April 8, 2025 Testimony of Jessica Intermill, MNIPL, In Support of SF1247

Good afternoon, my name is Jessica Intermill. I am a Strategic Policy Consultant at Minnesota Interfaith Power & Light, and bring nearly 20 years of experience as a practicing attorney representing tribal nations on treaty-rights and governance issues.

SF1247 includes language that asks Minnesota to recognize the inherent right of uncultivated wild rice to exist and thrive. It is an application of the inherent-rights legal doctrine to a plant that has been in Minnesota since long before there was a Minnesota–or even a United States. I speak today to explain this doctrine and address mischaracterizations of the bill.

First SF1247 is not about personification, the underpinning of the legal personhood doctrine. In fact, the legal personhood doctrine is fundamentally at odds with the inherent rights doctrine. Through legal personhood, humans create a "legal fiction" that assigns human rights to inhuman objects and ideas. For example, the United States has afforded legal personhood to corporations. Because of this, corporations can sue and be sued, and can recover damages in tort and contract *as though* they were human–-even though they are, at their essence, inanimate words on paper. In contrast, SF 1247 recognizes the right that wild rice already has; it does not ascribe new ones.

Second, this distinction fundamentally distinguishes SF1247 from White Earth's past tribal legislation. That legislation was rooted in legal personhood, teeing up a suit by wild rice against the DNR. Because SF1247 *does not* personify or grant rights of personhood to the wild rice, it *does not* open the DNR to suit by the rice. SF1247 *is not* a personhood bill.

Third, SF 1247 *does not grant any right* to wild rice. Rather, it recognizes that the plant has the right to live because it is, in fact, alive. That right is naturally occurring and self-limiting. For example, a jurisdiction may ascribe legal personhood to a river, but the river does not itself have an inherent right to live because it is not alive. Moreover, the right of wild rice to exist and thrive persists whether Minnesota recognizes it or not. Instead, the importance of state recognition of this existing right is to bring Minnesota into right relationship with the plant. It shifts our understanding from one of dominion over a resource to relationship with a fellow extant being.

Fourth, this *is* a jurisprudential cultural shift. Minnesota was very literally built on resource extraction and commodification. For example, lumbermen pressed for the 1837

Pine Treaty that ceded east-central Minnesota to fell the trees for private fortunes. This and other treaties turned land into property, shifting the cultural pattern from cyclical interdependence to profit-focused human activity at any cost. SF 1247 steps back from that extractive worldview. It recognizes human responsibility to a fellow living creature.

Finally, recognizing and stepping into this responsibility is an important fulfillment of the United States' legal commitment to local Anishinaabe (or Chippewa) tribes. Article 5 of the 1837 Treaty with the Chippewa specifically guaranteed the continuing "privilege of hunting, fishing, and gathering the wild rice, upon the lands, the rivers and the lakes included in the territory ceded…." in exchange for the bands' territorial cession. In 1998, the Supreme Court confirmed that that treaty guarantee persists today. Minnesota retains the benefit of that treaty and has an obligation to uphold the U.S. end of the bargain by recognizing the right of the plant to exist and thrive in this state for future generations.

To fulfill its legal obligations and step into a relationship of repair, I encourage this body to include the language of SF 1247 in the Environmental Omnibus bill.