

REPORT
OF THE
STATE OF MINNESOTA
INDIAN AFFAIRS INTERTRIBAL BOARD

NOVEMBER 1976



State of Minnesota
INDIAN AFFAIRS INTERTRIBAL BOARD

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President of the Senate
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Gentlemen:

Pursuant to Laws of Minnesota, 1976, Chapter 314, Subdivision 9, the Indian Affairs Intertribal Board respectfully submits the following report to the Governor and to members of the Minnesota State Legislature.

It is important to note that this report covers the brief period of months since the revision of the agency which accompanied the creation of the new Board.

Respectfully submitted,

Roger A. Jourdain
Chairman
Indian Affairs Intertribal Board



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A BRIEF HISTORY

In 1963, the Minnesota Legislature had the distinction of creating the nation's first Indian Affairs Commission (M.S. 3.922), and in 1976, we believe, the Legislature set a precedent for achieving maximum tribal input into the Indian Affairs agency by dramatically revising the membership composition of the governing board and opening the door for increased tribal influence in state government.

The original law as enacted in 1963 specified that the membership of the then Minnesota Indian Affairs Commission be two senators appointed by the Senate Committee on Committees, two house members appointed by the Speaker of the House and three Indian people, one to represent the Red Lake Band of Chippewa Indians, one to represent the Minnesota Chippewa Tribe, and the other to represent the Sioux reservations. All Indian members were appointed by the Governor.

In 1965 the law was amended to transfer the power to appoint Indian members from the Governor to the tribal councils of the Red Lake Chippewas, the Minnesota Chippewas and the Sioux. The law provided that the Governor would appoint three at-large members.

Two years later the law was amended again to eliminate the gubernatorially appointed at-large members and adding to the Indian membership of the Commission by providing an additional slot for the Minnesota Chippewa Tribe -- for the first time -- acknowledging urban Indians by creating seats on the Commission for Minneapolis, St. Paul and Duluth.

Except for an amendment changing the agency from a Commission to a

a Board, the law remained unchanged for nine years during which time the operations and influence of the agency declined largely because of the gradual withdrawal of the support it initially enjoyed from the Red Lake Tribal Council and the Tribal Executive Committee (TEC) of the Minnesota Chippewa Tribe. The situation worsened until in 1975 there was an active effort -- inspired by tribal sources -- to either change the direction of the agency by including tribal council chairmen as members of the Board or abolishing the entire agency. This position was reflected by the Legislature that year which provided the agency with an appropriation for only one year and required submission of a Plan for the Future to the 1976 session.

The Plan for the Future was presented as the 1976 Special Report of the Minnesota Indian Affairs Board. In it we recommended that M.S. 3.922 be amended along the lines of the following:

"The Board will be composed of the duly-elected chairmen of each of the 11 Indian reservations in Minnesota. In addition, Minnesota residents who are enrolled in federally-recognized Indian tribes outside the borders of Minnesota will elect two of their number to serve as at-large members with the election procedures to conform as closely as practicable to Minnesota election laws with the Secretary of State establishing procedures for such elections."

That recommendation was fully accepted by the Legislature in its wisdom in 1976 and can be found in Chapter 314, 1976 Laws of Minnesota. In addition, to overcome the objections of urban Indians who protested that the new law abolished the old seats held by Minneapolis, St. Paul and Duluth Indians on the Board, the Legislature accepted the recommendation for creation of a five-member Advisory Council on Urban Indians charged with advising the Board on the unique problems and concerns of Minnesota Indians who are residing in urban areas of the state.

The 1976 law also changed the name of the agency to the State Indian Affairs Intertribal Board.

It was signed into law by Governor Wendell R. Anderson on April 13, 1976.

COMPOSITION OF THE INTERTRIBAL BOARD

The new Board held its organizational meeting in May of 1976. Seated as members were Roger A. Jourdain, chairman of the Red Lake Tribal Council; Arthur Gahbow, chairman of the Mille Lacs RBC* (Mr. Gahbow also is president of the Tribal Executive Committee (TEC) of the Minnesota Chippewa Tribe); William Houle, chairman of the Fond du Lac RBC; Harry Boness, Sr., chairman of the Bois Forte (Nett Lake) RBC; David Munnell, chairman of the Leech Lake RBC; the Rev. Rueben Rock, chairman of the White Earth RBC; Iola Columbus, president of the Lower Sioux Community Council; Curtis Campbell, president of the Prairie Island Community Council; Norman Blue, chairman of the Upper Sioux Board of Trustees; and Norman M. Crooks, chairman of the Shakopee Mdewakanton Business Council.

