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PO Box 418  
 WHITE EARTH, MN 56591

# 1855 TREATY AUTHORITY

EAST LAKE ♦ LEECH LAKE ♦ MILLE LACS ♦ SANDY LAKE ♦ WHITE EARTH

June 2, 2021

Sheriff Dan Guida, Aitkin County  
 and

Sheriff Darin Halverson, Clearwater County  
 Northern Lights Task Force, Executive Committee

SENT VIA EMAIL ONLY

[sheriff2@co.aitkin.mn.us](mailto:sheriff2@co.aitkin.mn.us)

[darin.halverson@co.clearwater.mn.us](mailto:darin.halverson@co.clearwater.mn.us)

Re: NOTICE: White Earth off reservation tribal court  
 And Chippewa treaty protected uses of *public lands*

Dear Sheriffs Guida and Halverson:

I am writing (emailing) you as Executive Committee members for the *Northern Lights Task Force* that is reportedly comprised of law enforcement sheriffs from Kittson, Becker, Marshall, Pennington, Red Lake, Carlton, St. Louis, Aitkin, Kanabec, Clearwater, Polk, Hubbard, Wadena, Cass, Crow Wing, Beltrami, Itasca and the Fond du Lac Reservation. I am asking that you promptly share (forward this email with all attachments) regarding this Tribal jurisdictional Notice to DNR and law enforcement about White Earth establishing an off-reservation tribal court to support the Conservation Code for 1855 Tribes, including charges for *prohibited trespass*.

I am aware that there is not an off-reservation cooperative law enforcement agreement with Minnesota at this time with White Earth, which further calls into question physical use of state police powers against tribal member's federally protected civil rights after given this Notice. The White Earth Tribal Court may be reached at P.O. Box 289, White Earth, MN 56591, Phone: (218)-983-4648.

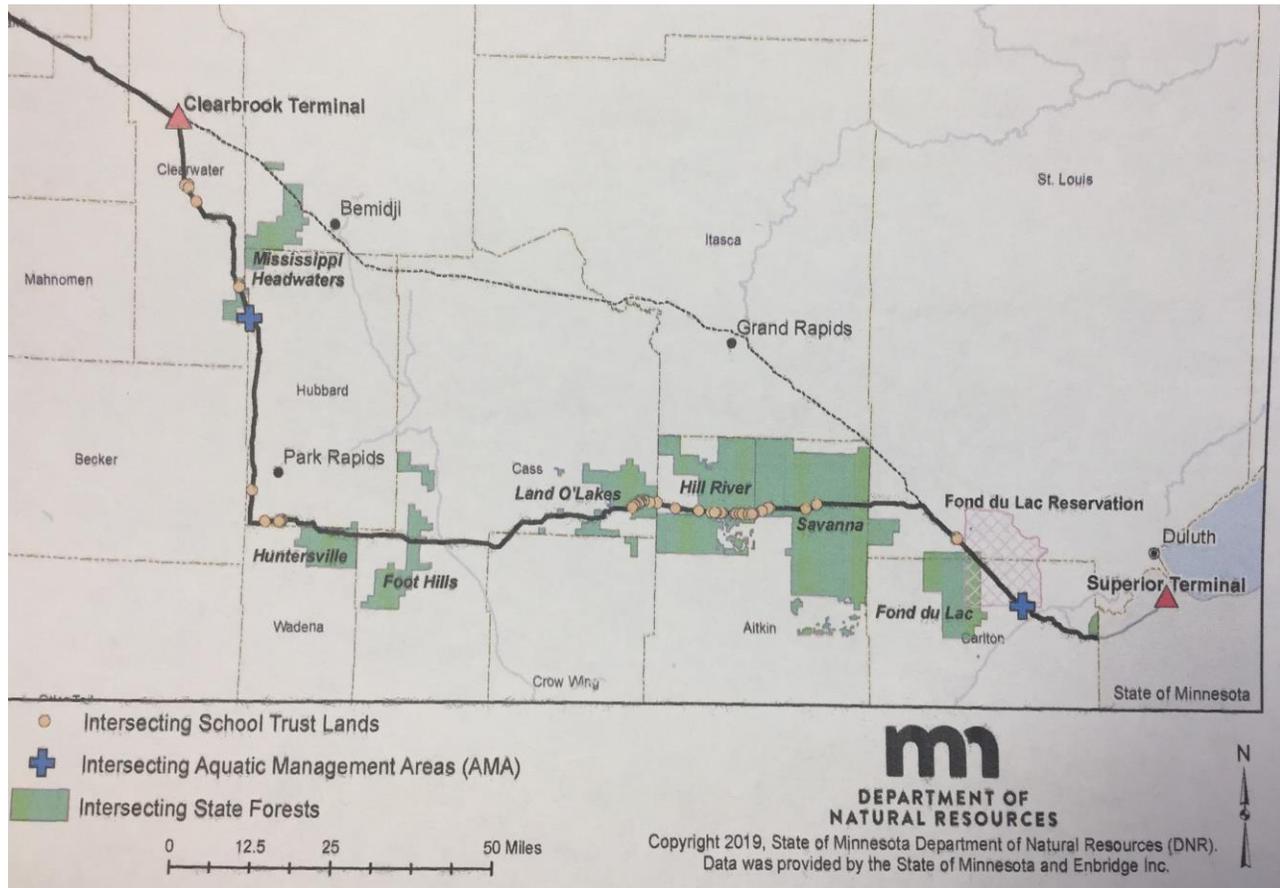
Please see the attached letter to Mn DNR Commissioner Strommen outlining Tribal members' rights to tribal court for civil charges like trespass. Under the Mille

