583 discusses, “A brief discussion was held regarding Tribal enrolled  
584 employees to attend. Motion made by Punky. Tribal enrolled  
585 members participate only. Second by Tara Mason. Motion carried,  
586 four (4) for, zero (0) against”. So that was actually taken by the  
587 Body. Um, in legal session. And um, I did not do that but the RBC  
588 did have a motion. So I think this is a case where it comes down to  
589 uh, where we’re at with following the Constitution. Article XV,  
590 Section 3 speaks to Resolutions and Ordinances. We never had a  
591 resolution that came from the RBC. As we all know sitting at this

592 table it is the Chair and the Secretary/Treasurer that signs  
593 resolutions. There was no resolution presented. Nor from my  
594 understanding um, a resolution that came from this table. There  
595 was a motion but no resolution with a resolution number. So at that  
596 point, how does Article XV, Section 3 apply to this situation? I did  
597 request the resolution um, from the TEC and I did get a response  
598 from Gary Frazer that there was no resolution. Is that correct,  
599 Gary?

600 Mr. Frazer: Yes.

601 Ms. Mason: "Yes". Um, the other piece too, I have one further question for Gary  
602 when it comes to this. And then I will sum up Charge One. Um, so  
603 one of the pieces that we were talking about is the - - the taking  
604 notes and having transcripts of what transpired on White Earth for  
605 our Constitutional Education - - the Constitutional Convention  
606 Educational sessions - - uh, was that the conversation, was it and is  
607 it your understanding, Gary, that Wayne Ducheneaux is in the  
608 process of transcribing those? Or he said that he would transcribe  
609 to make sure that we have a full record?

610 Mr. Frazer: Ye - - yes, he did. Is this on?

611 Female voice: Yeah.

612 Mr. Frazer: Okay. When he left that meeting that day, he said he would make  
613 sure from the radio station, he would get a copy of their transcripts.  
614 And (inaudible) talk to them. And since then in previous meetings,

615 he said he's going to make a copy of um, the minutes of the  
616 meeting. And they - - he said that again Monday, that everybody  
617 that he could find copies of - - of um, the minutes from all the  
618 meetings, including - - including the White Earth one.

619 Ms. Mason: Okay. So, in my response to - - to the Allegation number One is  
620 that I "made a decision to undermine and override the TEC vote".  
621 That's speculative. I never made a decision. I was straightforward  
622 and everybody's seen my crazy chains of e-mails that were coming  
623 from me. But everybody knew perfectly well where I stood and how  
624 I felt about it. I also said that I would not undermine the decision  
625 and the vote that happened. And I didn't. I've never asked NNI or  
626 NGC to not be here on White Earth. I have never done that. I  
627 wasn't even on White Earth at a meeting that our Chairman, Terry  
628 Tibbetts, was at when they said that they were not going to attend.  
629 I cannot be held to Article XV as there was no resolution. Terry did  
630 not call for a resolution. Nor did I call for a resolution. I did not  
631 make the motion. And it was supported by the full voting Body four  
632 (4) to zero (0) in legal session.

633 Mr. Tibbetts: Why - - why wasn't there a resolution drafted up right after the  
634 meeting there, Gary? And uh, after we had the Special TEC?

635 Mr. Frazer: Because the action was just done by motion. We don't always draft  
636 resolutions on - - based on motions.

637 Mr. Tibbetts: Also the other thing when we come to this Educational Committee  
638 meeting over here, it was taken on by herself to remove everybody  
639 that was not MCT or affiliated with the Tribe in any way. Pushed  
640 them out the door. So I mean, that's - - that action there alone  
641 shows that she took it upon herself to make this decision.

642 Ms. Mason: Again, that's an allegation that I will refute. I did not make the  
643 motion. I didn't bring it up during that day. I don't know who  
644 brought it up. But the point is that I did not make the motion, Terry.  
645 And it was voted on by the entire Body.

646 Mr. Tibbetts: Where's Mike LaRoque? Is he in here?

647 Ms. Mason: Excuse me. This is my response. I don't have a witness list and I  
648 don't want to hear from Mike LaRoque.

649 Unidentified voice: (inaudible)

650 (laughter)

651 Male voice: (from audience) Why not?

652 (applause)

653 Mr. LaRose: Mike, come back.

654 (laughter)

655 Male in audience: (inaudible due to distance from microphone)

656 Mr. Frazer: (inaudible) yes, that's legal (inaudible).

657 Male in audience: Okay then, how - -

658 President Dupuis: (inaudible)

659 Male in audience: Yeah?

660 President Dupuis: Let's move forward with this.

661 Male in audience: No, let's not, damn it. Because he's (inaudible) that Wayne didn't  
662 want to be in here (inaudible). And now Gary Frazer's sitting here  
663 as Executive Director of the Minnesota Chippewa Tribe telling us  
664 and you folks that he's got a transcript. It makes no sense to me!  
665 Thank you.

666 President Dupuis: I can completely understand what you're saying.

667 Male in audience: It's fact! That's why, damn it.

668 President Dupuis: I - - I know but you're - - you're missing one - -

669 Male in audience: (inaudible) fact!

670 President Dupuis: Okay. I understand that. But you're missing one part of it. He left.  
671 And said he was going to transcribe from the recording of the radio  
672 station.

673 Male in audience: That makes no sense (inaudible) these three gentlemen just told us.  
674 He - - they told us that he didn't want nothing to do with us. Who  
675 are we to believe?

676 President Dupuis: He left because he was not an MCT member.

677 Ms. Mason: Mr. President, can we have a clarification on NNI and NGC?  
678 They're only acronyms. I don't - - I've - - I - - I call them "Native  
679 Nation Builders", which I know is incorrect as well. And I'm putting  
680 in all my e-mails. But can we have a clarification for our  
681 membership on the difference between these two entities?

682 President Dupuis: NNI is Native Nation Institute. Which is - - correct. Which is part of  
683 the University of Arizona. The other acronym, I don't know what it  
684 is. Native Governance Center. (short pause) (chuckles) Which is  
685 funded by the Bush Foundation.

686 (laughter)

687 President Dupuis: Two separate entities.

688 Female voice: (from audience) Really?

689 (pause)

690 President Dupuis: Are - - are there any other questions?

691 Male: (approaching the TEC table) Ahniin. (Ojibwe words) - - that's my  
692 community. I'm from Naytahwaush. Um, I don't know what you  
693 guys are all doing. Passing all these resolutions and everything  
694 else. But where is our voice in all of this? When have you guys  
695 ever had a referendum?

696 From audience: Yeah. Right?

697 Male: Besides that bullshit referendum that - - that (inaudible) tried to  
698 push through. You guys really want to know what's going on?  
699 Native Nation Builders and Native Nation Institute is the same  
700 place. It's all funded by the Bush Foundation. Their - - their main  
701 goal is to push infrastructure through Indian Country. You can see  
702 it right now because Donald Trump is doing it. You really want to  
703 know what's going on? They got a pipeline coming here. And I  
704 ain't been at any of these TEC meetings or MCT meetings or

705 anything else but you really want to know the truth? Is because  
 706 we've been working on that pipeline stuff. The stuff that Honor the  
 707 Earth says that they - - they got handled. And they don't. I got a  
 708 question. Who - - who's White Earth Nation? And why did White  
 709 Earth Nation sue Senator John Kerry? And why (inaudible) jump in  
 710 it? And why did - - why is all - - who's White Earth Nation? We're  
 711 Minnesota Chippewa Tribe White Earth Band. Hey, ain't I allowed to  
 712 ask questions, Mike?

713 From audience: Yep. Right. Yeah.

714 Male: I know that this is all related to the same thing.

715 President Dupuis: Jerry.

716 Male: Where - - where's our resolu - - where's our referendum? Where's  
 717 all our people's voices? Did you guys like to listen? Look, you're - -  
 718 you're shutting me up right now.

719 President Dupuis: No. I - - I - -

720 Male: I know you guys settled three point three billion dollars went  
 721 seventeen (17) different Tribes. (inaudible) Thompson found - -  
 722 found the field in White Earth Nation. Got four hundred and ninety-  
 723 two million dollars. Who's White Earth Nation? As soon as Erma  
 724 was out of there, they dissolved White Earth Nation and made the  
 725 - - made - - and Terry brought back into the RBC. You guys are  
 726 business committees. You're not - - you're not legislators.

727 President Dupuis: If - - if - -



728 Male in audience: This is the place!

729 (applause)

730 From audience: Yeah!

731 Female: (from audience) Hey! My daughter's (inaudible) - -

732 Male: (unintelligible)!

733 Female: - - Leech Lake!

734 Male: This is the place!

735 Female: You have no right to sell her rights! You have no right to make

736 these agreements without a referendum!

737 President Dupuis: Right. But - -

738 Female: Everybody's rights needs to be heard!

739 President Dupuis: But this is not what we're talking about right now.

740 Male: It is what we're talking about!

741 Female: You're talking about - -

742 President Dupuis: I - - I don't want to - -

743 Male: (unintelligible)!

744 Female: (unintelligible)!

745 Male: - - (inaudible) these meetings. That when they build, what's going

746 to happen? That's all you guys do is put on this camouflage. You

747 arguing amongst yourselves! Who the fuck are you guys? This is

748 bullshit!

749 Female: Everyone's homeless. Houses boarded up! You can give

750 Mahnomens twenty million but you can't help your communities?

751 Male: I know and then look at. Then - - then you got legal pleas! Matthew  
752 Harding versus State of Minn - - State of Minnesota versus Matthew  
753 Harding. He proved in Mahnomen County we don't have civil  
754 regulatory. These cops are illegal. That's why Mille Lacs is going  
755 through their court case right now. Is because them counties  
756 realized that they're - - they're compacts? They're county cops in  
757 Tribal uniforms. Ask the cops. What state - - what - - what - - what  
758 laws are you pushing on us - -

759 Chief of Police: We're not going to push - -

760 Male: Do we ever have a referendum to (inaudible) laws?

761 Female: It doesn't have to be - -

762 (several voices at once; unable to decipher)

763 Male: They're kicking me out (unintelligible) over here!

764 Female: What the hell is that?

765 Male: Why am I being kicked out?

766 Female: Huh (unintelligible)?

767 Male: You know, my grandpa was John Reece from Red Lake and he was  
768 the last fucking (inaudible) Chief of Red Lake. And (unintelligible).

769 Chief of Police: Be quiet (inaudible).

770 Male: No, I don't have to be quiet. You people all (unintelligible) the truth!

771 Female: Everyone's voice to be heard!

772 Male: (inaudible)? (unintelligible) my family! Look at what they're doing.  
773 All these fucking (inaudible) talk is them? All this (unintelligible) talk  
774 is them.  
775 (Female and male continue speaking loudly; cannot decipher)  
776 Female: (unintelligible) and all of you getting fucking paid but it's supposed  
777 to be for everybody! This is supposed to help everyone. And a  
778 handful of people are getting rich off it! That's for the people!  
779 (applause)  
780 Female: It's not for you greedy people! It's your greed that's killing us!  
781 Ms. Mason: All right. Mr. President? Um - -  
782 President Dupuis: We - - we would like to take a five minute break - -  
783 (laughter)  
784 President Dupuis: - - if we can. Just - -  
785 (applause)  
786 President Dupuis: Just hear me out, please.  
787 (female shouts in audience)  
788 President Dupuis: What needs to be done here today is - - is one separate issue. And  
789 we're not going to be able to get through this if - - if this is what  
790 happens. And I'm - - and I'm not going to silence anybody. That's  
791 not my way. But when it comes to this, the discussion the  
792 gentleman brought forward, I wanted to respond to it. Um - -  
793 Female: (from audience) Please do!

794 President Dupuis: We're all part of the pipeline issue. You know, for somebody to  
795 come up and say none of us have been to these meetings and we  
796 haven't done this and that, is absolutely wrong. And I think - - and  
797 - - and everybody's going to have their anger because it's - - it's  
798 hurting us. But to make the claim and say, "You haven't been to  
799 none of the meetings" is absolutely wrong. To make the claim and  
800 say, "You weren't at Standing Rock" or issues like that. That's  
801 absolutely wrong. 'Cause some of us were! I watched the dogs. I  
802 watched it - - all these little kids come down off the hill with - - with  
803 CS gas in their face? And being in the military? Understanding  
804 what CS does. CS gas does? I've been there. So have some of  
805 the others. And it shouldn't be - - that shouldn't be thrown on us  
806 today. There's a time and place for this battle. And that battle isn't  
807 right here right now. We're dealing with another issue. And I don't  
808 want to silence anybody. I don't want anybody to take it that way.  
809 But let's move through this. You asked us to follow the  
810 Constitution. We're trying to follow the Constitution. There is going  
811 to be questions. There is going to be opposition. And we  
812 understand that. But we've never been here before. We have  
813 never been to the point where we're this far into a Constitutional  
814 Convention principle. Something has to be working. And I'm not  
815 saying it's perfect. But give us the chance. Give us the chance of  
816 what you've asked us to do. But not everything's right. There's a

817 whole lot of stuff that's wrong here. But let us get through this day  
 818 with this, please. Miigwech.

819 (applause)

820 (recess)

821 President Dupuis: Are we ready? Okay, can - - I just want to say one more thing real  
 822 quick. Um, please, if we can, let's - - let's - - let us get through this.  
 823 We're going to follow the Constitution the way it is. And uh, just  
 824 bear with us, okay? Thanks.

825 Ms. Mason: Um, okay, in conclusion of the allegation of Charge One, I did not  
 826 um, undermine or override the TEC vote. Uh, and also just for  
 827 clarification purposes is um, Chairman Tibbetts, is what - - Dale  
 828 Greene, Marvin Manypenny and Ray Bellcourt - - is that what your  
 829 recollection was? (short pause) Um, was that your recollection of  
 830 the meeting that happened on White Earth?

831 Mr. Tibbetts: As we sat and talked through it, we discussed the Native Nations  
 832 being included into our Constitutional Education forums. We  
 833 brought up Leonard's name that he would be one of the facilitators  
 834 and also including Marvin and Dale. That's what was said. Now,  
 835 NNI did not back out of this, you know. There were told that their  
 836 services were no longer req - - required. That's what the - - I think  
 837 those guys are missing here, that uh...

838 Ms. Mason: And who told them that, Chairman Tibbetts?

839 Mr. Tibbetts: Dale sent a e-mail to Jan (sic) Timeche in Arizona telling them that.

840 (applause)

841 Ms. Mason: So, should we censor Dale?

842 (laughter)

843 (applause)

844 Mr. Tibbetts: But - -

845 President Dupuis: Let's all be respectful and move forward with this.

846 Ms. Mason: Okay. Moving on. Um, so the allegation of Number One is um, is  
847 false. And not true. It's also very um, vague. So moving on to  
848 Charge um, Allegation Number Two: "Tara Mason has proceeded  
849 to pursue the construction of a gaming establishment on MCT-  
850 owned property known as Star Lake without the consent of MCT.  
851 This property is historically a wild rice camp for all MCT members  
852 and may also be the home of ancestors buried on the location. To  
853 our knowledge, no request was made to the TEC for their  
854 consideration, thus a violation of MCT Constitution Land Ordinance  
855 referenced below". Bullet One: MCT Revised Constitution, Article  
856 VI Authorities of the Reservation (sic), Section 1 (c): To consult,  
857 negotiate and contract and conclude agreements on behalf of its  
858 respective reservation with federal, state and local governments or  
859 private persons or organizations on all matters within the power of  
860 the Reservation Business Committee provided that no such  
861 agreements or contracts shall directly affect any other reservation  
862 or Tribal Executive Committee without their consent. Bullet Two:

863 MCT Land Ordinance Number Three: It is not contrary to the  
864 political or economic welfare of the Band and does not directly  
865 affect any other Band governing without its consent. So I'm not  
866 sure which section it did not reference um, land ordinance - - uh,  
867 MCT Land Ordinance Number 3. Uh, but what I have done is I've  
868 included that in the packets that you have received. It is Tab 3.  
869 And I've included it for reference. Also I have a Point of Order  
870 before we uh, proceed with Chairman Tibbetts' allegations um, in  
871 that. Is if we could go to page 4 of the Land Ordinance, Number 3.  
872 And this is just a Point of Order. I've highlighted the Section uh,  
873 405 Subdivision (D) and then also (D). So as it reads is "Section  
874 406, all land assignment agreements shall be subject to the  
875 following restrictions and conditions. B) any person who is not an  
876 enrolled member of the Minnesota Chippewa Tribe shall not be  
877 eligible to receive a land assignment except as provided in Section  
878 405 Subdivision D. Um, as TEC members, I thought I would just - -  
879 I wanted to bring this to our attention as we are in a Special Meeting  
880 right now. And um, I believe that should read "406". Uh, Phil? As  
881 there is no 405, Subdivision D.

882 Mr. Brodeen: Yeah. I believe it's re - - it's referencing the assignments of land  
883 after of - - uh, in assigning that. So it's - - it's referencing 406(D).  
884 Or should say "406(D)".

885 Ms. Mason: Okay. So just - - just a Point of Order to conduct business later.  
886 Um, okay. So, the first sentence um, in Allegation Number Two is:  
887 “Tara Mason has proceeded to pursue the construction of gaming”  
888 - - “of a gaming establishment on MCT-owned property known as  
889 Star Lake without the consent of the Minnesota Chippewa Tribe”.  
890 Um, that has happened within the entire Body. Uh, so I alone  
891 haven’t done any construction on the MCT property known as Star  
892 Lake. Um, so any business that was conducted was conducted by  
893 the Body. And not me alone out signing contracts or doing anything  
894 along those lines. Again, these are charges brought by Chairman  
895 Tibbetts against me who has also sat in meetings uh, when  
896 business has been conducted. And um, should really look at uh,  
897 what we’ve done as a Body. So if we go to Section 3.1, it’s tab - -  
898 it’s at the end of Land Ordinance #3. Uh, one of the - - the pieces I  
899 want to make clear - - and if we could flip to the next page? Is for  
900 the first time in White Earth’s history, we have uh, gaming  
901 commission meeting minutes um, made public. Um, but in that we’ll  
902 see that this is December nineteenth (19<sup>th</sup>), twenty-thirteen (2013).  
903 And if we can flip the page again? This is the point in twenty-  
904 thirteen (2013), prior to me even being elected to the position of  
905 Secretary/Treasurer, that the discussion on Star Lake had started  
906 with the RBC um, on the Reservation. And the reason why I’ve  
907 included this is if you flip the page one more time, we come to



908 Plummer Law Office. In the first paragraph I will read, as I know  
909 that it's not easy to see everything up on the big board for the  
910 membership. But it reads November eighteenth (18<sup>th</sup>), twenty-  
911 seventeen (2017). To myself: "Dear Tara, I am writing in response  
912 to your request that I summarize my advice to the White Earth  
913 Tribal Council in twenty-thirteen (2013) with respect to the ability of  
914 Minnesota Chippewa Tribe - - Tribe Land Ordinance number Three  
915 to the management and leasing of MCT wild rice camp located at  
916 Star Lake." So these discussions and these conversations and the  
917 advice was coming from legal counsel prior to my election. And so I  
918 know that um, in these allegations by Chairman Tibbetts, that I am  
919 solely responsible for any actions or anything done on White Earth  
920 regarding Star Lake. That is false. Um, this hasn't been me. This  
921 hasn't been me working as one elected individual by myself. These  
922 were discussions that had been happening um, for a number of  
923 years. So um, just so we're aware of that. I wanted to make sure  
924 that that piece is clarified. So, Joe Plummer did sign this and - -  
925 and sent this and he did cc the entire um, RBC because it goes  
926 through his - - his advice and legal counsel that was given to all of  
927 us. And it talks about in Land Ordinance #3 the fact that uh, it  
928 specifies in four - - or 204-1(c) specifies that "lands that are  
929 authorized to be managed by the Band Governing Body shall  
930 include lands purchased for wild rice campsites under Section 5 of

931 - - Act of June eighteenth (18<sup>th</sup>), nineteen thirty-four (1934)  
932 (inaudible) because the Star Lake wild rice camp was purchased in  
933 thirty acres. Sent to the Federal authority listed above because  
934 MCT Land Ordinance Number 3 specifically delegates the authority  
935 to the Band governments at all times to manage, lease permit or  
936 otherwise deal with wild rice camps including the authority to issue  
937 permits for residential or other purposes whether the Band  
938 government properly exercises its authority to lease the Star Lake  
939 parcel to its wholly owned gaming enterprise.” So this is the advice  
940 that had been given not only to um, elected officials that were um,  
941 new to their positions after twenty-fourteen (2014) election, but also  
942 to the Governing Body prior to twenty-fourteen (2014). And so this  
943 is the piece that comes on the last page of uh, Joe Plummer’s letter.  
944 Is: The management of MCT Tribal lands located outside any of  
945 MCT reservation is referenced in MCT Land Ordinance #3 Section  
946 401 which authorizes each Band governing Body to use the  
947 (inaudible) of a lease or a land assignment as the means of  
948 assessing property rights over the lands on or near the Band’s  
949 reservation. And this is added: Clearly Star Lake parcel is located  
950 closer to White Earth Reservation than it is to any other MCT  
951 reservations. Additionally the Star Lake property was originally  
952 required as a wild rice camp for the Otter Tail Pillagers pursuant to  
953 Section 5 of the - - the Act of June eighteenth (18<sup>th</sup>), nineteen thirty-

