

Bedonahkwaad



Dale Greene

SEPTEMBER 7th, 2017

Regarding Rule 10

Boozhoo (Greetings)

Daga – Please let me share a few thoughts on the Rule 10 issue. But first, let me start out with let my words or thoughts “be heard,” and not be focused on who is saying them. The Anishinaabe’Ojibwe – Minnesota Chippewa Tribe (MCT) Members have fought hard for their PL 280 section b. & c. Civil # Regulatory jurisdiction Authority – you can see operating in MCT Tribal Courts. *Remember it was/is the individual Tribal members (1.) that wrestled the Civil & Regulatory jurisdiction back from state courts – that are now being exercised by tribal courts here in Minnesota.

Construed: this isn’t a legal document but an understanding of an Anishinaabe’ and understanding that comes down from the Anishinaabe’Ojibwe that came before me like links in a chain stretching back in-times from earlier generations that understood our Treaties, and own way of life. (2.) In the Chippewa Treaties of 1825 & 1826 with the US Government, “Jurisdiction” was discussed and retained by the Chippewa aka Anishinaabe’Ojibwe. (3.).

The Creator or Great Mystery, placed me on the “Path of Life,” with those that were placed on the path of life before me, shared their life experiences with me that gave me “MY Understanding of their/my Ojibwe World View.”

Jurisdiction: The Anishinaabe’Ojibwe Members of the Minnesota Chippewa Tribe are the Ascendants-Successors of the inherent reserved Treaty/Property Rights. These property rights include the jurisdiction being usurped by the Indian Reorganized Act (IRA) of 1934 created Minnesota Chippewa Tribe. (4.).

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“We do not have thousands upon thousands of dollars. We do not have great mansions of beauty. We do not have priceless objects of art. We do not lead a life of ease, nor do we live in luxury. We do not own the land upon which we live. We do not have the basic things of life which we are told are necessary to better ourselves. But I want to tell you now that we do not need these things. What we need, however, is what we already have. What we need has been provided to us by the Great Spirit. We need to realize who we are and what we stand for. We are the keepers of that which the Great Spirit has given to us, that is our language, our culture, our drum societies, our religion, and most of all our traditional way of life. We need to be Anishinaabeg again.”
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The Minnesota Chippewa Tribe Constitution, is a creation of federal law – IRA of 1934. The Minnesota Chippewa Tribes tribal entities exercise quasi-sovereignty granted from the IRA through the MCT Constitution. Exercising Quasi-sovereignty against the Anishinaabe'Ojibwe MCT members without their consent via the MCT Constitution's Article XII amendment process. Without using Article XII Amendment process to gain judicial powers, with participation informed consent; tribal courts are thus in conflict with the "Due Process of Law," articulated in Article XIII – Rights of Members. (*5.)

The INDIAN REORGANIZATION ACT'S MCT CONSTITUTION "48 Stat. 984". There are 15 Article, not one contains contain language about any judicial power. However, if police or judicial powers are needed there is Article XII Amendment process.

Respect: This Rule 10 committee could and should and could respect the Anishinaabe'Ojibwe MCT members retained jurisdiction and table the MCT tribes – tribal courts involvement – written or mentioned in the States Rule 10 language or proposed recognition. It is my hope; the Rule 10 committee will see the importance of having the holders of (Anishinaabe'Ojibwe) jurisdiction have meaningful participation and informed consent when the State wants to recognize IRA tribal court orders.

Eagle Feathers: The US Migratory Bird Act – recognizes the unique political status indigenous people such as the Anishinaabe'Ojibwe retain. Who? Can own and possess protected Eagle parts and feathers? Prior to the State Supreme Court decision in "Stone & Jackson" in 1997 – which created bright line law the State of Minnesota didn't or doesn't have concerning what are often referred to as Civil & Regulatory Authority-Jurisdiction retained by Reservation Indians. Treaty Indians would appear in County courts carrying their eagle feathers and would declare to the judge, "this is my political status" holding the feather up high. PL 280, sections b & c – would be quoted on why the county court lacked jurisdiction to enforce regulated state traffic violations on reservation Indians.

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“The migiziwigwan (a bald eagle feather) held by an Anishinaabe’ shows the holder has a Treaty Property Right reserved via the Chippewa Treaties. A good example: jury of our peers. If our jury-peers do not have the same political status to own and possess eagle feather – and the court matter involves reservation civil & regulatory matters, how could a non-tribal member understand the unique political status? Or even be a peer to with someone that has a different political status and whom retains treaty-property rights? They can’t. “Excluding Indians not taxed,” Rights retained before the US Constitution was written or the State of Minnesota was created.

Intra-tribal Matters – the courts would say the reservation did not have traffic codes. At the time pre-Stone 1997 decision, it may have been true? However – if the court doesn’t have jurisdiction, it becomes strictly an Intra-tribal matter and discussion. Rule 10, initiated by MAIBA and tribal court personnel without the informed participation and consent of the effected Indians is simply wrong. It takes an informed participation and consent intra-tribal matters and places with the State courts to enforce tribal court reservation Indian issues.

Inclosing: The Minnesota Chippewa Tribes courts should get the Informed, participation consent of the affected ANISHINAABE’OJIBWE MCT Tribal Members before their Rule 10 agenda moves forward in the Rule 10 committee.

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- (1.) State of Minnesota vs. Ida Mae Jackson, C8-96-1668 and State vs. Stone, C9-96-1291
- (2.) U.S. Constitution Article 1. Section 2. "Excluding Indians not Taxed; 14th Amendment, section 2. "Excluding Indians not Taxed; US Constitution Article VI. Treaties are Supreme Law of the Land . . .
- (3.) *See Chippewa Treaties, 1825. 1826, 1837, 1846, 1854 & 1855.- focusing on Jurisdiction.
- (4.) The Indian Claims Commission (1947) – Reminded the IRA- Minnesota Chippewa Tribe, Tribal Executive Committee (TEC) is not the Successors of Interests to the Treaty Rights but are representative of the Chippewa Claims Commissions claimants - the individual Chippewa's (Anishinaabe'Ojibwe) are the Successors to those rights.
- (5.) *See MCT Constitution and Interpretations (I-80)

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