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TREATY WITH THE CHIPPEWA, 1855.

Feb. 22, 1855. | 10 Stat., 1165. | Ratified March 3, 1855. | Proclaimed Apr. 7, 1855.

Lacs<sup>1</sup> decision, the initial or primary places for Chippewa tribal members and treaty beneficiaries to exercise usufructuary rights, conservation and religious freedoms is across the same territory as the *public lands* and waters of the state, just as Minnesota recognizes for the 1854 and 1837 Chippewa ceded territories. Public Law 280 does not authorize Minnesota to regulate Chippewa treaty rights or water rights across *Indian Country*, which in this case is the 1855 ceded territory.



It is readily apparent from the Line 3 Minnesota DNR map that state *public lands* are along much of the pipeline route. As such, the various White Earth codes for off-reservation tribal court, conservation and natural resources, rights of manoomin and

<sup>1</sup> See Minnesota v. Mille Lacs Band of Chippewa Indians, 526 U.S. 172 (1999), was a United States Supreme Court decision concerning the usufructuary rights of the Ojibwe (Chippewa) tribe to certain lands it had ceded to the federal government in 1837. (See Syllabus, In fact, the entire 1855 Treaty is devoid of any language expressly mentioning usufructuary rights or providing money for abrogation of those rights. These are telling omissions, since federal treaty drafters had the sophistication and experience to use express language when abrogating treaty rights. The historical record, purpose, and context of the negotiations all support the conclusion that the 1855 Treaty was designed to transfer Chippewa land to the United States, not terminate usufructuary rights. Oregon Dept. of Fish and Wildlife v. Klamath Tribe, 473 U. S. 753, distinguished. Pp. 195-202.

rights to travel, use and occupy traditional lands and waters apply and protect tribal members' federally protected Treaty Rights. (See existing examples of off reservation jurisdiction for conservation codes and tribal courts; 1854 Treaty Authority, Fond du Lac and Great Lakes Indian Fish and Wildlife Commission).

Presently, a number of 1855 Treaty beneficiaries have established a cultural camp in the 1855 ceded treaty territory where fishing and harvesting traditional shells on the shell river and other seasonal gathering activities occur. The location of the culture camp is located on *public lands* at the Shell City Campground in Huntersville State Forest. Canoe activities, teaching lodges and ceremonies are planned. Additionally, the 1855 Treaty Authority adopted the *2021 Summer Fishing Season Resolution 2021-02* (attached).

A second cultural camp has also been established on private lands by 1855 Treaty beneficiaries on the Great River Road at Hill River State Park in Aitkin, Minnesota. Of particular concern is a Medwiin ceremonial or teaching lodge physically erected and established by Winona LaDuke in December 2020, near the Mississippi River. (See WE Tribal Historic Preservation Officer Report attached).

I am also including County Attorneys along the Line 3 pipeline route(s) in this Notice as well as U.S. Department of Justice and Mn Attorney General's office. If you have any other questions or need of assistance with this matter please call on me at by phone or email at the above contacts. Mii gwitch!

Sincerely,

*/s/ Frank Bibeau*

Frank Bibeau  
Executive Director

#### Attachments

cc: W. Anders Folk, Acting United States Attorney Minnesota by Justin Lock  
Keith Ellison, Minnesota Attorney General by Keaon Dousti  
Michael Fairbanks, Chairman, White Earth  
Alan Roy, Secretary/Treasurer, White Earth  
Ray Auginaush, Sr., District 1 White Earth  
Kathy Goodwin, District 2, White Earth  
Cheryl 'Annie' Jackson, District 3, White Earth  
Leonard Fairbanks, Legal Director, White Earth  
Jaime Arsenault, Tribal Historic Preservation Office, White Earth  
Alfred Fox, Chief Conservation Officer, White Earth