954 four (1934). The Otter Tail Pillagers were relocated to the White  
955 Earth Reservation and they continue to have a predominant  
956 presence on the White Earth Reservation. Clearly Joe is not  
957 Mississippi Band. No, I'm just kidding. So if we move to the next - -  
958 to the next um, uh - - one - - one other point um, for clarification  
959 purposes, is that Chairman Tibbetts was aware that nothing was  
960 brought before the Minnesota Chippewa Tribe Tribal Executive  
961 Committee as he did ask in a meeting if anything was brought and  
962 he was told at that time that no, it wasn't. So that, I think um,  
963 clarified itself. Um, so now we move on to that. "This property is  
964 historically a wild rice camp for all MCT members and may also be  
965 the home of ancestors buried on the location." So I'm not exactly  
966 sure how that relates to Article VI or Land Ordinance #3 but um, to  
967 be able to respond to that... and discuss a little bit more about White  
968 Earth's business, I've included Resolution 001-16-004. And this is  
969 um - - and I'll start at the second to the last 'whereas'. It says: The  
970 Tribal Executive Committee has consistently directed that off-  
971 reservation trust lands including wild rice camps to be within the  
972 jurisdiction of the Band Governing Body that is geographically  
973 closest to the off-reservation trust land. And, whereas pursuant to  
974 MCT Land Ordinance #3 Section 504, lands acquired as wild rice  
975 camps shall be subject at all times to the jurisdiction of the Band  
976 Government. And Section 503 permits the Band Governing Body to

977 lease the wild rice camp for other uses so long as the assignee of  
978 the property makes the land available for campers for harvesting  
979 wild rice. And, whereas pursuant to MCT Land Ordinance #3  
980 Section 601, a twenty-five (25) year lease with provisions for a  
981 twenty-five (25) year lease - - or twenty-five (25) year extension or  
982 renewal may be granted by the Band Governing Body so as to  
983 enable the applicant to secure business financing and so long as  
984 the applicant of such twenty-five by twenty-five year lease  
985 demonstrates that the longer lease terms will benefit the Tribe  
986 generally now. Therefore be it resolved that the White Earth  
987 Reservation Tribal Council hereby declares that the MCT Trust  
988 Land located at Star Lake in Otter Tail County is within the  
989 jurisdiction of the White Earth backers pursuant to MCT Land  
990 Ordinance #3 because the land is geographically closest to White  
991 Earth Reservation as compared to the land's proximity to each of  
992 the other five MCT reservations. And be it further resolved that the  
993 White Earth Reservation Tribal Council hereby determines that a  
994 long-term lease of the property will benefit the economic security of  
995 members of the White Earth Band and the Tribal Council hereby  
996 approves the application of the White Earth Band doing business at  
997 Shooting Star for a twenty-five (25) year lease with the provision of  
998 the twenty-five (25) year lease extension of the Star Lake property  
999 specifically described as follows: East half of Lot 3, Section 15

1000 Township 145 North Range 41 West, Otter Tail County, Minnesota.  
1001 Be it finally resolved that the leasee of the property shall ensure that  
1002 the space at the property is available for campers for the purpose of  
1003 harvesting wild rice at Star Lake. Three (3) for, (0) zero against, (0)  
1004 zero silent in the quorum being present at the Special Meeting of  
1005 the White Earth Reservation Tribal Council held on November  
1006 sixteenth (16<sup>th</sup>), twenty-fifteen (2015) in White Earth. Signed by  
1007 Erma J. Vizenor, Chairwoman and Tara Mason,  
1008 Secretary/Treasurer. So there was a vote. And it was also of the  
1009 understanding that we would never affect anybody's ability, any  
1010 Tribal member's ability to harvest wild rice at that site. So if we flip  
1011 to the next page, we have the proposed Shooting Star Resort  
1012 Casino wetland summary. So this is the piece um, and from there  
1013 we can go to page 11 of 11 with conclusions. Uh, this basically  
1014 goes through - - walks through all of the environmental concerns  
1015 um, and addresses them. But if we flip to page 3.2 uh, we will have  
1016 a part of the conclusion. Prior page before that and I do not have it  
1017 for the screen, but it's G, Effect of Wetland Filling on Star Lake  
1018 Watershed. So B goes to the effects on the wild rice. "With the  
1019 improvement of the water leaving the site stoppage of concentrated  
1020 livestock in the barnyard next to the lake and rural crop farming next  
1021 to the lake, the nutrient load is anticipated to be reduced. This  
1022 reduction in nutrient load is expected to result in the slowing or

1023 stopping of common cattail expansion of the (inaudible) site  
1024 location. The reduction and the potential encroachment of common  
1025 cattail mats into wild rice habitat would be - - would benefit the wild  
1026 rice. Therefore it is not anticipated that the proposed project will  
1027 have a detrimental effect on the stand of wild rice.” Now again um, I  
1028 had mentioned earlier before that where is the evidence that it was I  
1029 alone that pursued the construction of a gaming establishment on  
1030 Star Lake? Um, and going into the next sentence to talk about uh,  
1031 the wild rice beds. White Earth has always been aware and has  
1032 always had conversations that there is a wild rice bed. We’ve never  
1033 denied that. But any actions that we’ve taken um, is improving the  
1034 quality of the lake. You know, we did have a farm. There was a - -  
1035 a huge farm, kind of it’s a small peninsula down in that area. And  
1036 uh, we had nutrient runoff. We had a lot of, as we know that there’s  
1037 a lot of chemicals that go into farming. And we also know that the  
1038 livestock that was next to the lake was also um, changing the pH of  
1039 the water. And so that is how stop - - and that has come to a stop.  
1040 So the next piece that we go to is uh, Phase 1 and 2, the  
1041 archeological reconnance - - reconnance. Reconnen - - re - -  
1042 anyways, the survey of the Star Lake (chuckling) Casino site in  
1043 (inaudible) Otter Tail County, Minnesota um, Township 135 North  
1044 Range 14 West Section 15 by Blondo. I have taped um, 3.3 in your  
1045 packet. And it should be page... 22. Um, where we go to the

1046 conclusion. And it's the last um - - the last piece as - - as you see  
1047 uh, I haven't included it for the membership but I did include it for  
1048 the TEC Body. Is that it has all of the arch - - archeology dates that  
1049 were conducted within that area. And so if anybody has any extra  
1050 time and wants to (inaudible) it out. Um, what they really found - - I  
1051 think the biggest item that they did find was an arrowhead. Um, and  
1052 that was the piece that um, still did not make this site eligible uh, for  
1053 inclusion in the National Register of Historic Places. Um, the last  
1054 paragraph for membership, I'll read that. It says: "With any project,  
1055 there is a chance of unanticipated discovery. Should additional  
1056 archeolog - - archeological materials surface during any future  
1057 construction, it is advised that a professional archeologist be  
1058 consulted. Minnesota Statute 307.08 protects un-platted  
1059 cemeteries including burial mounds. The issues' guidelines for  
1060 dealing with unexpected finds should human remains, cultural sites  
1061 or ground features be unexpectedly encountered during the earth-  
1062 moving activity, all work must stop and the appropriate authorities  
1063 including local law enforcement, the Office of State Archeologists  
1064 and the State Historic Preservation Officer and the pertinent Tribal  
1065 entities must be notified." So the piece with that, and to me I think  
1066 is key, is with any project there is a chance of unanticipated  
1067 discovery. That would go in any kind of survey that they've been  
1068 contracted to conduct. That isn't uh - - that language is - - is

1069 standard language. Because, of course, if something was  
1070 unexpectedly found, then there is processes and ways of dealing  
1071 with it. And so, they've found no um, bodies. They've found  
1072 nothing like that. So I just want to make sure that this Body here  
1073 that - - that our ancestors are down - - are not down there. And if by  
1074 chance anything did come up? They're probably more than likely  
1075 (inaudible). And so what we would do is we would call Sisseton.  
1076 Um, so just the fact and just for clarification purposes, I've included  
1077 that because when it comes to the quality of wild rice bed in the  
1078 site, that we are not looking at filling in or doing anything along  
1079 those sites. And the rice beds actually will have a better chance  
1080 without the - - the runoff of all the chemicals from farming.

1081 Unidentified voice: (inaudible due to distance from microphone)

1082 Ms. Mason: No. Um, from my understanding is that it was always used.  
1083 Because as you know, like how we migrated over? And especially  
1084 with the - - the removal um, of all of the Bands to White Earth? Um,  
1085 that is not historically - - and even White Earth isn't historically, you  
1086 know, Anishinabe. You know, I know even Mille Lacs pushed out  
1087 the Sioux. You know? And so when we start looking at the - - the  
1088 western migration of our membership and then also looking at the  
1089 western um, relocation of the Federal government that - - that we  
1090 were relocated to White Earth.

1091 Unidentified voice: (from audience) (inaudible)!



1092 Ms. Mason: So that's - - that's not um, historically um, this eastern edge. It's  
1093 also like within our prophecies that, you know, that we migrate - -  
1094 we migrate west. So, um, though we've riced there historically?  
1095 Um, White Earth was the reservation at the time. (short pause)  
1096 Okay. So moving on. Um, I think that is uh, basically concluding  
1097 um... um... my response to the allegations of Two. Is that one, I have  
1098 not as one individual proceeded to pursue the construction of a  
1099 gaming establishment on MCT-owned property known as Star  
1100 Lake. Um, that yes, this has been a wild rice camp. And it will  
1101 always continue to be an MCT uh, wild rice camp for members.  
1102 And um, as I had mentioned before, Chairman Tibbetts did ask at  
1103 this table. And so to our knowledge, no request was made to the  
1104 TEC for their consideration. Um, so I think to the knowledge uh, it's  
1105 been made clear because the other piece when we start moving  
1106 forward and we start looking at it is that we are still in a process on  
1107 White Earth. Before I had mentioned and had said that this is - -  
1108 this is White Earth's business. And so we are still in the process of  
1109 conducting White Earth business.

1110 (cell phone ring tones)

1111 Ms. Mason: Excuse me.

1112 (cell phone ring tones continue)

1113 Ms. Mason: Excuse...

1114 Unidentified voice: (inaudible)

1115 (laughter)

1116 Ms. Mason: There. I'm sorry about that. Apparently somebody's not aware that  
1117 I'm in a Special Meeting!

1118 (laughter)

1119 Ms. Mason: So um, are there any questions to the allegation of uh, Charge uh,  
1120 in Charge Two? Um... if not, I will continue on with my defense.  
1121 Looking at um, Allegation Number Three: "Tara Mason has  
1122 proceeded to pursue the construction of a gaming establishment on  
1123 MCT-owned property known as Star Lake without input from TEC or  
1124 other White Earth membership. Okay. So, again, there's been no  
1125 evidence presented that I alone um, have been pursuing  
1126 construction on this. And so just to make mention that I will answer  
1127 to these. But I think that - - that the lack of evidence that I alone  
1128 have been doing this um, is of course of some concern. So... with  
1129 that piece, I want to start looking at - - oh. As of - - I'm sorry. I  
1130 apologize. It says - - and I'll start from the beginning: Tara Mason  
1131 has proceeded to pursue the construction of a gaming  
1132 establishment on MCT-owned property known as Star Lake without  
1133 input from TEC or from White Earth membership. The White Earth  
1134 bonds and some cases in excess of thirty-six thousand (36,000) per  
1135 acre was spent on planning and purchasing surrounding land for  
1136 this proposed one - - uh, one-thirty plus million dollar endeavor  
1137 without a budget duly approved by resolution in legal session over

1138 the last two years. Multiple requests have been made by  
1139 membership to see the budget. However, were not met within any  
1140 reasonable time if at all.” Uh, Bullet number One: MCT Revised  
1141 Constitution, Article VI, Authorities of the Reservation Business  
1142 Committee. Authorities of the RBC. Section 1(b): “To administer  
1143 any funds within the control of the Reservation; to make  
1144 expenditures from Reservation funds for salaries, expenses of  
1145 Reservation officials, employment or other Reservation purposes.  
1146 All expenditures of Reservation funds under the control of the  
1147 Reservation Business Committee shall be in accordance with a  
1148 budget duly approved by resolution in legal session, and the  
1149 amounts so expended shall be a matter of public record at all  
1150 reasonable times. The Business Committees shall prepare annual  
1151 budget request advancements to the control of the Reservation of  
1152 tribal budgets under the control of the Tribal Executive Committee.”  
1153 Okay. So, if we go to the next page, we have an e-mail. Um, oh.  
1154 Last bullet - - Oh! I am so sorry. The White Earth Ordinance I-65,  
1155 Article 1, Section 3, “Secretary/Treasurer is specifically responsible  
1156 to make audits.” In quotes, this is the actual language: “Make audit  
1157 reports and accounting records available for public inspection by  
1158 Tribal members at all reasonable times”. Okay. So, when we  
1159 started to look at um, going through this process, is uh - - one of the  
1160 accusations is that the membership was not made aware or brought

1161 into this purpose. So um... then I - - I'm really trying to figure out  
1162 how I am able to answer and able to defend against these.  
1163 Because I'm not really clear on exactly how public information was  
1164 being made as time back into um, the re - - um, Revised  
1165 Constitution Article VI. But I will start with process - - uh, is that um,  
1166 you'll see the e-mail is I am sending this and I have cc'd the entire  
1167 RBC. Um, is to Bill Marsh, the GM of the Casino. It says: "We  
1168 need to meet and" uh, "discuss the financing of Star Lake Casino.  
1169 This Friday at one p.m. (1:00) will work for Terry. Can you and  
1170 (inaudible) be ready when we stop over at this time? We are  
1171 inviting all Council." So, this was one of the things. So now we're  
1172 looking at um, towards the end of July of twenty-sixteen (2016).  
1173 Because at that point I was requesting that there's a lot of  
1174 information with the two newly-elected officials and um, and by now  
1175 Terry had been in for about over a month. And we were still - -  
1176 didn't have conversation. Because this was uh, White Earth  
1177 business that we needed to conduct. And so I had been asking the  
1178 Chairman at that time to um - - to have a meeting to look at where  
1179 we were at to have these discussions. And again, of course, I really  
1180 truly feel that this is White Earth's business. But since it's been  
1181 brought to this table, I will discuss it and I will answer to it. The next  
1182 page is November twenty-eighth (28<sup>th</sup>), twenty-sixteen (2016) uh,  
1183 meeting minutes. And if we move one more page over um, again

1184 it's now in November, end of November. At the very bottom I've  
1185 highlighted, "Star Lake meeting (inaudible) states looked at in  
1186 ample time to prepare, get notice out from the Chairman". So we  
1187 were talking about going to the membership at that time. I had  
1188 requested three (3) to four (4) weeks lead time so I could make sure  
1189 that we had all of the information prepared for our membership. And  
1190 so we could discuss it. And there had been little in - - more informal  
1191 conversations about Star Lake between July and November. But at  
1192 that time I was asking for a notice on when we would have it. And  
1193 that I could have enough time to make sure that I prepared the  
1194 financials for the - - the public meeting. December nineteenth  
1195 (19<sup>th</sup>), twenty-sixteen (2016) is the next meeting minutes. And if we  
1196 flip one more page, page 3 of 5, on um, December nineteenth  
1197 (19<sup>th</sup>), twenty-sixteen (2016) halfway down the page um, I have  
1198 highlighted uh, some of the meeting minutes. It says, "Tara is  
1199 asking again that the Tribal Council schedule a meeting to discuss  
1200 Star Lake. A discussion is needed on how or if to move forward.  
1201 No one gave the red light to stop the process of Star Lake. Tara is  
1202 again requesting a meeting for clarification." So this is one thing  
1203 too, is that I know that I'm - - I'm being held responsible for all of  
1204 Star Lake. But I was also the one um, that had been asking the rest  
1205 of the RBC and the Chairman to call meetings and to make sure  
1206 that we have this information out to our membership and we do

1207 have some of these discussions. As we know, as  
1208 Secretary/Treasurer, it is not the responsibility or job duties to call  
1209 meetings. Um, I also - - a little bit further down: "Tara stated that  
1210 when it came to financing, Tara had to call the meeting to discuss"  
1211 um.. "Tara stated that the Tribal Council needs to meet for more  
1212 than a half an hour. Tara requested at least a four (4)-hour  
1213 meeting. Terry stated that there will be a public meeting to answer  
1214 questions. Umsy agreed." So at this point, we are moving forward  
1215 and we know that there will be a meeting. Now remember it asked  
1216 earlier in work session that um, I would have um, three - - two (2) to  
1217 three (3) weeks to prepare. The next page is uh, titled "Public  
1218 Meetings Held on White Earth Membership" uh, "With White Earth  
1219 Membership 2017, Star Lake". So January fourth (4<sup>th</sup>) or fifth (5<sup>th</sup>)  
1220 - - um, I couldn't find the official date. Um, no official meeting was  
1221 called by the Chairman. I was notified by members that there was  
1222 going to be a meeting at the White Earth Community Center in the  
1223 evening of the January date. They found out via Facebook posted  
1224 by a Band member. I was not aware of this meeting officially until  
1225 January third (3<sup>rd</sup>). Um, so that was one of the things is that - - I  
1226 mean, by now things are getting a little kind of crazy on White  
1227 Earth. And although I've always wanted to have a meeting um, I  
1228 wasn't really given official notice. And so I wasn't prepared as well  
1229 as I would've liked to have been for that meeting. Uh, just lack of

1230 communication between the RBC. The next one was scheduled  
1231 February second (2<sup>nd</sup>) at the Naytahwaush Sports Complex  
1232 Building. And the last one um, was March twenty-eighth (28<sup>th</sup>) at  
1233 the Mahnomen Shooting Star Casino and Events Center. Here uh,  
1234 actually in this room. So those were the dates that we met with the  
1235 public. Um, what had happened at the first January uh, meeting  
1236 was that uh, we would bring this to a referendum. And so there  
1237 were a couple of things that I said at that meeting. And one was  
1238 that I would call for a referendum ordinance. Now remember, White  
1239 Earth has some history with uh, all of these processes. And the  
1240 reason why I wanted to have the referendum ordinance, and I  
1241 thought that it was important for us as White Earth members to  
1242 conduct business, is that we have a standard way of calling for a  
1243 referendum. So, when it comes down to it, the last referendum we  
1244 had was mail-in ballot only. And that - - what I had heard from a  
1245 number of members is that wasn't working out very well. And so  
1246 when we move forward, and we conduct and hold referendum votes  
1247 um, that we do it in a consistent manner that our membership is  
1248 familiar with and can expect uh, each time a referendum is held on  
1249 White Earth. So that is why I was requesting a referendum  
1250 ordinance so we have consistency in every time that we move  
1251 forward with any type of referendum vote. And um, so - - so I did go  
1252 back to that next following work session - - special meeting - - and

1253 on January ninth (9<sup>th</sup>), twenty-seventeen (2017), "A brief discussion  
1254 was held regarding the Star Lake public meetings that will be held  
1255 within each of the communities. Discussion was held regarding  
1256 live-streaming of those meetings and there is concern with financial  
1257 information being released. The information should be provided to  
1258 Tribal members only." And then the following page, page 4 of 5, in  
1259 the packet is the Referendum Ordinance: "Motion made by Tara  
1260 Mason to establish, develop a referendum ordinance. Second by  
1261 Kathy Goodwin. Terry requested discussion be held. Ordinance  
1262 would be on how to bring forth membership" - - "how bring forth to  
1263 membership and how to proceed. Terry stated it would have to be  
1264 designed to fit Tribal Council's needs. Tara stated legal counsel will  
1265 draft. Terry requested the ordinance be drafted and written and he  
1266 requested input from all the Tribal Council. Motion carried 3 for,  
1267 one against. Umsy stated more discussion is needed". And I think  
1268 this is one of the - - the pieces too that um, and - - and just  
1269 explaining why I stated "legal counsel draft" - - "will draft it", is as  
1270 many of you guys have known is that I - - I do draft up some. Some  
1271 things like the Bylaws. Um, but I've also drafted up different  
1272 resolutions, different things for White Earth. I've always sent them  
1273 to legal for review. So anything that came to this table have gone  
1274 through not only White Earth legal but it had also gone through  
1275 MCT legal. Um, I know uh, Phil Brodeen, I've called him from time



1276 to time stating that we would - - I would like to have some  
1277 discussion regarding some of the different pieces. Um, and so what  
1278 I did at that point is that there was some backlash on White Earth  
1279 that what I was doing is illegal. And as we all know, that drafting  
1280 anything is not illegal. Anybody can write anything. And it's up to  
1281 the Body, whether it be this Body or the RBC Body to pass to make  
1282 it official. But the author is not illegal in their actions in drafting  
1283 anything. So, I just wanted to make that clear. But to make sure  
1284 that everybody - - because I am trying to work with everyone  
1285 - - I did state that legal counsel will draft because I thought at that  
1286 way I did not want it to appear that "Tara had any hidden agenda" or  
1287 any other motives. So, I think - - let's stay on that page. Um, oh.  
1288 No. Let's go to January twenty-fourth (24<sup>th</sup>), twenty-seventeen  
1289 (2017). And uh, page 3 of 3 of 1-24-17: "Star Lake Finances Public  
1290 Information. Statement needs to be made and there needs to be a  
1291 se - - and is - - and is a need to be serious that these numbers  
1292 financials are for Tribal members only. There is a need to be  
1293 respectful. And the numbers should be for Tribal members. Umsy  
1294 stated that once the financials are out, doesn't mean that the  
1295 numbers will go out to public. Tara is requesting direction on what  
1296 the Tribal Council wants to do and provide." So not only um, you  
1297 know, am I trying to bring discussion but I'm also trying to ask for  
1298 directions from the RBC. How should we handle this? What are

