

WEBVTT

1 "Theresa Flahaven" (3440625408)

00:00:06.155 --> 00:00:12.659

Uh, just give it 1 more minute as people join, right on the new 1.

2 "Theresa Flahaven" (3440625408)

00:00:32.659 --> 00:00:53.720

Okay, okay I think we'll start. My name's Teresa. I'm an assistant attorney general with the health and teacher licensing division of the attorney general's office and I'm also a member of the training committee today. The office is proud to present the CLA on Indian law, tribal sovereignty.

3 "Theresa Flahaven" (3440625408)

00:00:53.720 --> 00:01:13.720

The will overview the foundations of Indian law before discussing jurisdictional issues and shared interest between tribes and federal and state government. The has already been approved for 1.5hours of credit. And the event code is 409. 8:7:9 7.

4 "Theresa Flahaven" (3440625408)

00:01:13.720 --> 00:01:31.950

That has also been posted in the chat, please feel free to use the chat throughout the presentation today to post any questions. And the panelists will be monitoring that off and on. And we'll try to get to them either during the presentation or at the end.

5 "Theresa Flahaven" (3440625408)

00:01:31.950 --> 00:01:51.950

Our presenters today are patina park and Willie hardaker. Ms park is the director of tribal state relations for the state of Minnesota and Mr hardaker is the former general counsel for the Shakopee, Milwaukee and student community. I will hand it over to our presenters now to share a little bit more about the.

6 "Theresa Flahaven" (3440625408)

00:01:51.950 --> 00:01:58.340

And then get into the presentation as I know they have a lot of material to cover today. Thank you.

7 "patina" (486520320)

00:01:58.340 --> 00:02:21.050

Hey, Theresa. Hi, everyone, I'm really excited to be doing this this afternoon and really pleased to be doing it with Willie. I do want to just note, even though the slide makes it seem like really isn't an attorney, um, with the governor's office. We are not that blessed, but I am thrilled to be presenting with him because he's something I've had I've admired just work for a very long time. So.

8 "patina" (486520320)

00:02:21.050 --> 00:02:41.050

Um, I used to be an attorney, I do like to joke about that if you look me up, I'm on the naughty list, because I quit turning in my, but I am no longer practicing. Um, but have, um, done federal Indian law work, uh, for

about 20 years. Now, I guess, since I graduated law school, which is kind of scary and so just.

9 "patina" (486520320)

00:02:41.050 --> 00:02:45.860

Hand it over to Willie now to also do a little introduction before we get started, uh.

10 "Willie Hardacker" (1527365632)

00:02:45.860 --> 00:02:54.030

Thank you patina. Thank you. Teresa. I'm really hardaker. January. 15th was my last day.

11 "Willie Hardacker" (1527365632)

00:02:54.030 --> 00:02:58.470

As general legal counsel with their shock to be metal, walked in Sue community.

12 "Willie Hardacker" (1527365632)

00:02:58.470 --> 00:03:04.140

I started as a staff attorney with the community back in January.

13 "Willie Hardacker" (1527365632)

00:03:04.140 --> 00:03:09.570

Of 1995, so I made a 29 years with the community.

14 "Willie Hardacker" (1527365632)

00:03:09.570 --> 00:03:14.970

I figured it was about time to maybe scale back a little bit. Uh, I am.

15 "Willie Hardacker" (1527365632)

00:03:14.970 --> 00:03:18.330

Going to continue to work. I recently joined.

16 "Willie Hardacker" (1527365632)

00:03:18.330 --> 00:03:38.330

The small firm of protein and Paulson, and I'll continue to do some work for the shock community. Hopefully and if other clients want me to do some work, I may do some work for them as well. I guess I just want to be upfront and say, because sometimes people ask, I myself am not.

17 "Willie Hardacker" (1527365632)

00:03:38.330 --> 00:03:52.110

Native American, I am a mixed race heritage on Mexican, American, and of English descent, but because my entire career of 33 years has been working with tribal governments primarily in Minnesota.

18 "Willie Hardacker" (1527365632)

00:03:52.110 --> 00:03:55.980

The island India community when I was in private practice.

19 "Willie Hardacker" (1527365632)

00:03:55.980 --> 00:04:03.960

With my mentor and friend Kurt blue dog, and then the shock community. Um, but, uh, I'm excited to be here.

20 "Willie Hardacker" (1527365632)

00:04:03.960 --> 00:04:10.837

And hopefully we have some good information that we can share with you back to you patina.

21 "patina" (486520320)

00:04:10.837 --> 00:04:24.120

And I suppose I, when we're missing, not mentioning that I mean, could you Lakota, which just means, uh, that my, my people come from what's now known as North and South Dakota.

22 "patina" (486520320)

00:04:24.120 --> 00:04:44.120

Yeah, so I appreciate that you pointed that out. Really? Because I forgot to mention that, um, I like to start out with a pop quiz. I know you're all online. So if you want to put it in the chat, uh, that's fine. But I like to get started with kind of warming things up and I don't know if any of you are old enough to remember but this came from.

23 "patina" (486520320)

00:04:44.120 --> 00:05:01.979

1 of my favorite shows in the early 80 s, when I was in junior high, because it was a a battle of quiz between pop stars to see who knew the most about songs. And this is where that that logo comes from. So next slide please.

24 "patina" (486520320)

00:05:01.979 --> 00:05:11.729

According to the 2020, uh, United States census, how many Native Americans are in Minnesota?

25 "patina" (486520320)

00:05:11.729 --> 00:05:19.619

is it fifty five thousand one hundred and seven thousand or three hundred and seventy eight thousand

26 "patina" (486520320)

00:05:23.699 --> 00:05:43.699

We are overall about 1.1% of the population here in Minnesota, which will put us at about 57,020. however, uh, according to the July, 22 projected numbers that put us closer to 80,000 around 1.4%. I like to highlight.

27 "patina" (486520320)

00:05:43.699 --> 00:06:03.699

Like this, just because it really identifies how effective genocide has been for indigenous people across this country, a nation that even though this land was at 1 point saturated with indigenous communities for multiple tribes uh, now we are less than 1% in some areas hardly any.

28 "patina" (486520320)

00:06:03.699 --> 00:06:10.979

And all, um, and in the urban areas and concentrated areas, close to like, 1, 41.4 to 1.7.

29 "patina" (486520320)
00:06:10.979 --> 00:06:15.299
All right next slide and.

30 "patina" (486520320)
00:06:15.299 --> 00:06:23.699
The approximately 80,000 Native Americans now, living in Minnesota. How many reside on tribal reservations?

31 "patina" (486520320)
00:06:23.699 --> 00:06:28.739
Think it's less than a 4th of us. Half of us are more than half of us.

32 "patina" (486520320)
00:06:32.159 --> 00:06:43.409
This is kind of a trick question. I'm going to be honest with you. It's very hard to tell because the census is so, um, kind of up to send the way in which it asks what what.

33 "patina" (486520320)
00:06:43.409 --> 00:06:50.729
Native American is, um, and if we just go by membership numbers of the tribes.

34 "patina" (486520320)
00:06:50.729 --> 00:06:55.529
Then it would suggest there's a much higher percentage, a closer to half.

35 "patina" (486520320)
00:06:55.529 --> 00:07:01.259
But, you know, knowing wider nation has around 10,000 members.

36 "patina" (486520320)
00:07:01.259 --> 00:07:21.259
I'm fairly certain we can all agree that there are 10,000 wider members that live within the reservation in Minnesota. Many of the members live in the urban areas. I live across the globe, so probably closer to 25%, but it also shifts because we are very mobile and.

37 "patina" (486520320)
00:07:21.259 --> 00:07:30.089
Have live in the urban area, but then go travel back and forth back home on the reservation that we almost have residents in both places.

38 "patina" (486520320)
00:07:30.089 --> 00:07:46.019
Next slide for election since this is an election year for the, the country, and it's in the, the media so much. I thought it might be interesting to ask. Is this true or false that for Minnesota? The tribes.

39 "patina" (486520320)

00:07:46.019 --> 00:07:50.729

Are just like it is here in the, um, kind of dominant culture where.

40 "patina" (486520320)

00:07:50.729 --> 00:08:00.959

Individuals sign up to run for their positions and then travel member citizens vote for them through a pulling system, both with onsite or absentee voting.

41 "patina" (486520320)

00:08:00.959 --> 00:08:20.959

True. Or false well, it depends on the tribe overall false. Right? Um, for some tribes, like the Dakota, uh, for prairie island, for instance, individuals are actually nominated by their community to run and they can either accept or turn.

42 "patina" (486520320)

00:08:20.959 --> 00:08:40.959

Down that nomination, and then once the top leaders are elected, they are the individuals who go into a closed session and they're the ones who choose, who will be president, Vice, president, Secretary, treasurer, et cetera. Um, others run for the position, and then are elected through just like.

43 "patina" (486520320)

00:08:40.959 --> 00:08:48.186

Onsite and absentee voting just like we do here in the state of Minnesota and across the United States.

44 "Willie Hardacker" (1527365632)

00:08:48.186 --> 00:08:53.999

And just recently, the shock could be megawatts into community, held its elections.

45 "Willie Hardacker" (1527365632)

00:08:53.999 --> 00:08:58.769

And the 3 member business council are elected to 4 year terms.

46 "Willie Hardacker" (1527365632)

00:08:58.769 --> 00:09:06.539

And on January 31st, the shock community inaugurated, 3, new council members.

47 "Willie Hardacker" (1527365632)

00:09:06.539 --> 00:09:23.189

Chairman Miller, vice chair woman, Natasha and secretary treasurer Ashley cornforth. So they are now starting a new 4 year term as the elected leadership of Shakopee and it's an exciting election because.

48 "Willie Hardacker" (1527365632)

00:09:23.189 --> 00:09:31.379

Each of the 3 new council members is younger than 40 years old. So as long as I've been there, I've been there again. 29 years.

49 "Willie Hardacker" (1527365632)

00:09:31.379 --> 00:09:38.897

I've seen those 3 grow up and now they are in tribal leadership so it's an exciting time. Yes.

50 "patina" (486520320)

00:09:38.897 --> 00:09:46.589

The lieutenant governor joined and traveled down for that integration to be present as well.

51 "patina" (486520320)

00:09:46.589 --> 00:10:02.039

Next slide, federal government publishes a list of federally recognized tribe and here in Minnesota, there are 11 separate tribes listed in that publication. Do you think that's true or false?

52 "patina" (486520320)

00:10:05.639 --> 00:10:25.639

Again, it's a trick question because the federal government publishes a list of 574, tribal entities, recognized by and are eligible for services. And the Minnesota Chipper with tribe is listed singularly in that publication.

53 "patina" (486520320)

00:10:25.639 --> 00:10:45.639

But there are 6 ajiboye tribes within the who are 11 separate nations. So, even when we say there's 574, federally recognized drives, that's actually not 100 accurate. Uh, because it's not counting the, the 6 that make up the and I.

54 "patina" (486520320)

00:10:45.639 --> 00:10:53.669

Can assure you in working with them, they identify as separate sovereign nations as well. And so I would say there's 580.

55 "patina" (486520320)

00:10:53.669 --> 00:10:57.899

Federally recognized tribes in the the United States.

56 "patina" (486520320)

00:10:57.899 --> 00:11:02.579

All right next slide. So who are those 11.

57 "patina" (486520320)

00:11:02.579 --> 00:11:22.579

Well, we have the subway and the Dakota or the, uh, is another, uh, more traditional word for the way. Um, the voice band, the grand Portage Leach lake relax and wider are members of the, the Minnesota chip would drive and then, of course, regulate nation. I apologize.

58 "patina" (486520320)

00:11:22.579 --> 00:11:42.579

It should be a poet or capitalized there. My mistake is not part of the, but is also a gateway and then, of course, in the lower part of the country

or the state, we have lower Su, Perry island Shakopee and the upper su community. I would note. However, all of, you know, the Dakota names are identified by the feds.

59 "patina" (486520320)

00:11:42.579 --> 00:11:59.219

Is their name, and with the exception of the rest of them also have traditional names that they go by and I encourage you to look those names up and do a little research in what they are. Uh, because there's meaning behind, um.

60 "patina" (486520320)

00:11:59.219 --> 00:12:02.459

Where they come from next slide.

61 "patina" (486520320)

00:12:02.459 --> 00:12:17.849

Now, the work I do here is, you know, improving building, growing developing that relationship and recognition of sovereignty and tribal state relations and the governor has set a pretty strong tone here.

62 "patina" (486520320)

00:12:17.849 --> 00:12:28.439

He said this in June at the National Congress of American Indians, in front of the general counsel meeting of all of the tribes that were present and.

63 "patina" (486520320)

00:12:28.439 --> 00:12:48.439

He means that what he says, we talk together about what states are doing this right? He wants everyone to say, it's Minnesota and that's kind of a high bar, uh, for us to work towards. Uh, but that is continually what we are focused on in our interactions with the tribal nations that share land with Minnesota. I do not.

64 "patina" (486520320)

00:12:48.439 --> 00:13:07.829

Appreciate it when I hear individual, say, Minnesota's tribes. Um, so just a little note there don't ever use that language. Uh, because all of the tribes within this area have been here longer than Minnesota. So you should probably say Minnesota is part of, you know, it's more the tribes, Minnesota than vice versa.

