

**Report to the Governor and Legislature**

**In Compliance with Minnesota Statutes Section 3.922 Subd. 11**



**Submitted by:**

**The Minnesota Indian Affairs Council**

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**Executive Summary: History of the Minnesota Indian Affairs Council**

Historical records show that the State of Minnesota began addressing the needs of the American Indian population as early as 1926, when it formed the first Commission on Indian Affairs. In 1924, the federal Indian Citizen Act was passed, which likely led up to this concern and Commission. This Indian Citizen Act gave Indians throughout the nation full rights as American citizens, including the right to vote. Shortly after, the Commission was put into law (Laws of 1925, Chapter 291). The Indian Affairs Commission consisted of three appointments made by Governor Theodore Christianson and was passed during the 44<sup>th</sup> Legislative session (S.F. No. 1226). This law called for the Governor to appoint a commission of three individuals to examine the issue of money that was directly passed through the federal government to American Indian people and to determine whether or not intervention was necessary to handle the funds on behalf of the Indian people. Additionally, this commission was to negotiate with Congress for the transferring of any funds, lands, and other properties that were, at that time, held in trust by the United States Government for the Indians of Minnesota. The Commission was also charged with making a report of their proceedings and negotiations to the Legislature of the State of Minnesota at its next legislative session. At that time, the Commission addressed the issues in the primary areas of education, health, and the welfare of Indian citizens in the state.

Almost 40 years later, in 1963, Minnesota became one of the first states in the nation to establish a state department dedicated to issues concerning the American Indian population. Following the American Indian Citizens Act, ongoing concerns between the state and Tribal people and the Nations of Minnesota became even more apparent.

Resulting from this was the creation of the Minnesota Indian Affairs Council (MIAC). Since then, this agency has continued to thrive and is now in its 49<sup>th</sup> year of existence. The Minnesota Indian Affairs Council remains the only executive branch agency created by the state to speak on behalf of the states eleven Indian tribal nations and people in Minnesota.

The voices of the Indian people in Minnesota are many, as the 2010 Census reveals that Minnesota has one of the largest populations of Indian people in the nation. Today, the Minnesota Indian Affairs Council maintains one of the largest and most unique boards of any state council or agency and continues to gather quarterly in its advisory capacity to the state to discuss and resolve some of the most serious problems affecting the Indian tribal people of the state. The role that the Minnesota Indian Affairs Council plays as a liaison between the Tribes and the state as an important facilitator of government-to-government discussion but must never be viewed as a substitute for true government to government discussion between the state and tribal nations.

In this report, one will find a detailed description of current programs as well as the accomplishments of the MIAC. Additionally, one will find goals for the next biennium for the MIAC. The Minnesota Indian Affairs Council maintains two offices; one in Bemidji and one in St. Paul, Minnesota. Although staff composition is small, many programs have been developed and are now being implemented. The MIAC knows that its work is effective when partnerships are either formed or strengthened by improvements or outcomes that are felt directly within our communities and throughout all of Minnesota. The MIAC recognizes that more work needs to be done and that the best way to solve some of the state's most serious issues with its American Indian

population, who are also citizens of this state, is for the state of Minnesota to provide a liaison office and to remain in partnership with the Tribes in a government-to-government dialogue where advising, consulting, and implementing critical programs and policies is made possible and will result in a healthier Minnesota for all.

### **Agency at a Glance:**

The Minnesota Indian Affairs Council (MIAC) was established in 1963 [MN Statutes Chapter 888, Sec. 2 \(3:922\)](#). With a mission to, “protect the sovereignty of the eleven Minnesota Tribes and ensure the well-being of the American Indian citizens throughout the State of Minnesota,” the MIAC acts as a liaison between the State of Minnesota and the eleven tribal Governments within the state by providing a forum for and advises state government on issues of concern to the urban Indian communities, as well as, the Tribal Reservations. In addition to its liaison duties, the Council administers three programs: cultural resources, Dakota and Ojibwe language revitalization, and a federal community services block grant. Each program is designed to enhance the economic opportunities and protect the cultural resources and history for the state's American Indian constituencies.