1299 the parameters? Uh, one of the concerns is that as we - - as we  
1300 know, everything is Facebook live now and at that point we can't  
1301 control um, any kind of information that's going out there or not.  
1302 And so there's a difference between a public meeting versus  
1303 actually sharing bad resource information. So that was the piece  
1304 that I was asking for clarification on. September twenty-ninth (29<sup>th</sup>),  
1305 twenty-seventeen (2017). Page 2 of 7. Joe Plummer. "Joe stated"  
1306 um, "one resolution should be prepared for each ref - - referendum  
1307 issue. Tara wants to see banishment as an item for referendum  
1308 (inaudible) drug testing." Um, "drug-related major issues. There  
1309 should be provisions to help individuals as well. Tara stated public  
1310 safety commission should be addressed. Mille Lacs, Fond du Lac,  
1311 Red Lake all have banishment in place. Banishment resolution was  
1312 drafted quite some time ago and will be renewed again." Um, we  
1313 have not seen that um, as of yet. And I'm not really sure what that  
1314 looked like that was prior to twenty-fourteen (2014) that anything  
1315 was drafted regarding banishment. But I think for me, I - - uh, we  
1316 were talking at that point of how we would bring this to a  
1317 referendum vote for the membership. And I requested in January of  
1318 twenty-seventeen (2017) that we have an ordinance and that we go  
1319 to a referendum. By now we're at the end and we are still talking  
1320 about it. We're at the end. We have the ordinance in place which  
1321 happened in August of twenty-seventeen (2017), so eight (8)

1322 months later we - - we finally got the referendum ordinance that  
1323 went through Legal. That's - - took us some time. Uh, but it went  
1324 through Legal and now we um, are in the end of September still  
1325 talking about the referendum vote. So, "Motion made by Umsy  
1326 Tibbetts to approve Resolution Number 'blank' with amended  
1327 changes. Seconded by Kathy. Motion carried 4 for, zero against.  
1328 And the reason we don't have a resolution number is because the  
1329 resolution came from Legal. Okay. And so one of the pieces that  
1330 - - that were in there is that the discussion about the resolution  
1331 came. Uh, we never received it back from Legal with all of the  
1332 changes that were supposed to have been made. But the piece  
1333 that it comes down to is um, when we start talking about the  
1334 hundred and thirty-plus million dollars. That is an untrue figure  
1335 because as Chairman Tibbetts and the rest of the RBC is aware  
1336 that we are rolling in the remaining financing of the White Earth  
1337 RBC building. So what we wanted to do is we wanted to roll in.  
1338 And so the - - and Terry knows this - - that the a hundred and thirty-  
1339 plus million dollar endeavor was our budget um, is untrue. Because  
1340 it's not a hundred and thirty - - we're assuming old debt that it - -  
1341 that we are currently paying off on the RBC building. And at the  
1342 time when we were looking at financing and we were looking at  
1343 what this budget would include, that was ten million dollars just right  
1344 off the top for the RBC building. So um, moving forward, we - - we

1345 look at um, we talk - - we can go into the October twenty-fifth (25<sup>th</sup>),  
1346 twenty-seventeen (2017). So we're looking at making sure that the  
1347 membership have a voice to be able to vote on this um, subject.  
1348 Because that was something that was said publicly and it was a  
1349 direction that we were receiving from a lot from - - for quite some  
1350 time, is to have the referendum called. But in all transparencies  
1351 looking at the - - the October twenty-fifth (25<sup>th</sup>) twenty-seventeen  
1352 (2017) minutes, page 405, the referendum vote. "Motion made by  
1353 Tara Mason to rescind the referendum vote to be held January". "In  
1354 January. Seconded by Kathy Goodwin. Will ask for another vote to  
1355 be held regarding the referendum vote be held during the primary  
1356 election. Motion made by Tara Mason for a referendum election to  
1357 be held in concurrent with the primary election in April. Seconded  
1358 by Kathy Goodwin. Umsy stated the referendum vote should be  
1359 separate. Motion carried, 3 for, one against." And um, going back  
1360 to that was just making sure it's - - because I spent like a lot of time  
1361 um, preparing for this special meeting? And on what we were - -  
1362 what we do need is - - is having the meetings put in place to have  
1363 discussion and move forward with the referendum vote. But uh,  
1364 without having any time to focus on the referendum vote or what  
1365 would actually go on the ballot um, a month would not have been  
1366 sufficient time for us to get that prepared. And I didn't really see the  
1367 Chairman uh, making any - - any other actions towards having this

1368 happen. And by now we're at the end of October and knowing that I  
1369 would spend the rest of the time until today's date working on  
1370 assembling my responses to all of the allegations. Um, I did um,  
1371 want to make sure that we have enough time to prepare and have  
1372 the meetings scheduled and uh, get the word out. And membership  
1373 involvement with any kind of questions coming from that. Again, I  
1374 believe that this is White Earth's business and not TEC's business  
1375 as this is a resol - - um, referendum vote. So, we move on to  
1376 January ninth (9<sup>th</sup>), twenty-seventeen (2017) again. And again we  
1377 go to page 4 of page (sic) 5. And we talk about budgets. "Tara  
1378 sent an e-mail to all Tribal Council January fifth (5<sup>th</sup>). She is  
1379 requesting discussion on how to address the budget request. Tara  
1380 stated this should" - - "this should only be Tribal member business.  
1381 Tara is wanting to provide special additions to the financials,  
1382 classifying time to do quarterly reports, schedule and format needs  
1383 to be determined. Tara is asking how to handle individual requests  
1384 and what information should be provided in which timelines. Terry  
1385 wants all Tribal Council to sit down to review requests. Same  
1386 information would then be provided if approached." So, and that  
1387 was one of the - - the pieces that we had discussed and we had  
1388 talked about. Is we talked about not only I-65 at this meeting but we  
1389 also talked about Article VI um, Section (b). And how that this was  
1390 an RBC responsibility. And um, and then the direction that was

1391 then given and directed is by the Chairman, is that we would do this  
1392 together in joint sessions on Monday uh, with the membership who  
1393 was requesting to see the budgets. At that point um, any request  
1394 that I got I did, for the budget purposes, refer back to our Executive  
1395 Administrative Assistant uh, to schedule with the Chairman on the  
1396 agenda which he is overseeing. Audits were to be conducted and  
1397 handled by me. So, in March six (6) of twenty-seventeen (2017),  
1398 page 3 of 5, is when we had additional conversations because we  
1399 had a member that was requesting uh, different audits. And at that  
1400 point um, a motion was made by Kathy Goodwin that the audit to be  
1401 released will be the White Earth audit. Um, Terry requested a roll  
1402 call vote be made regarding this issue. So at that point all five of us  
1403 voted on which audit would be made available to membership,  
1404 White Earth Band membership. And the motion carried 5 for and  
1405 zero against. So again, in legal session, this is how White Earth  
1406 RBC decided to conduct business. This isn't something that where  
1407 um, the allegation that um - - um, that membership is requesting to  
1408 see the budget um, have not been met by myself. Terry is the one  
1409 who also voted in the vote um, via roll call, that this is the process  
1410 that we would take. We did it all together as the RBC that this is  
1411 RBC going back to the Constitution on how we're conducting  
1412 business. So do we have any questions? Or is there anything that  
1413 you'd like me to answer?

1414 President Dupuis: Chairman Tibbetts, do you have any questions or comments?

1415 Mr. Tibbetts: Yeah. You know, prior to - - prior to uh, sitting down with Council  
1416 here and talking about the - - the development of uh - - of the uh,  
1417 financial disclosures, you know, there was come to a consensus  
1418 vote that we'd all sit down together and discuss them prior to  
1419 releasing them. You know. But now there was - - the other option  
1420 was to uh, allow them to come in. Sit down, (inaudible) and - - and  
1421 uh, or hand them out a - - a handout of it. We didn't want that piece  
1422 going out to everybody (inaudible) part of it. But I also stated that  
1423 we wanted our uh, any membership that's - - wants to take a look at  
1424 our audits, take a look at our - - our overall budgets, they're  
1425 welcome to it. So come on in and schedule a time and sit down,  
1426 you know. Uh, but it's going to be uh - - we're not going to hand out  
1427 the stuff. You know. That - - that's what we're talking about at this  
1428 meeting. Not - - not holding back information from anybody. But I  
1429 think Pam, Donna, Allen, uh McCarthy - - Madeline McCarthy, they  
1430 all gave requests. Pam had to go in and purchase her documents  
1431 for ten cents apiece. So, I mean, that - - those types of issues there  
1432 tells you that's there's true disclosure. So, you know that's - - that's  
1433 (inaudible) going after.

1434 Ms. Mason: Um, I think there was also - - um, so when we talk about the - - the  
1435 um, the copies? Uh, that were requested by a White Earth Band  
1436 member was for the resolutions uh, for three years. And so that

1437 was expensive uh, because everything we have is in a 3-ring  
1438 binder. We don't have them electronically. Uh, so but we have to  
1439 have staff pull each and every one of the resolutions - - we had  
1440 made some uh, decisions on that enrollment resolutions would not  
1441 be included in that packet. But after that everything else went. Um,  
1442 Gary, can you answer this question for me? Because I do believe I  
1443 - - and it's probably in my car - - uh, read somewhere where MCT is  
1444 fifteen cents a copy? For public documents. And how people  
1445 receive those. I think it was like 15 cents a copy. And that was  
1446 back in the '80s? That that policy...

1447 Mr. Frazer: Yes. I don't recall the exact amount but uh, way back in the '80s  
1448 people were allowed to come into our office if they wanted to review  
1449 um, records. We'd set them up in the - - in the Tribal chambers  
1450 back then. They could review all the records they wanted. But if  
1451 they wanted to take records with and make copies of records, yeah  
1452 we (inaudible) uh, we charged for them for that. I don't think it was  
1453 15 cents but there'd be a charge if they wanted to take copies of the  
1454 records. But they could review them. But if they wanted to take a  
1455 copy of something, because we'd have to have the staff take time to  
1456 make a copy of it um, there was a charge. I'm not sure what the  
1457 charge was. Because that was back in the '80s.



1458 Mr. Tibbetts: But you know, has there been any (inaudible) type of financial  
 1459 disclosure from the Secretary/Treasurer to the Band over the past  
 1460 two and a half years?

1461 Ms. Mason: Uh, that's not included in the charges, Mr. President - -

1462 Mr. Tibbetts: I'm not - -

1463 Ms. Mason: - - do I need to - - I am here to respond to the charges of  
 1464 censorship.

1465 Mr. Tibbetts: But that's the question. This is - - this is one of the questions.

1466 Ms. Mason: No, the - - no. Terry, a point of clarification?

1467 Mr. Tibbetts: (inaudible)

1468 President Dupuis: Hang on a minute. If there's questions - - and the comment that I  
 1469 made if there was any questions or comments, we have to look at  
 1470 what is in front of us. So the complaints that came in - - and I know  
 1471 people may disagree with me - - but the complaints that came in are  
 1472 the arguments that are in front of us. So with - - within the  
 1473 arguments that are in front of us, the information that's given here  
 1474 within the minutes and everything else uh, on the rebuttal, that's  
 1475 been presented to us. The questions or answers have to resort - -  
 1476 or come from - - the initial complaint that was turned in. So, what I  
 1477 ask if there's questions or comments, it's done within the complaints  
 1478 that are given.

1479 Mr. Tibbetts: Donna?

1480 Ms. Mason: Um, it - - Mr. President?

1481 Donna (LNU): (inaudible due to distance from microphone) It's under number  
1482 three and (inaudible) second sentence. White Earth (inaudible)  
1483 thirty-six thousand dollars (inaudible) was spent on the planning  
1484 and (inaudible) land (inaudible) - - one hundred and thirty-plus  
1485 million dollar endeavor without a budget. And it wasn't presented to  
1486 us, as members.

1487 President Dupuis: Excuse me.

1488 Donna (LNU): This was after the fact.

1489 President Dupuis: I - - I - - I don't disagree with what you're reading. That's in front - -  
1490 that's in front of us also.

1491 Donna (LNU): Yeah.

1492 President Dupuis: But can we please keep the comments - - and we'll wait for that part  
1493 of it. 'Cause we need to move on to this. If - - if everybody's going  
1494 to stand up and say something, we're not going to get done with  
1495 this. And no disrespect, please. 'Cause I'm not trying to disrespect  
1496 you. The comments and questions - - the question I asked was to  
1497 the Chairman. I asked if there was any comments or re - -  
1498 questions from Chairman Tibbetts. Because the complaint came in  
1499 by the Chairman. Thank you.

1500 Ms. Mason: Okay. So again um, the minutes reflect that the direction was set.  
1501 And I also asked - - I asked for discussion. I asked for clarification.  
1502 I asked for direction. And as the Secretary/Treasurers at this table  
1503 know um, you've been looking at the financials. Um, I also asked

1504 direction from this Body as well. So I did send a e-mail  
1505 correspondence to all Secretary/Treasurers. I don't know how  
1506 many like - - a number of months ago um, asking exactly what  
1507 different reservations had done for that purpose. So, from here  
1508 um... I'll move on to - - if there's no other further questions, I'll move  
1509 on to the Allegation Number Four.

1510 President Dupuis: Okay. Excuse me, everybody. I guess they're going to have lunch  
1511 at eleven-thirty (11:30). It's going to be fish. What we'd like to do is  
1512 just uh, have a working session with it. Um, and keep moving this  
1513 forward. Okay? Miigwech.

1514 Ms. Mason: Okay. So I asked that we go to the Special Meeting. Um, it's under  
1515 Tab 5. It's a Special Meeting, September twenty-ninth (29<sup>th</sup>),  
1516 twenty-fourteen (2014). So if we want to just scroll down. Uh, scroll  
1517 again. (short pause) (inaudible) Motion... Okay. And so uh, going  
1518 back to the - - the um, allegations. Uh, Number Four allegation:  
1519 "Tara Mason has proceeded with the construction of a gaming  
1520 establishment near Bagley without input from White Earth  
1521 membership or an approved budget. It is our understanding that the  
1522 White Earth funds totaling sixteen to eighteen million dollars. Over  
1523 four hundred of initial projections was spent on a projects without a  
1524 budget duly approved by resolution in legal session. Over the last  
1525 two years, multiple requests have been made by membership to  
1526 see the budget. However, were not met with any reasonable

1527 timeframe.” Again, we go back to the MCT Revised Constitution,  
1528 Article VI, Authorities of the Reservation, Section 1(b) To  
1529 administrative funds. And - - and uh, White Earth Ordinance 1-65,  
1530 - - or “I” sixty-five - - “Make audit reports and accounting records  
1531 available to public inspection by Tribal members at all reasonable  
1532 times”. Okay. So, if we go back and we look at the actual duties  
1533 and responsibilities of the RBC, it was made - - the decision was  
1534 made in session um, approved and supported by the Chairman.  
1535 Um, who is bringing these allegations against me that we do this as  
1536 a Body. As this is an RBC responsibility. Um, and so that was the  
1537 direction that I was given when I asked the question. And that’s  
1538 what I received. And that’s what I proceeded to go forward with.  
1539 Um, the allegation - - uh, we can talk about - - we can sit here and  
1540 split hairs, but this is White Earth’s business. This is White Earth’s  
1541 business. And I do not mean to be disrespectful to this body - -

1542 (laughter)

1543 Ms. Mason: - - but this is our business. Okay? And I’m sorry that um, it - - I’m  
1544 not sorry. I - - I just need to be able answer to - - to what’s in front  
1545 of us. Um... so what I’ve included uh, September twenty-ninth (29<sup>th</sup>),  
1546 twenty-fourteen (2014), page 3 of 4: “Motion made by Tara Mason  
1547 to approve a budget as presented. Seconded by Gus Bevins.  
1548 Motion carried, 4 for, zero against.” The next page is September  
1549 twenty-eighth (28<sup>th</sup>), twenty-fifteen (2015), page 1 of 2. Page 2 of 2,

1550 at the bottom: "Further discussion was held regarding FY16  
1551 budget. Motion made by Tara Mason to approve FY16 budget.  
1552 Seconded by Punky Clark. Motion carried 3 for, zero against. Gus  
1553 stated he will work with Scott on the issues of his budget."  
1554 September thirtieth (30<sup>th</sup>), twenty-sixteen (2016). If we go to page 2  
1555 of 3: "Motion made by Tara Mason to accept the proposed F-17  
1556 budget with changes. Seconded by Punky Clark. Motion carries, 4  
1557 for, zero against." September twenty-ninth (29<sup>th</sup>), twenty-seventeen  
1558 (2017), page 6 of 7, RTC Budget Approval: "Proposed budget was  
1559 reviewed and discussed. Motion made by Tara Mason to approve  
1560 the '18 RTC Operations and Capital Budget. Seconded by Punky  
1561 Clark. Motion carried 4 for, zero against." And again... we come to  
1562 the Gaming Commission meeting minutes. September twenty-  
1563 three (23), twenty-fourteen (2014), FY-15 Budget Approval. At the  
1564 bottom of the page, uh Scott (inaudible) projected numbers going  
1565 from prior year um... page 2 - - where do we have that? Um... (short  
1566 pause) I'm missing a page. Uh, September - - let's go to  
1567 September third (3<sup>rd</sup>), twenty-fifteen (2015). White Earth Gaming  
1568 Commission, Review of Capital Expenditures Not Presented for  
1569 Upcoming Budget Year. "Motion made by Tara Mason to approve.  
1570 Second by Punky Clark. Carried Casino (inaudible) White Earth".  
1571 Uh, September twenty-ninth (29<sup>th</sup>), twenty-sixteen (2016). I have to  
1572 go to - - it'll be number 4 down in the bottom. Shooting Star Budget

1573 - - 2017 Budget. First (sic) by Tara Mason, second by Umsy. 4 for,  
1574 zero against, zero silent, carried.” Uh, the twenty-eighteen (2018)  
1575 budget, because we have issues and concerns with our... our  
1576 Gaming Commission and the separation of powers that needs to  
1577 happen is that we’re moving to separate out regulations from  
1578 operations, as we know Gaming Commission is for the purpose of  
1579 regulation. And at that point your regulators should not be  
1580 approving the budget. Um, so there is a process of separating out  
1581 all of these different pieces. And the twenty-eighteen (2018) budget  
1582 was approved and White Earth RBC minutes. And so we have that  
1583 piece. Though White Earth has always had a budget approved  
1584 prior to the start-up of the school year. Um, how those are shown  
1585 and demonstrated to membership is been determined in the  
1586 minutes as you see and have been included on the direction that I  
1587 received as Secretary/Treasurer to be able to handle these affairs.  
1588 Um... I need to go back and check my Gaming Commission meeting  
1589 minutes. Um, but I do have those - - where - - what is that? I’m  
1590 used to highlighting everything, so I do apologize for that. But when  
1591 it comes to uh, Allegation Four um, where - - where is the  
1592 evidence... of this? Again. Uh, this is my argument is that we’ve  
1593 always have budgets that have been approved. How they’re  
1594 disseminated um, is been established as well. So that again is my  
1595 response to the allegations of Charge Four. The RBC is

1596 responsible for the budgets. And um... the Constitution in Section  
1597 uh, 1(b) of Article VI explains kind of the process that we elected to  
1598 go forth. Are there any questions?

1599 Mr. Tibbetts: When we talk about true budgets, we're talking about for a year  
1600 budget. Not broken down in four quarters for a - - an amended  
1601 budget every four - - every quarter that we do. Now, it should be  
1602 put out there as a full budget for the year. And not be allowed to be  
1603 broken in four quarters. That's what's going on - - that's what's  
1604 going on now. And it has been.

1605 Ms. Mason: But we do - - um, we do look at quarters and we do look at um,  
1606 reconciling at every month. So I know we have monthly  
1607 reconciliation. We also have quarterly reconciliation and then when  
1608 it comes to the quarterly meetings looking at the financial report that  
1609 I do give, it is by quarters. Um, because it's a quarterly meeting.

1610 Mr. Tibbetts: That's just it. We don't get quarterly report. You know, and people  
1611 are asking questions on where do we stand financially?

1612 Ms. Mason: Point of Order.

1613 (short pause)

1614 Ms. Chavers: Tara um, I have a question regarding um, the approved budgets.  
1615 Um, I know that you put in there that they're the RBC operations  
1616 and capital expenditure budgets. Um, include - - I don't know what  
1617 your budgets look like so I'm not sure what they are, so. Are any of

1618 the projects that you do, are those included in the approved  
1619 budgets that you presented today?

1620 Ms. Mason: Um, I - -

1621 Ms. Chavers: I think (inaudible) - -

1622 Ms. Mason: The projects that are um, that are - - are included in the alleged  
1623 charges?

1624 Ms. Chavers: Yes.

1625 Ms. Mason: Are on the Casino side.

1626 Ms. Chavers: Okay. And that would be the Gaming Commission - -

1627 Ms. Mason: That would be under the - -

1628 Ms. Chavers: - - budgets.

1629 Ms. Mason: Yeah.

1630 Ms. Chavers: Thank you.

1631 Mr. Jackson: Uh, I just got a question here. (break in audio for short amount of  
1632 time) Mike LaRoque, he - - he got up and he said that it was only  
1633 for the MCT members only. 'Cause it's kind of a little - - little fuzzy  
1634 there, you know? 'Cause a lot of the members left that meeting.

