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1855 TREATY AUTHORITY

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

April 9, 2019

SENT VIA EMAIL ONLY

Phil Brodeen, MCT Attorney
Gary Frazer, Executive Director
Minnesota Chippewa Tribe
15542 State Hwy 371 NW
Cass Lake, MN 56633

Re: 2019 TEC Resolution and Congressional Bill to require
the Secretary of Interior to transfer the beneficial interest
in certain lands held in trust for the Minnesota Chippewa Tribe

Dear Phil and Gary:

I did not find a response to my email inquiry to both of you in the past week. I am very concerned that the *Bill to require the Secretary of Interior to transfer the beneficial interest in certain lands held in trust for the Minnesota Chippewa Tribe* ignores the treaty rights of certain MCT members' who are the actual holders of the beneficial interests in certain Chippewa trust lands.

My first concern is that a Land Legal Description Review *shall not be required with notice to be published in the Federal Register describing the trust lands affected . . . within two years after the Bill becomes law*. When the 1854 was signed by the Chippewas of Lake Superior and the Mississippi "the Chippewas of Lake Superior [did t]hereby relinquish to the Chippewas of the Mississippi, all their interest in and claim to

TREATY WITH THE CHIPPEWA, 1855.

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

the lands heretofore owned by them in common, lying west of the above boundary-line.” (1854 Treaty, Article 1). This means the Chippewa of the Mississippi are still owners *in common* with the Lake Superior Chippewa Bands, of 1854 ceded territory lands which originally formed remaining trust lands, on and off reservation. However, Lake Superior Chippewa Bands gave up *all right, title and interest* to the Chippewa of the Mississippi in 1854.

My first question is “what beneficial interest in 1855 trust lands, on and off reservation do the Lake Superior Bands actually hold and have to convey today, in 2019?” When the Treaties were made with the Chippewa, it was as though every tribal member was a signatory. In 1963, “the Court of Claims held that the MCT could only “maintain th[e] action in a representative capacity. But this does not mean that it has become the successor in interest to the claims of the descendants of those aboriginal bands.” See MCT et al v. United States, 161 Ct. Cl. 258, 315 F.2d 906 (1963), (Interlocutory appeal of Indian Claims Commission Dkt. 18-B decision, which held that the Mississippi, Winnibigoshish and Pillager held recognized title to the entire 1855 ceded territory).

My next Question “is the transfer of the *beneficial use* from the living, actual Chippewas of the Mississippi in the 1855, being transferred to the living, actual Chippewa of Lake Superior, or to the IRA-created Corporate MCT Band *on whose reservation the land is located?*” Either way, “is this Congressional Bill request by the MCT an attempt to circumvent member’s protections from an unjust taking under the MCT Constitution, Indian Civil Rights Act of 1968 and other U.S. Constitutional protections of due process and equal protection for expressly reserved treaty rights?”

My next concern is about the required due process of Notice and Opportunity to be Heard by and for living, actual Chippewa tribal members “with respect to lands outside a reservation, the beneficial use [will be] transferred to the constituent Band who exercises jurisdiction over such lands.” The plain reading of the MCT Constitution appears to limit MCT-IRA authorities to within the geographic, exterior boundaries of the six (6) named reservations, without mention of authority over actual treaties and off reservation trust lands in “Indian Country”.

I remain doubtful that the IRA created MCT corporation or any of the sub-corporation Bands can become successor in interest to the Chippewa lands. So, “how does the IRA

created MCT corporation have the ability to grant away tribal members' beneficial use rights?" "Is the Answer the IRA created MCT corporation does not have the authority, which legally are rights of the members' and which should be subject to MCT wide referendum?" Is it not true that if the MCT lost federal recognition and tribal trust lands were disestablished like in Menominee Tribe v. U.S., the result be a per capita distribution to the living, actual Chippewa band members?

404: Nett Lake (Bois Forte) 405: Fond du Lac 406: Grand Portage		Minnesota Chippewa Tribe Schedule of Per Capita Distribution Funds Judgements				407: Leech Lake 408: White Earth 410: Mille Lacs	
18B P.L. 90-94	144	18C&T P.L. 97-458	18D	18S&U P.L. 99-146	18S P.L. 99-377 Sec. 4B	188 P.L. 93-134 Sec. 7	113, 191, 221, 246 P.L. 97-403 Sec. 9
407B MISSISSIPPI \$94.99	407C PILLAGER \$45.87	407B MISSISSIPPI \$177.23/.24	404A LAKE SUPERIOR \$514.29/.30	404A LAKE SUPERIOR \$564.94/.95	407B MISSISSIPPI \$224.96/.97	407B MISSISSIPPI \$415.76	408D PEMBINA \$1,720.47/.48
410B MISSISSIPPI \$94.99	408C PILLAGER \$45.87	410B MISSISSIPPI \$139.83/.84		405A LAKE SUPERIOR \$778.24/.25	410B MISSISSIPPI \$169.22/.23	407C PILLAGER \$415.76	
408B MISSISSIPPI \$94.99		408B MISSISSIPPI \$228.47/.48		406A LAKE SUPERIOR \$833.79/.80	408B MISSISSIPPI \$313.18/.19		
407C PILLAGER \$331.68		405A LAKE SUPERIOR 452.28/.29		408A LAKE SUPERIOR \$975.60/.61			
408C PILLAGER \$331.68		406A LAKE SUPERIOR \$442.46/.47					
		408A (RFDL) \$515.86/.87					
		404A LAKE SUPERIOR \$358.57/.58					
12/13/68	12/16/78	02/05/80 ll&ml 02/15/80 we 02/05/80	05/17/80	05/16/86 nl fdl 05/20/86	04/16/87	12/14/87	05/27/88

With respect to the 1855 ceded territory *Indian Country* off reservation trust lands, the White Earth and Leech Lake band members comprise about 90% of the actual, living Chippewas of the Mississippi property owners. As such, I am puzzled how this IRA created MCT corporation has a role under the MCT Constitution with off-reservation lands in the 1855 ceded territory. Do you not see readily, apparent conflicts of interest for the Lake Superior half the MCT-TEC who gave up property land rights in the 1855,

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in 1854. Where and when was the due process notice to affected 1855 tribal members?"

It may well be that Ordinance #2 - (Revised) Land Ordinance #3, October 22-23, 1980 may well be the only, legal way to share the on reservations lands, without a full due process notice and referendum of actual Chippewa property owners or Act of Congress to circumvent the actual rights of the members' of the MCT. As an 1855 Chippewas of the Mississippi treaty beneficiary and executive director of the 1855 Treaty Authority, I am concerned that these important and significant, constitutionally protected legal (treaty) rights and property law concepts have not been openly disclosed and noticed to the actual, living Chippewa property holders, by the IRA created MCT corporation.

Please respond promptly in writing to the questions I have included in this letter as I fear time is of the essence with this questionable Bill being presented as legitimate to Congress. I wish avoid having to directly contact Congress with my legal concerns, and hope you can explain how I am misunderstanding this Bill in your responses.

Mii gwitch,

/s/ Frank Bibeau

Frank Bibeau
Executive Director

cc: Eugene "Umsy" Tibbetts, Vice-Chair, White Earth
Leonard Alan Roy, Secretary-Treasurer, White Earth
Faron Jackson, Chairman, Leech Lake
Arthur "Archie" LaRose, Secretary-Treasurer, Leech Lake
1855 Treaty Authority Board
1855 Treaty Authority members

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