The MIAC’s vision is, “to strive for the social, economic, and political justice for all American Indian people living in the State of Minnesota, while embracing our traditional, cultural, and spiritual values.” The mission and vision of the MIAC remain at the forefront of all meetings and discussions pertaining to Minnesota’s American Indian tribes and communities in Minnesota. Because of the history of this nation, treaty-making, forced removal, and the resulting breakup of the core families and communities

of American Indian people throughout Minnesota and the nation, the problems and needs the MIAC addresses are numerous.

Over the years, the original legislation has been adapted to the needs of the Indian Tribes and the State. Today, the Minnesota Indian Affairs Council continues in its **49<sup>th</sup> year** of existence of a state agency with a governing board of twenty eight, celebrating 50 years in 2013. The board is composed of the following: the eleven Tribal Chairs or their designees, one member of the Governor's official staff, two members from the House of Representatives, two members from the State Senate, and the Commissioners of Education, Human Services, Natural Resources, Human Rights, Employment and Economic Development, Corrections, Minnesota Housing Finance Agency, Iron Range Resource and Rehabilitations, Health, Transportation, Veterans Affairs, and Administration, or their designees. In addition to its numerous duties, the MIAC plays a central role in the development of state legislation for the American Indian population and the entire state of Minnesota.

For the past five years, the MIAC has led the way in providing the state legislature with instruction and information on core topics and information crucial for working with the eleven tribal governments in public policy decision making. This educational opportunity was offered to all legislative leaders and staff, state and county employees, members of public entities, and the general public. Additionally, instructional information was provided by leading experts and scholars from both the American Indian and non-American Indian communities on such topics as tribal sovereignty, treaties and treaty rights, trust relationships, economics of Indian country, working with tribes, the welfare of Indian children, the disproportionately high disparities

of American Indian people, and other like topics. The MIAC will continue the educational opportunity in 2013.

### **Cultural Resources Program**

The MIAC has a responsibility to protect the American Indian Burial sites across the State. This responsibility was given to the Council in 1976 when the Private Cemetery Act (MN ST. 307.08) was amended to include the protection of all American Indian human remains and associated burial items buried more than 50 years ago outside of platted cemeteries. Under Minnesota Statutes section 138, the Field Archaeology Act, the MIAC must be consulted with and projects reviewed when large archaeological sites on public lands are to be impacted or possibly disturbed. Additionally, there is also a Federal Law that applies to the MIAC, the Native American Graves Protection and Repatriation Act, (NAGPRA), Public Law 101-601. These regulations pertain to the identification and appropriate disposition of human remains and associated burial items that under federal definition. These two laws give the MIAC statutory authority in regards to remains which may be in their original burial places, those reinterred after removal from an original burial place, remains accidentally disinterred, remains authorized for disinterment, and remains currently held by individuals, agencies, or other institutions.

It is because of these State and Federal Statutes that the Minnesota Indian Affairs Council has developed a close relationship with the Office of the State Archaeologist and with the Archaeological communities within and outside of Minnesota. In additions, the MIAC works with the law enforcement communities throughout the state in regards to accidental unearthing of human remains political subdivisions, and with private

landowners and developers. The Cultural Resources Director has recently received additional grant money to do the work of cultural resources. He has received a Minnesota Historical Society (MHS) grant and NAGPRA (federal) grant. The MHS grant was awarded to the MIAC to do the work of historical and cultural heritage projects. This project will provide a model of using archaeological data as it related to tribal communities within two cultural landscapes. One is the northern Ojibwe area within Cass/Crow Wing Counties, and the other within the Dakota homelands near the Red Wing location. Both of these landscapes are rich in archaeological data, most of which remains inaccessible to the public and have never been connected to the contemporary Native people. This grant will allow the MIAC to complete an updated inventory of the human remains that MIAC has had in its control since 1996 that are housed at Hamline University. During the next biennium, the Cultural Resources Department will continue to encounter accidental unearthing of human remains and work to manage the burial sites in Minnesota.