1635 Male voice: Right.

1636 Mr. Jackson: You know? But when the motion was made it was Tribal enrolled  
1637 members to participate. It didn't specifically say "MCT members  
1638 only" like - - like Mike eluded to that day. So some of the - - some  
1639 of these - - some of these minutes here, from the binders that we  
1640 got, there's a lot of the documentation that's missing. You know, all



1641 the - - you know, and - - and if we're going to deal with all the facts  
1642 that - - that would make a determination on what we're going to - -  
1643 how we're going to vote on this matter, you know, it's good to have  
1644 all the information there. You know, that we can - - you know, it  
1645 would've been - - and there - - and there's a lot of information here  
1646 to - - to look at. You know, when you look at these - - 'cause it's an  
1647 important issue here. You know, it's - - it's like with our  
1648 Constitution. It kind of - - I know we've been having discussions  
1649 ongoing now about Constitution reform. You know, either we're in  
1650 or we're out. We're in on this, we're in on that. You know? It - - it  
1651 kind of, you know - - you know, like MC is a part of a - - I mean,  
1652 excuse me, I mean White Earth is a part of the MC too. Currently  
1653 as we stand today. You know, and a lot of the things that happened  
1654 on some of these reservations, you know, on the - - on the MCT  
1655 level are kind of - - they get pretty frustrating. You know. And you  
1656 know, sometimes the Tribes don't feel they have - - or even the  
1657 Tribal members feels like they don't have no recourse of action on  
1658 some of these issues. You know? And then - - and then you bring  
1659 it to the TEC Body and you know, then a lot of times it gets pushed  
1660 back to - - to the individual Tribes and say, "You deal with it". You  
1661 know? And then we talk about, you know, being united. You  
1662 know? You know, when we talk about partnership. But it - - it's like

1663 pick and choose on uh, some of these issues that are - - that are  
1664 relevant to all our reservations on the MCT.

1665 (applause)

1666 Mr. Jackson: You know, and like Tara stated, you know, and she stated a good  
1667 point, you know. You deal with the facts. You know? There's so  
1668 much hearsay going out sometimes and, but a lot of things are dealt  
1669 with factual but at the same time I believe all information should be  
1670 there too. Not little bits and pieces of this and that. And then you're  
1671 supposed to make a decision on something like that. It's kind of uh  
1672 - - it's confusing.

1673 (applause)

1674 Ms. Mason: Okay. So um, and so first of all you'd agree with you. I think, that  
1675 we have a lot of issues at the TEC level. And I think that's one of  
1676 the things that I have been trying to do um, sitting at this table,  
1677 Faron, is to be able to give that back to the membership because  
1678 when we go through here, we're going to um, and I'm really happy  
1679 that we're going to take a break and we're going to be able to eat  
1680 here. Um, but one of the pieces is - - is that when I picked up these  
1681 binders? I picked up an inch binder. You know? And it's low. I  
1682 was looking at the half-inch binders but I probably could've got like  
1683 a 3-inch 3-ring binder. Um, I put in my response to the allegations  
1684 that's relevant, specifically, to the allegations that were made  
1685 against me. And if we have any other Secretary/Treasurers that

1686 want to chime in with their responsibilities or look at redacting  
1687 information? Of course, we don't put in information that is going to  
1688 be detrimental to some of the business that is being conducted by  
1689 our individual Bands. Okay? Um, if I would've included full meeting  
1690 packets - - if you need them, and we will be recessing, they are on  
1691 our website. I'm missing some of them but all of our meetings are  
1692 up on our website. Um, so I do apologize for not including the  
1693 entire session. I've gone over and over. I've pulled out what was  
1694 relevant to my response. But if there's any further information um,  
1695 they are on our website. So that's something that White Earth has  
1696 - - has done in the past (inaudible) is put the minutes on the  
1697 website. It's been probably two and a half years. So if you go to  
1698 our website, you can pull up the full meeting that has been  
1699 released. Um... as I've said before, I've presented facts and  
1700 documentation. I did not want to get into what happened um, what I  
1701 personally thought happened at the Educational but as you've  
1702 asked the question, going back to the first charge. It says "A brief  
1703 discussion was held regarding Tribal-enrollment employees to  
1704 attend. Motion made by Punky Tribal-enrolled members participate  
1705 only". All right. So if we - - we go back to our discussions. So we  
1706 talked as - - as an RBC about making sure that our - - our members  
1707 um, not only White Earth Band but also MCT, if we have MCT  
1708 employees uh, working, that they would be able to attend the event

1709 without having to take PTO. The motion made by Punky was that  
1710 Tribal-enrolled members participate only. So at that point, when we  
1711 talk about Tribal enrolled - - um, you're referring to the Minnesota  
1712 Chippewa Tribe. Um, that's - - was my interpretation of the motion  
1713 that was made. And seconded. Um, a discussion prior to whatever  
1714 happened on page 2 uh, wasn't relevant to my response. So I  
1715 apologize um, if - - if you feel that I'm keeping any information from  
1716 you. Um, it is up on the website. Uh, but this is um, my response to  
1717 the allegations.

1718 Ms. Chavers: Tara, I have to ask you. You said the whole Board agreed with you  
1719 to only allow MCT members to be in that Constitutional Convention  
1720 planning meeting. Was the whole Board there?

1721 Ms. Mason: Um - -

1722 Ms. Chavers: All Band members, or?

1723 Ms. Mason: Yes. They were. Uh, and - - and here - - here's the piece that it  
1724 comes up to is, I didn't make the motion. I didn't - - it - - the motion  
1725 was made. So, um, it's page 3 of 6 of the September eighteenth  
1726 (18<sup>th</sup>), twenty-seventeen (2017) meeting minutes. It's under Section  
1727 2. So if we go all the way back. It says: "A motion was made by  
1728 Punky". So it's (inaudible) Punky Clark made the motion. So, here  
1729 - - I didn't do it. So one of the allegation's is that I - - I excluded - - it  
1730 was the RBC and it was "Motion carried 4 for, zero against".

1731 President Dupuis: Can we um, take a short recess here? Um, everybody go up and - -  
 1732 and fill your plates. And we'll start working after everybody gets  
 1733 some food. Miigwech.

1734 (Lunch recess)

1735 President Dupuis: Allegation number 5?

1736 Ms. Mason: All right. Can everybody hear me? It's... It's - - I don't think this is  
 1737 the same mic that I had in the past. Is it - - is this on?

1738 Female voice: Yes.

1739 Ms. Mason: Am I good? Okay.

1740 Female voice: Louder!

1741 Ms. Mason: Louder! I heard that. Okay. So. If you go to Section 6 of your  
 1742 books, we'll start on final allegation. Um, bear - - bear with this one  
 1743 because uh, this is where we really, I believe, is something that  
 1744 should be discussed at this table. This is something that I think is  
 1745 - - is relevant to the TEC. Of course I deny the uh, allegation and  
 1746 the motion to censor uh, this piece. But I am more than happy to  
 1747 explain and discuss the position that's been taken on White Earth.  
 1748 By White Earth RBC. And so um, the other thing too that I think is  
 1749 really interesting about uh, Charge 5 - - Allegation 5 - - is some of  
 1750 the language that's used in uh, in this piece. But hopefully I will be  
 1751 able to explain this uh, clearly because not only is this a - - a TEC  
 1752 issue that I think uh, should be - - should be discussed thoroughly  
 1753 at this table but I also believe that this is a very, very relevant issue

1754 for our membership and uh, something that I take very seriously.  
1755 And something that I think through the whole Constitutional  
1756 Convention process that we will be able to uh, come to a point  
1757 where we can allow and have our membership vote on the process  
1758 that we're using. And our Constitution uh, with um, any kind of  
1759 changes that are needed to be made uh, at the Constitutional level  
1760 by the membership. So.. Allegation number 5: "Abuse of Authority  
1761 and Interference with Courts. Tara Mason goes outside her RBC  
1762 authority and has ordered staff to alter and interfere in the White  
1763 Earth Tribal Court without regard to White Earth resolution citing  
1764 separation of powers. She has since rescinded this Resolution  
1765 number 19-04-002 after the fact in an effort to streamline absolute  
1766 power. However, we... feel the timing of these efforts are against  
1767 the MCT Constitution Article XIII granting equal rights and  
1768 protection to all Tribal members. She has interfered in our Tribal  
1769 Court numerous times. And ordered the Chief Judge to fire another  
1770 judge without full consideration of the Tribal Council. In addition,  
1771 Tara Mason has directly interfered with individual court cases  
1772 disobeying Tribal Court orders on employment, taking away White  
1773 Earth members' rights to equal protection and equal opportunities."

1774 Male in audience: That's right!

1775 Ms. Mason: So if we look at uh, the first bullet, we have MCT Revised  
1776 Constitution Article XIII, Rights of Members. "All members of the

1777 Minnesota Chippewa Tribe shall be accorded by the Governing  
1778 Body equal rights, protections and equal opportunities to participate  
1779 in the economic resources and activities of the Tribe. And no  
1780 matter - - no member shall be denied any of the Constitutional  
1781 rights or guarantees enjoyed by other citizens of the United States.  
1782 Including but not limited to freedom of religion and conscience,  
1783 freedom of speech, the right to orderly assoc - - association or  
1784 assembly. The right to petition for action or the redress of  
1785 grievances. And due process of law.” The second bullet is MCT  
1786 Ordinance number 15: “Same statement as above in Article XIII  
1787 also includes Tribal Court is” - -  
1788 Female: (from audience) (inaudible)  
1789 Ms. Mason: - - “required to maintain and establish justice to promote the general  
1790 welfare of Tribal members and to provide due process of law”.  
1791 Okay. So the first piece that’s been included in your packet is the  
1792 Minnesota Chippewa Tribe Ordinance number 15. This ordinance  
1793 um, was established April twenty-ninth (29<sup>th</sup>) and thirtieth (30<sup>th</sup>),  
1794 nineteen eighty-five (1985) at Minneapolis, Minnesota by the TEC.  
1795 So my understanding, and I’m - - this is where I’m going to ask MCT  
1796 Attorney to just briefly describe what Ordinance 15 talks about and  
1797 if the Executive Director of MCT, Gary, could explain maybe the last  
1798 time that um - - or how it is used.

1799 Attorney Brodeen: Ordinance number 15 has been in effect since nineteen eighty-five  
1800 (1985) creating a Body that exercises judicial powers and very  
1801 limited functions. Those two functions essentially uh, are  
1802 determined by - - through ordinance and those functions currently  
1803 are in elections and in enrollment. Um, in the final disputes. So it's  
1804 not a court that exercises general jurisdiction in any matters. It's  
1805 just those two specific matters.

1806 Ms. Mason: Uh, when - - Gary, when was the last time we used it? How often  
1807 do we use it annually?

1808 Mr. Frazer: Okay. The Minnesota um, Chippewa Tribe Court is used for two  
1809 purposes. It was for um, an appeal of an - - an enrollment. Um,  
1810 relinquishment or removal enrollment. The second time is - - we  
1811 use it is under the election ordinance. Uh, we use it for appeals of  
1812 person's certifications. And have to - - if the Band um, opts in, we  
1813 also use it for uh, appeals for that election. So the last time it was  
1814 used, it was used uh, the last election. Which would've been um - -  
1815 it was for certification purposes. So we used it to cert - - certifying  
1816 in April of two thousand and sixteen (2016).

1817 Ms. Mason: Okay. Thank you. Um... so... I'll just say the first sentence in um... let  
1818 me back up. I apologize. I back up. So what was included in  
1819 Allegation number 5 was an e-mail uh, Resolution 19-04-002 and  
1820 meeting minutes... um, from July twelfth (12<sup>th</sup>), twenty-seventeen  
1821 (2017). And so quickly I will go over the evidence that's been



1822 provided against me. Um, regarding Allegation number 5. Says:  
1823 "Begin forward message. From B.J. Jones. Date, July thirteenth  
1824 (13<sup>th</sup>), twenty-seventeen (2017) at nine twenty a.m. (9:20). To: and  
1825 that's blanked out. Subject: Reason Termination. Morning, blank.  
1826 Sorry for the delay of responding. As we talked about on the  
1827 phone, the only thing I know about my removal as associate judge  
1828 at White Earth was that the Chief Judge communicated to me that  
1829 the council no longer desired that I be a judge there and asked the  
1830 Chief Judge to replace me. I am not aware of why or who was  
1831 involved in this decision. Thanks so much and have a most  
1832 pleasant day. B.J. Jones". That was used, included in the  
1833 allegations against me. The second piece that I had in the packet  
1834 was Resolution 19-04-002. And that one was signed uh, by Doyle  
1835 Turner and Bud Heisler in two thousand and four (2004). And I will  
1836 be reading this resolution later in my defense. And then again we  
1837 go back to the minutes, July twelfth (12<sup>th</sup>), twenty-seventeen (2017)  
1838 in the packet allegations against me. It was called to order. The  
1839 agenda was approved. The RTC minutes were approved. We go  
1840 into White Earth business. And then on page 3 of 5 uh, they did not  
1841 include page uh, two but we go right to three (3) as well. And the  
1842 documentation used against me with the allegations. And this I will  
1843 read and I will read it again when we come to my response. But for  
1844 clarification, I believe this is the - - the portion that we were referring

1845 to with uh, what was stated against me. "Tribal Court. There is a  
1846 situation with the Tribe sovereign immunity. Tara would like to have  
1847 discussion. At a request to postpone deposition scheduled for  
1848 today. Legal review and conversation with membership is needed.  
1849 The court order waiving sovereign immunity in the case needs to be  
1850 presented and reviewed. A request is being made to have an  
1851 outside agency or legal review come in regarding sovereign  
1852 immunity issue. In a court case because of policy and handbook,  
1853 the Tribe waives sovereign immunity. There was never any action  
1854 taken by the Tribal Council to waive any sovereign immunity. B.J.  
1855 Jones stated the Tribe waived sovereign immunity." At the bottom,  
1856 it - - it looked like that was marked again. It says, "The request is"  
1857 - - "is being made to postpone the deposition to allow for outside  
1858 review. Motion made by Tara Mason to postpone any further court  
1859 action regarding the issue until the legal review is conducted within  
1860 thirty (30) days. Seconded by Punky Clark, motion carried 3 for,  
1861 one silent." So that is the evidence uh, that's being presented  
1862 against me um, in Allegation number 5. So first sentence goes:  
1863 "Abuse of authority and interference with court. Tara Mason goes  
1864 outside of her RBC authority and has ordered staff to alter and  
1865 interfere in the White Earth Tribal Court without regard to the White  
1866 Earth Resolution citing separation of powers." Where is the  
1867 evidence again that um, I had ordered um, any staff to alter and

1868 interfere with Tribal Court? “She has since rescinded this  
1869 Resolution 19-04-002 after the fact in an effort to streamline  
1870 absolute power. However we feel that the timing of these efforts  
1871 are against MCT Constitution Article XIII granting equal rights and  
1872 protection to all Tribal members.” Um, I apologize. So if we can go  
1873 to um, the next slide we have White Earth Reservation Tribal  
1874 Council, aka White Earth Reserva” - - or, “White Earth Business  
1875 Committee White Earth Band of Chippewa Resolution number 019-  
1876 17-004.” What I’m going to do is I’m going to read this because we  
1877 have a couple of number of things that are going on here. And as  
1878 we go through um, later on in my response, we will go through the  
1879 minutes. Because this wasn’t a conversation. This wasn’t only one  
1880 conversation and this wasn’t only one time that this issue came up.  
1881 Um, it - - it was leaked out um, through the minutes we will see.  
1882 But I want to lay out right now the resolution that was passed um,  
1883 talking about the rescinding of - - of that. But I think the piece for  
1884 me is really looking at how are we as a TEC Body addressing and  
1885 dealing with these issues. Because one of the pieces that’s  
1886 included in these allegations is that there is separation of powers.  
1887 Okay. Here’s the issue that came before RBC and came before  
1888 White Earth. Is that all of the resolutions - - there are three (3)  
1889 resolutions that were rescinded. And yes, it said that the RBC  
1890 would not interfere with Tribal Court. But where is the protection for

1891 governance and RBC to not be interfered with by Tribal Court  
1892 through court orders? So when we start talking about - - we start  
1893 talking about separation of - - of authorities, we also have to talk  
1894 about how those are reciprocal? That if we're not allowed into  
1895 Tribal Court, how is Tribal Court not allowed into RBC business?  
1896 And so this is what um, I'm going to try to be able to present as  
1897 articulately as possible because this is kind of um, one of the issues  
1898 and problems that I really see us here sitting at this TEC table that  
1899 we need to address. And I really believe it's through the  
1900 membership at being able to go through this Constitutional  
1901 Convention and giving our members the right to vote to ensure that  
1902 there is a separation of powers. That there are Bodies that are able  
1903 to do this. But, right now with the Constitution, that is not included.  
1904 So we are trying to do the best that we can. So starting with um,  
1905 Resolution 019-17-004, that was passed 3 for, zero against, zero  
1906 silent, September eighteenth (18<sup>th</sup>), twenty-seventeen (2017), in  
1907 White Earth Minnesota. Um, we'll go through and we'll start laying  
1908 out the process. So I will start with the second 'whereas' and I will  
1909 read it all the way through. "Whereas the White Earth Reservation  
1910 Tribal Council also known as the White Earth Reservation Business  
1911 Committee is the duly authorized governing body of the White Earth  
1912 Band and whereas the White Earth Reservation RBC supports and  
1913 believes in the rights of the members in providing a fair and

1914 equitable due process pursuant to Article XIII of the Minnesota  
1915 Chippewa Tribe Constitution as amended, while protecting the en -  
1916 - entirety of the White Earth Band; and whereas the White Earth  
1917 Reservation RBC has enacted the White Earth Band of Chippewa  
1918 Judicial Code on November third (3<sup>rd</sup>) nineteen ninety-seven (1997)  
1919 to fulfill this purpose through the authorities of the Minnesota  
1920 Chippewa Tribe Constitution as amended, Article VI Section 1(d).  
1921 And whereas the White Earth Tribal Judicial Code has governed the  
1922 White Earth Tribal Court since nineteen ninety-seven (1997) without  
1923 amendment.” - -

1924 Male in audience: (inaudible)

1925 Ms. Mason: “And has issued an order raising questions of White Earth  
1926 Reservation sovereign immunity. And whereas, the RBC hereby  
1927 finds and concludes that the White Earth Tribal Court does not have  
1928 the authority to interpret or direct the White Earth RBC with respect  
1929 to the RBC’s authority granted through the Minnesota Chippewa  
1930 Tribe Constitution as amended, Article VI Section 1(d). And  
1931 whereas, the RBC previously enacted Resolution 019-04-002, 019-  
1932 11-002 and 19-14-003 and said resolutions were not property  
1933 grounded in the Minnesota Chippewa Tribe Constitution and were  
1934 therefore not authorized by the Constitution. Now therefore be it  
1935 resolved White Earth RBC hereby rescinds Resolution 019-04-002,  
1936 019-11-002 and 19-14-003 and therefore be it further resolved that

1937 the White Earth RBC will take all necessary action to review and  
1938 recommend by ordinance revisions to the White Earth Band of  
1939 Chippewa judicial code to protect the integrity of the White Earth  
1940 Tribal Court. Now be it finally resolved that the RBC will take  
1941 direction from the larger effort by the Tribal membership and the  
1942 TEC pertaining to the authority of Tribal Court to adjudicate cases  
1943 involving Tribal members and the Tribal government.” So this went  
1944 into effect September eighteenth (18<sup>th</sup>), twenty-seventeen (2017).  
1945 So at that point even in this resolution and it was discussed and  
1946 talked about that this is a matter that should come before the TEC.  
1947 Because we’re talking about ju - - um, uh, separation of powers and  
1948 the Tribal Court system. Uh, we have had a - - previously had a  
1949 presentation by Mille Lacs regarding their separation of powers and  
1950 the things that they have put into place. So, but I think the larger  
1951 picture again comes back down to the authority of Tribal Court. So  
1952 when we look at the resolutions um, if we look at the rescinded  
1953 resolution 19-04-002, again um, I will read through these. This one  
1954 being enacted in two thousand and four (2004). Um, so I’ll quickly  
1955 run through this um, piece. Is that: “Whereas the Tribal Court” - -  
1956 the second ‘whereas’ - - “the Tribal Court is committed to  
1957 establishing a stable and efficient and equitable system of Tribal  
1958 government that includes separation of various powers of  
1959 government. And whereas, the Tribal Court has previously

1960 established the White Earth Tribal Court through an enactment of  
1961 the Tribal Judicial Code. And whereas, Tribal Court has determined  
1962 that an independent Tribal Court is an essential component for the  
1963 effective Tribal government freed from interference by the Tribal  
1964 Council. And whereas, the Tribal Court has determined that in  
1965 addition to the general civil jurisdiction now exercised, the Tribal  
1966 Court should be utilized for resolutions of disputes that may arise  
1967 from time to time in the various programs and divisions  
1968 administered by the Tribal government. And whereas, the Tribal  
1969 Court has determined that the stability of the Tribal Court will be  
1970 furthered by appointment of the judges of the Tribal Court for an  
1971 initial term of five years with reappoint to occur at regular four-year  
1972 terms thereafter. Upon the expiration of such terms the judge of  
1973 Tribal Court will be evaluated by the panel of Appellate Court  
1974 Judges for reappointment to a subsequent term. And whereas, the  
1975 Tribal Court is satisfied that Judge Anita Fineday has served the  
1976 White Earth Tribe admirably over the past seven years through her  
1977 service as Chief Judge of the White Earth Tribal Court. Therefore  
1978 be it resolved that the White Earth Reservation Tribal Council  
1979 declares that White Earth Tribal Court shall operate as an  
1980 independent branch of Tribal government within the authority  
1981 included in the Tribal judicial code without interference by the Tribal  
1982 Council. And be it further resolved that the authority of Tribal Court