65 "patina" (486520320)

00:13:07.829 --> 00:13:27.829

So next slide, I've put this question before often, if I'm talking to legislators, or even just in general, public of, like, why, why are tribes different? Why can't we just treat them like a state within the United States, or a county within the.

66 "patina" (486520320)

00:13:27.829 --> 00:13:47.829

State and then there are some instances where federal law will say, like, a lot of taxation, um, tribes will be treated like States. They don't become States or even here in Minnesota, local government aid and last

legislative session. Um, new law was added to recognize that tribes would also have.

67 "patina" (486520320)

00:13:47.829 --> 00:13:54.419

Access to local government aid similarly to the counties, but why don't we do that?

68 "patina" (486520320)

00:13:54.419 --> 00:13:58.619

Next slide, I mean, the really simple answer is.

69 "patina" (486520320)

00:13:58.619 --> 00:14:18.619

Because they've been here for hundreds and thousands of years, longer than the state of Minnesota longer than the United States of America longer than, you know, that 1st contact hundreds of years ago. When Europeans started traveling over this distance. And this map shows, you you know, there are other.

70 "patina" (486520320)

00:14:18.619 --> 00:14:38.619

It's like the Fox, the sock, um, the menomonie, you know, that we're here in addition to the Dakota and the, um, the kickapoo have moved and now they're more recognized over. And, uh, I think Nebraska has kickapoo and Oklahoma, Texas, and they also are recognized the citizens.

71 "patina" (486520320)

00:14:38.619 --> 00:14:44.549

And I encourage you to look up that reason, because that's a fascinating history that the kickapoo.

72 "patina" (486520320)

00:14:44.549 --> 00:14:48.269

Have but more complicated answer.

73 "patina" (486520320)

00:14:48.269 --> 00:14:52.619

Next slide is.

74 "patina" (486520320)

00:14:52.619 --> 00:15:12.619

Very complicated it has to do with hundreds of years of federal interaction interaction with count countries from across the world. It has to do with federal law, Supreme Court interpretation. And just as we've moved forward through these recognized eras in federal Indian.

75 "patina" (486520320)

00:15:12.619 --> 00:15:28.649

Each 1 has had a huge impact kind of what, how we look at sovereignty for the tribes in each of these areas, you could get an in, you could get a PhD and because of the, all the.

76 "patina" (486520320)

00:15:28.649 --> 00:15:41.309

Issues that are going on at the time when if you're studying federal Indian law, when I used to teach federal Indian law Hamlin University before it merged with William Mitchell, and I would tell my students at the beginning of the course.

77 "patina" (486520320)

00:15:41.309 --> 00:15:56.219

If at the end of this class, you are more confused about federal Indian law than you are. Now than I know you were paying attention because if you leave a single class thinking you get it and it makes sense.

78 "patina" (486520320)

00:15:56.219 --> 00:16:16.219

Then you really weren't paying attention, because it's hard to make some of these decisions makes sense as you kind of look through the, the different areas. But currently we're in self determination. But we've been here a while, and, you know, depending on Supreme Court decisions that continually come out, we might find ourselves.

79 "patina" (486520320)

00:16:16.219 --> 00:16:19.679

In a different era, um.

80 "patina" (486520320)

00:16:19.679 --> 00:16:23.856

And I'll have to add another little spot here, uh, on this slide.

81 "Willie Hardacker" (1527365632)

00:16:23.856 --> 00:16:24.813

Um.

82 "patina" (486520320)

00:16:24.813 --> 00:16:26.814

Go ahead. Real quick.

83 "Willie Hardacker" (1527365632)

00:16:26.814 --> 00:16:43.819

For 33 years of practicing federal, Indian law, sometimes I feel like I'm more confused than I was the day before. And when we get into some of the legal principles in talking about some of the Supreme court cases, you'll hear some redundancy.

84 "Willie Hardacker" (1527365632)

00:16:43.819 --> 00:16:50.519

Obviously, there's this general concept that tribes have more of a relationship.

85 "Willie Hardacker" (1527365632)

00:16:50.519 --> 00:17:00.836

With the federal government, then with state governments and local governments the, and we'll talk about the federal trust relationship as we go through this.

86 "patina" (486520320)
00:17:00.836 --> 00:17:11.399
Exactly thanks for the next slide. So, since it is just an hour and a half South, um, we're just gonna hop ahead.

87 "patina" (486520320)
00:17:11.399 --> 00:17:19.379
And start talking around the 7,008 hundred's when the United States was starting to develop as a country and.

88 "patina" (486520320)
00:17:19.379 --> 00:17:34.409
Just say that in the beginning, what do you think the relationship was between the colonies and the tribes? Um, particularly out on the East Coast and on the other side of the Mississippi. Um, you know, if we follow.

89 "patina" (486520320)
00:17:34.409 --> 00:17:54.409
Disney, like, Pocahontas, uh, would tell us things are pretty good in some areas. Um, you know, there's a lot of stories out there about kind of what was going on, but I think we can look at documents. We are very well known. Like, we know to understand better how that relationship was and.

90 "patina" (486520320)
00:17:54.409 --> 00:18:03.239
Next slide if you look at the declaration of independence that was issued July 4th right? 776.

91 "patina" (486520320)
00:18:03.239 --> 00:18:23.239
Tribal nations are mentioned in there as the final claim that the colonists made against the king of England as to why they were going to be independent. And that was because the king has excited domestic insurrections amongst us and has endeavored to bring.

92 "patina" (486520320)
00:18:23.239 --> 00:18:36.269
On the inhabitants of our frontiers, the merciless Indian savages whose known rule of warfare is an undistinguished destruction of all ages sexes and conditions. So.

93 "patina" (486520320)
00:18:36.269 --> 00:18:39.659
Pretty clear what our founding fathers.

94 "patina" (486520320)
00:18:39.659 --> 00:18:50.129
About about the tribal nations they had been interacting with, and who the European countries have had been having treaties with leading up to this moment.

95 "patina" (486520320)
00:18:50.129 --> 00:19:01.409

Next slide back, this is why you'll see this on, uh, T, shirts, uh, where warned by many of my friends, um, to just.

96 "patina" (486520320)

00:19:01.409 --> 00:19:14.189

Call us what we are at merciless Indian savages, and also wise we start looking towards, like, celebrating an anniversary of this declaration in 26.

97 "patina" (486520320)

00:19:14.189 --> 00:19:20.879

It's a little more challenging on how to do this in a good way. Um.

98 "patina" (486520320)

00:19:20.879 --> 00:19:24.119

To kind of hold both truths.

99 "patina" (486520320)

00:19:24.119 --> 00:19:28.589

In those celebrations, and in that kind of wording will do.

100 "patina" (486520320)

00:19:28.589 --> 00:19:48.589

Next slide and so then in the Constitution, right at the time that the United States became the United States, and fought the Revolutionary war in 1, there were thousands and thousands of indigenous people throughout the land. And so you'd think maybe in the Constitution.

101 "patina" (486520320)

00:19:48.589 --> 00:19:56.999

Then they'd have a section about how they were going to interact with these nations moving forward as a country but.

102 "patina" (486520320)

00:19:56.999 --> 00:20:05.249

We are mentioned in 3 separate places for if you consider the amendment there around taxation.

103 "patina" (486520320)

00:20:05.249 --> 00:20:08.489

Commerce, and then.

104 "patina" (486520320)

00:20:08.489 --> 00:20:28.489

Incorporated within the fact that under the Constitution, any treaty made by the United States is the supreme law of the land, which means it should supersede any presidential executive order. It should be higher than any congressional law, any congressional act. And so all the treaties that the United.

105 "patina" (486520320)

00:20:28.489 --> 00:20:32.579

States has with the tribes, um, should.

106 "patina" (486520320)
00:20:32.579 --> 00:20:36.749
Under the Constitution B Supreme, the law of the land.

107 "patina" (486520320)
00:20:36.749 --> 00:20:47.369
Unfortunately, every treaty ever signed by the United States with tribal nations has been violated or broken in numerous ways.

108 "patina" (486520320)
00:20:47.369 --> 00:20:54.569
Now, you can go to the next slide, but we know these treaties.

109 "patina" (486520320)
00:20:54.569 --> 00:20:57.629
Um, our agreements between sovereigns.

110 "patina" (486520320)
00:20:57.629 --> 00:21:02.999
The state of Minnesota cannot have a treaty with anyone, because we're not enough of a sovereign.

111 "patina" (486520320)
00:21:02.999 --> 00:21:08.279
And those early treaties often spoke about peace.

112 "patina" (486520320)
00:21:08.279 --> 00:21:23.609
And providing peace on behalf of the tribe towards the colonists, not vice versa, but also land convenience conveyance. Where where is Indian land? Where is not hunting fishing? Um, what is the authority guided States trade.

113 "patina" (486520320)
00:21:23.609 --> 00:21:28.349
All of those things that you would do between 2 sovereigns is your kind of inhabiting.

114 "patina" (486520320)
00:21:28.349 --> 00:21:34.469
Space together, but treaties are problematic and that a lot were written in English.

115 "patina" (486520320)
00:21:34.469 --> 00:21:38.159
This idea of land ownership.

116 "patina" (486520320)
00:21:38.159 --> 00:21:51.989
That's why I jokingly say, you know, property law was my lowest class in law school, because I just, I did not get could get my head around this kind of European concept of land ownership. Because how do you own land? I mean.

117 "patina" (486520320)
00:21:51.989 --> 00:21:55.289
Really? But also.

118 "patina" (486520320)
00:21:55.289 --> 00:22:06.089
Many tribes operated in a way where it was more of a consensus, our collective and decision making, but treaties reached out to find a leader to sign it.

119 "patina" (486520320)
00:22:06.089 --> 00:22:10.439
And so whether that leader was truly had the authority to sign.

120 "patina" (486520320)
00:22:10.439 --> 00:22:30.439
Maybe maybe not, but those treaties still are in existence and I encourage you that if you haven't seen the treaty exhibit, that's here at the capital on the 3rd floor. That is often at the tribal nations with the Minnesota historical center you should because it's a great.

121 "patina" (486520320)
00:22:30.439 --> 00:22:35.759
And the presentation particular about local treaties, so next slide.

122 "patina" (486520320)
00:22:42.269 --> 00:22:56.099
And for those of you who are in aware, there were number of different treaties negotiated with the federal government with the coordination and with the, uh, and the way this is just a map of the 2.

123 "patina" (486520320)
00:22:56.099 --> 00:23:03.528
And Willie, do you want to talk a little bit more specifically about some of these treaties.

124 "Willie Hardacker" (1527365632)
00:23:03.528 --> 00:23:11.039
Yeah, I will, I did want to reference. There are some really good, long online resources as well.

125 "Willie Hardacker" (1527365632)
00:23:11.039 --> 00:23:22.739
There is, there's an online exhibit called why treaties matter that was put together here in Minnesota. And if you go to the Minnesota Indian Affairs Council website.

126 "Willie Hardacker" (1527365632)
00:23:22.739 --> 00:23:26.219
Probably the Minnesota Historical Society Web site.

127 "Willie Hardacker" (1527365632)
00:23:26.219 --> 00:23:31.019
In fact, in preparation for this, I actually ended up.

128 "Willie Hardacker" (1527365632)

00:23:31.019 --> 00:23:36.029

Looking at the White treaties matter website and some of those.

129 "Willie Hardacker" (1527365632)

00:23:36.029 --> 00:23:42.409

Online resources, um, I believe the next slide has as a list of some treaties does it.

130 "patina" (486520320)

00:23:42.409 --> 00:23:46.093

I did list them, um.

131 "Willie Hardacker" (1527365632)

00:23:46.093 --> 00:23:52.349

Okay, I'll go through my, my experience obviously is.

132 "Willie Hardacker" (1527365632)

00:23:52.349 --> 00:23:59.549

More focused on the treaties between the United States, and the various Dakota bands.

133 "Willie Hardacker" (1527365632)

00:23:59.549 --> 00:24:05.759

The metal walkington, the, the, the Washington.

134 "Willie Hardacker" (1527365632)

00:24:05.759 --> 00:24:10.529

Um, my former employer, the shock to be metal walked into the community obviously, is.

135 "Willie Hardacker" (1527365632)

00:24:10.529 --> 00:24:18.359

Made up of descendants of people of the metal walkington band. Um, and there was a series of treaties, uh.

136 "Willie Hardacker" (1527365632)

00:24:18.359 --> 00:24:21.419

Between the Dakota.

137 "Willie Hardacker" (1527365632)

00:24:21.419 --> 00:24:26.399

And the United States starting in 885, the Treaty of 805.

138 "Willie Hardacker" (1527365632)

00:24:26.399 --> 00:24:34.799

Was actually negotiated and signed by zebulon pike back again in 805 and that treaty is interesting.

139 "Willie Hardacker" (1527365632)

00:24:34.799 --> 00:24:44.339

And that that's the location where Fort Snelling is located the treaty basically the metal walkington agreed.

140 "Willie Hardacker" (1527365632)

00:24:44.339 --> 00:24:55.919

To seed the land 9 miles up the up the Minnesota river, 9 miles up the Mississippi River, and then draw a line there. So basically.

141 "Willie Hardacker" (1527365632)

00:24:55.919 --> 00:25:04.379

All of Bloomington much of Minneapolis Richfield. That area was the seated territory.