At that meeting, Mr. Jourdain, who had been acting chairman of the Board, was elected chairman. Other officers and members of the Board's Executive Committee are Mr. Gahbow, vice chairman; Mrs. Columbus, secretary; and Mr. Houle, treasurer.

As a result of Minnesota Chippewa Tribe elections held this summer, the following newly-elected RBC chairmen were seated as members of the Board at a special meeting July 30 in the State Capitol: Hartley White, chairman of the Leech Lake RBC; Darrell Wadena, chairman of the White Earth RBC; and Gary Donald, chairman of the Bois Forte (Nett Lake) RBC.

* Reservation Business Committee (RBC) is the name of the governing body of the six reservations which comprise the Minnesota Chippewa Tribe.

Beside the Executive Committee, the Board also has established a Personnel Committee to assist the Executive Director in personnel matters. Members of that committee are Mrs. Columbus, Messrs. Wadena, White, Hendrickson and Houle.

THE AT-LARGE MEMBERS

Chapter 314 specifies that the election of the two at-large members must be held no later than one year following enactment. Therefore, the election must be held by April 13, 1977. The law also specifies that the manner of election shall be prescribed, certified and regulated by the Secretary of State.

To this end, the former executive director, Fred McDougall, who resigned October 8, 1976, held several meetings with Mary McCoy of the Secretary of State's office. The meetings were resumed by Mr. McDougall's successor, Donald F. Bibeau, shortly after the general election and those meetings are continuing with the goal of having the two at-large members elected, certified and seated by the end of March, 1977.

As this report is written, the election process obviously has not yet been established in its final form. But preliminary discussions indicate that registrations will be in person in several locations throughout the state and that voting very likely will be in person in those same locations with provisions for absentee balloting by registered voters.

It is very necessary for us to rely heavily on the experience and expertise of the Secretary of State's office in this very unique procedure.

THE URBAN ADVISORY COUNCIL

In answer to vocal objections by some urban Indians to changing the Board, the Legislature -- as we mentioned earlier -- inserted in the 1976 bill revising the Board, a subdivision creating an Advisory Council on Urban Indians. The law says there will be five members of the Council and that at least one will be from the city of Minneapolis, at least one from the city of St. Paul and at least one from the city of Duluth. This provision assures that representation will not come entirely from a single city and also provides for the possibility of seating of Indians who live in suburbs of the metropolitan areas.

The law also specifies that the Council shall be appointed by the Board itself. At its May, 1976, organizational meeting, the Board considered an appeal from the Duluth Indian community for the right to hold an election for the Duluth urban area slot and certify the top vote-getter to the Board for consideration for appointment to the Council. The Board agreed and further directed the executive director to contact the Minneapolis and St. Paul communities to determine the will of Indians living in those two cities.

An election was held in Duluth on August 30, 1976, and Les Northrup, a former member of the old Indian Affairs Board, was elected. He was forthwith appointed by Chairman Jourdain to represent the Duluth-area Indian community on the Urban Advisory Council.

The Chairman also appointed Vernell Wabasha of St. Louis Park and Emily Peake, both of whom had been members of the old Commission/Board,

as interim Council members representing Minneapolis. He named Randolph Lussier and Raymond Earley as interim members from St. Paul.

The Urban Advisory Council held its organizational meeting in Duluth on November 4, 1976, and Mr. Northrup was elected acting chairman. The members decided that the Minneapolis and St. Paul members would return to their respective communities and attempt to determine whether the Indian people wanted to hold advisory elections to indicate their preferences for appointment to the Council or whether they were willing to let the Board decide without a formal advisory election but with maximum input from Indian community leaders.

The Urban Advisory Council, meanwhile, planned to hold open meetings throughout the urban areas to elicit comment on the "unique problems and concerns" of Minnesota Indians who are residing in the urban areas of the state.

