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1855 TREATY AUTHORITY

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August 22, 2015

Lori Swanson, Attorney General
1800 Bremer Tower
445 Minnesota Street
Saint Paul, Minnesota 55101

Re: 1855 Chippewa ceded territory Off-Reservation Wild Rice Harvest

Dear Attorney General Swanson:

I am contacting you directly as the chief law-enforcement officer for the state of Minnesota who should ultimately be making the decision about whether or not DNR should attempt citing tribal members for harvesting wild rice off reservation. This letter is a follow-up to the August 7, 2015 letter from 1855 Treaty Authority Chairman to Governor Dayton, in which you were copied.

The members of the 1855 Treaty Authority are primarily Mississippi band members who understand they have the same exact rights in the 1855 treaty ceded territory as when the same Mississippi Bands Chiefs signed the 1837 treaty. (See 8th Circuit upholding SquareHook & SqHook generally, attached and highlighted for convenience).

Most of us know (and most certainly DNR conservation officers know full well) that of the 8 tribal members indicted in Operation SquareHook by the federal government included Chippewa fishermen from Red Lake, Leech Lake and White earth enrollments, living off and on reservation, catching and selling walleye and other trophy fish on and off reservation. (See federal SquareHook indictments). We also know that the DNR state law citations issued to Chippewa tribal fishermen were dismissed from Cass County District Court for lack of subject matter jurisdiction and transferred to LLR tribal court. We know this because we worked with federal public defenders in Operation SquareHook. (See Minnesota Lawyer February 2015 Fish Fight attached). I am also attaching Peter Erlinder's Law Chippewa treaty rights law review to help bring a contemporary understanding and recognition of Chippewa treaty rights and federal court decisions all won against the state of Minnesota, in its on-going harassment of the Chippewa gathering food. (See Minnesota v. Mille Lacs Band of Chippewa: 19th Century U.S.

TREATY WITH THE CHIPPEWA, 1855.

FEB. 22, 1855. | 10 STAT., 1165. | RATIFIED MARCH 3, 1855. | PROCLAIMED APR. 7, 1855.

1855 Treaty Authority to Mn AG Swanson
Re: 2015 Off-Reservation wild rice harvest season
August 22, 2015, p. 2

Treaty-Guaranteed Usufructuary Property Rights, the Foundation for 21st Century Indigenous Sovereignty, in LAW AND INEQUALITY, U of Mn Law School, Winter 2015, Number 1).

So here's the question; based on the Mille Lac's Supreme Court review of 1855 Chippewa treaty and a complete inability for the state of Minnesota to prosecute Chippewa netting and sales of walleye on and off reservation in state district court, what new state law, since the 8th circuit Court of Appeals ruling in February 2015, which upheld SquareHook treaty rights for the Chippewa earlier this year, could legally stop wild rice harvesters? **The real answer is none.**

I also want to share with you that the last time I saw you was at the Legal Services Corporation's (LSC) Americas Partner for Equal Justice event at the University of St. Thomas Law School on July 17, 2015. You were you part of the introductory remarks opening the event. The LSC topics for that session were about *The importance of access to justice* and more importantly for the Chippewa now, *The role of LSC-Funded legal aid programs in the development of Indian law*. Presumably you were asked to be an introductory speaker because you understand and support these goals. Part of the reason I was there, was LSC recognition of my *pro bono* efforts with regard to the same topics, for championing treaty rights and tribal sovereignty.

The usufructuary rights of the Chippewa is all well settled law in the state of Minnesota. Attorneys in your office should understand that if you cannot prosecute Chippewa for catching and selling walleye on and off reservation, then you will never have any lawful arrests under state law for harvesting wild rice on and off reservation in the 1855 ceded territory.

The press understands this question and continues to ask me the same exact question and wonders why DNR continues to express the same answer of criminal prosecution and seizure of equipment to harvest food. As such, I am sharing this letter as part of a Press Release today as time of the essence, along with the attachments that I have included for the Assistant Attorney General's in your office to consider.

We remain hopeful that the State of Minnesota will accept the reality it does not have authority over our Chippewa treaty rights and that we must talk and cooperate to co-manage the natural resources and protect the environment. If you have any questions, or need of additional information please call on me at 218-760-1258 or at the email address frankbibeau@gmail.com.

Sincerely,



Frank Bibeau
1855 Spokesperson

Attachments by email only