142 "Willie Hardacker" (1527365632)

00:25:04.379 --> 00:25:15.029

Of the original 805 treaty and in fact, the White treaties matter website, uh, speaks a little bit to that and it has been updated.

143 "Willie Hardacker" (1527365632)

00:25:15.029 --> 00:25:24.239

Because it says that the 805 treaty probably wasn't valid at all ultimately, because it wasn't confirmed by the U. S. Senate.

144 "Willie Hardacker" (1527365632)

00:25:24.239 --> 00:25:28.799

Whatever money was promised to the metal Washington at the time.

145 "Willie Hardacker" (1527365632)

00:25:28.799 --> 00:25:34.859

Probably wasn't paid and then there were only like, 4 megawatts and leaders that actually.

146 "Willie Hardacker" (1527365632)

00:25:34.859 --> 00:25:49.109

Sign that treaty um, so, basically the, the core of the mini app, the West western side of the Mississippi River, where Minneapolis is located arguably that wasn't.

147 "Willie Hardacker" (1527365632)

00:25:49.109 --> 00:25:54.689

Seated accurately, but that started a series of treaties.

148 "Willie Hardacker" (1527365632)

00:25:54.689 --> 00:26:10.079

Between the United States, and the Dakota, some of the key treaties up for the Treaty of 837, which if you see on the map there, that's where the dakota's ceded. That's the map on the right side.

149 "Willie Hardacker" (1527365632)

00:26:10.079 --> 00:26:14.669

The Dakota seated all of its land east of the Mississippi River.

150 "Willie Hardacker" (1527365632)

00:26:14.669 --> 00:26:21.119

And then the Treaty of 1851, that's the very large section where you see central and.

151 "Willie Hardacker" (1527365632)

00:26:21.119 --> 00:26:40.919

Southwestern Minnesota was seated, and that was the large 1. um, and what the tribes reserved were, that stretch of land basically a little bit to the North and west of where Mankato is up to where the South Dakota border is on 10 miles.

152 "Willie Hardacker" (1527365632)

00:26:40.919 --> 00:26:45.989

On each side of the Minnesota river, and then in 8,858.

153 "Willie Hardacker" (1527365632)

00:26:45.989 --> 00:26:54.809

After there was additional pressure from settlers to get land from the Dakota in this part of Minnesota.

154 "Willie Hardacker" (1527365632)

00:26:54.809 --> 00:27:01.169

The Dakota sold the northern 10 miles strip north of the Minnesota river.

155 "Willie Hardacker" (1527365632)

00:27:01.169 --> 00:27:16.289

And then after that, uh, ultimately, there was the, the war between the Dakota in the United States in 1862, and I'll touch on that a little bit as well. So, those are the treaties here in Minnesota.

156 "Willie Hardacker" (1527365632)

00:27:16.289 --> 00:27:21.779

I do want to talk just a little bit about the fort Laramie treaty.

157 "Willie Hardacker" (1527365632)

00:27:21.779 --> 00:27:32.909

Of 8, uh, 868, which was the treaty that established the great sue reservation in, uh, Western South Dakota around the Black hills.

158 "Willie Hardacker" (1527365632)

00:27:32.909 --> 00:27:37.799

Uh, there were a or metal walkington people.

159 "Willie Hardacker" (1527365632)

00:27:37.799 --> 00:27:46.799

Who signed off on the fort Laramie Treaty of 1868 as well. Um, and and I, I want to share that because.

160 "Willie Hardacker" (1527365632)

00:27:46.799 --> 00:27:53.999

That's such a monumental treaty, and the resulting claims that came from that treaty.

161 "Willie Hardacker" (1527365632)

00:27:53.999 --> 00:27:59.999

Uh, ultimately led to a U. S Supreme Court decision in 1980.

162 "Willie Hardacker" (1527365632)

00:27:59.999 --> 00:28:12.359

And I'm going to quote a little bit from that decision and I would love anybody to read. There's a book called Black Hills, white justice.

163 "Willie Hardacker" (1527365632)

00:28:12.359 --> 00:28:23.999

The Sioux nation versus the United States 775 to the present written by an individual name. Edward Lazarus, the book was published in 1991.

164 "Willie Hardacker" (1527365632)

00:28:23.999 --> 00:28:27.569

Edward Lazarus is the son of Arthur Lazarus.

165 "Willie Hardacker" (1527365632)

00:28:27.569 --> 00:28:32.969

Who argued the in case in front of the Supreme Court back in 1989.

166 "Willie Hardacker" (1527365632)

00:28:32.969 --> 00:28:37.859

And it details the long history of the legal claims.

167 "Willie Hardacker" (1527365632)

00:28:37.859 --> 00:28:55.799

That the sue tribes in that part of the country abroad against the United States, because of the illegal taking of the Black hills and, uh, it's a beautifully written book. And legal claims actually were started back in 1923.

168 "Willie Hardacker" (1527365632)

00:28:55.799 --> 00:29:05.699

And it's a very complicated legal history ultimately, ending up in a U. S Supreme Court decision. And again from that decision.

169 "Willie Hardacker" (1527365632)

00:29:05.699 --> 00:29:20.699

Rather the 8,877 act effected a taking of tribal property property, which had been set aside for the exclusive occupation of the sue by the 4th Laramie Treaty of 1868.

170 "Willie Hardacker" (1527365632)

00:29:20.699 --> 00:29:24.899

That taking implied an obligation on the part of the government.

171 "Willie Hardacker" (1527365632)

00:29:24.899 --> 00:29:30.689

To make just compensation to the nation and that obligation.

172 "Willie Hardacker" (1527365632)

00:29:30.689 --> 00:29:35.429

Including an award of interest must now at last.

173 "Willie Hardacker" (1527365632)

00:29:35.429 --> 00:29:38.489

Be paid, and in that decision.

174 "Willie Hardacker" (1527365632)
00:29:38.489 --> 00:29:41.579
The court stated.

175 "Willie Hardacker" (1527365632)
00:29:41.579 --> 00:29:45.149
Referring to a previous decision that.

176 "Willie Hardacker" (1527365632)
00:29:45.149 --> 00:29:57.389
There was there, I'm going to quote a more ripe and rank case of dishonorable dealings will never in all probability be found in our history.

177 "Willie Hardacker" (1527365632)
00:29:57.389 --> 00:30:13.199
So the U s Supreme Court found that the 877 act was an illegal taking of the Black Hills, a violation of the fort Laramie Treaty of 1868, and awarded a money judgment to the tribes at that time.

178 "Willie Hardacker" (1527365632)
00:30:13.199 --> 00:30:33.199
To date, the tribes have not taken that money and the last time I recall talking about this, there's like 1.31.4Billion dollars. I have to imagine that number is much larger, but the, the Lakota tribes, the Dakota tribes, the nonprofit tribes the.

179 "Willie Hardacker" (1527365632)
00:30:33.199 --> 00:30:38.489
Toward the successors of the signatories of the fort Laramie treaty.

180 "Willie Hardacker" (1527365632)
00:30:38.489 --> 00:30:42.456
Um, have never taken that money.

181 "patina" (486520320)
00:30:42.456 --> 00:30:47.579
Yeah, I would add to about Fort Laramie there is a documentary.

182 "patina" (486520320)
00:30:47.579 --> 00:31:06.389
The local donation, versus the United States that also talks about the case once it gets a little bit more into, uh, kind of the removal of the exploitation, the genocide, like the kind of social side of things going on. But, yeah, I would say from our perspective, um, the money.

183 "patina" (486520320)
00:31:06.389 --> 00:31:22.619
Doesn't matter, it's the Black Hills, uh, which is the source of our creation stories. It's significant. So the money can sit there personally. Right. Um, and I've also heard people argue that the fort Laramie treaty, a little different from others.

184 "patina" (486520320)
00:31:22.619 --> 00:31:41.357
ended the war because there was a war going on across the plains and by violating that treaty there are some who feel that lakota and other nations are technically back in war with the united states um from from their perspective

185 "Willie Hardacker" (1527365632)
00:31:41.357 --> 00:31:42.290
And just the.

186 "patina" (486520320)
00:31:42.290 --> 00:31:45.974
Thank you for adding that. Yeah, just a real quick note about the code that.

187 "Willie Hardacker" (1527365632)
00:31:45.974 --> 00:31:53.609
He's in Minnesota, there's there was a long series of litigation involving accounting issues.

188 "Willie Hardacker" (1527365632)
00:31:53.609 --> 00:31:56.729
Uh, dating back to the mid 1900.

189 "Willie Hardacker" (1527365632)
00:31:56.729 --> 00:32:04.199
Where there were issues with regard to the payment of monies under the Dakota treaties.

190 "Willie Hardacker" (1527365632)
00:32:04.199 --> 00:32:10.889
Even though, after the war of 1862 and 1863 Congress enacted some laws.

191 "Willie Hardacker" (1527365632)
00:32:10.889 --> 00:32:19.859
Exterminating the rights under those treaties there still ended up being some issues relative to the accounting of monies.

192 "Willie Hardacker" (1527365632)
00:32:19.859 --> 00:32:24.899
That were paid and and even today there are.

193 "Willie Hardacker" (1527365632)
00:32:24.899 --> 00:32:28.049
A kind of unresolved issues relative.

194 "Willie Hardacker" (1527365632)
00:32:28.049 --> 00:32:34.033
To the accounting of moneys under the Dakota treaties in Minnesota.

195 "patina" (486520320)
00:32:34.033 --> 00:32:37.259
Yeah, just more treaties that would have been violated.

196 "patina" (486520320)
00:32:37.259 --> 00:32:41.699
And then, of course, just I want to know since we're talking a lot about the Dakota.

197 "patina" (486520320)
00:32:41.699 --> 00:32:52.739
Call Dakota, people that for the they are not from here. Uh, they did migrate here several 100 years ago. Um, and so.

198 "patina" (486520320)
00:32:52.739 --> 00:32:58.409
There was a little bit of a different dynamic, but the, you know, there is state. There was state.

199 "patina" (486520320)
00:32:58.409 --> 00:33:02.969
Actions attempting to move them all into the wider.

200 "patina" (486520320)
00:33:02.969 --> 00:33:22.969
Reservation that we're definitely not things supported by the way nations at that time, but all of these are like, right areas for research and more reading and I encourage everyone to do that because, like, that's directly history that impacts the land that.

201 "patina" (486520320)
00:33:22.969 --> 00:33:27.299
They're all standing on or working in if you're licensed here in Minnesota.

202 "patina" (486520320)
00:33:27.299 --> 00:33:40.709
Also just want to let people know if you want to ask questions in the chat, we will answer them at the end and we will try to address them too as we go along.

203 "patina" (486520320)
00:33:40.709 --> 00:33:46.829
Next slide so.

204 "patina" (486520320)
00:33:46.829 --> 00:34:06.829
Sovereignty is a word that we hear a lot. Um, there's differences of opinions what it means from a practical standpoint. But, you know, sovereignty in its core is just the ability to govern them yourself to manage yourself to make decisions for.

205 "patina" (486520320)
00:34:06.829 --> 00:34:20.219
Without other people telling you what you need to do, and so travel sovereignty is core to tribal government because if a tribal government cannot make decisions for itself.

206 "patina" (486520320)
00:34:20.219 --> 00:34:24.959
You know, who's making the decisions for it um.

207 "patina" (486520320)
00:34:24.959 --> 00:34:44.959
And, you know, you would get into the legality of how it extends and how it goes. But I would say, you know, from a tribal perspective, it is just the right to do what we want when we need to for our own people. Um, and that it is a core value and a core kind of right of the tribal nation and their.

208 "patina" (486520320)
00:34:44.959 --> 00:34:57.599
Government to do this and it is a government issue I will there's separating it from individuals who will argue there's a self. Sovereignty is a tribal individual that I have sovereign rights.

209 "patina" (486520320)
00:34:57.599 --> 00:35:04.979
As a, um, I'm not a recognized government, so from a government to government perspective.

210 "patina" (486520320)
00:35:04.979 --> 00:35:08.549
I need a government to recognize that sovereignty.

211 "patina" (486520320)
00:35:08.549 --> 00:35:12.539
With, and so next slide.

212 "Willie Hardacker" (1527365632)
00:35:12.539 --> 00:35:17.309
And when we, when we get into some of the case law.

213 "Willie Hardacker" (1527365632)
00:35:17.309 --> 00:35:28.889
You know, uh, it'll touch upon, you know, how far tribal sovereignty can go, where it's been diminished. Uh, when we get into some of the cases, some of 1 of the.

214 "Willie Hardacker" (1527365632)
00:35:28.889 --> 00:35:34.139
Phrases that you'll see in some of these cases.

215 "Willie Hardacker" (1527365632)
00:35:34.139 --> 00:35:39.149
Or when you read cases on on federal, Indian law, um, is.

216 "Willie Hardacker" (1527365632)
00:35:39.149 --> 00:35:51.233
A tribe has the ability to make its own rules and be ruled by them. That's kind of a term of art that that we see in a number of these case decisions.

217 "patina" (486520320)
00:35:51.233 --> 00:35:55.679
Yeah, exactly and this this is by no means.

218 "patina" (486520320)
00:35:55.679 --> 00:36:05.549
A list of all of them, these are really just ones we pick to kind of talk about as an impacts tribal sovereignty. Um.