DUTIES OF THE AGENCY

In the 1976 Special Report, the Agency specified the following goals:

1. To clarify for the Legislature and State agencies the nature of tribal governments, the relationship of tribal governments to the Indian people of Minnesota and to obtain a role for tribal governments in state government through the Minnesota Indian Affairs Board.
2. To better inform the members of the Legislature as to the needs, desires and aspirations of Indian people throughout the State of Minnesota.
3. To increase cooperation between and among state agencies in the delivery of services to the Indian population of the State of Minnesota.

Goal No. 1 was partially accomplished through enactment of Chapter 314. But the ongoing need for clarification of the nature and relationship of tribal governments to Indian people as well as Goal Nos. 2 and 3 are specifically recognized in the 13 primary duties spelled out in the new law:

1. Clarify for the Legislature and state agencies the nature of tribal governments, the relationship of tribal governments to the Indian people in Minnesota.
2. Assist the Secretary of State in establishing an election of at-large members of the Board.
3. Make recommendations to members of the Legislature on desired and needed legislation for the benefit of the statewide Indian community and communicate to the members of the Legislature when legislation has or will have an adverse effect on the statewide Indian community.
4. Provide, through the elected apparatus of the Board, an effective conduit for programs, proposals and projects to the Legislature submitted by tribal governments, organizations, committees, groups or individuals.

5. Provide a continuing dialogue with members of the appropriate tribal governments in order to improve their knowledge of the legislative process, state agencies and governmental due process.
 6. Assist in establishing Indian Advisory Councils in cooperation with state agencies delivering services to the Indian community.
 7. Assist state agencies in defining what groups, organizations, committees, councils or individuals are eligible for delivery of their respective services.
 8. Assist in providing resources, tribal and other, in the delivery of services to the statewide Indian community.
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9. Act as a liaison between local, state and national units of government in the delivery of services to the Indian population of Minnesota.
 10. Assist state agencies in the implementation and updating of studies of services delivered to the Indian community.
 11. Provide, for the benefit of all levels of state government, a continuing liaison between those governmental bodies and duly elected tribal governments and officials.
 12. Interreact with private organizations involved with Indian concerns in the development and implementation of programs designed to assist Indian people, insofar as they affect state agencies and departments.
 13. Act as an intermediary, when requested and if necessary between Indian interests and state agencies and departments when questions, problems or conflicts exist or arise.

At this point it is necessary to reemphasize that as this report is submitted to the Governor and the Legislature, the new agency is only two days more than seven months old.

It is still going through growing pains. But, nevertheless, the agency has made great strides in performing its duties:

1. The Indian Affairs Intertribal Board was co-sponsor of a statewide meeting held June 30, 1976, in Grand Rapids on the subject of the new Housing Finance law enacted by the 1976 session. The meeting provided a forum for tribal interests, legislators, state Housing Finance Agency officials and interested Indians to discuss the new law and its impact on Indians. Indian Affairs staff members also were active in discussions of the law with various tribal councils and urban interests.
Staff people also attended meetings sponsored by HUD in Minnesota for purposes of offering input and gaining additional information for dissemination to Indian tribal councils and organizations.
2. The staff has had extensive contact with the Indian advisory committee to the Indian special assistant to the director of the State Alcohol and Drug Authority and has attended most meetings of that committee.
3. The agency was influential in establishment of an Indian liaison position in the Corrections Department and works closely with the person who occupies that position.

4. After the U.S. Supreme Court decision in Bryan vs. Itasca County regarding taxation of Indians on reservations, the Indian Affairs Intertribal Board held a special meeting to provide a forum for open discussion of the implications of the ruling. It was attended by Revenue Commissioner Arthur Roemer and other state officials and provided a valuable exchange between state and tribal interests on the issue.
5. The executive director and other staff members meets on a regular basis with the Indian specialist in the State Department of Natural Resources (DNR) for purposes of exchanging information, ideas and concerns in the area of hunting and fishing and other conservation matters as well as with the Indian regional representative in the Department of Economic Development.
6. The staff was represented at both the National Indian Education Association (NIEA) and the National Congress of American Indians (NCAI) annual conventions and reports on those sessions were made available to tribal and other organizations which were unable to attend.
7. A staff member serves as a member of the Minnesota

State Advisory Committee (SAC) to the U.S. Commission on Civil Rights, providing valuable input on Indian issues into the meetings and deliberations of the state group and the regional and national offices of the Commission in Chicago and Washington at no expense to the State.