1983 shall be extended to the resolution of disputes arising through the  
1984 administration of various programs, divisions of Tribal government  
1985 and the policies of various programs and divisions shall be  
1986 amended to reflect the authority of Tribal Court declaring this  
1987 resolution. And be it further resolved that the Tribal Court judge for  
1988 the trial court level and Appellate Court shall be for initial term of  
1989 five years with a subsequent reappointments to occur at regular  
1990 four-year terms thereafter and upon expiration of such terms, the  
1991 judges of the Tribe - - Tribal trial court shall be evaluated by a panel  
1992 of Tribal Appellate Court judges for appointment to a subsequent  
1993 term. And be it finally resolved that Judge Anita Fineday is hereby  
1994 appointed to the five year term as Chief Judge of the White Earth  
1995 Tribal Court. Three for, one against, zero silent.” The next  
1996 following page, another resolution. Uh, 019-11-002 that has been  
1997 rescinded. This one was passed in twenty - - twenty-eleven (2011).  
1998 And that one um, goes through - - I will start... um, at the fourth  
1999 ‘whereas’: The Tribal Council is committed to establishing a stable,  
2000 efficient and equitable system of Tribal government that includes a  
2001 separation of the various powers of government and - - And  
2002 whereas, the Tribal Council established the White Earth Tribal  
2003 Court through enactment of Tribal Judicial Code in nineteen ninety-  
2004 seven (1997). And whereas, the Tribal Court has determined that  
2005 an independent Tribal Court is an essential component of the



2006 effective Tribal government free from interference by the Tribal  
2007 Council. And whereas, the Tribal Council has determined that the  
2008 Tribal Court shall be empowered to (inaudible) all civil, criminal and  
2009 administrative matters. And whereas, the Tribal Court has  
2010 determined that the stability of the Tribal Court will be furthered by  
2011 the appointment of judges of the Tribal Court for a term of four  
2012 years, with nomination by the Chairperson of the White Earth Tribal  
2013 Council. And a confirmation vote by the members of the White  
2014 Earth Tribal Council. And whereas, the Tribal Council has - - is  
2015 satisfied that Judge Anita Fineday has served the White Earth  
2016 Tribal - - the White Earth Tribe admirably over the past thirteen  
2017 years in her service as Chief Judge of the White Earth Tribal Court.  
2018 Therefore be it resolved that the White Earth Reservation Tribal  
2019 Council declares that the White Earth Tribal Court shall continue to  
2020 operate as an independent branch of the Tribal government within  
2021 the authority included in the Tribal judicial code without interference  
2022 by the White Earth Tribal Council. And be it further resolved that  
2023 the White Earth Reservation Tribal Council hereby confirms that  
2024 Judge Anita Fineday has been acting as the Chief Judge of the  
2025 White Earth Tribal Court and shall remain in that position as a full-  
2026 time judge of the White Earth Tribal Court until replaced pursuant to  
2027 the White Earth Judicial Code. A vote, 3 for, 0 against, 0 silent.  
2028 January third (3<sup>rd</sup>), twenty-eleven (2011) in White Earth,

2029 Minnesota.” Resolution 019-14-003. We go to the second  
2030 ‘whereas’: “The White Earth Reservation Tribal Council, also  
2031 known as the White Earth Reservation Business Committee, is a  
2032 duly-authorized governing body of the White Earth Band. And  
2033 whereas, the White Earth Reservation Tribal Council previously  
2034 recognized the judicial service division of the White Earth Tribal  
2035 government to include the Tribal Court, the Court Administrator and  
2036 the Tribal Legal Department with the Tribal attorney serving as the  
2037 director of the division. And whereas, the White Earth Reservation  
2038 Tribal Council has determined that it is now appropriate to separate  
2039 the Tribal Court from the Tribal Judicial Service Division. And that  
2040 Tribal Court be supervised by the Chief Judge of the White Earth  
2041 Tribe. Now therefore be it resolved that the trial and appellate  
2042 levels of the White Earth Tribal Court including Court Administrator  
2043 are hereby separated from the White Earth Judicial Service  
2044 Division. And be it further resolved that the Chief Judge of White  
2045 Earth Tribal Court shall supervise the trial and appellate levels of  
2046 the Tribal Court as well as the Court Administrator for the White  
2047 Earth Tribal Court. We do hereby certify that the foregoing  
2048 resolution was adopted by a vote of two (2) for, zero (0) against,  
2049 zero (0) silent. A quorum being present at a Special Meeting of the  
2050 White Earth Reservation Tribal Council held on June seventeenth  
2051 (17<sup>th</sup>), twenty-fourteen (2014) in White Earth, Minnesota”. So, it’s

2052 very well written resolutions. And it sounds good. It sounds like  
2053 these would be sound resolutions. But the situation that we found  
2054 ourselves in on White Earth had us questioning exactly what is the  
2055 authority of Tribal Court. Have we granted Tribal Court ultimate  
2056 authority to make determinations over uh, election process? Over a  
2057 lot of things that are still never given up through the Constitution  
2058 and that are still and continue to remain RBC responsibilities. So,  
2059 we're going to walk through the rest of - - of this defense because in  
2060 no way was this an effort to streamline absolute power. Because  
2061 we didn't not just rescind resolutions. We put something in place.  
2062 Announced to go back to membership and to talk to them about  
2063 exactly what was happening. Because I think there is also needing  
2064 to be a conversation at this table. Um, so on May eighth (8<sup>th</sup>),  
2065 twenty-seventeen (2017), we have um, page 2 of 4 at the bottom of  
2066 the page, we have Legal. And it's highlighted. And it says Lenny  
2067 Fineday and Joe Plummer were present. Lenny Fineday and Joe  
2068 Plummer both were our Legal counsel at that time. Uh, "Judicial  
2069 code and sovereign immunity discussion was held. Clarification is  
2070 needed on this process. Policy 311 needs to be reviewed. The  
2071 Tribal Council needs to clarify the law. It is the sovereign waiver of  
2072 immunity be utilized for employee appeals or not. Lenny will gather  
2073 more information as to the history of policy 311 and will provide  
2074 options for review and approve at the next work session." So what

2075 had happened is - - is that yes, there was a - - a court case that had  
2076 come up. And our understanding that in everything that we were  
2077 receiving is that the reason why this continued to be appealed and  
2078 to be heard at different levels um, was because the court had  
2079 decided that White Earth had waived their sovereign immunity by  
2080 enacting a policy. And eventually we're going to get - - it's actually  
2081 a 6.2 - - we are going to go over the judicial code. So if we move on  
2082 to June fifth (5<sup>th</sup>), twenty-seventeen (2017), page 2 of 5, Policy 311  
2083 Appeal for Termination: "Lenny Fineday present. Lenny stated a  
2084 formal method of an appeal of termination. Timeline for the process  
2085 needs to be determined and how do we blend the two. Also an  
2086 important thing is to have the Tribal" Court decide - - or Tribal  
2087 "Council decide on one or the other. Tribal Court or administrative  
2088 process. Recommendation is that Tribal Council determine the  
2089 process. Brief discussion on appeal for termination and the time it  
2090 takes to go into Tribal Court and the cost. Lenny will provide a new  
2091 appeal for termination policy and resolution for Tribal Council  
2092 approval." So now we are in June. And so we're still continuing to  
2093 have these discussions and talk about the process. So we're  
2094 talking about process at the RBC level. So we're really looking at  
2095 - - and I think um, if I can ask Phil at this point - - because one of the  
2096 pieces then when we start talking about due process. What is due  
2097 process? We start looking at the actual definitions of what do these

2098 mean? What is our responsibilities? And how are we ensuring that  
2099 members do have Article XIII rights of members enforced and  
2100 provided? But the piece that came up is that uh, through  
2101 conversation that we talked about the different types of due  
2102 process. And Phil, can you um, explain? Because you might be  
2103 able to do this a little bit more clearly than I can. The difference uh,  
2104 between like procedural due process and uh, what is the other - -  
2105 substantive? Okay. If we can just kind of briefly touch on those.  
2106 And if we can go back to the procedural on that due process is not  
2107 always something that's done through a Court system?

2108 Attorney Brodeen: Yeah. I'm going to be real brief with regard to these two things.  
2109 "Procedural due process" is where people envision due process a  
2110 lot of times as consists of two things: notice and then opportunity to  
2111 be heard. That's "procedural due process". "Substantive due  
2112 process" is ensuring that people are treated the same. Um, and  
2113 that goes back to kind of the Constitutional language that all of us  
2114 are uh, have equal protection of the law. So that's a brief overview  
2115 of "Substantive Due Process". I've been out of law school for uh,  
2116 six years and um, these things are always still talked about and  
2117 always come up and they're very complicated substantive due  
2118 process particularly is very complicated. That's uh, my brief  
2119 overview and I think that should uh, help frame um, where it's  
2120 going.

2121 Mr. Mason: Thank you, Mr. Brodeen. So we move on to July fifth (5<sup>th</sup>). Again  
2122 um, the judge firing comes up. So judge - - uh, "judge". Uh, judge  
2123 firing. Joe Plummer was present. "Statement was made by an  
2124 individual that Tara, Kathy and Punky, fired a previous judge. Joe  
2125 stated there is no structure in the Constitution regarding separation  
2126 of powers. There was previous discussion regarding waiving  
2127 sovereign immunity which was discussed but never acted upon.  
2128 There is blame being placed for firing of a judge which never  
2129 happened. Joe stated there needs to be clarification made. Tara  
2130 stated that she has no - - she has no individual authority to  
2131 terminate a judge. There was an agreement on sovereign immunity  
2132 discussion was held at the time. Never any action to approve  
2133 firing." Moving on to July twelfth (12<sup>th</sup>), twenty-seventeen (2017).  
2134 Again, this was what was actually used um, in the allegations  
2135 against me. Uh, which I've included in my response. Um, because  
2136 this is - - this is what happened. We - - we had to have discussion.  
2137 We needed to talk about this. There has never been any resolve to  
2138 talking about - - this wasn't personal against one individual. We are  
2139 talking about the Band's sovereign immunity. Not the five elected  
2140 sitting at the table, but the sovereign immunity for all of White Earth.  
2141 That was the discussion that was held. And so when we start  
2142 looking at Policy 311 that was put in place for the White Earth  
2143 handbook that - - that created a process that waived partial

2144 sovereign immunity um, does not supersede the fact that how any  
2145 reservation tribe or nation waives sovereign immunity. So those are  
2146 the - - the pieces that we're looking at. And so what I did is I asked  
2147 for a postponement. I did not - - I did not dissolve any court orders.  
2148 I did not go marching down to the Tribal Court and demand justice  
2149 for the RBC or the White Earth Band members. I asked for a  
2150 postponement of thirty (30) days to get review and have more  
2151 discussion. Because we are going down a slippery slope when we  
2152 started talking about waiving White Earth sovereign immunity. It  
2153 was in protection of White Earth sovereign immunity. The  
2154 membership. Sovereign immunity. So then we go to - - and I don't  
2155 have the front page - - but we go to August ninth (9<sup>th</sup>) of twenty-  
2156 seventeen (2017). Tribal Court table for Monday. "Tara stated  
2157 rereading the code and the resolutions. The White Earth Judicial  
2158 Code has governed the White Earth Tribal Court since ninety-seven  
2159 ('97) without amendment. And has issued an order raising  
2160 questions of White Earth sovereign immunity. Tara wants to  
2161 propose rescinding resolutions. Tara handed proposed resolution to  
2162 Council for their review. Discussion on rescinding Resolution 19-  
2163 04-002, 19-11-002, 19-14-003. Tabled for Monday." Um, we go  
2164 back to - - think I have a duplicate of 1814 in here? Uh, I apologize  
2165 for that. No. Maybe this is a new one. I don't know. We've had - -  
2166 voted so many times here. No, that is duplicate. "The Tribe has a

2167 responsibility to sovereign immunity”. Okay. September eleventh  
2168 (11<sup>th</sup>), twenty-seventeen (2017), page 2 of 6. We have the  
2169 resolution of White Earth Judicial Code Policy 311. “Joe provided  
2170 an overview of the resolution tabled for the next meeting. Tara is  
2171 requesting that the Tribal Council resolution previously discussed  
2172 for Tribal Court be rescinded. Tara stated this resolution being  
2173 presented is good and addresses the issue that Judicial Code  
2174 needs to be amended to reflect the changes as well. Tara is also  
2175 requesting that the Judicial Code amendments also go through the  
2176 public comment process. Joe Plummer was asked again to draft a  
2177 resolution rescinding the previous Tribal Council resolutions.”  
2178 September eighteenth (18<sup>th</sup>), twenty-seventeen (2017). So down  
2179 towards the back. I think this is the only one - - I apologize - - I  
2180 didn’t highlight it. But page 6 of 6, on September eighteenth (18<sup>th</sup>),  
2181 twenty-seventeen (2017), “Resolution Tribal Court authority.  
2182 Motion made by Kathy Goodwin to approve resolution 19-17-004.  
2183 Seconded by Tara Mason. Motion carried 3 for, zero against.”  
2184 September twenty-ninth (29<sup>th</sup>), twenty-seventeen (2017). Page 7 of  
2185 7. So at that meeting, what had happened on nine eighteen twenty-  
2186 seventeen (09-18-2017), the resolution uh, went into effect. There  
2187 were members that were sitting in our work session at that time.  
2188 And I heard one of our Band members, Jerry Libby... say and ask for  
2189 Article XV Manner of Review, Section 3. At that point I had asked



2190 our Executive Administrative Officer if she would add that to the  
2191 agenda for the next following meeting. As I did want to talk about - -  
2192 I didn't want to talk to this Body about the process and what we  
2193 were doing. And Article XV is the manner in which we conduct that  
2194 type of business. And so for me, that was the process that I wanted  
2195 to start is to make sure that we are on the right course and that we  
2196 are not stepping out of bounds. So I asked that Article XV be put on  
2197 the next meeting's agenda. Nine twenty-nine seventeen (09-29-  
2198 17). Page 7 of 7. Manner of Review, Article XV: "Discussion was  
2199 held regarding the resolution passed for Tribal Court to have it sent  
2200 to the TEC for our review." Um, I did not address Article XV  
2201 thoroughly in Allegation One for the simple fact that there was no  
2202 resolution coming from White Earth from the RBC. There was a  
2203 motion passed but there was no resolution. There was also no  
2204 resolution coming from the TEC table. There was a motion that  
2205 was passed but no resolution. But my question to this table: Who  
2206 is responsible? Is there one person just responsible for Article XV?  
2207 Or is this coming from? So my stance has always been that before  
2208 anything comes to this table, that it should go through the Body. It  
2209 should go through the RBC at the Reservation level. So that uh,  
2210 one way or another we have it documented that it's been discussed  
2211 and it's been approved to come to this table for discussion. So  
2212 that's what I was trying to do with that resolution. Is that we needed

2213 to be able to um, bring this to this table. Are we on the right  
2214 course? I - - I'm always looking for direction. Or input or any kind  
2215 of consideration when it comes to this. It's not that White Earth is  
2216 trying to exist or act in a vacuum by themselves. My - - okay. So, it  
2217 was a long day. We started um, I believe we started on time. We  
2218 started at nine fifteen (9:15) and it was almost six o'clock (6:00).  
2219 And I had heard a member say that this should go through Article  
2220 XV. It was added to the agenda and when we got to it um, it came  
2221 up. And to my surprise, being a long day, we also had legal still in  
2222 - - in that - - the meeting. Is that um, first our attorney Joe Plummer  
2223 spoke. Which really kind of surprised me because I wanted to have  
2224 discussion. Like, full discussion on this. And he said that this is  
2225 White Earth's business. After he spoke, the Chairman spoke. And  
2226 the Chairman also said that this is Reservation Band business. And  
2227 so at that point, because we'd had a very long day, I didn't pursue it.  
2228 But I wanted to make sure that it was noted that White Earth did  
2229 have a conversation about Article XV and I did want it to come to  
2230 this table for review. Because I think that is the process. Especially  
2231 when we're talking about something so sensitive as this. So, it was  
2232 one of the last things on the agenda and I did not get to get it to this  
2233 table for review. So as you see, there's been multiple  
2234 conversations. There's been ongoing conversations on White Earth  
2235 talking about sovereign immunity. Not talking about an individual's

2236 court case. Talking about sovereign immunity. So if you go to  
2237 Section 6.2, it's the White Earth Judicial - - the White Earth Band of  
2238 Chippewa Judicial Code. And then to flip through, we go to... um,  
2239 tab 6.3. And so if we scroll down - - yep. Section - - thank you.  
2240 Section 3, Suits Against the Band. So there's a number of things  
2241 that are going on in White Earth's Judicial Code. Uh, just above  
2242 that um... the court has assumed authority - - uh, just above that we  
2243 have (inaudible) - - "Courts shall have jurisdictions to interpret all  
2244 provisions of the Minnesota Chippewa Tribe Constitution and all of  
2245 their organic documents which pertain to the governing authority of  
2246 the White Earth Band of Chippewa." So I mean, so there's a bunch  
2247 of little different things in here that are kind of inconsistent and our  
2248 Code does need to be addressed and looked at. Um, and  
2249 discussion needs to happen on White Earth. But going back to  
2250 Section 3, Suits Against the Band. "A) Sovereign immunity of the  
2251 Band. Sovereign immunity from suit of the Band in every elected  
2252 reservation Tribal Council member, Tribal official, Tribal judge or  
2253 attorney acting on behalf of the Band with respect to any action  
2254 taken in official capacity or in the exercise of official powers of any  
2255 such office in court, federal, state or Tribal is hereby affirmed.  
2256 Nothing in this code shall constitute a waiver of the Band sovereign  
2257 immunity. B) Tribal Action not a Waiver of Sovereign Immunity. No  
2258 enforcement action taken upon this code including the filing of any

2259 action by the Band or any agency of the Band in Tribal Court shall  
2260 constitute a waiver of sovereign immunity from suit of the Band  
2261 before any elected Reservation Tribal Council member or Tribal  
2262 official with respect to any action taken in any official capacity or in  
2263 the exercise of the official powers of any such office. Either as it  
2264 have any counterclaim regardless of whether the counterclaim  
2265 arises out of the same transaction or occurrence or in any other  
2266 respect. C) Waiver of sovereign immunity. The sovereign immunity  
2267 of the White Earth Band in any elected reservation Tribal Council  
2268 members - - member or Tribal official, with respect to any action  
2269 taken in the official capacity or in the exercise of the - - of official's  
2270 power of any such office in any action filed in the Tribal Court with  
2271 respect thereto may only be waived by formal written resolution of  
2272 the White Earth Tribal Council. All waivers shall be" - - e - - e - -  
2273 Phil, how do you say the word? Unequivocally. (chuckles) I  
2274 would've stumbled all over it. " - - expressed in such resolution, no  
2275 waiver of the Band sovereign immunity from suit may be implied  
2276 from any action or document. Waivers of sovereign immunity shall  
2277 not be general but shall be specific and limited as to the jurisdiction  
2278 or form within which an action may be heard. The duration action  
2279 and property or funds, if any, of the Band or any agency,  
2280 subdivision or governmental or commercial entity of the Band  
2281 subject thereto. No express favor of sovereign immunity by written

2282 resolution of the Reservation Tribal Council shall be deemed of  
2283 consent to levy of any judgment, lien or attachment upon property  
2284 of the Band or any agency subdivision or governmental or  
2285 commercial entity of the Band other than properties specifically  
2286 pledged or assigned therein.” So, we can go through this whole  
2287 code but again, this is White Earth’s business. This is something  
2288 that we’re going to need to take care of. Uh, but there - - there are  
2289 other issues and concerns that arise out of this code. Um, and  
2290 White Earth will be dealing with those as well. So the piece that  
2291 came into play is that it was our - - our understanding that Tribal  
2292 Court said that the RBC waived sovereign immunity when Policy  
2293 311 in the employee handbook was adopted. At that point they  
2294 were looking at a deposition of the Executive Director who was  
2295 working in capacity of his official job duties uh, to carry out action  
2296 that was actually taken at the RBC level back in twenty-fifteen  
2297 (2015).

2298 Female: (from audience) No, no, no, no, no!

2299 Ms. Mason: So um, so that is the piece of where and what the discussions were  
2300 at the table. So we were discussing multiple times. It just didn’t  
2301 happen on one and we made a motion and we postponed it. It was  
2302 ongoing discussions about sovereign immunity, about due process  
2303 and about what and how do we deal with this issue. And one of the  
2304 suggestions that were made is that we look at the Duro-Fix.