219 "patina" (486520320)
00:36:05.549 --> 00:36:13.229
But the, uh, what are those little books that you get a nutshell? Like.

220 "patina" (486520320)
00:36:13.229 --> 00:36:32.759
Federal, and in a nutshell, there's another place you could look for a ton of cases if you want to just read extensively. But, um, you know, some of the ones we wanted to highlight, you know, the Marshall trilogy, I, you know, is still, like, lays forth kind of that fundamental, basic kind of ideas of, of.

221 "patina" (486520320)
00:36:32.759 --> 00:36:35.819
From the Supreme Court, what tribes.

222 "patina" (486520320)
00:36:35.819 --> 00:36:51.599
What their governing ability is, um, it's set the 3rd, 1 set a whole policy kind of process, but, you know, it really had to do the 1st case had to do with land and the Justice Marshall. John Marshall who did them all found that.

223 "patina" (486520320)
00:36:51.599 --> 00:37:11.599
Even though tribal nations and travel, people had been here forever that tribal nations did not have the right to own their land that the federal government owned it through various transfers and battles and purchases and that for Native people nations what they have is the right to reside.

224 "patina" (486520320)
00:37:11.599 --> 00:37:33.289
And I like to point out that basically set up a landlord tenant situation between the United States government, and the tribal nations, and people and it gave the legal basis for the Indian removal act for Congress to pass, which they passed soon after the 1st, marshal case. And then the 2 other 2, um.

225 "patina" (486520320)
00:37:33.289 --> 00:37:45.539
How to do with the Cherokee nation and Georgia and what rights do the Cherokee have under their treaty? And Georgia has as the newly formed state and.

226 "patina" (486520320)

00:37:45.539 --> 00:37:59.429

We learn out of those cases that I'm not like, we're not a foreign nation. We're not a separate entity. Um, because we mentioned earlier the Constitution doesn't separate us out, but instead.

227 "patina" (486520320)

00:37:59.429 --> 00:38:18.720

We're a domestic dependent we are a quasi sovereign under the federal government, and this domestic dependency definitely established that that kind of policy that led all the way up to the Dakota war to the reservation movements into this idea that the tribes.

228 "patina" (486520320)

00:38:18.720 --> 00:38:25.680

Were less than and I know willy's going to talk more too about even bigger kind of, um.

229 "patina" (486520320)

00:38:25.680 --> 00:38:35.280

Concepts of racism and supremacy and how that had an impact for us but the Marshall trilogy sets forth. 1.

230 "patina" (486520320)

00:38:35.280 --> 00:38:41.220

We don't on our land or the resources from it. It's owned on our behalf by the United States.

231 "patina" (486520320)

00:38:41.220 --> 00:38:46.530

Government, which is trust, which is why you'll hear tribal trust, land, trouble trust.

232 "patina" (486520320)

00:38:46.530 --> 00:38:49.650

Resources we learned that.

233 "patina" (486520320)

00:38:49.650 --> 00:38:56.160

Um, we do not own the land, we can be removed um, and that we are.

234 "patina" (486520320)

00:38:56.160 --> 00:39:08.610

Domestic dependence were not a full separate, sovereign on equal standing as far as the federal government is concerned. Um, and that moves forward to.

235 "patina" (486520320)

00:39:08.610 --> 00:39:28.610

A whole period of time where, like, we lose lots and lots of land across the Indian appropriation act are important from 851 and 871. because the 1851 is what provided funds to allow tribes to move West.

236 "patina" (486520320)

00:39:28.610 --> 00:39:36.630

Into reservations where supposedly they would be protected and cared for by the United States. Um.

237 "patina" (486520320)
00:39:36.630 --> 00:39:41.790
The actual truth of these reservations were that.

238 "patina" (486520320)
00:39:41.790 --> 00:39:53.010
It was an assimilation attempt by the United States to tensely, create an environment where a dominant way of living would be encouraged.

239 "patina" (486520320)
00:39:53.010 --> 00:40:11.670
Resources were prevented people were starving disease and, you know, this is also why, when people say off the reservation as kind of a term when they're talking, you know, I hear it on CNN sometimes so that that's very off the reservation in a meeting out of the norm, but.

240 "patina" (486520320)
00:40:11.670 --> 00:40:22.620
What that really refers to is that at this time, if individuals were found off, the reservation is tribal people, they could be arrested. They could be, um.

241 "patina" (486520320)
00:40:22.620 --> 00:40:34.890
It could be a capital crime, depending on the situation and so for individuals who left the reservation to try to hunt and find food for their people.

242 "patina" (486520320)
00:40:34.890 --> 00:40:45.150
If they were caught doing that, it was illegal for them to do and would result often in being hung, or shot on site. So, like, these kind of ideas.

243 "patina" (486520320)
00:40:45.150 --> 00:40:48.870
Like, off the reservation, why if you send it somewhere?

244 "patina" (486520320)
00:40:48.870 --> 00:41:07.110
there might be people listening who are going to literally cringe because it really brings up a painful part of our history and then of course eight hundred and seventy one because we're domestic dependence this is when all treaty making between the united states and the tribal nations ended so at this point

245 "patina" (486520320)
00:41:07.110 --> 00:41:16.920
It's illegal for the United States to have a treaty with the tribes until we can amend this federal law that would re, recognize us as having that ability.

246 "patina" (486520320)

00:41:16.920 --> 00:41:22.725

Is there anything you would add before I go into iron properly? Um.

247 "Willie Hardacker" (1527365632)

00:41:22.725 --> 00:41:32.670

No, that's fine. And I'll talk about public law waiting and then the other cases, I'll, I've got a summary of each of the cases that.

248 "Willie Hardacker" (1527365632)

00:41:32.670 --> 00:41:48.149

We have listed there, but yeah patina had this site of this case, iron Crow versus Oglala su tribe, which I had never read before and I read it and it was somewhat interesting and it does speak to the Oglala suit tribe sovereignty. So go ahead.

249 "patina" (486520320)

00:41:48.149 --> 00:42:08.690

Yeah, why it's fun. It's just for 2 reasons 1, it has to do with pine ridge and many of you, I don't know if you're aware of this, but the governor's 1st teaching job out of school was on the pine ridge reservation. Um, and so he's a young teacher out there and he has a connection and still feels connected to, um.

250 "patina" (486520320)

00:42:08.690 --> 00:42:28.690

Tom Ridge, but it has to do with taxes and adultery too, whether the tribe would have the ability to enforce laws around adultery and a fair between 2 individuals, or whether they can tax their own members and arguments were made that the tribe should not. And that South Dakota have these.

251 "patina" (486520320)

00:42:28.690 --> 00:42:39.330

In the federal government, and here in 1956, the Supreme Court said no, if you don't have a congressional law or act or a treaty.

252 "patina" (486520320)

00:42:39.330 --> 00:42:50.280

That would remove those rights, try to have these inherent rights because taxation is considered 1 of the most basic sovereign rights of any nation.

253 "patina" (486520320)

00:42:50.280 --> 00:43:10.280

The ability to tax and raise funds, whether it's a tax or a permit or whatever you call it. It's the same essence. And then, of course, that right to regulate behavior. Right? Whether, um, an individual who is committing adultery or not something that allowable kind of gets to those 2, most basic.

254 "patina" (486520320)

00:43:10.280 --> 00:43:13.710

I think of any sovereign, uh, this case.

255 "patina" (486520320)

00:43:13.710 --> 00:43:18.960
And, of course, you know, it leads up into.

256 "patina" (486520320)
00:43:18.960 --> 00:43:40.220
The seventies from the 50 s or the 70 s. we had a huge period of Indian civil rights movement up here the American Indian movement. It's very vague fighting for treaty rights fighting for kind of recognition. And so all of that kind of built up to lead us to some pretty fantastic cases.

257 "patina" (486520320)
00:43:40.220 --> 00:43:53.580
And even federal law around Indian self determination, um, education, assistants act, the Indian child welfare act, um, the freedom of religion act a lot of things happened in the seventies.

258 "patina" (486520320)
00:43:53.580 --> 00:44:00.390
And another 1, that's pretty profound. Um, is again around Brian via task around.

259 "patina" (486520320)
00:44:00.390 --> 00:44:03.572
Taxes, if you want to talk about that 1, or do you want me to.

260 "Willie Hardacker" (1527365632)
00:44:03.572 --> 00:44:10.830
No, I'll do that. I can take a thank you so, going back a little bit public line 280.

261 "Willie Hardacker" (1527365632)
00:44:10.830 --> 00:44:16.620
It's a federal law passed by Congress back in 1953 during the termination period.

262 "Willie Hardacker" (1527365632)
00:44:16.620 --> 00:44:21.420
And it was specifically to grant 2 state governments.

263 "Willie Hardacker" (1527365632)
00:44:21.420 --> 00:44:28.950
Criminal jurisdiction over certain reservations in certain and in a particular listed number of states.

264 "Willie Hardacker" (1527365632)
00:44:28.950 --> 00:44:38.850
And public, like, 280 is so important as a framework for issue analysis of legal issues arising here in Minnesota.

265 "Willie Hardacker" (1527365632)
00:44:38.850 --> 00:44:44.010
Um, the, the states that were expressly.

266 "Willie Hardacker" (1527365632)

00:44:44.010 --> 00:44:48.030
Granted, certain jurisdiction over Indian reservations.

267 "Willie Hardacker" (1527365632)
00:44:48.030 --> 00:44:52.950
Were California, Nebraska, Oregon, Wisconsin, Alaska.

268 "Willie Hardacker" (1527365632)
00:44:52.950 --> 00:45:01.770
And, of course, Minnesota, and, uh, 1 of the, the big case, the 1st big case that really.

269 "Willie Hardacker" (1527365632)
00:45:01.770 --> 00:45:06.000
Interpreted public law 2, 80 was Brian versus a task. The county.

270 "Willie Hardacker" (1527365632)
00:45:06.000 --> 00:45:12.090
You're at a Minnesota Russell Brian and Helen. Brian lived in a mobile home.

271 "Willie Hardacker" (1527365632)
00:45:12.090 --> 00:45:29.400
On the lake reservation, Russell Brian, I believe, was an enrolled member of his wife. Helen was enrolled member of lead plate in 972. I tested county attempted to collect a personal property tax on their mobile home and the tax bill was.

272 "Willie Hardacker" (1527365632)
00:45:29.400 --> 00:45:41.910
\$147.95 attacks.

273 "Willie Hardacker" (1527365632)
00:45:41.910 --> 00:45:45.270
In the local county court, and I task accounting.

274 "Willie Hardacker" (1527365632)
00:45:45.270 --> 00:45:57.150
The district court there, and the Minnesota Supreme Court ruled that public law to aid that under public law 280 a task county could collect that tax.

275 "Willie Hardacker" (1527365632)
00:45:57.150 --> 00:46:04.440
The brian's appealed to the U. S. Supreme Court and the U. S Supreme Court took the case and analyzing public law 280.

276 "Willie Hardacker" (1527365632)
00:46:04.440 --> 00:46:10.230
The Supreme Court looked at, uh, its previous decisions on tax.

277 "Willie Hardacker" (1527365632)
00:46:10.230 --> 00:46:17.790
Tax questions in Indian country and acknowledged that states have no authority to tax Indians.

278 "Willie Hardacker" (1527365632)

00:46:17.790 --> 00:46:32.700

Absent congressional intent, and that public law to eighty's purpose was focused more on granting to the States criminal jurisdiction and Indian country, and granting to state courts jurisdiction.

279 "Willie Hardacker" (1527365632)

00:46:32.700 --> 00:46:37.350

To hear private litigation claims arising from Indian country.

280 "Willie Hardacker" (1527365632)

00:46:37.350 --> 00:46:51.720

Public Law 280 did not confer upon the States general, civil regulatory powers, including taxation over reservation Indians in a broad statement. The court quoted from an earlier case.

281 "Willie Hardacker" (1527365632)

00:46:51.720 --> 00:46:57.900

And this is the quote, this is so, because Indian stand in a special relationship.

282 "Willie Hardacker" (1527365632)

00:46:57.900 --> 00:47:04.110

To the federal government from which states are excluded unless the Congress.

283 "Willie Hardacker" (1527365632)

00:47:04.110 --> 00:47:21.060

Has manifested a clear purpose to terminate in this case, the tax immunity, and allows states to treat Indians as part of the general community. So if you read public law, 2, 80, you would think oh, geez, that does seem to grant to the States.

284 "Willie Hardacker" (1527365632)

00:47:21.060 --> 00:47:27.510

Civil authority, but then, in that case, the Supreme Court limited the civil part of it.

285 "Willie Hardacker" (1527365632)

00:47:27.510 --> 00:47:36.420

And said that public law 280 did not grant general, civil regulatory authority to the state government over tribes.

286 "Willie Hardacker" (1527365632)

00:47:36.420 --> 00:47:54.330

Now, jump ahead 11 years and this case, California versus cabs on Benz abandoned mission Indians spoke to public law to 80 again and kind of refined the analysis of public law 280.

287 "Willie Hardacker" (1527365632)

00:47:54.330 --> 00:48:00.750

In that case too small literally recognizing in tribes in the Palm Springs area of California.

288 "Willie Hardacker" (1527365632)

00:48:00.750 --> 00:48:11.520

We're operating small bingo halls on their lands. In the mid 1980. S Amazon also operated a card club that allowed for poker and some other card games.