8. The Agency has been represented at all meetings of the Minnesota Chippewa Tribal Executive Committee and has maintained close contact with the Red Lake Tribal Council. While we have attended sessions of the Sioux Intertribal Council, we regretfully have been unable to provide enough service and contact with Sioux communities because of a personnel vacancy which occurred shortly after the conclusion of the 1976 session. However, progress is being made in filling the vacancy and we plan to expand contact and services to the Sioux councils very quickly.
9. We also have on-going relations with other agencies of state government, federal departments and private organizations concerned with Indians.
10. We will publish our first newsletter hopefully in late November with another issue planned for the next month or early January. We have not determined how often newsletters will be published and distributed

but it appears they will come out every other month at first. The purpose of the newsletter is to keep the Indian community of Minnesota informed on governmental developments as they affect the Indian community, and to solicit advice and opinions on accomplished, pending or needed governmental actions as they apply to the Indians of Minnesota.

11. The law provides that the Indian Affairs Intertribal Board should assist in establishing Indian advisory councils in cooperation with agencies serving Indians. Our first experience in that regard came in negotiations on the Indian Advisory Board in the State Alcohol and Drug Authority. Those negotiations were undertaken to make certain there would be ample communication between the advisory body and the tribal governments in the State. We hope to enter into similar discussions and negotiations with other departments which as a matter of routine serve an Indian clientele or are concerned with Indian problems or development.
12. Because of the change in directors we were unable to schedule as planned a statewide conference on Indian concerns before the due date of this report. However, we are hoping to convene a conference in early January for a discussion of legislation which may affect Minnesota

Indians. Participants will include state agencies with Indian components and interested tribal people. We also plan to hold a similar session in the summer of 1977 for a review of the legislative session and an update on Indian topics.

RECOMMENDATIONS

1. Legal Definition of an Indian. In our Special Report to the 1976 Legislature, we pointed out that the existing law uses a blood quantum for establishing whether or not a person is or is not an Indian. The blood quantum criterion exists in M.S. 254A.02, Subd. 11 dealing with the Treatment of Alcohol and Drug Abuse. Before the Legislature changed the Indian Affairs in 1976, M.S. 3.922 also contained a blood quantum reference.

The Special Report said: "It is our position that the issue of whether or not a person is an Indian should not be determined by state law. The band or tribe to which he can trace his Indian lineal descendancy is the only judge of such a person's legal claim to Indian ancestry, and the responsibility for determining that conditions should not be a legislative prerogative.

"Rather than using a specific blood quantum as the definition for Indian, the Legislature would be well-advised to use as the official state criterion whether or not a person is a duly enrolled member of a federally-recognized tribe. If he is, we submit, that person is an Indian regardless of whatever arbitrary blood quantum is established by the Legislature for the definition of an Indian."

"As it now stands some people enrolled in the Minnesota Chippewa Tribe before 1961, when the Tribe changed its blood requirement, are Indians as far as their tribe is concerned but do not meet the apparent arbitrary qualifications established by past Legislatures."

The Indian Affairs Intertribal Board reaffirms this position and urges the 1977 Legislature to forthwith change the legal definition of an Indian in Minnesota law to provide that enrollment in a federally-recognized Tribe be the only standard for being an Indian as far as Minnesota law is concerned.

2. "Native American" vs. American Indian. Currently, Minnesota Statutes make frequent reference to "Native Americans." It is our belief that when the law refers to "Native Americans" it means "American Indians", although this is strictly an assumption. It is the position of the Indian Affairs Intertribal Board that a Native American could be any person born in the United States - not necessarily an Indian. Indian tribal leaders throughout the country are voicing objections to the use of the term "Native American" to refer to American Indians. Chairman Roger Jourdain has noted that the Constitution of the United States refers to Indians, and he suggests that if the term "Indian" is good enough for U.S. Constitution it should be good enough for state law.

Therefore, we urge the Legislature to recodify all references to Native Americans in state law and replace the reference with the term "American Indian."

3. Indian Alternative Schools. During the past year conflict has developed between Indian alternative and community school programs and the interpretation of state law by the State Department of Education. Recently, the Minnesota Chippewa Tribe adopted a resolution requesting the Legislature to enact legislation which would allow Indian alternative

and community school programs within the public school system to be exempt from Minnesota desegregation laws. The Minnesota Indian Affairs Intertribal Board also recommends development of such legislation.