2305 Because there was one piece where the Supreme Court had done  
2306 something and Congress actually moved to say that - - that uh, the  
2307 judicial system was incorrectly a judgment that they made. So  
2308 there's a number of different conversations that we had. But at the  
2309 same time, we had a responsibility to look at the authority of Tribal  
2310 Court. So if you go back to the Constitution and you look at Article  
2311 VI Section 1(d) and (e), is that the "authority that created Tribal  
2312 Court came from the ability to designate the existence of such  
2313 entities". Right? So I'll go back to the Constitution and read - -

2314 Female: (from audience) That's enough!

2315 Ms. Mason: - - Article VI...

2316 (pause) (voices in background, unable to decipher)

2317 Ms. Mason: So Article VI Authorities of the Reservation Business Committee,  
2318 Section 1: "Each of the reservation Business Committees shall in  
2319 accordance with the applicable law or regulations of the  
2320 Department of the Interior have the following powers: (d) The  
2321 Reservation Business Committees may by ordinance, subject to the  
2322 review of the Secretary of the Interior, levy licenses or fees on non-  
2323 members or non-tribal organizations doing business solely within  
2324 their res - - respective Reservations. A Reservation Business  
2325 Committee may recognize any community organization, association  
2326 or committee open to members of the Reservation or located within  
2327 the Reservation and approve such organization, subject to the

2328 provisions that no such organizations, associations or committees  
2329 may assume by - - assume any authority granted to the Reservation  
2330 Business Committees or to the Tribal Executive Committee. (e) To  
2331 delegate to committees, officers, employees or cooperative  
2332 association - - associations any of the foregoing authorities,  
2333 reserving the right to review any action taken by virtue of such  
2334 delegated authority". So one of the pieces that we come back to  
2335 and as many know and I've always uh, stated it, both on record, is  
2336 when it comes to interpretation of 1-80 and 2-80? You know, I do  
2337 have concerns. You know? Because 1-80 um, it really looks at the  
2338 authorities that were granted solely to this table here. That we sit  
2339 at. 2-80 is really looking at the creation of - - of the court system.  
2340 And I think when we look back, going through all of it, we start really  
2341 um, looking at how are we having, establishing or setting forth any  
2342 perimeters for a separation of power and a balance of these duties.  
2343 So going back to it and looking at (d), having that authority - -  
2344 because it was through the RBC's authority that they wrote the  
2345 resolutions um, saying that they will not interfere with Tribal Court  
2346 business. But, there was nothing written by the RBC saying that  
2347 Tribal Court will not interfere with RBC business. And the Court  
2348 had established that - - that the RBC waived sovereign immunity.  
2349 And therefore they could proceed with the deposition. So I think  
2350 this was a problem and this was a concern that kept coming up, as

2351 really looking at how are we protecting sovereign immunity and how  
2352 are we ensuring that there is a balance? Um, there is also some  
2353 other issues that kind of arose with this complete issue of Tribal  
2354 Court uh, that - - that we still never really rectified it. It was just - - it  
2355 was approved by the Chief Judge and the HR director. And White  
2356 Earth had no say in it. So when we start looking at the separation  
2357 of powers, we also start looking at the responsibilities and duties of  
2358 each of those entities. And it is through that section of the Judicial  
2359 Code that we are really um, making sure that we are addressing the  
2360 authorities and duties of each. So now when we start really going  
2361 back and saying at the same time we need to make sure and  
2362 ensure that our members have due process. But due process  
2363 wasn't always make court. As um, Counsel Brodeen had said that  
2364 there is procedurals. There is a procedural due process and  
2365 through that process, as long as people are given notice, and  
2366 people receive the time to prepare a defense and be able to speak  
2367 in their defense, then that is due process. It's an administrative  
2368 process. And so there are different ways that we can administer  
2369 that. And that's something that White Earth has been talking about,  
2370 is to ensure that due process is given to members. But also to  
2371 ensure, you know, that we are protecting the integrity of sovereign  
2372 immunity of the White Earth Band. So with that um, I will conclude.  
2373 President Dupuis: Thank you, Tara.



2374 (applause)

2375 President Dupuis: Chairman Tibbetts.

2376 Mr. Tibbetts: As we go forward here, we uh, we're going to have to uh, direct the  
2377 attention of the Body here that prior to all this court issue,  
2378 (inaudible) she's talking about, we did have a separation of powers  
2379 resolution on the table that was overlooked. We had multiple  
2380 people that lost their jobs. Tried to repeal it - - appeal it back into  
2381 court but were denied. You know, to me that's overstepping the  
2382 bounds of a resolution. You know, we talked about the uh, of our  
2383 on-going case that we have now with B.J. Jones and uh, Judge  
2384 Blaeser. There was discussion there. It's not reflected in these  
2385 minutes but there was discussion there. Umsy will say - - will say  
2386 "yes" to that, you know, that we had discussion here that - - that  
2387 those people were brought in and talked to. And Ken Fox was  
2388 supposed to be in a deposition hearing that morning and it got  
2389 waved off. Well, this was - - this is - - given thirty days. Prior to that  
2390 that the court case was open for a year and a half, almost two years  
2391 Lorna (inaudible) will attest to that. She never got her day in court  
2392 and it still remains there. I mean, that's - - if that's not stepping into  
2393 the court's jurisdiction, I don't know what is. And these are - - these  
2394 are factors that have to be heard. That the four - - four cases not  
2395 resolved prior to rescinding this reso - - resolution. Joe Plummer  
2396 came in, you know. He did explain that we do have a limited waiver

2397 of sovereignty because the fact that we're dealing with outside  
2398 companies. But we're dealing with outside companies, that's - -  
2399 that's the issue that we have really left the door open for mediation  
2400 in our Tribal Court. But uh, imposing sovereign immunity against  
2401 another sovereign, I don't think is the right step forward for us as a  
2402 - - as our Nation. You know, like I said, we've had four - - four years  
2403 of that, sitting here for a year and a half and denied unemployment  
2404 and denied their due process in court.

2405 Ms. Mason: Point of Order.

2406 Mr. Tibbetts: That..

2407 Ms. Mason: Point of Order. Um, first of all, clarification: We cannot be  
2408 discussing somebody's unemployment. Whether they received it or  
2409 not.

2410 Mr. Tibbetts: That's pertinent to the case.

2411 Ms. Mason: No, that is personnel information and I don't - -

2412 Mr. Tibbetts: I'm not saying that it ain't.

2413 Ms. Mason: Well, I'm going to say that they got it.

2414 Female: (from audience) Wrong!

2415 Ms. Mason: Okay.

2416 Mr. Tibbetts: (inaudible) - -

2417 President Dupuis: Let's deal with the issues at hand. We - -

2418 Ms. Mason: Okay. It's - -

2419 (break in audio, unknown duration)

2420 Ms. Mason: - - table. To violate my due process.

2421 Mr. Tibbetts: Well, I think that's important to - - important to reconsider the  
2422 charges here.

2423 President Dupuis: Let me say this. The way the ordinance is, the way it's brought  
2424 forward in that manner, the complaint comes in with the evidence at  
2425 that time to make sure that there's a motion or a second - - a motion  
2426 and a second to - - to be here at this point. If that information was  
2427 not brought forward then, it's not going to be brought forward now.

2428 (applause)

2429 President Dupuis: That's all I'm saying. We - - we're following the Constitution. So,  
2430 within that structure of that, it's like - - it's like the old part of Article  
2431 X of the Minnesota Chippewa Tribe Constitution. And I'm going to  
2432 say this briefly because it's a concern. And - - and there is the point  
2433 that we need to look at our Constitution very, very hard. Is that in  
2434 that process of the accused, the accused has the ability to rebuttal,  
2435 call in witnesses. Right? Only the accused. The Petitioners do not  
2436 have that right under the Minnesota Chippewa Tribe Constitution.  
2437 That's the problem that we're in. That's why we're in this position at  
2438 looking at possibly changing the Constitution. All it requires is the  
2439 Petitioner turn in the documentation with the required signatures  
2440 and the information behind it to warrant the Petition. Individual  
2441 Band have brought and set forward processes that exist within that  
2442 side of the structure to a basis of a hearing. That's up to the

2443 individual Bands because it's not required or discussed within the  
 2444 Constitution of the Minnesota Chippewa Tribe. So where we're at  
 2445 today right now, what's coming through the ordinance is that the  
 2446 complaint that came in should have had - - which it states, "the  
 2447 information to warrant or to call for a motion or a second to this  
 2448 point". And I know people may get mad at me and hey, I'm sorry for  
 2449 that. You're asking us to follow the Constitution and that's - -  
 2450 believe - - I believe that's what I'm doing right now. And so the  
 2451 other information that exists there can't come forward now.  
 2452 Because it's not part of the initial complaint.

2453 (pause)

2454 Female: (from audience) Can I ask a question? Just a general-type  
 2455 question?

2456 President Dupuis: I would really like to keep this moving. Um - -

2457 Female: (from audience) Real short (inaudible).

2458 President Dupuis: Go ahead, ma'am.

2459 Female: (inaudible due to distance from microphone) (inaudible) if there's a  
 2460 number that she's really dealt with (inaudible).

2461 President Dupuis: We - - we can't speak on her behalf. Our - - our job is to look at the  
 2462 Constitution. If there's violations of the Constitution that come in  
 2463 with it. It doesn't say that something later that can come in or this or  
 2464 that. For - - for something different.

2465 Female: (inaudible from audience)

2466 President Dupuis: Well - -

2467 Female: (inaudible)

2468 President Dupuis: Well, that's the point that I'm getting at. So when the information  
2469 came in, it should've come in that way. Because now you - - you  
2470 have the accused is allowed to rebuttal. I'm asking questions too.  
2471 The Chairman - - because the Chairman has brought this forward If  
2472 - - this is why I want to get moving. So that we can deal with this  
2473 process. So, Chairman Tibbetts, is there any other comments, or...

2474 Mr. Tibbetts: Yes. (inaudible) start back at the beginning of this thing because  
2475 the MCT Constitutional - - Election - - Educational meeting that's  
2476 held in the TEC was down in Mille Lacs. You know, (inaudible) over  
2477 there and sat at her own table and uh, talked about the Constitution  
2478 and the education process. You know and uh, we voted. Eleven oh  
2479 (11-0). Even Tara voted for it. You know, to keep NNI in and  
2480 working along with our co-facilitators. This is strictly education at  
2481 this point. It's not drafting the Constitution as - - that is (inaudible)  
2482 presented. But to go ahead and - - and make a ruling here? Punky  
2483 made a motion. Tara seconded it. That all MCT - - uh, non-MCT  
2484 members would be kicked out of the room. And so that's first and  
2485 foremost (inaudible) talked about this piece here. That's (inaudible)  
2486 is uh, they were asked to leave. And it's all about education. We're  
2487 not excluding anybody. We should be including everybody. Get in  
2488 everybody's input on this, you know? We got this (inaudible) - -

2489 Ms. Mason: Point of Order. What is the question?

2490 Mr. Tibbetts: There is no question. It's a comment.

2491 (laughter) (applause)

2492 Mr. Tibbetts: We're talking about the - - the MCT education piece. You want to  
2493 know, you're a part of having the MCT members removed here,  
2494 weren't you?

2495 Ms. Mason: (inaudible response)

2496 Mr. Tibbetts: That's a question.

2497 President Dupuis: I would like to make a brief statement. And I don't know because  
2498 we've never been here before. This is the first time with this - - with  
2499 this ordinance. There isn't really a procedural protocol call from this  
2500 point here, except for the TEC to look at the evidence that was  
2501 brought forward. And then the TEC to make a decision. Under - -  
2502 under the ordinance and you can all look at it and correct me if I'm  
2503 wrong, there's two things that are going to happen today. One, is if  
2504 uh, the TEC agree that it's a censure, then the censure will be given  
2505 by the TEC. And that will go back down to its respective Band  
2506 which would be White Earth. And White Earth would deal with it  
2507 under the principles, I believe, under the petition process at that  
2508 time. And that would require twenty percent (20%) of the eligible  
2509 resident voters that live within the confines of White Earth to do  
2510 that. The other one is to - - um, what's the wording?

2511 Female: (from audience) Exonerate!

2512 President Dupuis: Exonerate. Or dismiss. So them are the only two requirements that  
2513 exist within this ordinance that are bound by the TEC to make an  
2514 action on. And so that's where we're at with this. The information  
2515 that's been given by - - by the uh, the complaint or the Petitioner - - I  
2516 use that term because that's the only one I can understand, 'cause  
2517 there's really no term for when somebody brings something up for a  
2518 censure. So and then you have the - - the accused who has the  
2519 right to rebuttal based on this document. And so with the  
2520 complaints at our hands that we're giving, and the response by the  
2521 accused, we as a TEC now have to make a determination. Unless  
2522 there's any more questions by Chairman Tibbetts, or if there's any  
2523 questions by the TEC at this time, then let's start this question and  
2524 let's get this moving.

2525 Mr. Tibbetts: Uh, I did have another comment on this uh, MCT property known as  
2526 the Star Lake. Was it or was it not come across this table? I have a  
2527 sworn affidavit from Mark - - Mark Anderson that says that he had  
2528 (inaudible) place. And that she never responded back to him on  
2529 whether there was a - - a - -

2530 Female: (in audience) (unintelligible)!

2531 Ms. Mason: You haven't presented the evidence. I have not seen that.

2532 Mr. Tibbetts: Prior to that, this Star Lake (inaudible) which is MCT property held  
2533 in common by the Minnesota Chippewa Tribe is the Tribe's

2534 responsibility. Now, that's why I ask was there ever a resolution

2535 that came across this table to allow it?

2536 Ms. Mason: Point of - - Point of Order, Terry. You've already asked that

2537 question at the TEC table before. And you were told "no".

2538 Mr. Tibbetts: But - - (inaudible) - -

2539 President Dupuis: The question that Terry's asking, I will answer for my - - myself.

2540 Since I've been here, no. It has not come across in that manner.

2541 Unidentified: (from audience) (inaudible) White Earth (inaudible) 415 (inaudible)

2542 eighty-million dollars now?

2543 President Dupuis: I can't answer that question for you. But I understand. Everybody's

2544 - - | - -

2545 Mr. Tibbetts: (inaudible) These businesses were held - - started up prior to my

2546 even being in office and moved forward after - - before I was even

2547 sworn in. Those have to be recognized also.

2548 President Dupuis: Uh, correct. And I'm not going to disagree with anybody but I do

2549 need to say this. If the information that was coming in on the

2550 complaint and we have a formal - - formal Tribal attorney. I would

2551 like to see the Tribal - - formal Tribal attorney's statement.

2552 (applause)

2553 Unidentified: (from audience) (inaudible)

2554 President Dupuis: That - - that's my point. That - - that's exactly what I'm asking. So if

2555 complaints are coming in that manner, then justify the complaint. It

2556 needs to be done. And that's what was supposed to happen at the



2557 beginning of this. So any questions that come on - - and I'm not  
2558 trying to be mean - - please try to understand. That the questions  
2559 that were coming in under the complaints, the information should've  
2560 been with the complaints.

2561 Male in audience: And it's also (inaudible) legal, Joe Plummer. That's where the  
2562 money started. (inaudible) buy land!

2563 Others in audience: Yeah!

2564 President Dupuis: Please. Please, everybody. I - - I'm asking respectful to - - to let's  
2565 try to move this on. I'm just bringing up what the ordinance says,  
2566 you guys. That's all I'm doing. Yes, you're free to ask a question.

2567 Ms. Chavers: Um, I would like to ask a question. If - - and I'm not sure if Tara or  
2568 uh, maybe Gary can even answer this, but under the MC - - and I - -  
2569 uh, on the MCT Tribal Land Ordinance number 3. Um, you had  
2570 read section um, 6 or whatever. But I am reading - - and I - - I  
2571 asked Phil about this during the break, but Chapter 3 under the  
2572 Land Ordinance, it says, "Duties and powers of the TEC and Band  
2573 governments." And so it says, that um, Section 301 says:  
2574 "Pursuant to the Constitution of the Minnesota Chippewa Tribe, all  
2575 Tribal lands shall be managed, conserved and developed so as to  
2576 promote the general welfare of the members of the Tribe". I am  
2577 kind of looking at Section um - - other than that next small  
2578 paragraph. And then Section 302 and 303 are the sections I - - I  
2579 guess I have a ques - - 302 basically. "The Tribal Executive

2580 Committee shall retain, subject to the provisions of Sections 302  
2581 and 303, the authority to approve, reject or amend all assignments,  
2582 leases and (inaudible) and other uses of Tribal lands. All such  
2583 decision - - decision shall be final.” Now under Section 302(a), it  
2584 says that “pursuant to the authority contained in the Constitution of  
2585 the Minnesota Chippewa Tribe, Article V, Section I - - section 1(f)  
2586 and Article VI, Section 1(c), “The Band government shall have the  
2587 option to manage, lease, prevent or otherwise deal with Tribal lands  
2588 within the Band’s jurisdiction. Any Band government intending to  
2589 obtain the benefits of this section shall allow the Tribal Executive  
2590 Committees sufficient notice of its intentions so an orderly transition  
2591 of records and management responsibility may occur. A Band  
2592 government may upon 30-days written notice relinquish any  
2593 responsibility that’s already obtained under this section”. Um, that  
2594 question to me, and I addressed to Phil, I said, you know, “Is that”  
2595 - - “that’s - - that’s for like a records management situation but was  
2596 the TEC or the MCT ever notified about the Star Light property?” At  
2597 - - from the White Earth Reservation.

2598 Ms. Mason: Not formally. There’s never been a formal notice that’s gone from  
2599 the RBC, the White Earth RBC, to the TEC. But again, um with all  
2600 of the documentation that I put in place, is that this is still White  
2601 Earth business. Because we are going to a referendum vote. If the  
2602 referendum passes, then notice would be served to the TEC that

2603 this is the intentions of White Earth to move forward with that parcel  
 2604 of land. So, and I - - and the thing is, is it would be the intentions  
 2605 but again, I just want to reiterate is that we want to make sure that  
 2606 we finish the reservation business first before the TEC business is  
 2607 put in place.

2608 Ms. Chavers: I just needed that clarified. Thank you.

2609 Mr. Tibbetts: You know, by - - by allowing this to go through, we're setting  
 2610 precedence for the whole MCT here. The TEC. Which is going to  
 2611 be - - do we have one thousand six hundred - - one thousand sixty-  
 2612 three acres of traditional rice camp sites throughout Minnesota.  
 2613 Some in each of our back yards. So are we setting precedence  
 2614 here by going ahead and - - and building the Star Lake Casino  
 2615 down there and - - and not reaching back and really want to  
 2616 (inaudible) back yard, or - -

2617 Female: (from the audience) (inaudible) court, Terry!

2618 Mr. Tibbetts: - - in uh, Mille Lacs? You know, this - - these are setting precedents  
 2619 for all the way across the Minnesota Chippewa Tribe.

2620 Ms. Mason: So here's my question. Who is solely responsible to bring anything  
 2621 to the TEC table?

2622 Mr. Tibbetts: It should've been the Chairman's responsibility prior to my being in  
 2623 office.

2624 Ms. Mason: And now that - -

2625 Mr. Tibbetts: And now - -

2626 Ms. Mason: - - you're the Chairman, Terry?

2627 Mr. Tibbetts: Yes. There were...

2628 President Dupuis: Okay. If you got something heavy, keep it on your table. Don't  
2629 throw it at me.

2630 (laughter)

2631 Mr. LaRose: Yeah. My understanding when it comes to the MCT land uh, I  
2632 believe most of us under the Chippewa Tribe have MCT land on - -  
2633 on our individual reservations. I believe the process is that we do  
2634 bring it to the MCT Body to discuss and talk about and get the full  
2635 cooperation by all the MCT to uh, develop or do anything with MCT  
2636 land. I don't think one individual reservation can uh, build anything  
2637 or develop anything without going through the proper process. And  
2638 that's through the whole Minnesota Chippewa Tribe, all six  
2639 reservations at uh, TEC. That's I believe that's how it should  
2640 happen and how I believe the process is, you know? So, that  
2641 needs to happen before anything happens on any individual  
2642 reservation. Thanks.

2643 (applause)

2644 Ms. Mason: Well, and I - - I agree with that statement. And uh, I think that's one  
2645 of the things that's looking at the evidence that I... that I presented.  
2646 Um... I think the piece that we're looking at is that this is going to go  
2647 - - I know Leech Lake had a referendum vote. And White Earth will  
2648 go to a referendum as well. And if it is decided - -

2649 Mr. LaRose: But - - but what the big difference, Tara, is we had a referendum on  
 2650 the land that we were going to put our Casino, it's Leech Lake land.  
 2651 It's not - -  
 2652 (applause)  
 2653 Mr. LaRose: - - MCT land.  
 2654 Ms. Mason: Yes, but I - -  
 2655 Mr. LaRose: So, but if it was MCT land, we would bring the question in and the  
 2656 issue up to the TEC Body as a whole to get their permission and full  
 2657 cooperation that it's okay to do this on our individual reservation,  
 2658 MCT land, to build that casino. That's all I'm saying. If - -  
 2659 Ms. Mason: Yes. And I think - - and that's one of the things is I understand and  
 2660 um - - and uh, you know, that's a process. If that was one of the  
 2661 things. I wasn't aware that the TEC wasn't aware that White Earth  
 2662 was going forward. If anything. Or even looking at that parcel of  
 2663 land in the past. This was, as I included, Joe Plummer, our legal  
 2664 advice, and that is what we received. When it comes to the  
 2665 responsibility of - - of bringing it to this table and making sure that  
 2666 that notification is made possible um, you know? That is  
 2667 something. But as far as what I've included in my packet, is what  
 2668 legal counsel we received from our attorney.  
 2669 President Dupuis: Has the Minnesota Chippewa Tribe been...  
 2670 Male in audience: (inaudible) - - TEC (inaudible) - -

2671 President Dupuis: Has the Minnesota Chippewa Tribe relinquished its responsibility or  
 2672 authority over the MCT lands within the confines of the  
 2673 reservations? (short pause) Then I have to make a statement. Is  
 2674 that how many reservations have built a house on MCT land and  
 2675 has not brought it in front of the TEC? How many - - how many  
 2676 reservations have built a building or some kind of structure that has  
 2677 been done but has not brought it for approval or denial from the  
 2678 MCT, our Tribal Executive Committee. This - -

2679 Male in audience: Sovereign immunity!

2680 (laughter)

2681 President Dupuis: The other - - the other que - - the other statement I want to throw  
 2682 out there, is that the bylaws that were put into place, removing our  
 2683 principles of the Minnesota Chippewa Tribe Constitution by the  
 2684 MCT Constitution now goes to the Tribal Executive Committee first.  
 2685 Or, correct. The - - the legislative - - the Legislative Committee first.  
 2686 That's the way the bylaws are written. In that manner. So, this  
 2687 issue here with Star Lake. I'm only going to uh, make my - - my  
 2688 opinion on something. Is that the issues in front of us today - - and  
 2689 if each and every person in this room can say this is White Earth  
 2690 business. It may be White Earth business. But this ordinance that  
 2691 tells us it's our business right now. Or we - -

2692 (applause)

2693 President Dupuis: - - wouldn't be sitting here. But I understand the point what - - what  
2694 Tara's bringing up. And I understand the point that Terry's bringing  
2695 up. But when we use the term that this is the "individual  
2696 reservation's business"? I can agree with that to a certain extent.  
2697 When you have an action by the Body whether there's members of  
2698 the Body that oppose it or not, it's just like myself and the  
2699 Secretary/Treasurer. We may be - - completely disagree with  
2700 something. But under our bylaws it states my signature will be  
2701 affixed with the Secretary/Treasurer on any contracts and motions  
2702 that we have. There's a Tribal interpretation that lies out there. I  
2703 think it's 8-86. I'm not for sure? But it was challenged. White Earth  
2704 challenged it back in the day to the authority of the Reservation  
2705 Business Committee. And what it - - what it said was the TEC  
2706 came up with the interpretation that the authority does not lie within  
2707 the Chairperson. And I'm not saying this in any way, ill shape or  
2708 form to Terry. The - - the authority lies within the Body. In other  
2709 Roberts Rules of Order, what we have in the Minnesota Chippewa  
2710 Tribe Constitution, it consists of establishing a quorum by the  
2711 number of three. One Secretary/Treasurer, one Chairman and one  
2712 Committeeman. They have the ability to move business in that  
2713 manner. If there's a - - if - - if you have a full Body, the vote still  
2714 carries through under that point. If there's a violation of the  
2715 Constitution in that manner, then it should be brought up as a

2716 violation of the Constitution. But what has to happen under the  
2717 bylaws that we have, is if it's a point - - correct me if I'm wrong - - if  
2718 it's a discussion principle of the Constitution, then it must go  
2719 through the Legislative Subcommittee first. But that doesn't take  
2720 away the point of this ordinance. And I got - - received - - uh, Terry  
2721 handed me the letter from Mark Anderson. The problem with it, it  
2722 wasn't with the initial complaint. And I can't accept anything that  
2723 wasn't given from the initial complaint. And I apologize for that.  
2724 And I know people get mad at me, but that's what it is right now.  
2725 So, we're kind of um, I like to use the old acronym but I'll be  
2726 swearing, so I'm not going to say that - - we're kind of in a poop  
2727 sandwich right now. And we need to seriously, seriously take a  
2728 look at what this is right there. So I'm going to ask everybody  
2729 again, give the TEC a little bit of time here. And to do this, but I  
2730 need to have the questions and comments asked by the TEC  
2731 members. Or it's not going to go anywhere.