289 "Willie Hardacker" (1527365632)

00:48:11.520 --> 00:48:15.930

Each tribe had inactive ordinances, tribal ordinances.

290 "Willie Hardacker" (1527365632)

00:48:15.930 --> 00:48:29.400

To regulate these activities, and the ordinances were approved by the U. S. Department of interior. The state of California attempted to assert it's a governmental authority over these tribal operations and tried to shut them down.

291 "Willie Hardacker" (1527365632)

00:48:29.400 --> 00:48:35.700

The local county government Riverside county also sought to impose its local ordinances.

292 "Willie Hardacker" (1527365632)

00:48:35.700 --> 00:48:43.830

On the tribal gaming activities, the tribes suit in federal court, which held that, neither the state, or the county had any authority.

293 "Willie Hardacker" (1527365632)

00:48:43.830 --> 00:48:50.850

To enforce its laws on tribal lands. The 9th circuit court of appeals. Agreed the U. S. Supreme Court took the case.

294 "Willie Hardacker" (1527365632)

00:48:50.850 --> 00:48:59.790

The U. S. Supreme Court agreed that state and county gambling laws could not be enforced against the tribes.

295 "Willie Hardacker" (1527365632)

00:48:59.790 --> 00:49:03.030

Because under its public law to 80 analysis.

296 "Willie Hardacker" (1527365632)

00:49:03.030 --> 00:49:15.150

From the Brian versus a tasky case, those laws were civil regulatory in nature and not criminal prohibitory. Again public law 2, 80 did not grant to the States.

297 "Willie Hardacker" (1527365632)

00:49:15.150 --> 00:49:18.300

Civil regulatory power over tribal governments.

298 "Willie Hardacker" (1527365632)

00:49:18.300 --> 00:49:21.510

And it found that the state and county gambling laws.

299 "Willie Hardacker" (1527365632)
00:49:21.510 --> 00:49:24.540
While in part counts as criminal laws.

300 "Willie Hardacker" (1527365632)
00:49:24.540 --> 00:49:29.490
Ultimately did not prohibit the activity of bingo or card games.

301 "Willie Hardacker" (1527365632)
00:49:29.490 --> 00:49:32.850
But, basically placed regulatory guardrails.

302 "Willie Hardacker" (1527365632)
00:49:32.850 --> 00:49:37.440
Around those activities, so Here's a quote from that case.

303 "Willie Hardacker" (1527365632)
00:49:37.440 --> 00:49:41.850
And the court has consistently recognized that Indian tribes.

304 "Willie Hardacker" (1527365632)
00:49:41.850 --> 00:49:53.310
Retain attributes of sovereignty over both their members and their territory and that tribal sovereignty is dependent on insubordinate to.

305 "Willie Hardacker" (1527365632)
00:49:53.310 --> 00:49:56.580
Only the federal government and not the States.

306 "Willie Hardacker" (1527365632)
00:49:56.580 --> 00:50:01.890
Now, in the cabinet decision, the court did recognize that states.

307 "Willie Hardacker" (1527365632)
00:50:01.890 --> 00:50:05.460
In what they call exceptional circumstances.

308 "Willie Hardacker" (1527365632)
00:50:05.460 --> 00:50:08.730
May I serve jurisdiction on reservation activities?

309 "Willie Hardacker" (1527365632)
00:50:08.730 --> 00:50:18.480
Of tribal members, um, and in that case, it analyzed California interests against not only the federal Government's interests.

310 "Willie Hardacker" (1527365632)
00:50:18.480 --> 00:50:23.370
But also the tribal Government's interests, Amazon and the Mongo band.

311 "Willie Hardacker" (1527365632)
00:50:23.370 --> 00:50:26.910
And, uh, what the court said was.

312 "Willie Hardacker" (1527365632)

00:50:26.910 --> 00:50:32.490

The state interest of encouraging Tri or the federal Government's.

313 "Willie Hardacker" (1527365632)

00:50:32.490 --> 00:50:38.880

Interest of encouraging tribal, economic development and the tribes interests of self determination.

314 "Willie Hardacker" (1527365632)

00:50:38.880 --> 00:50:52.620

We're not overcome as an, that basically found that the federal and tribal interests prevailed over the States and counties interests. So those are 2 U. S Supreme Court decisions.

315 "Willie Hardacker" (1527365632)

00:50:52.620 --> 00:51:11.670

That speak to public law 280, which ultimately kind of led and we'll talk about gaming a little bit later but the decision obviously being about gaming led to ultimately the passage of the gaming regulatory, but we'll talk about that a little bit later.

316 "Willie Hardacker" (1527365632)

00:51:11.670 --> 00:51:20.310

Now, the U. S Supreme or I'm sorry, the Minnesota Supreme Court in 987 tackled interpreting public law 280.

317 "Willie Hardacker" (1527365632)

00:51:20.310 --> 00:51:26.340

State of Minnesota versus stone is a case deciding whether.

318 "Willie Hardacker" (1527365632)

00:51:26.340 --> 00:51:30.090

State criminal driving related laws.

319 "Willie Hardacker" (1527365632)

00:51:30.090 --> 00:51:39.630

Can be enforced against tribal members while driving on their reservation lands. And in that case, the activity was coming from the wider reservation.

320 "Willie Hardacker" (1527365632)

00:51:39.630 --> 00:51:52.350

The laws in question were proof of insurance expired, registration, driving without a license driving with an expired license speeding driving with no seat belt.

321 "Willie Hardacker" (1527365632)

00:51:52.350 --> 00:52:00.600

Failure to have a child restraint. So tribal members on the wider reservation were ticketed for violating those state laws.

322 "Willie Hardacker" (1527365632)

00:52:00.600 --> 00:52:08.250

Now, the Minnesota Supreme Court refined the analysis from the kabataan decision and adopted a test.

323 "Willie Hardacker" (1527365632)

00:52:08.250 --> 00:52:16.110

That looks at the conduct to be regulated by the particular law and looked at it as broad conduct.

324 "Willie Hardacker" (1527365632)

00:52:16.110 --> 00:52:22.230

Versus narrow or specific conduct, and then it asks the question. Is there a heightened.

325 "Willie Hardacker" (1527365632)

00:52:22.230 --> 00:52:25.740

Public policy concern if yes.

326 "Willie Hardacker" (1527365632)

00:52:25.740 --> 00:52:33.570

The court would look at the narrow conduct, and if the court is, if the conduct is permitted, generally by the state law.

327 "Willie Hardacker" (1527365632)

00:52:33.570 --> 00:52:40.170

It is civil regulatory if the conduct is prohibited, it would be considered criminal prohibitory.

328 "Willie Hardacker" (1527365632)

00:52:40.170 --> 00:52:45.000

The court also analyze the activity against the backdrop.

329 "Willie Hardacker" (1527365632)

00:52:45.000 --> 00:52:52.590

Of whether the activity to be regulated violated state, public criminal policy.

330 "Willie Hardacker" (1527365632)

00:52:52.590 --> 00:52:59.700

And in doing this analysis, the court looked at non a non exclusive list of factors.

331 "Willie Hardacker" (1527365632)

00:52:59.700 --> 00:53:03.420

The extent to which the activity directly threatens.

332 "Willie Hardacker" (1527365632)

00:53:03.420 --> 00:53:08.160

Physical harm to persons or property, or invades the rights of others.

333 "Willie Hardacker" (1527365632)

00:53:08.160 --> 00:53:13.020

The extent to which the law allows for exceptions and exemptions.

334 "Willie Hardacker" (1527365632)

00:53:13.020 --> 00:53:27.030

The blame worthiness of the actor, the nature and severity of the potential penalties for a violation of law based upon its analysis. The state Supreme Court determined to consider the laws in question.

335 "Willie Hardacker" (1527365632)

00:53:27.030 --> 00:53:33.300

Against the broad conduct of driving, not the narrow conduct addressed in each law.

336 "Willie Hardacker" (1527365632)

00:53:33.300 --> 00:53:38.040

Like, speeding or having an expired registration.

337 "Willie Hardacker" (1527365632)

00:53:38.040 --> 00:53:43.110

And the court further determined that these laws were civil regulatory.

338 "Willie Hardacker" (1527365632)

00:53:43.110 --> 00:53:50.940

And not criminal prohibitory and then the court did go a step further as as the court did in canvas.

339 "Willie Hardacker" (1527365632)

00:53:50.940 --> 00:53:56.550

And considered whether these state laws rose to the level of an exceptional circumstance.

340 "Willie Hardacker" (1527365632)

00:53:56.550 --> 00:53:59.550

Allowing the state to enforce these laws.

341 "Willie Hardacker" (1527365632)

00:53:59.550 --> 00:54:12.510

Against tribal members on the reservation, the court, the Minnesota Supreme Court found there were no such exceptional circumstances to overcome the right of the reservation Indians to make their own laws.

342 "Willie Hardacker" (1527365632)

00:54:12.510 --> 00:54:19.200

And be ruled by them, so the state Supreme Court basically said it's gonna be up to the tribes.

343 "Willie Hardacker" (1527365632)

00:54:19.200 --> 00:54:28.320

And those tribal governments to come up with a regulatory scheme and enforcement scheme to regulate those kinds of traffic issues.

344 "Willie Hardacker" (1527365632)

00:54:28.320 --> 00:54:37.027

Um, now to put in the Minnesota versus case here, I don't know. Do you want to take this 1?

345 "patina" (486520320)

00:54:37.027 --> 00:54:57.320

Sure, I say this is another kind of important case that came out of Minnesota, because hunting and fishing gathering on lands that have been seated during the treaties. Um, is an issue that really impacts Indian country across the country where often there might be tension.

346 "patina" (486520320)

00:54:57.320 --> 00:55:01.950

Between a state and a tribe or tribal members as far as.

347 "patina" (486520320)

00:55:01.950 --> 00:55:21.950

do i have rights to hunt off the reservation given what really just said about ruling their own rules and their own people but if i'm not on the reservation i'm off on lands that were once tribal what about them because then the state kind of department of natural resources and licensing and permitting kicks

348 "patina" (486520320)

00:55:21.950 --> 00:55:29.610

And, um, in this kind of civil arena, and here, relax, um, did argue and 1.

349 "patina" (486520320)

00:55:29.610 --> 00:55:38.460

Um, that the treaties that were signed that gave up land from Wisconsin into Minnesota, um.

350 "patina" (486520320)

00:55:38.460 --> 00:55:58.460

Even though those laws were seated the treaty, they had specifically stated that the privilege of hunting, fishing, and gathering of wild rice upon the lands rivers and lakes included in this territory. Seated is guaranteed to the Indians during the pleasure of the unit of the president.

351 "patina" (486520320)

00:55:58.460 --> 00:56:16.320

Of the United States, so as long as the president has an essence, or the federal government said no longer, they should be able to hunt and fish off reservation in those lands they wants. Did now from the other side, the argument was well, no, the treaty was signed.

352 "patina" (486520320)

00:56:16.320 --> 00:56:34.320

Um, before the state became a state, and so in the enabling documents, and the things signed by Congress to create the state of Minnesota, or state of Wisconsin, those rights were then taken away that it was given them to the state. Um.

353 "patina" (486520320)

00:56:34.320 --> 00:56:40.950

Maybe not directly, but clearly it was and and the Supreme Court found that no.

354 "patina" (486520320)

00:56:40.950 --> 00:56:50.550

It wasn't clearly stated that those rights were taken away and as a guarantee under this treaty, the wider nation.

355 "patina" (486520320)

00:56:50.550 --> 00:56:54.120

Excuse me relax nation retained.

356 "patina" (486520320)

00:56:54.120 --> 00:57:10.380

Those rights to hunt fish and gather the only kind of limits put is, of course, you want to monitor and there's a great lakes kind of, um, group that oversee that. They do it in conjunction collectively as far as they don't overuse or, um.

357 "patina" (486520320)

00:57:10.380 --> 00:57:17.130

Create a situation where there is no resources anymore, but it's huge because, you know, it.

358 "patina" (486520320)

00:57:17.130 --> 00:57:28.980

Tells the state that for tribal members if there's someone out fishing outside of fishing, licensed time here in the state, a state officer.

359 "patina" (486520320)

00:57:28.980 --> 00:57:48.980

Needs to ask, do you have a tribal ID? And if they do, they should not be issuing any citations towards that because that's a protected treaty. Right? And unfortunately, from a practical standpoint, that is an issue that even though resolved by the Supreme Court is something that continually has to be educated.

360 "patina" (486520320)

00:57:48.980 --> 00:58:08.980

Um, and shared as new officers, commodities, new work as new employees uh, because, you know, this kind of indigenous education or understanding, it's just not prevalent amongst everybody. And so you're constantly having to re, educate, but that's why I included it because it kind of builds on that.

361 "patina" (486520320)

00:58:08.980 --> 00:58:18.850

Idea of like, what are my individual rights and what does the tribe have rights? Um, as far as this extended off the reservation.

362 "Willie Hardacker" (1527365632)

00:58:18.850 --> 00:58:39.380

And then I wanted to talk a little bit about this case state of Minnesota. Oh, let me step back. There was a question in the chat about the Dakota removal after the war of 1862 Congress, inactive, a couple of pieces of legislation in February, 1863, and March 863 that spoke to the removal of the.