### **Community Services Block Grant Program**

The MIAC maintains an annual interagency agreement and funding grant from the Office of Economic Opportunity through the Department of Human Services. This program, the Community Services Block Grant (CSBG) provides information and technical assistance to the eleven Tribes in Minnesota. This agreement allows the two State Departments to mutually implement a project to assist Minnesota's Indian reservation governments to plan, develop, and administer programs funded through the DHS/OEO divisions. The Council staff monitors, evaluates, and provides technical assistance for all eleven reservation governments and staff while assisting reservations to strengthen their role in

the statewide community action network. The MIAC receives a yearly grant for the federal government provided to the OEO division to implement this program.

Through a grant with the Department of Human Services, the MIAC also assists in monitoring many programs that affect the state's American Indian population and tribal governments. In most instances, these grant awards do not begin to meet the needs of most reservations. Base funding is also provided to each reservation grantee. For this reason, coordination of grant planning among Community Service administered grants is essential. Grants coordination includes those who receive grants from the Community Services Block Grant, the Minnesota Community Action Grant (Emergency Shelter Grant Program Supportive Services for Rural Homeless Youth, Transitional Housing Program, Emergency Service Program, and the Supplemental Nutrition Assistance Program. This is the 26th year the CSBG has funded the position of Economic Opportunity Specialist/Tribal Liaison. The main focus is to educate and assist tribal families to achieve self-sufficiency. This continues to be of monumental importance. During the next biennium, the OEO program will continue to help implement and manage grants with Minnesota Tribal nations.

### **Dakota and Ojibwe Language Revitalization Program**

Minnesota's most enduring languages are in danger of disappearing. Without timely intervention, the use of Dakota and Ojibwe languages will decline to a point beyond recovery. In November, 2008 the voters of Minnesota approved a 3/8 % increase in sales tax to fund what has become known as the "Legacy Funds." The MIAC was appropriated \$150,000 to convene a working group to conduct a feasibility report on Dakota and Ojibwe Language Revitalization in Minnesota. Released in February, 2011,



this report focused on the importance of language revitalization, painting a reliable picture of the status of Dakota and Ojibwe languages, and of current efforts to revitalize Minnesota's Indigenous languages. The report also included the identification of best practices for addressing language revitalization, the identification of barriers to successful language revitalization in the two communities, and recommendations for action that can be taken by Tribal Governments, the Minnesota Legislature, the State Department of Education, and other individuals or entities committed to revitalizing the two languages in order to remove obstacles and advance the cause of language revitalization.

Several key findings were identified in the report—each unique and vitally important for language revitalization in the state. One obvious finding is that Dakota and Ojibwe languages are in danger of disappearing. The population of fluent and first speakers of these languages is small, and only a few first speakers live in Minnesota. Virtually nobody who speaks Ojibwe or Dakota as a first language has standard teaching credentials. The reason for the small pool of first speakers and first speaking teachers is that first speakers are very old and are not expected to live much longer. Additionally, successful language revitalization will require a leadership role from passionate and committed individuals from tribal governments, and a coordinated effort involving the Minnesota Department of Education, local school districts with significant populations of Dakota and Ojibwe students, and language activists.

More than 100 programs and activities in Minnesota provide exposure to or instruction in Dakota and Ojibwe languages, reflecting the importance placed on this effort by language activists, educators, tribal governments and the Minnesota Department of Education. Few of these programs, however, recognize the essential pedagogic

requirements for language revitalization, which include a role for strong immersion programming and the leadership roles for fluent speakers. The language immersion programs that do exist are crippled by a lack of trained teachers, a dearth of curriculum materials, policies that adversely affect the licensure, training and availability of required personnel, and limited funding. Currently, only the University of Minnesota campuses in the Twin Cities and Duluth offer preparation for licensure for teaching across the curriculum in Ojibwe and Dakota languages. Neither, however, operates for teachers in grades 9-12 and subsequently languages are seldom taught formally at that level. A limited number of teacher preparation programs offer tracks toward licensure for teaching Ojibwe and Dakota as world languages, and conflicting federal policies create a situation in which it is difficult to coordinate the varying expertise of fluent speakers, teachers licensed in subject areas, language teachers, and immersion teachers who are licensed to teach across the curriculum in Ojibwe and Dakota.