2732 Mr. Tibbetts: Kev, the fact remains, this is MCT property.

2733 Male voice: Right.

2734 Mr. Tibbetts: And without this resolution from the MCT prior to initiating purchase  
2735 of land. Purchase of - - of uh, other amenities going into this facility,  
2736 we spent a lot of money on the place. We invested over eight  
2737 million dollars down there. You know, that's - - to me that's gross  
2738 mismanagement. It should've been - - we should've been working it



2739 out in the direction here first. Now we're - - we're encumbering  
2740 ourselves that take a look at possibility, the feasibility study says up  
2741 to eighty-two million dollars. But by the time the investment - - initial  
2742 investment and the interest rate catches up to us, guess where  
2743 we're at? Refer back to you, is - - we're in a poop sandwich.

2744 Unidentified voice: (inaudible)

2745 Mr. Tibbetts: But, I mean we're - - we're - - we pledged our revenue streams from  
2746 here - -

2747 Ms. Mason: Point of Order.

2748 Mr. Tibbetts: From uh - - from the uh - -

2749 Ms. Mason: Mr. President.

2750 Mr. Tibbetts: (inaudible) get some facts here - -

2751 President Dupuis: I - - I - - Terry - - Terry, and I completely understand that. Um, I  
2752 need to hear what the rest of the TEC has to say. We - - we have to  
2753 be able to work on this right now. And - - and I need to hear what  
2754 the rest of the TEC says.

2755 (pause)

2756 President Dupuis: Are there any comments or questions from the Tribal Executive  
2757 Committee?

2758 (pause)

2759 Ms. Benjamin: Seems like a very minor question in terms of some of the  
2760 discussion that's going on here. And uh, just uh - - I know the - -  
2761 that first charge of the - - regarding the Convention Educational uh,

2762 meeting that was held here. And um, based on the resolution by  
2763 White Earth, it talked about that - - that um, there was a motion  
2764 made - - there was a motion made that um, they only wanted  
2765 Tribally enrolled people in the meeting. That's what the resolution  
2766 stated. But actually at the meeting then at the time, that the Chief of  
2767 Police made the announcement that everyone had to leave that  
2768 was not a Minnesota Chippewa Tribe enrollee. So those are two  
2769 different things. So um, and because that was the first item talked  
2770 about. So I just um, from a standpoint of - - of where this falls in  
2771 place with all the other discussion and all the other - - the charges.  
2772 And to me um, like who made the decision to tell the Chief to send  
2773 everybody home that wasn't enrolled - - or out of the meeting if they  
2774 weren't an enrolled MCT member? And so it's - - it's a minor  
2775 question but it's something that it's - - been sticking in my mind. But  
2776 there's other - - other issue I have as well. And I'm going through  
2777 my notes and organizing as well.

2778 Ms. Mason: Am I allowed to answer that? Is he - -

2779 Ms. Benjamin: Oh. That was my question um, Chief, that um, I'm just curious  
2780 about how that directive came to you to remove everybody from the  
2781 meeting room that um, was not a Minnesota Chippewa Tribe  
2782 enrollee.

2783 Chief LaRoque: When I was approached to - - when we came to do the meeting, I  
2784 was approached and said that there was only supposed to be

2785 Minnesota Chippewa Tribe members in there. So I went to - - I  
2786 think I talked to Kevin Dupuis about it. Talked to Terry about it.  
2787 And I'm not thinking - - I don't think I talked to Tara about it. Uh, but  
2788 I - - when I - - when I talked to them, they said it was going to be  
2789 White Earth's - - White Earth's decision. So when I talked to Terry,  
2790 Terry said that there was a resolution passed by the White Earth  
2791 Tribal Council that they're only allowing Minnesota Chippewa Tribe  
2792 enrollees in there. So that's where it came down to. There was a  
2793 big discussion. Because I knew there was going to be some - -  
2794 some after-effects on it, so. Uh, but I did get it - - I - - I believe I got  
2795 it from Terry. But I talked to Terry and he said that there was a  
2796 resolution passed by the White Earth Nation Governing Body that  
2797 said Minnesota Chippewa Tribal enrollees only. I did not see the  
2798 document. I took it from face value from the Chairman and that's  
2799 the way I looked at it, so. And that's why - - when I was asked to  
2800 make the announcement, and then I was the messenger. And  
2801 that's all I was.

2802 (applause)

2803 Ms. Chavers: I have a question. One more question and I'm - - I'm on another  
2804 one now. Um, the judicial - - White Earth Band of Chippewa  
2805 Judicial Code. And I - - I might be misreading something here but  
2806 under the "judges" Chapter 3, Section 8. It states the removal of  
2807 office. And I believe that's for the judges. And it says that um,

2808 under that - - I gotta find it back here (inaudible) - - under that  
2809 (inaudible) it says that the judges uh, you know, first off take the  
2810 vote - - take the oath. Um, Chapter 3 is "judges". It says Section 1,  
2811 Number of Judges; Section 2, Selection; Section 3, Term, Section  
2812 4, Qualifications, Salaries; 5 um, Appellate Panel is 6. Oath of  
2813 Office is 7. And under Section 8 is the Removal from Office. And it  
2814 says: Such removal shall be by a recall petition of the enrolled  
2815 members of the White Earth Band residing on the White Earth  
2816 Reservation. Such petition shall consist of the signatures of twenty  
2817 percent (20%) of the number of on-reservation votes cast in the  
2818 most recent reservation-wide election." Um, and there's more:  
2819 "Upon certification of such a petition" - - and then it goes on to the  
2820 process of - - of what needs to be done. Is that the process for  
2821 removing your judges?

2822 Ms. Mason: Um, I think the - - the piece that we are looking at um, is - - um,  
2823 honestly we've never really followed Chapter 3. That's another  
2824 piece that I have a concern with. When it comes to the Judicial  
2825 Code is that if you go back to Section 3, "each judge of the Tribal  
2826 Council shall sit for an initial term of appointment of four years and  
2827 shall be eligible for election to successive terms of four years each".  
2828 Um, you "can appoint to fill a vacancy created by death or  
2829 resignation or removal for cause. A judge shall be appointed  
2830 initially only for the unexpired portion of the term". Um, and then

2831 Reelection. So ultimately what was to happen is that we were  
2832 supposed to be electing our judges just as we are elected officials.  
2833 And then the twenty percent (20%) of the petition process can  
2834 occur. But we've never - - we've never held elections for our  
2835 judges. And as you see, the resolutions that were rescinded were  
2836 "appointing". So the last Chief Judge, I've never seen a - - um, the  
2837 resolution that appointed the last Chief Judge. But we've never  
2838 followed this Judicial Code and so the removal process would be  
2839 different because the - - we've never followed Section 3 to even get  
2840 to Section 8.

2841 Ms. Chavers: Okay. 'Cause under um, Section 2 under Chapter 3, it says the  
2842 Selection: All judges of the Tribal Court - - Court - - shall be  
2843 selected by appointment by a majority vote of the White Earth Tribal  
2844 Council. So that's kind of conflicting with the election - -

2845 Ms. Mason: See, and that's one of our things, is - - is - - so this - - this was  
2846 written in ninety-seven ('97) and it was never amended. And that's  
2847 the piece. Is it's the selection um - - the "selection" of judges comes  
2848 from the majority vote of the White Earth Tribal Counsel. And then  
2849 the - - the terms. And so, I mean, so that's the - - the piece that it's...  
2850 It is. It's conflicting kind of back and forth of where we're at and  
2851 how we're doing it. Because the removal piece would make a lot of  
2852 sense if - - because it would follow our process. Right? So this  
2853 would follow our process as we are elected. Um - -

2854 Male: (from audience) Isn't that a form of control?

2855 Ms. Mason: And so I think that's just kind of one of the pieces when it kind of  
2856 goes back to um, the other piece, you know. And as far as removal  
2857 from office then um, as we've seen that there's no evidence that I  
2858 "fired" a judge. And have had multiple discussions about that.

2859 Male: (from audience) What if (inaudible) there (inaudible)?

2860 (pause)

2861 President Dupuis: Are there any other questions from the TEC? (inaudible)?  
2862 Questions?

2863 Mr. LaRose: I'm - - I'm interested on how and why if there was a judge fired or  
2864 terminated, how did that play out? And, I couldn't see it reflected in  
2865 any of the minutes.

2866 Unidentified: No.

2867 Mr. LaRose: I was just wondering if you or Terry or one of your Council members  
2868 could answer that question. 'Cause I don't see it reflected in the  
2869 minutes of - - if there was a judge terminated or fired for what  
2870 causes and why and, you know? A little more detail on that,  
2871 maybe?

2872 Ms. Mason: Um, the way - - this is my understanding of - - of that process. Is  
2873 that there was discussion held. And at that point it was with um, uh  
2874 Lenny Fineday. And the piece that came up was looking at - -  
2875 'cause the discussion again was sovereign immunity. Um, and so  
2876 when it comes to sovereign immunity, that was kind of the whole

2877 surrounding issue and that of where - - where did they come from to  
2878 say that White Earth's ever waived sovereign immunity. Um, at that  
2879 point um, that was basically it. That was the conversation we had. I  
2880 know at that point um, the question Lenny did ask, he goes: "Do  
2881 you believe that was a bad call?" And I think it was by consensus.  
2882 And I would have to go back and look at the minutes again. Um, by  
2883 it was by consensus that we all agreed that that was a bad call by  
2884 B.J. Jones. And so I'll try to find the minutes but that was the  
2885 closest I think we - - discussion we'd ever got about as far as, you  
2886 know, was this a bad call or not. But that - - that was it.

2887 Mr. Tibbetts: My recoll - - recollection of that meeting. We - - we sat down and  
2888 we discussed it. You know, and uh, there was some conversation  
2889 about B.J.'s bad calls. And we had four (4), five (5) people that  
2890 never got their due process before this was rescinded. You know.  
2891 And uh, we sat around the table. There was a deposition hearing  
2892 that was supposed to be going on at that time. And got waved - -  
2893 waved off by the Council here. And by the Secretary/Treasurer  
2894 saying that he didn't have to go down and participate (inaudible).  
2895 This woman had been sitting there for a year and a half. Waiting for  
2896 her day in court. Hasn't got it.

2897 Ms. Mason: Point of Order.

2898 Mr. Tibbetts: I - - as you look at this letter response from - - from B.J. Jones.  
2899 He's not going to walk in and terminate himself. The following

2900 week, two weeks later, here comes the head judge that resigns his  
2901 position.

2902 President Dupuis: We - - we have a question from Melanie.

2903 Ms. Benjamin: So there is a memo dated uh, July thirteenth (13<sup>th</sup>) - - or a e-mail.  
2904 Uh, July thirteenth (13<sup>th</sup>), two thousand seventeen (2017). And this  
2905 is regarding the termination. And it says, "Morning" - - it doesn't  
2906 address who it's to. But it says, "Sorry for the delay in responding.  
2907 As we talked about on the phone, the only thing I know about my  
2908 removal as Associate Judge at the White Earth was that the Chief  
2909 Judge communicated to me that the Council no longer desired that I  
2910 be a Judge there and asking the Chief Judge to replace me. I'm not  
2911 aware of why or who was involved in this decision."

2912 President Dupuis: Kind of to go off Melanie's question, my question is: Does the  
2913 Tribal judge that works - - or Tribal judges that work for the Band - -  
2914 not the court system - - do they have authority over the court?  
2915 Melanie says Mille Lacs doesn't. But the question - - the - - the  
2916 question I'm asking is by that e-mail, what that e-mail states um, it  
2917 - - it's kind of funny to me, whether there was a vote or not by that  
2918 Band, what discussion amongst you, and if that individual went out  
2919 by him or herself and made the call into that manner, then we have  
2920 to have something that's in writing that states that the - - the White  
2921 Earth Band, RBC, by consensus or by vote, wanted that person  
2922 gone.



2923 Mr. Tibbetts: Can I answer?

2924 President Dupuis: Does everybody understand what I'm saying?

2925 Mr. Tibbetts: That's what occurred. That's what I'm saying (inaudible).

2926 President Dupuis: Then who has authority over your judge that made that call?

2927 Because that becomes a reservation issue. Not a - - not a

2928 Constitutional issue.

2929 Mr. Tibbetts: But now you have to rescind the motion, you have (inaudible) Tribal

2930 government, you could - -

2931 President Dupuis: Correct. There's a - - there's a motion and a second here for break.

2932 But - -

2933 (laughter)

2934 President Dupuis: - - I'm just going to say this real quick. That's my question to that.

2935 And I understand that, Terry. And I think I might take it a little

2936 farther than that. Whatever was done in the RBC? Whether there's

2937 no documentation of a consensus or there's no documentation of a

2938 vote in that manner, somebody has to really look down and say:

2939 Does your Tribal judge have the authority by him or herself to make

2940 an action by him or herself in that manner? And that's worse. So

2941 it's not a point of separation of powers at that point anymore. It's

2942 about somebody exercising something that they don't have.

2943 Female: (from audience) (inaudible)

2944 President Dupuis: Right. But we don't have proof. It's not saying that. That's the

2945 problem.

2946 Female: (from audience) Yeah! (inaudible) Wasn't - -

2947 President Dupuis: Do you - - do you understand what I'm saying?

2948 Female: (from audience) (inaudible) didn't do it.

2949 President Dupuis: That's - - that's my point. And - - and so, just - - just try to bear with

2950 us because we're going to have these kind of questions. And I'm

2951 going to probably have a little more after this break. So take a ten

2952 minute break, please.

2953 (Recess) (pause)

2954 President Dupuis: Okay, you guys ready?

2955 (pause)

2956 President Dupuis: We have to wait another five minutes. Faron has (inaudible).

2957 Blame Faron.

2958 (pause)

2959 President Dupuis: Okay, you guys ready?

2960 (pause)

2961 President Dupuis: Before we start um, I'm going to ask each one of them if - - if they

2962 want uh, their closing statements. But I want to inform everybody of

2963 the Constitution in itself. That if it goes to a censure at this level, it

2964 doesn't require a petition. Under the process, it goes back to the

2965 individual Band. And then Band itself can make the removal under

2966 that - - um, by the voting structure that's been adopted to the

2967 Minnesota Chippewa Tribe. Right. Huh?

2968 Attorney Brodeen: I said it's (inaudible) four (inaudible).

2969 President Dupuis: Yeah. It's - - I didn't want to bring that up but (inaudible).  
2970 (laughter)  
2971 President Dupuis: It's a four-fifth vote - - four-fifth - -  
2972 Attorney Brodeen: (inaudible) two-thirds. Two-thirds.  
2973 President Dupuis: It's two-thirds vote. Um, so just to let you guys know that. (short  
2974 pause) So with that um, Tara, do you want to make your closing  
2975 statement or do you want to make your closing statement? (short  
2976 pause) I guess we have a comment from a TEC member, Faron  
2977 Jackson. Boozhoo.  
2978 Mr. Jackson: Okay. I'll... All right. (short pause) I think we're going to have our  
2979 turkey and mashed potatoes here, you know. So just order them up  
2980 here. 'Cause this is important here. I don't like to make a hasty  
2981 decision. I just want to say I've never been through a process like  
2982 this before. You know. So this is a learning process for me too.  
2983 You know, I uh, you know, there's a lot of information that we have  
2984 to read through. And sometimes I have to read through them two or  
2985 three times before I better understand something. And we were  
2986 given this document, the binder, today. You know? To kind of read  
2987 through. And there's a lot of - - lot of information in here. That's  
2988 here. And Tara's presentation was really good. She shared a lot of  
2989 information about the Constitution, you know, and all the other uh,  
2990 White Earth bylaws. You know. So, you know, these things get real  
2991 complicated 'cause you know, we're about to make a big - - a big

2992 decision here. You know? And uh, and that's - - and that can kind  
2993 of be kind of a scary thing to do. When you make a decision of this  
2994 importance. So I want to make sure that you get all the facts out.  
2995 And you get all the information that needs to be shared. You know?  
2996 This was given us today and Mr. Tibbetts had some other  
2997 information that he wanted to bring forth but it wasn't allowed. You  
2998 know, uh, and these questions that - - that's being discussed here  
2999 and asked, I think some of the questions should come from the  
3000 membership as well. You know? As - - as - - as our membership  
3001 always ask to be included, you know, in a lot of these decisions that  
3002 happen here on - - at the MCT level. And I'm - - I'm in total  
3003 agreement with all that. You know? We talk about past practices of  
3004 not including the membership and having the TEC make these  
3005 decisions and they both feel that their rights are being violated. And  
3006 I think they - - I think they can be violated that way. You know?  
3007 And uh, so we want to make sure that this new TEC Body is moving  
3008 in the direction that - - that fits the membership's needs. You know,  
3009 it's good to see so many members here today. I haven't seen a  
3010 meeting with this many members for a - - for a long time, you know?  
3011 We've been currently having our MCT Constitution reform meetings  
3012 and we've been getting - - we haven't been getting the turnouts  
3013 we'd like to see. But we'd like to see turnouts like this. You know?  
3014 Because it's all about you. And your families. So uh, you know, I

3015 just uh... Like I said earlier, you know, I don't - - I don't like to make  
3016 hasty decisions. You know. And I know everybody's thinking about  
3017 tomorrow. But you know, we're dealing with this today. You know.  
3018 So uh, I - - I don't know how the President feels here but I think we  
3019 - - I think we should turn it over to some comments from - - from the  
3020 members here. You know, to - -

3021 (applause)

3022 Mr. Jackson: - - get their input on some of this information and this, you know, if  
3023 you're - - just try to get to the point, you know. And you know, try to  
3024 bring your issues out. You know? And uh, you know, but when  
3025 people vote on things like that, I think, I don't think it should be this  
3026 - - this Body here. I think it should be the membership that casts  
3027 the vote as well. I mean uh, that's the way I look at some of these  
3028 things too.

3029 President Dupuis: I asked everybody how they wanted to do this. Uh, I made a  
3030 promise when I came aboard that I'll never go into executive  
3031 session. Because I don't believe that it should be that way. So if  
3032 there's going to be a vote, it should be a vote in front of the people  
3033 in that manner. Um, I understand what Faron's saying. Um, but I'm  
3034 - - I'm not in a hurry to go anywhere else (inaudible). I don't  
3035 celebrate Thanksgiving anyways. So if we want to sit here till five  
3036 o'clock (5:00) tomorrow morning, I'll sit here till five o'clock (5:00)  
3037 tomorrow morning.

3038 (applause)

3039 President Dupuis: But where we're sitting at right now is - - is um, we - - we don't - -  
 3040 we don't have a s...