363 "Willie Hardacker" (1527365632)
00:58:39.380 --> 00:58:44.130
Dakota, and it's a complicated issue.

364 "Willie Hardacker" (1527365632)
00:58:44.130 --> 00:58:52.080
And, uh, my client, uh, essentially took the position of leave those alone because.

365 "Willie Hardacker" (1527365632)
00:58:52.080 --> 00:58:56.790
Leave those pieces of legislation alone, because there's some complicating language.

366 "Willie Hardacker" (1527365632)
00:58:56.790 --> 00:59:14.790
And some of that legislation, but it's a very good question. And frankly, you know, it's something that we can probably research even more. I obviously don't think it's necessary for the decoder removal X.

367 "Willie Hardacker" (1527365632)
00:59:14.790 --> 00:59:21.120
To be repealed because you have to go to people obviously living in Minnesota and you've got 4 Dakota.

368 "Willie Hardacker" (1527365632)
00:59:21.120 --> 00:59:33.510
Federally recognized Indian tribes um, but it's a very interesting history and there is some complicating factors relative to the pot. The potential repeal of those.

369 "Willie Hardacker" (1527365632)
00:59:33.510 --> 00:59:36.690
Exclusion X or, um.

370 "Willie Hardacker" (1527365632)
00:59:36.690 --> 00:59:42.480
Removal X, um, back to the the case that I cited here.

371 "Willie Hardacker" (1527365632)
00:59:42.480 --> 00:59:47.250
Minnesota versus Southwest school of dance and it's an interesting case because.

372 "Willie Hardacker" (1527365632)
00:59:47.250 --> 00:59:50.760
It touches upon issues.

373 "Willie Hardacker" (1527365632)
00:59:50.760 --> 00:59:58.740
This was a challenge to Governor walls is related executive order, 20 dash 99 on equal protection grounds.

374 "Willie Hardacker" (1527365632)

00:59:58.740 --> 01:00:07.170

That executive order, which was, uh, you know, from a series of executive orders from 19 or 2020 during covid.

375 "Willie Hardacker" (1527365632)

01:00:07.170 --> 01:00:12.210

Um, uh, executive order 2990 essentially ordered most businesses.

376 "Willie Hardacker" (1527365632)

01:00:12.210 --> 01:00:15.930

To suspend operations due to the concern about the spread of covid.

377 "Willie Hardacker" (1527365632)

01:00:15.930 --> 01:00:24.870

The governor also acknowledged and recognized in the executive order, the inherent authority of the 11 tribal governments to regulate their own activities.

378 "Willie Hardacker" (1527365632)

01:00:24.870 --> 01:00:34.590

On their lands, um, this is some of the language from the executive from that executive order, which was language that it had appeared in previous executive orders.

379 "Willie Hardacker" (1527365632)

01:00:34.590 --> 01:00:40.950

Earlier that year activities by tribal members, within the boundaries of their tribal reservations are exempt.

380 "Willie Hardacker" (1527365632)

01:00:40.950 --> 01:00:51.540

From the restrictions in this executive order, but may be subject to the restrictions by tribal authorities activities within the boundaries of federal land held in trust.

381 "Willie Hardacker" (1527365632)

01:00:51.540 --> 01:00:55.680

For 1 of the 11, Minnesota tribal nations are exempt.

382 "Willie Hardacker" (1527365632)

01:00:55.680 --> 01:01:00.240

From the restrictions in the executive order, but may be subject.

383 "Willie Hardacker" (1527365632)

01:01:00.240 --> 01:01:10.440

2 restrictions by tribal authorities activities by tribal members to exercise their federal treaty rights, uh, within the boundaries of their treaty territory are exempt.

384 "Willie Hardacker" (1527365632)

01:01:10.440 --> 01:01:15.030

From their restrictions in this executive order, but maybe subject to restrictions.

385 "Willie Hardacker" (1527365632)
01:01:15.030 --> 01:01:19.860
By applicable tribal authorities, so a very clear strong statement.

386 "Willie Hardacker" (1527365632)
01:01:19.860 --> 01:01:39.860
From the governor's office about deferring to tribal governments to exercise their own sovereignty over health, public health related issues. Now a Southwest school of dance challenged the executive order saying if you're letting tribes, uh, be exempt, then that's an equal protection.

387 "Willie Hardacker" (1527365632)
01:01:39.860 --> 01:01:52.680
Minnesota, and again, this is a non presidential opinion. You can find it online, though, the Minnesota court of Appeals relied on a long line of U. S. Supreme court cases.

388 "Willie Hardacker" (1527365632)
01:01:52.680 --> 01:01:56.520
That consistently rejected claims that treating tribal members.

389 "Willie Hardacker" (1527365632)
01:01:56.520 --> 01:02:00.810
As a distinct class violates equal protection rights.

390 "Willie Hardacker" (1527365632)
01:02:00.810 --> 01:02:08.160
And finding that executive order of 2099 itself did not violate equal protection guarantees.

391 "Willie Hardacker" (1527365632)
01:02:08.160 --> 01:02:13.890
Southwest school of dance was not similarly situated to tribe alone operated.

392 "Willie Hardacker" (1527365632)
01:02:13.890 --> 01:02:19.980
Uh, restaurants on tribal lands, so, instead of using a strict scrutiny analysis.

393 "Willie Hardacker" (1527365632)
01:02:19.980 --> 01:02:23.250
The minutes of the court of Appeals looked at the executive order.

394 "Willie Hardacker" (1527365632)
01:02:23.250 --> 01:02:30.180
And and that was whether whether it was rationally related to legitimate government interests and found that it was.

395 "Willie Hardacker" (1527365632)
01:02:30.180 --> 01:02:42.150

This is from the decision, the tribal exemption is rationally related to the legitimate government interests of protecting and promoting tribal sovereignty, fostering Indian interests and self governance.

396 "Willie Hardacker" (1527365632)

01:02:42.150 --> 01:02:51.150

In public health issues related to covid, 19 and fulfilling Minnesota's unique obligation towards Indians.

397 "Willie Hardacker" (1527365632)

01:02:51.150 --> 01:02:58.890

Which is interesting, because we've always considered it's the federal government who has a unique obligation towards the Indians.

398 "Willie Hardacker" (1527365632)

01:02:58.890 --> 01:03:06.870

But the Minnesota court of Appeals found that even the state of Minnesota has a unique obligation towards the Indian tribes. Um.

399 "Willie Hardacker" (1527365632)

01:03:06.870 --> 01:03:14.820

So, uh, so again, the executive order was found to be upheld and obviously.

400 "Willie Hardacker" (1527365632)

01:03:14.820 --> 01:03:17.850

You know, we got through, but, um.

401 "Willie Hardacker" (1527365632)

01:03:17.850 --> 01:03:28.110

So that was that case and then I wanted to talk a little bit about the mcgirt case and the Castro case, because.

402 "Willie Hardacker" (1527365632)

01:03:28.110 --> 01:03:31.950

You're starting to see a, maybe a little bit of a shift.

403 "Willie Hardacker" (1527365632)

01:03:31.950 --> 01:03:37.655

In the language that the U. S. Supreme Court is using, and the case actually came out in 2020.

404 "patina" (486520320)

01:03:37.655 --> 01:03:39.894

Yeah.

405 "Willie Hardacker" (1527365632)

01:03:39.894 --> 01:03:59.780

Yeah, so is Oklahoma the U. S Supreme Court found for the purposes of the federal law known as the major crimes act that much of Eastern Oklahoma, which was set aside for a number of tribes is still considered Indian country. Therefore, the state of Oklahoma does not have.

406 "Willie Hardacker" (1527365632)

01:03:59.780 --> 01:04:04.440

Restriction to prosecute crimes, committed by Indians, Indian country.

407 "Willie Hardacker" (1527365632)

01:04:04.440 --> 01:04:08.520

Prosecution of crimes committed by Indians, Indian country.

408 "Willie Hardacker" (1527365632)

01:04:08.520 --> 01:04:14.190

Falls primarily to the federal government, or to the tribe, depending on the level of crime.

409 "Willie Hardacker" (1527365632)

01:04:14.190 --> 01:04:30.600

Now, shortly thereafter, and the criminal activity that occurred in the mcgurck case was horrifying and ultimately the person was found was convicted. Um, or, I think ultimately pled guilty, uh, in a federal court case.

410 "Willie Hardacker" (1527365632)

01:04:30.600 --> 01:04:38.130

Now, shortly after that, there was a different prosecution in Indian country in Oklahoma.

411 "Willie Hardacker" (1527365632)

01:04:38.130 --> 01:04:49.410

But the prosecution was of a non Indian accused of a crime, and the victim was an Indian, and the circumstances were absolutely 100% horrific.

412 "Willie Hardacker" (1527365632)

01:04:49.410 --> 01:05:01.260

The Supreme Court in Castro, where to did find that Oklahoma has concurrent jurisdiction to prosecute crimes committed by non Indians and Indian country.

413 "Willie Hardacker" (1527365632)

01:05:01.260 --> 01:05:18.930

Out against Indians now, but the situation really doesn't apply to what would happen here in Minnesota because again we've got public lot to 80, which expressly grants criminal jurisdiction to the state of Minnesota over Indian reservations.

414 "Willie Hardacker" (1527365632)

01:05:18.930 --> 01:05:28.650

Except for Red Lake, which was expressly exempted out, and the voice port ban went through the process where the federal government retro.

415 "Willie Hardacker" (1527365632)

01:05:28.650 --> 01:05:32.010

Criminal jurisdiction to the boys, Fort band, but all of the other tribes.

416 "Willie Hardacker" (1527365632)

01:05:32.010 --> 01:05:36.270

Are subject to the criminal jurisdiction of the state of Minnesota.

417 "Willie Hardacker" (1527365632)

01:05:36.270 --> 01:05:42.960

What's troubling in the Castro where the decision and justice cavanaugh's opinion.

418 "Willie Hardacker" (1527365632)

01:05:42.960 --> 01:05:47.460

Perhaps suggests a shift in the way that the current Supreme Court.

419 "Willie Hardacker" (1527365632)

01:05:47.460 --> 01:05:51.960

Might view public line 180 analysis.

420 "Willie Hardacker" (1527365632)

01:05:51.960 --> 01:06:05.520

It's the framing language that justice Kevin, I used and Casper awareness and these are some of the phrases that he uses Indian country is part of the state.

421 "Willie Hardacker" (1527365632)

01:06:05.520 --> 01:06:16.500

Not separate from the state as a matter of state sovereignty a state has jurisdiction over all of its territory, including Indian country.

422 "Willie Hardacker" (1527365632)

01:06:16.500 --> 01:06:20.670

States do not need a permission slip from Congress.

423 "Willie Hardacker" (1527365632)

01:06:20.670 --> 01:06:40.670

To exercise their sovereign authority. So does this port 10 a shift in the way that this court may view something like, uh, some situation arising out of public law 2, 80 perhaps like the efforts of the state of Minnesota.

424 "Willie Hardacker" (1527365632)

01:06:40.670 --> 01:06:53.520

Now, the court justice cabinet digitally maintain the general framework that a stage jurisdiction in Indian country may be preempted by federal law under ordinary principles.

425 "Willie Hardacker" (1527365632)

01:06:53.520 --> 01:07:02.310

A federal present preemption, or when the exercises state jurisdiction, what unlawfully infringe on tribal self government.

426 "Willie Hardacker" (1527365632)

01:07:02.310 --> 01:07:06.330

But the language that justice kavanaugh uses in that.

427 "Willie Hardacker" (1527365632)

01:07:06.330 --> 01:07:13.650

We're, we're concerned that it might show a little bit of a shift in the way that the Supreme Court may be looking at.

428 "Willie Hardacker" (1527365632)

01:07:13.650 --> 01:07:19.657

Uh, federal India law issues, so that's that section patina. Do we want to move on.

429 "patina" (486520320)

01:07:19.657 --> 01:07:26.130

Yeah, so I would add 1 little thing about is that I think this decision also.

430 "patina" (486520320)

01:07:26.130 --> 01:07:46.130

We were all kind of holding our breath about because we, this was a new Supreme Court justices who had not had a lot of Indian cases or Indian log cases. And I just want to say, just as Gorsuch wrote. Um, and he started it with the.

431 "patina" (486520320)

01:07:46.130 --> 01:07:49.590

On the far end of the trail of tears was a promise.

432 "patina" (486520320)

01:07:49.590 --> 01:07:54.720

And which also made the castle where to case, like, such up.

433 "patina" (486520320)

01:07:54.720 --> 01:08:04.500

Like, a 180 degree, the other way, but I encourage you to read them both cause it is a recent kind of shows you what the court is kind of thinking and why.

434 "patina" (486520320)

01:08:04.500 --> 01:08:18.930

We're still a little unsure what direction and Monica is asking if mcgirt would apply in Minnesota is a public law 180 state. That is a good question, because it's easily distinguishable right now in many ways. But.

435 "patina" (486520320)

01:08:18.930 --> 01:08:21.960

We won't know until more.

436 "patina" (486520320)

01:08:21.960 --> 01:08:26.093

Courts at the federal level, incorporate it within their.

437 "Willie Hardacker" (1527365632)

01:08:26.093 --> 01:08:41.960

Yeah, as a general matter, it doesn't apply to those tribes that are subject to state court jurisdiction or state criminal jurisdiction in Minnesota. Like, the shock metal locked into community is subject to state criminal jurisdiction. Now red.