Most importantly, however, is that language revitalization has the potential to make a positive impact on efforts to bridge the educational achievement gap between Minnesota's Indian students and non-American Indian students, among other benefits. Successful models do exist for bringing Indigenous languages back from the brink of extinction. Hebrew is one such language brought back from near extinction in the mid-19<sup>th</sup> century.

The work of the Dakota and Ojibwe Volunteer working group members is far from over. Funded, again, with legislature passed during the 2011 Legislative Session, the Work Group continues to work on a comprehensive strategic plan for language revitalization in Minnesota. Meeting monthly, sometimes twice a month, this Working

Group builds upon cooperative efforts needed among Tribal governments, Indigenous communities, state agencies, and educators towards the creation of immersion schools, teacher training programs, a repository of teaching materials and other resources. During the 2011 Minnesota State Legislative session, funding was approved to continue the work of the Volunteer Working Group. The Working Group is now building on the foundation that has already been laid to develop a 25-year strategic plan for Dakota and Ojibwe language revitalization within the State of Minnesota that will build the cooperative efforts needed among Tribal governments, Indigenous communities, State agencies, and educators to create immersion schools, teaching training programs, a repository of teaching materials and other resources, and will recommend methods for applying world language proficiency standards to instruction in Dakota and Ojibwe. Additionally, the strategic plan will look at creating teaching materials in the Dakota and Ojibwe languages for subjects across the curriculum and addressing barriers to teacher recruitment.

The MIAC was also appropriated \$550,000 in FY 2012 and \$550,000 in FY 2013 for grants for programs to preserve Dakota and Ojibwe languages and to foster educational programs in the Dakota and Ojibwe languages. The grant committee focused on the end goal for granting money, with the crucial question, “What is the best and most efficient way to distribute money for language revitalization efforts,” remaining at the forefront of all the work. While administering these grant funds, the MIAC consults heavily with the state of Minnesota Grants Management Division and the Small Agency Resources Team (SMART) Financial team to ensure proper distribution of grant funds and contract. Seventeen grant projects were funded in during the 2012 and 2013 fiscal year with projects ranging from Dakota and Ojibwe immersion camps, online

repositories, recording of first language speakers, language project development, and curriculum development.

The funding for the Dakota and Ojibwe Language Revitalization Work group is one that is appropriated by the Legacy Committee. As will all state appropriations, there is never a guarantee that this funding will continue during the next biennium. To this end, the Work Group makes plans to maintain its purpose and momentum if an appropriation from the legislature no longer occurs. However, if this does occur, funding for this Work Group remains unknown.

Issues or concerns raised by the MIAC are important of the Tribal Nations and leaders. Some of those issues include, but are not limited to: the ongoing disparities of the Indian Child Welfare system; the education achievement gap; the health disparities of the American Indian population; epidemics in obesity, drugs, and alcohol to the devastation of the American Indian population; and public safety and corrections problems. These issues must be addressed and must be discussed as the situation for many individuals in the state of Minnesota seems to worsen even as the entire non-Indian population correspondingly seemingly gets better.

One such issue raised was the importance of Treaties made between the Tribes and the Government. Creating a partnership between the Minnesota Humanities Center, the MIAC, and the Smithsonian Institute's Nation Museum of the American Indian, and funded by the Legacy fund, the MIAC produced the first ever traveling treaties exhibit, Why Treaties Matter; and the first American Indian Museum Fellowship program.

The MIAC board continues to address difficult societal issues such as the education disparity and continually works toward resolutions which include specific

goals and likely outcomes. Government to Government partnerships are strengthened and enhanced through continual cooperative work. The MIAC puts forth many substantial legislative policy changes and positive results occur. The issues that continually plague the American Indian population in Minnesota persist, but progress can be made. Proper education will serve to solve many problems, such as those concerning discrimination, land issues, and problems with the economy. MIAC will continue to work in a government-to-government manner and press to its goal of making Minnesota a better place to live and work for every Minnesotan, Indian and non-Indian alike.