3041 From audience: (inaudible due to distance from microphone)

3042 President Dupuis: We don't have a set process that's in place. And - - and to assure  
 3043 - - except this - - this piece here. This part here, there's a lot of  
 3044 different things that could've gone in a different way, meaning how  
 3045 we do things. We - - we need to - - the point of the Constitutional  
 3046 Convention informational meetings is to get to that point where we  
 3047 have such structures throughout a document that the membership  
 3048 choose to have of their own. We agreed to a Constitutional  
 3049 Convention for you guys. It's your document. It doesn't belong to  
 3050 us. And to make it the right way, it's up to you to change it. So with  
 3051 - - I follow Faron's point to that. And if you got anything heavy on  
 3052 your table, don't throw it. Um, but we find the bad or the possible  
 3053 bad or the assumption of bad, we flock together like we're getting  
 3054 (Ojibwe word). I'm saying that uh, kind of sarcastically. But what  
 3055 this should show right here and how we have it without uh, a  
 3056 defining process and the possibility of what can be brought forward  
 3057 after what Cathy brought forth, the discussion of - - of the comments  
 3058 coming from the membership. I completely agree with Faron on  
 3059 that. But them are the things we have to do prior to it. To set it up  
 3060 in that manner. To make it work right. And I don't want to take

3061 anything away from anybody but if we're ever going to go into that  
3062 direction, come to the meetings. Come to them Constitutional  
3063 Convention informational meetings so your voice is heard.  
3064 Because it's your document. The next one is up at Leech Lake,  
3065 correct?

3066 Unidentified: (inaudible)

3067 President Dupuis: Okay. So everybody in here should be at Leech Lake. Next month.  
3068 December eighteenth (18<sup>th</sup>) and nineteenth (19<sup>th</sup>). And then are  
3069 the things that we have to do to move forward with this. And - - and  
3070 to have it to where it - - it actually belongs to the membership. And  
3071 that's what we're striving for. So once again, try to bear with us.  
3072 Um, this is the first time I've been any part of this way. I've been on  
3073 the other side before. And so we're sitting here now. And I ask if  
3074 we can have a uh, for Faron's comment, it would be up to the rest of  
3075 the - - the Tribal Executive Committee, 'cause like I said, I don't  
3076 have a problem with staying. But it would be up to uh, the rest of  
3077 the Tribal Executive Committee if they want to hear comments and  
3078 arguments from the membership. Question from Melanie: Would  
3079 the comments that came from the membership be information  
3080 pertaining to what we are just talking about? Actual facts. I'm  
3081 going to let her speak for herself.

3082 Ms. Mason: Point of Order. I think the - - the whole um, my question again is  
3083 going back to what was presented in October. October twelfth

3084 (12<sup>th</sup>). That is what I'm sitting here responding to. And again, that's  
3085 when we look at the evidence um, being able to base our decisions  
3086 off of that. Otherwise, I again would request another forty-five (45)  
3087 days if there's any other allegations that are going to be brought  
3088 forward at this time. But again, it would have to be following the  
3089 motion. Um, and in the October meeting I did make a motion to  
3090 rescind the ordinance. But since there was no support um, there  
3091 was a second, but the vote was um, not to rescind it. At that point  
3092 we aren't following it. And so if there are any additional charges or  
3093 comments or anything else brought forward, then again it would  
3094 have to be a motion form by a TEC member with a second. And  
3095 then I'll again request forty-five (45) days. Um, maybe celebrate  
3096 Christmas here. I - - I don't know.

3097 (laughter)

3098 President Dupuis: Chair - - Chairman Tibbetts.

3099 Mr. Tibbetts: Yeah. Uh, we were discussing the Star Lake Casino. Did you ever  
3100 submit evidence showing that the Star Lake expansion. Were they  
3101 approved in any way, shape or form? That was in what, two  
3102 thousand fifteen (2015)?

3103 Ms. Mason: Can you clarify the question, please?

3104 Mr. Tibbetts: Did you submit evidence showing the Star Lake expansion? Were  
3105 - - were the budgets approved? That was in two thousand and  
3106 fifteen (2015), right?



3107 Ms. Mason: Um, no because there was no evidence proving that um, that it  
3108 wasn't. And...

3109 (short pause)

3110 Mr. Tibbetts: How did - - how did it move forward? Without any budget  
3111 approval?

3112 Ms. Mason: It was approved in budget but I'm not going to submit the budget - -

3113 President Dupuis: Point - - Point of Order here. This isn't a question principle. Terry,  
3114 you get your closing statement so you have the ability to speak on  
3115 that. Miigwech.

3116 Mr. Tibbetts: All right. I'd like to thank the TEC for spending the time here today  
3117 and uh, traveling - - traveling down and listening to some of the  
3118 Constitutional issues at hand here. And uh - - and uh, we'd like to  
3119 thank our drum group and our pipe carriers for all being here also.  
3120 You know, it's a - - it's a hard meeting to (inaudible) but you know,  
3121 things uh, broken lines of communication in between Tribal  
3122 government officials which (inaudible) should be first and foremost.  
3123 And, we - - we work together as a team. It shouldn't be run by a  
3124 quorum. You know, the uh, just like everybody's - - Faron says, I  
3125 agree that's how they can uh, best respond to the charges here that  
3126 are presented. And presented - - were presented uh, in October.  
3127 So I'd like to thank all you guys for being here. Spending time with  
3128 us here today. And that's all I got.

3129 (short pause)

3130 President Dupuis: Miigwech. At - - at this time, I'd like to call for a - - a motion to  
3131 exonerate. And we'll do that first. And then we'll do a - - a motion  
3132 and a second to censor. Or is it just one?

3133 Ms. Mason: Um, excuse me, Mr. President. But if we go back to the ordinance,  
3134 um, I thought - - uh, if we go to Section 9? Looking at - - at 9.4,  
3135 Response by the Accused. "If a motion to censure is made and  
3136 seconded, the Tribal Executive Committee shall provide an  
3137 opportunity for the accused member to respond. If the member  
3138 requests time to prepare a response, the matter shall be tabled and  
3139 considered at a meeting not more than forty-five (45) days later."  
3140 So, looking at that - - the table - - there was a tabling of the motion.  
3141 And a second at the October meeting to this one. And so then we  
3142 would follow through with a vote on the motion that was made by  
3143 Chairman Tibbetts.

3144 President Dupuis: Okay. You're right. Correct.

3145 Attorney Brodeen: Yeah, that's my understanding.

3146 President Dupuis: Yep.

3147 Attorney Brodeen: You're voting on the motion that was made (inaudible).

3148 President Dupuis: And - - you're correct. My bad. So before we get into that, one  
3149 more thing I want to ask, is there any other TEC members that  
3150 would like to make a statement?

3151 Male in audience: Yeah.

3152 President Dupuis: TEC members.

3153 (short pause)

3154 Ms. Benjamin: I have um, Count 4 and Count 5, that I'm still trying to clarify in my  
3155 mind. And um, Count 4 talks about the Land Ordinance. And uh,  
3156 Cathy read that earlier. And um, let's see if I (inaudible) my page  
3157 here... And so a question I have: How long has the project been in  
3158 the works? And in the planning stages and moving forward, the  
3159 money has been appropriated and budgeted, whatever. And it said  
3160 it's um, and they're to "allow the Tribal Executive Committee  
3161 sufficient notice of its intentions so that the orderly transition of  
3162 records and management responsibility may occur". So that's  
3163 where my - - where I'm still trying to figure this out in terms of what  
3164 that means. And um, so the question is: How long has the project  
3165 been in the works? Is it - - I don't know how many years or - - if it's  
3166 been years.

3167 Ms. Mason: So.. okay. So we're looking at Allegation 2?

3168 Ms. Benjamin: Four.

3169 Ms. Mason: Four, um, is on reservation land. That - -

3170 Ms. Benjamin: Oh. Okay. Um, the land - - um, what is - - let's start with this,  
3171 what's the casino called? Star Lake. I'm sorry. I'll clarify that. Star  
3172 Lake.

3173 Ms. Mason: So we're looking at number 2? Allegation 2?

3174 Ms. Benjamin: Yes.

3175 Ms. Mason: Okay. Um, so uh, White Earth first discussed um, Star Lake in two  
3176 thousand and thirteen (2013).

3177 Ms. Benjamin: Okay.

3178 Ms. Mason: And so at that point that's when the project started the discussion  
3179 and looking at the options because um, I believe that we had some  
3180 - - some um, feasibility possibilities. Uh, feasibility study uh,  
3181 conversations at that time. Um, so that was prior to our election in  
3182 twenty-fourteen (2014) so that would be four years now? So... at  
3183 that time I cannot answer why the Chairwoman at that time did not  
3184 bring it to the TEC. Um, and then from that point um, looking at and  
3185 prior to bringing it, I did have a conversation and that was um, in the  
3186 next page, looking at the from Joe Plummer, the attorney, as far as  
3187 the land um, being closest to White Earth and under White Earth's  
3188 jurisdiction.

3189 Ms. Benjamin: The um, second question I have too is uh, the judge and the abuse  
3190 of authority and interference with the courts. And even though um,  
3191 it - - it's hard when you have just this small kind of documents and  
3192 you have from B.J. Jones basically said he was asked by the judge  
3193 to - - in a letter that they no longer needed - - needed his services.  
3194 And...so, how do we even know who said that? See that's my - - my  
3195 issue. I'm just... you know. Who made the direction to get rid of the  
3196 - - the judge? The Associate Judge?

3197 Mr. LaRose: Was there a memo, or a meeting minutes? Or was it just verbal?  
3198 That's what we're asking here. You know. I don't know.

3199 Ms. Mason: I think and that was um, many minutes that I provided and going  
3200 through the discussion was that um, that... that we didn't fire a  
3201 judge. There was discussion with Lenny Fineday and I think that's  
3202 the closest that we - - the closest we got was to looking at did B.J.  
3203 Jones make a bad decision regarding the sovereign immunity of the  
3204 case. And we were in consensus - - all five of us were in  
3205 consensus that yes, that was a bad call. But in no way, shape or  
3206 form was there a vote or did Lenny Fineday at the time state, "Let",  
3207 you know like, "Okay, well, he's done". Nothing like that. It was  
3208 consensus on that. That was a bad call. How that transpired  
3209 between uh, Chief Judge Blaeser at the time and B.J. Jones, I can't  
3210 speak to that. I wasn't in the room. I don't know what happened  
3211 there. Um, but - - and I don't know what happened between Lenny  
3212 Fineday and Judge Blaeser as well.

3213 Mr. Tibbetts: (inaudible) we talk about that B.J. Jones. We were in a session.  
3214 You know, the - - the uh, the meeting - - meeting minutes might not  
3215 spell it out, you know, but there's a lot of blacked-out items here  
3216 and manipulation of our meeting minutes. You know, do we talk  
3217 about uh, truth and transparency? This - - this firing of B.J. Jones is  
3218 coming to the top of the pot here now. Now, I think we got three

3219 people in the audience that'd like to speak up to that piece. Uh,  
3220 their termination for part of this uh - -

3221 Unidentified female: No.

3222 Ms. Mason: Point of Order.

3223 Mr. Tibbetts: This stuff came from Fox' desk. Came directly to the - - to Chief  
3224 Judge Blaeser. And that was initiated by you, Tara.

3225 Ms. Mason: Again, I did not initiate that. There was discussion in full Council.

3226 Mr. Tibbetts: You - - you're talking about the sovereign immunity piece. We're  
3227 talking about the termination of a lead judge.

3228 Ms. Mason: Again - - no. I am talking about the termination of a lead judge.  
3229 That's what you're saying. Terry, what I am saying is that I did not  
3230 do that. There was conversation of five of us at the table.

3231 Mr. Tibbetts: There was only three that voted on that piece.

3232 Ms. Mason: There was no vote called. There was no vote called to terminate  
3233 any judge.

3234 Mr. Tibbetts: So who terminated B.J. Jones then?

3235 Ms. Mason: Well, it looks from - -

3236 Mr. Tibbetts: (inaudible)

3237 Ms. Mason: - - B.J. Jones - - From what you submitted, Terry, is that Chief  
3238 Judge Blaeser at the time let him go.

3239 Mr. Tibbetts: But if you refer back to the minutes, Chief Judge Blaeser come in  
3240 and said that the wish of the Council and you read it - - and B.J.

3241 Jones. I have a document stating that. It was at the wish of the  
 3242 Tribal Council. Not Judge Blaeser.

3243 Ms. Mason: Terry, you were in the same meeting I was. We're going to do this  
 3244 all day long - -

3245 President Dupuis: No, we - - no we're not. It's a Point of Order. We - - we're not going  
 3246 to do it all day long. Um, I'm just going to make this comment  
 3247 before we get into this. If this is what's happening at that level and  
 3248 - - and I'm not saying anything bad about White Earth. I'm not  
 3249 doing anything like that. The evidence should've came in on both  
 3250 sides of it. So if there's min - - meeting minutes out there that  
 3251 reflect that, then they should've been presented in this complaint. It  
 3252 should've been presented in this complaint.

3253 Male in audience: It was. It was on the board. My observation was there was a vote,  
 3254 and it's 3 to 0 and I (inaudible) the uh, voting members who were  
 3255 there was - -

3256 Unidentified voice: There was a vote and a discussion - -

3257 Male in audience: - - Punky and Tara. I seen it up on the board! There was a - -

3258 President Dupuis: I don't think that was to terminate a judge.

3259 Male in audience: I thought it mentioned that.

3260 Female: (from audience) No, it was a full Council meeting. And there was  
 3261 nothing brought up.

3262 (several voices at once; unable to decipher)

3263 President Dupuis: I don't know. Let's - -

- 3264 Male in audience: (inaudible)
- 3265 President Dupuis: Let's just call a "poop". All right?
- 3266 Male in audience: All right.
- 3267 President Dupuis: I - - it's - - it's the question I asked. If everybody remembers. I - - I
- 3268 asked the question. If - - if - - if the Tribal attorney has the authority
- 3269 over the - - the court and its attorneys. That's what I asked at the
- 3270 beginning. And - - and there was a reason why I asked that
- 3271 question. Is because of that piece. Or that part of it. There's
- 3272 nothing in there that states the manner that somebody terminated a
- 3273 judge. By consensus or by vote. And you may be absolutely right.
- 3274 You may be absolutely right. But what we're saying right now, this
- 3275 is where we're at. And - - and so if there is no other questions - -
- 3276 (Voices from audience; unable to decipher)
- 3277 Male in audience: - - (inaudible). The e-mail would say everything. Read it! What
- 3278 does B.J. get (inaudible) his e-mail say about his firing? What does
- 3279 it say?
- 3280 President Dupuis: He doesn't know. He doesn't - - he doesn't know.
- 3281 (Voices from audience and laughter; unable to decipher)
- 3282 President Dupuis: I know. And this is - - this is my point.
- 3283 (voices from audience)
- 3284 President Dupuis: I asked the T - -
- 3285 Female: (in audience) (unintelligible)



3286 President Dupuis: Please. I asked the TEC once if they wanted to hear the  
 3287 membership. And nobody responded to me.

3288 Ms. Mason: Can I read the e-mail? Should I read the e-mail again? Okay.  
 3289 “Morning. Sorry for the delay in respon” uh, “on responding. As we  
 3290 talked about on the phone, the only thing I know about my removal  
 3291 as Associate Judge at White Earth was that the Chief Judge  
 3292 communicated to me that the Council no longer desired that I be a  
 3293 Judge there. And asked the Chief Judge to replace me. I am not  
 3294 aware of why or who was involved in this decision. Thanks so  
 3295 much and have a most pleasant day. B.J. Jones”.

3296 (various comments from the audience, unable to decipher)

3297 (pause)

3298 President Dupuis: Are there any more questions by TEC? I just want you to know, I  
 3299 understand what you’re saying, Bill. So - - so with that - - with that,  
 3300 the motion and second to censor. I need - -

3301 (pause)

3302 Male: (approaching table) (inaudible) censor? (inaudible) a hundred  
 3303 thousand dollars a year. Like we think that you’re out of money  
 3304 (inaudible) You (inaudible) the people. You get them out of the way  
 3305 and then talk? (inaudible) - -

3306 President Dupuis: There’s no way, shape or form am I trying to do that. I asked this  
 3307 Body if they wanted - - I - - Kurt, I asked this Body if they wanted to  
 3308 take statements from the public and nobody answered me.

3309 Male: Well (inaudible) - -

3310 President Dupuis: (inaudible) and I asked and nobody answered.

3311 Female voice: Move forward! I've been up since before six o'clock in the morning.

3312 I have (inaudible) tonight (inaudible) two o'clock in the morning! So

3313 can we please move forward!

3314 President Dupuis: That's what I'm trying to do, ma'am.

3315 (applause)

3316 Male: I'm a veteran. I can be heard. (inaudible). I - - I think you guys

3317 should all stand up and (inaudible) how much money you make.

3318 President Dupuis: I make a hundred and thirty-one thousand dollars (\$131,000) a

3319 year. I ain't going to deny it and I did the same thing when I told - -

3320 when - - when I got in this position and I told the membership of

3321 Fond du Lac exactly how much I made.

3322 Male: How 'bout you, Tara?

3323 (Voices in audience, unable to decipher)

3324 President Dupuis: I can't speak for nobody else. You asked me the question. I'm

3325 telling you all.

3326 Male How about Tara?

3327 Female voice: (from audience) How much do you make!

3328 Ms. Mason: Um, I make - -

3329 Female voice: Let her (inaudible) a lot of (inaudible).]

3330 Ms. Mason: Um, I make over a hundred thousand. Um, I'm sorry, I'm looking.

3331 I'm trying to think of - - of what exactly I make. I'm not trying to be

3332                                   disrespectful (inaudible) in any way. But the thing is when we - -  
3333                                   when we take care of our taxes, both Tom and I work. So, I have to  
3334                                   look at that. Um... Terry, what - - do you know what you make?  
3335   (several voices from audience; unable to decipher)  
3336   Mr. Tibbetts:               (inaudible)  
3337   Ms. Chavers:                Sir?  
3338   (several voices at once)  
3339   Ms. Chavers:                Sir? I make ninety-two thousand. I don't make a hundred  
3340                                   thousand.  
3341   (several voices from audience; unable to decipher) (laughter)  
3342   Several voices:               Point of order! (inaudible)!  
3343   Male in audience:            You know, (inaudible) - - In 1855, what did our leaders make?  
3344                                   (inaudible) our leaders. What did they make?  
3345   Female:                        (from audience) (inaudible) tobacco.  
3346   Male in audience:            (inaudible).  
3347   Male:                         My mom, my mom was the first woman Secretary/Treasurer in the  
3348                                   United States. She made fifteen dollars (\$15) a month. Ten dollars  
3349                                   (\$10) for meetings; five dollars (\$5) for the gas.  
3350   (laughter)  
3351   Female:                        (in audience) (inaudible)  
3352   Male:                         And we were proud of our leaders. We weren't ashamed of them.  
3353                                   When I went into the service, I thought that everything would stay

3354 the same here. Not (inaudible). whoever (inaudible due to distance  
 3355 from recorder)

3356 Female: (from audience) (shouting unintelligible statements)

3357 President Dupuis: Hon - - honestly, I'm not going to speak for anybody here but we all  
 3358 agreed at the beginning of this that we're going to do this and - -  
 3359 and move forward and get it done. And I'm not trying to take  
 3360 anybody - - anything away from anybody. But let's get this done.  
 3361 Today. And I think - -

3362 (applause)

3363 President Dupuis: - - that's what you asked us to do and we're here doing it. So with  
 3364 that, there is a motion and a second to censor. All in favor, say  
 3365 "Aye" by raising of your hands. (pause) No. And the question for  
 3366 the censure is on all charges.

3367 (several voices at once)

3368 President Dupuis: Okay. Okay. Point of Order. There's a call for a motion and a  
 3369 second for the censor on all charges. And by saying "Aye" and  
 3370 reference with raising his hand is Terry Tibbetts. One (1) for, and  
 3371 zero (0) against. Oh, I'm sorry. All in favor, say "Aye" with the raise  
 3372 of their hands. Terry? Opposed? With the raise of hands?  
 3373 Censorship.

3374 (applause)

3375 President Dupuis: The motion was for censor. And I called for a raise of hands. One  
 3376 (1) for, zero (0) against. All in favor say "Aye". Opposed? I'm  
 3377 sorry.

3378 (laughter)

3379 President Dupuis: One (1) for. Right?

3380 (Unidentified voices; unable to decipher)

3381 President Dupuis: Call for the vote "against"? With the raise of hands? (pause) Raise  
 3382 of hands, please.

3383 Female at table: Against it.

3384 President Dupuis: Against. Three (3). Three (3) against censorship. Silent?

3385 Male at table: Four, five.

3386 President Dupuis: One, two, three, five, six. (counting) Six (6) silent. No, five (5)  
 3387 silent.

3388 (pause)

3389 (voices at table; unable to decipher)

3390 President Dupuis: Motion fails.

3391 (applause) (shouting, whistling from audience)

3392 Female: Thank you!

3393 Male: Ah ha!

3394 President Dupuis: I would like to - - I would like to say something. Um, this - - this kind  
 3395 of shows us where - - where we're at. And what we really, really  
 3396 need to do within our Con - - structure of our Constitution. So, I  
 3397 would encourage everybody to make it to the next Constitutional

3398 Convention meeting. So these are the kind of things that can be  
3399 hashed out in that manner. But most importantly here, we need to  
3400 hear what the membership is. It's your document. So once again,  
3401 please, if you can, make it to these and um, so you have your own  
3402 document that you approve, you help build. Miigwech.

3403 (applause)

3404 President Dupuis: There is a motion by Tara to adjourn and second by Ferd. Motion  
3405 and a second to adjourn. All in favor, say "Aye".

3406 Voices in unison: Aye.

3407 President Dupuis: Opposed? Silent?

3408 //END OF TRANSCRIPT. NOTHING FOLLOWS.//