438 "Willie Hardacker" (1527365632)

01:08:41.960 --> 01:08:55.620

Is different because it was expressly exempted out. So a question might arise on the Red Lake reservation. If a non Indian commits a crime against an Indian Ken, the statement does state of Minnesota have concurred jurisdiction.

439 "Willie Hardacker" (1527365632)

01:08:55.620 --> 01:08:59.340

On the Red Lake reservation, or the boys sport reservation.

440 "Willie Hardacker" (1527365632)

01:08:59.340 --> 01:09:04.890

Where, uh, state criminal jurisdiction was, uh, retro seated back to the tribes.

441 "Willie Hardacker" (1527365632)

01:09:04.890 --> 01:09:15.663

So, I, I don't know the answer to that, but, as a general matter would not apply because the state already has criminal jurisdiction over all the 2 of the tribes in Minnesota.

442 "patina" (486520320)

01:09:15.663 --> 01:09:35.900

Yep, and what other I just want to identify another questions come up and people are probably asking I usually mentioned this at the beginning of a presentation. So I apologize for not. Um, but what do you call us kind of question? I think oftentimes we will use Indian or Indian law because that is what's used.

443 "patina" (486520320)

01:09:35.900 --> 01:09:55.900

The, the federal Indian law language, federal laws often, say American, Indian or Indian Native American has now become more preferred, but they're kind of used interchangeably. And I would say, just as an advice to everyone, if you want to know what to use when you're interacting with.

444 "patina" (486520320)

01:09:55.900 --> 01:10:10.741

Give people is, I ask them because I would prefer you referred to me as Lakota um, rather than just Indian uh, but understand to, um, oh, in red lake. And I think you were mentioning.

445 "Willie Hardacker" (1527365632)

01:10:10.741 --> 01:10:16.824

Oh, boy of chippa. Yeah.

446 "patina" (486520320)

01:10:16.824 --> 01:10:20.820

All right next slide.

447 "patina" (486520320)

01:10:20.820 --> 01:10:40.820

We've kind of touched on this already, but I just kind of want to lay it out there as really Tom mentioned earlier. There's kind of a distinction between the federal relationship with the tribes, versus the state

relationship with the tribes of Minnesota court of Appeals recognized that there is some kind of responsibility there. But in general.

448 "patina" (486520320)

01:10:40.820 --> 01:10:51.900

That kind of federal trust responsibility is federal. Um, and it is between the 2 based on treaties and based on all the interactions um.

449 "patina" (486520320)

01:10:51.900 --> 01:11:04.500

And that government to government is is sovereign, was the United States of America the states were part of the whole, and, you know, I like to think to myself and kind of joking like, if the United States were to collapse.

450 "patina" (486520320)

01:11:04.500 --> 01:11:17.550

Like, the states would too, like, we're all part of the same system. It would take a while from Minnesota to regroup and become a separate sovereign that would be recognized. However, the tribal nations as.

451 "patina" (486520320)

01:11:17.550 --> 01:11:21.810

Nations that existed prior and are kind of outside of it.

452 "patina" (486520320)

01:11:21.810 --> 01:11:33.990

They would not necessarily collapse as a sovereign, um, and so the United States would be run in essence, by the tribes again. If that were to happen, um, there's a movie.

453 "patina" (486520320)

01:11:33.990 --> 01:11:41.190

Uh, that even pokes fun at that. And if you know what it is, uh, you get bonus points cause I'm not going to tell you until the end.

454 "patina" (486520320)

01:11:41.190 --> 01:11:46.740

And next slide, so, from from the state.

455 "patina" (486520320)

01:11:46.740 --> 01:11:49.860

Perspective we look at it as.

456 "patina" (486520320)

01:11:49.860 --> 01:11:57.150

The federal government, there's disciplinary power with Indian Affairs, but the states have to be kind of.

457 "patina" (486520320)

01:11:57.150 --> 01:12:06.570

Given that authority by Congress to kind of act on their behalf. And so when you look at the hierarchy of kind of sovereignty tribes are above, um.

458 "patina" (486520320)
01:12:06.570 --> 01:12:10.680
The the States, you know, I will.

459 "patina" (486520320)
01:12:10.680 --> 01:12:30.680
Remind people here internally within the system that as a sovereign the state is subordinate in many ways to the federal, or to the tribes. But we have these rights that we share to kind of regulate activities. And we'll talk about that in a minute. And I say the best kind of relationship.

460 "patina" (486520320)
01:12:30.680 --> 01:12:50.680
Is to see it as a partnership where we're not fighting over things, but when we partner together, we, uh, we get a lot more done. Minnesota did very well in, uh, because of that deliberate intentional, um, partnership I would argue and that's that's and I learned out the, the flag, because for.

461 "patina" (486520320)
01:12:50.680 --> 01:12:59.040
For reasons, and I just want to share my personal excitement that a new design has been chosen and hopefully we'll get.

462 "patina" (486520320)
01:12:59.040 --> 01:13:03.720
I'll be able to put that up instead next slide.

463 "patina" (486520320)
01:13:03.720 --> 01:13:19.410
I just want to ask a quick another quick pop quiz, who was the 1st, governor to issue an executive order, recognizing a government to government and list relationship with the tribes and a need to consult with them on matters of mutual interest.

464 "patina" (486520320)
01:13:25.170 --> 01:13:30.210
That would be next slide again.

465 "patina" (486520320)
01:13:30.210 --> 01:13:33.630
Believe it or not Governor Ventura.

466 "patina" (486520320)
01:13:33.630 --> 01:13:53.630
Uh, if you remember, there were issues around hunting and fishing rights that came up. I believe governor ensure at the time famously said that when he was a marine throwing dynamite into lakes was a way to fish and so that was his traditional way of fishing. And should we be able to do that in Minnesota?

467 "patina" (486520320)
01:13:53.630 --> 01:14:12.300

Luckily, he was open to receiving some education about treaties and hunting and fishing rights and that led to him signing an executive order that started because the Minnesota approach to this government government official and each governor, after you go to the next slide.

468 "patina" (486520320)

01:14:12.300 --> 01:14:17.490

So, plenty to Dayton, and now to Governor loss, I've kind of taken.

469 "patina" (486520320)

01:14:17.490 --> 01:14:37.490

And got a little bit further, um, as far as the responsibilities and now executive order, 924 was actually descended because we passed Minnesota statute 165, which now makes it a state law obligation for the state agencies to consult and interact with the tribes on issues that have.

470 "patina" (486520320)

01:14:37.490 --> 01:14:42.000

Was a substantial direct effect, um, or if the tribes request it.

471 "patina" (486520320)

01:14:42.000 --> 01:14:54.060

Next slide and here is, we're kind of getting to the end. I just we're going to talk about 2 specifically, but there are a lot of shared interests.

472 "patina" (486520320)

01:14:54.060 --> 01:15:14.060

That the tribal nations have with the state governments, this list kind of the big ones, and I just went through the state agencies, in essence, to write them out the issues of jurisdiction that really talked about earlier, come into play and a lot of these areas. But kind of collaborative approach is rather than.

473 "patina" (486520320)

01:15:14.060 --> 01:15:22.590

And fighting is, is the approach that this administration is definitely taking in hope will set the tone for future.

474 "patina" (486520320)

01:15:22.590 --> 01:15:33.030

And so next slide and any jurisdiction issue is going to come down to where to place.

475 "patina" (486520320)

01:15:33.030 --> 01:15:39.390

Who has the authority to regulate behavior whether it's, um.

476 "patina" (486520320)

01:15:39.390 --> 01:15:42.570

Only the tribe, only the state.

477 "patina" (486520320)

01:15:42.570 --> 01:15:47.940

If it's a mixture of them, it depends who committed what next slide.

478 "patina" (486520320)

01:15:47.940 --> 01:16:07.940

Who did it who didn't do something whether it was native non, native member non member, who was impacted all these things play in and you can look up graphs that will tell you based on what what the guest jurisdiction is though caster where to, through a little bit of a wrench into what we.

479 "patina" (486520320)

01:16:07.940 --> 01:16:14.190

Long thought was, um, precedent and fixed law around those issues.

480 "patina" (486520320)

01:16:14.190 --> 01:16:21.810

And next slide, because we want to talk about kind of the 2 big ones, right?

481 "patina" (486520320)

01:16:21.810 --> 01:16:29.430

Um, gaming and cannabis, you know, kind of controversial topics. Right? But.

482 "patina" (486520320)

01:16:29.430 --> 01:16:36.930

Very important here in the state of Minnesota go ahead to the next slide.

483 "patina" (486520320)

01:16:36.930 --> 01:16:40.906

And go ahead. Really I'm gonna let you talk about gaming you've been dealing with it.

484 "Willie Hardacker" (1527365632)

01:16:40.906 --> 01:16:46.170

Bigger than I have. Okay. I just wanted to because gaming is such a.

485 "Willie Hardacker" (1527365632)

01:16:46.170 --> 01:17:00.120

Important part of tribal government, economic development throughout the United States, but in particular in Minnesota, and there are some hot gaming topics this year just generally speaking the framework of gaming.

486 "Willie Hardacker" (1527365632)

01:17:00.120 --> 01:17:10.410

Again, you had the U s Supreme Court recognized that state governments don't have the authority to regulate an activity that the state government allows.

487 "Willie Hardacker" (1527365632)

01:17:10.410 --> 01:17:22.050

And then after, and then the gaming regulatory act was actually being worked on prior to the issuance of the kabataan decision. But the Indian regulatory act, the federal law that.

488 "Willie Hardacker" (1527365632)

01:17:22.050 --> 01:17:33.300

Provides the regulatory framework for Indian gaming was passed 988. President Ronald Reagan signed that, uh, statute in the law.

489 "Willie Hardacker" (1527365632)

01:17:33.300 --> 01:17:37.410

And it basically establishes the framework where the tribes.

490 "Willie Hardacker" (1527365632)

01:17:37.410 --> 01:17:43.170

If they want to do what's considered class 3 gaming, they have to negotiate travel state compacts.

491 "Willie Hardacker" (1527365632)

01:17:43.170 --> 01:17:47.220

With the state where the drives are located, and here in Minnesota.

492 "Willie Hardacker" (1527365632)

01:17:47.220 --> 01:17:50.370

Uh, each tribe has 2 primary.

493 "Willie Hardacker" (1527365632)

01:17:50.370 --> 01:18:08.730

Tribal state compacts, the tribal state compacts for video games of chance, or video slot machines, which all of them were pretty much signed in 989. and then the black Jack Compaq was signed by the tribes primarily in 991. and there's a long list of technical amendments.

494 "Willie Hardacker" (1527365632)

01:18:08.730 --> 01:18:13.740

To the contacts and patina included the link.

495 "Willie Hardacker" (1527365632)

01:18:13.740 --> 01:18:18.660

To the Department of public service Web site, which lists all of those compacts.

496 "Willie Hardacker" (1527365632)

01:18:18.660 --> 01:18:22.170

And those amendments to the contacts next slide.

497 "Willie Hardacker" (1527365632)

01:18:22.170 --> 01:18:34.530

And then just the hot topics, uh, this current year, obviously, sports betting has been something that's been considered by the state legislature for the last couple of years.

498 "Willie Hardacker" (1527365632)

01:18:34.530 --> 01:18:43.620

The tribes that come together within the Minnesota union gaming association are pretty much motivated to get a sports betting. Bill passed. Um.

499 "Willie Hardacker" (1527365632)

01:18:43.620 --> 01:18:50.820

The way that sports betting with, like, will likely be framed here in the state will have 2 components.

500 "Willie Hardacker" (1527365632)

01:18:50.820 --> 01:19:08.610

You'll have sports betting that happens on the reservation inside of the tribal casinos and that activity would be considered gaming activity under the Indian gaming regulatory act and the tribes will need to negotiate a tribal state compact with the state of Minnesota.

501 "Willie Hardacker" (1527365632)

01:19:08.610 --> 01:19:18.990

Off reservation, mobile sports betting would not be considered, uh, gaming under the Indian gaming regulatory act and, um.

502 "Willie Hardacker" (1527365632)

01:19:18.990 --> 01:19:29.070

Would be subject to state regulations, so the tribes will likely need to get a license from the state government in order to do off reservation mobile sports betting.

503 "Willie Hardacker" (1527365632)

01:19:29.070 --> 01:19:49.070

Electronic pull tabs, charities have the ability to to sell pull tabs back in 2012. the state legislature allow charities to use electronic pull tabs. And if you go into a bar American Legion anywhere where they've got terrible gambling with electronic pull tabs, they look like many.

504 "Willie Hardacker" (1527365632)

01:19:49.070 --> 01:19:52.440

Block machines, so the shock B community and other tribes.

505 "Willie Hardacker" (1527365632)

01:19:52.440 --> 01:19:59.250

Have been challenging the Minnesota gambling control board and its approval of these electronic.

506 "Willie Hardacker" (1527365632)

01:19:59.250 --> 01:20:15.420

Pull tab machines, because we have viewed, they are in violation of state law, and the state law makes it very clear what electronic pull tabs can do, and expressly that they cannot mimic electronic or they cannot mimic video slot machines.

507 "Willie Hardacker" (1527365632)

01:20:15.420 --> 01:20:19.260

So, there's currently, uh, case, um.

508 "Willie Hardacker" (1527365632)

01:20:19.260 --> 01:20:33.720

Or we actually, we ended up getting legislation, clarifying that issue. And at the end of this year, that legislation actually goes into effect interlock dealers. This technology is an electronic device at the race tracks.

509 "Willie Hardacker" (1527365632)

01:20:33.720 --> 01:20:53.720

That's where an individual player sits at a terminal. There's a live dealer somewhere else, nearby dealing cards but the player is using a video gaming device, as opposed to playing cards racing. The Minnesota racing commission approved. The dealer says technology.

510 "Willie Hardacker" (1527365632)

01:20:53.720 --> 01:20:57.690

Shock be as appealed that approval to the Minnesota court of appeals.

511 "Willie Hardacker" (1527365632)

01:20:57.690 --> 01:21:03.930

So that's being subject to some litigation and now, just recently, we, we hear that the race tracks.

512 "Willie Hardacker" (1527365632)

01:21:03.930 --> 01:21:09.240

Are pushing what are called? Historical race games. Historical race games are basically.

513 "Willie Hardacker" (1527365632)

01:21:09.240 --> 01:21:18.030

Video slot machines that instead of a computer random generator, it the machine itself has.

514 "Willie Hardacker" (1527365632)

01:21:18.030 --> 01:21:27.120

A long list of, uh, horse race results from around historical horse race results and that when you play the device.

515 "Willie Hardacker" (1527365632)

01:21:27.120 --> 01:21:34.920

You end up getting a horse race result, but from the Player's perspective, it is clearly a video game of chance.

516 "Willie Hardacker" (1527365632)

01:21:34.920 --> 01:21:45.390

And all of the tribes are going to work very diligently opposing the Minnesota racing commission from approving that in the event that it does.

517 "Willie Hardacker" (1527365632)

01:21:45.390 --> 01:21:54.480

So those are some hot topic issues that are popping up here in Minnesota that may ultimately have led litigation and may lead to more litigation.

518 "Willie Hardacker" (1527365632)

01:21:54.480 --> 01:22:07.740

Next slide and then on cannabis, uh, the comprehensive cannabis bill was passed we just I wanted to just bring it up because it's a hot topic.

519 "Willie Hardacker" (1527365632)

01:22:07.740 --> 01:22:13.140

Clearly, the state office of cannabis management won't be up and running until later this year.

520 "Willie Hardacker" (1527365632)

01:22:13.140 --> 01:22:26.820

So you won't have a state regulated cannabis, full fledged cannabis industry. Probably until 2025 last summer, Governor walls invited the tribes to fill the gap because the tribes.

521 "Willie Hardacker" (1527365632)

01:22:26.820 --> 01:22:44.460

Have inherent authority to regulate this type of activity and the state law expressly states that, as you can see what's in the PowerPoint presentation where the legislature recognizes that it's up to the tribes to regulate candidate cannabis activities on Indian reservations.

522 "Willie Hardacker" (1527365632)

01:22:44.460 --> 01:22:47.803

So that's a lot, um, next slide is.

523 "patina" (486520320)

01:22:47.803 --> 01:22:56.490

Added 1 more, just the hot issues that are in cannabis even right around all those contacts are going to look.

524 "patina" (486520320)

01:22:56.490 --> 01:23:00.180

Working them out and, you know, making sure.

525 "patina" (486520320)

01:23:00.180 --> 01:23:14.490

Uh, the all the kind of thinking future out, I think the difference between compacting and gaming is the National gaming regulatory app was passed to kind of give some guidance and some like discussion. Whereas cannabis.

526 "patina" (486520320)

01:23:14.490 --> 01:23:20.550

It's still a legal, um, technically on the federal side and so we're kind of.

527 "patina" (486520320)

01:23:20.550 --> 01:23:33.975

Building it, as we go, uh, and in a administration that is very supportive of tribal sovereignty and travel rights, and the ability for tribes to participate in the market.

528 "Willie Hardacker" (1527365632)

01:23:33.975 --> 01:23:49.140

And the state law does not require the tribes to do a tribal state compact in order to own and operate and regulate cannabis activity. But it is a tool available to the state and the tribes to work out any.

529 "Willie Hardacker" (1527365632)

01:23:49.140 --> 01:23:54.041

You know, gray area, jurisdictional issues that may pop up.

530 "patina" (486520320)

01:23:54.041 --> 01:23:58.290

Yeah, and I would say too, it's not jurisdiction as well as.

531 "patina" (486520320)

01:23:58.290 --> 01:24:01.410

Things like how to ensure consistency on marketing.

532 "patina" (486520320)

01:24:01.410 --> 01:24:09.360

Like that an item that is sold at a travel business off the reservation is like, that.

533 "patina" (486520320)

01:24:09.360 --> 01:24:14.880

Consumers going into different areas would be able to feel.

534 "patina" (486520320)

01:24:14.880 --> 01:24:19.950

Say these is addressed and like those issues too. Um.

535 "patina" (486520320)

01:24:19.950 --> 01:24:27.780

And the medical medical arena versus the recreational too, um, as far as how to get engaged.

536 "Willie Hardacker" (1527365632)

01:24:30.795 --> 01:24:37.890

Oh, these are some cases that I just threw out there. I mean, you can look them up as Scalia versus red, like nations.

537 "Willie Hardacker" (1527365632)

01:24:37.890 --> 01:24:46.410

The circuit court of Appeals was asked to determine whether the National OSHA laws.

538 "Willie Hardacker" (1527365632)

01:24:46.410 --> 01:24:52.290

Applied to the resignation there was a workplace accident where a couple of red tribal members.

539 "Willie Hardacker" (1527365632)

01:24:52.290 --> 01:25:00.150

Who are part of the fisheries? Um, capsized on the lake and drowned the 8 circuit found that, uh.

540 "Willie Hardacker" (1527365632)

01:25:00.150 --> 01:25:10.470

The tribe was not subject to the federal OSHA laws, Northern States power company versus Perry island. It was the case that I was involved in back in the day.

541 "Willie Hardacker" (1527365632)
01:25:10.470 --> 01:25:13.890
Where in the community.

542 "Willie Hardacker" (1527365632)
01:25:13.890 --> 01:25:18.900
The only road to the nsp nuclear power plant.

543 "Willie Hardacker" (1527365632)
01:25:18.900 --> 01:25:26.550
Directly adjacent to the island community was through the reservation and this was when, uh, nsp was attempting.

544 "Willie Hardacker" (1527365632)
01:25:26.550 --> 01:25:30.240
To build storage of nuclear waste.

545 "Willie Hardacker" (1527365632)
01:25:30.240 --> 01:25:34.140
Outside of the power plant directly adjacent to the reservation.

546 "Willie Hardacker" (1527365632)
01:25:34.140 --> 01:25:39.900
To try about a multi prong approach to fight this and get leveraged.

547 "Willie Hardacker" (1527365632)
01:25:39.900 --> 01:25:46.500
And 1 of the things that I did was enact a nuclear radiation control ordinance.

548 "Willie Hardacker" (1527365632)
01:25:46.500 --> 01:25:55.350
Attempting to do some very light touch regulation of transportation of nuclear materials, radioactive materials.

549 "Willie Hardacker" (1527365632)
01:25:55.350 --> 01:26:07.920
Through the reservation, which again, you'll see my name on that court decision. We lost the federal court said Nope sorry tribe. This is something that is clearly preempted by federal law.

550 "Willie Hardacker" (1527365632)
01:26:07.920 --> 01:26:11.910
And then the SMS E crooks versus city prior.

551 "Willie Hardacker" (1527365632)
01:26:11.910 --> 01:26:19.830
That's from the mid eighty's where the city prior, like, annexed the land where the exists.

552 "Willie Hardacker" (1527365632)
01:26:19.830 --> 01:26:27.600
And but the city would not allow tribal members to vote in city elections and would not provide municipal services.

553 "Willie Hardacker" (1527365632)

01:26:27.600 --> 01:26:40.050

To the tribe back then, and the tribe litigated the case up to the 8 circuit in the circuit court of Appeals said, sorry city a prior lake. If you annex the land, even though the tribal members do not pay tax.

554 "Willie Hardacker" (1527365632)

01:26:40.050 --> 01:26:45.750

You must allow them to vote in city elections and you must provide city services.

555 "Willie Hardacker" (1527365632)

01:26:45.750 --> 01:26:52.560

To the tribe now jump ahead now the tribe has a very, very good working relationship.

556 "Willie Hardacker" (1527365632)

01:26:52.560 --> 01:26:59.880

With the city with the city of prior lake, it has a number of infer governmental agreements. And in fact, now the tribe has a.

557 "Willie Hardacker" (1527365632)

01:26:59.880 --> 01:27:03.000

Uh, water, um, um.

558 "Willie Hardacker" (1527365632)

01:27:03.000 --> 01:27:11.580

Water plant that provides water to the city of prior lake so the city actually buys water.

559 "Willie Hardacker" (1527365632)

01:27:11.580 --> 01:27:16.110

From the tribe now, which is a, a pretty significant shift.

560 "Willie Hardacker" (1527365632)

01:27:16.110 --> 01:27:21.720

And where we, where we were back in 185.

561 "patina" (486520320)

01:27:21.720 --> 01:27:32.820

Whether you haven't, that was a lot crammed into an hour and a half and I'm usually, um, pretty intentional about, like, not leaving a lot of room for, uh.

562 "patina" (486520320)

01:27:32.820 --> 01:27:47.340

Questions because they're scary. Um, but I will know Jim, you asked if there are any examples during the waltz administration where we have taken a public position that a minister of tried to not do something. Um.

563 "patina" (486520320)

01:27:47.340 --> 01:27:51.510

Within their sovereign, right? Um, I would say that.

564 "patina" (486520320)

01:27:51.510 --> 01:28:11.510

I can't think of any, um, you know, there are issues around some of the, like, the actions with the racing commission. Like, that really has raised. They're also always going to be kind of tensions around permitting and kind of concurrent jurisdictional issues but I don't believe.

565 "patina" (486520320)

01:28:11.510 --> 01:28:21.461

There's a relax versus Minnesota case bubbling up and we are doing our very best to prevent that. So well, I guess time will tell we've still got another.

566 "Willie Hardacker" (1527365632)

01:28:21.461 --> 01:28:28.680

3 years I'll give this term, I'll give another example of cooperation between the tribe and the state government.

567 "Willie Hardacker" (1527365632)

01:28:28.680 --> 01:28:40.320

The Sharpie community has an organics recycling facility that is a 1 of the largest ones in the metro area. If not the largest in the metro area.

568 "Willie Hardacker" (1527365632)

01:28:40.320 --> 01:28:44.400

Where are we take organic materials from cities? Individuals.

569 "Willie Hardacker" (1527365632)

01:28:44.400 --> 01:28:48.990

And the tribe is actually it's currently located on trust land.

570 "Willie Hardacker" (1527365632)

01:28:48.990 --> 01:28:54.750

But we are moving it to non trust land. So the tribe has to go through the permitting process.

571 "Willie Hardacker" (1527365632)

01:28:54.750 --> 01:29:02.550

Through the pollution control agency and the state, and the tribe have been working very well together in getting the unnecessary permits.

572 "Willie Hardacker" (1527365632)

01:29:02.550 --> 01:29:07.560

For the tried to relocate its organics recycling facility.

573 "Willie Hardacker" (1527365632)

01:29:07.560 --> 01:29:17.458

They're in Scott County, so that's that's an example where again, the tribe is cooperating with the state on a significant project off reservation.

574 "patina" (486520320)

01:29:17.458 --> 01:29:23.880

Oh, and mark, I see the lawsuit around tribal lending. Absolutely. I was.

575 "patina" (486520320)
01:29:23.880 --> 01:29:33.600
Nervous when it 1st came out and but then relieved to see it's none of the Minnesota, uh, the tribes that are located within the boundaries of Minnesota. So.

576 "patina" (486520320)
01:29:33.600 --> 01:29:36.780
Um, but that is an issue that is I've been.

577 "patina" (486520320)
01:29:36.780 --> 01:29:41.550
Tracking nationally around these kind of tribal lending businesses.

578 "patina" (486520320)
01:29:41.550 --> 01:29:45.990
And so the attorney General's opposite has filed that lawsuit and.

579 "patina" (486520320)
01:29:45.990 --> 01:29:53.784
I will look forward to that resolution actually. All right we're like.

580 "Willie Hardacker" (1527365632)
01:29:53.784 --> 01:29:59.743
In a minute yeah, well, I'd like to thank everybody Thank you for Tina. Thank you. Theresa.

581 "Theresa Flahaven" (3440625408)
01:30:03.262 --> 01:30:08.700
Thank you very much William patina for sharing all of your.

582 "Theresa Flahaven" (3440625408)
01:30:08.700 --> 01:30:28.700
Extensive knowledge and experience in the subject, um, with everybody that joined today on behalf of everybody we really appreciate it. And to anybody attending today, uh, just a reminder if you logged on late that the event code for the approved credit is in the chat. Um, and please reach out.

583 "Theresa Flahaven" (3440625408)
01:30:28.700 --> 01:30:37.320
If we, if you have any other questions, both Tina, and really have shared their contact information on this last slide. Thanks again, everybody.