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U.S. Department of Justice
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FBI Headquarters
Civil Rights Violations Division
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Washington, D.C. 20535-0001

FBI Minneapolis
Civil Rights Violations Division
1501 Freeway Boulevard
Brooklyn Center, MN 55430

Re: *Indians' Individual Civil Rights in Minnesota*
Violations of 42 USC §1983 and Public Law 280, and
Deprivation of Rights Under Color of Law
Title 18, U.S.C. §242, by Minnesota Judges.

Dear Civil Rights Officers.

I am writing to bring attention to the ongoing civil rights deprivations by Minnesota judges, law enforcement and prosecution against Indians on and off reservation in violation of the above referenced federal civil rights laws. The violations to Indians' civil rights and human rights are forced on Indians by the state of Minnesota judicial system's unethical, unlawful and unchecked prosecutions under guise and veil of public law 280.

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Minnesota's Court's Indian cases are really *judicial legislative actions* that have ultimately evolved to a point to where Indians only have limited rights to avoid *some* state *civil* jurisdiction, only if the law enforcement and judicial system is satisfied the Indians in question are on the reservation to which the state believes their enrollment is tied. This began in 1999 with the Minnesota Supreme Court's decision in State v. R.M.H.¹ and continued into the next decade with State v Davis² where members of the Minnesota Chippewa Tribe (MCT) do not have the same jurisdictional protections on each of the MCT's reservations.

Under Public Law 280, Congress expressly denied and excluded any jurisdiction over Indians with treaty rights and other federal regulations with regard to hunting, fishing and gathering as well as other rights. Because treaties are recorded as federal statutes and Public Law 280 is a federal statute, all of these rights are protected by 42 USC § 1983 and 18 USC § 242. Minnesota judges and law enforcement have been actively engaged in a systematic approach to deny Indians the benefits of their separate and sovereign rights unjustly and without Congressional authorization.

Minnesota Appellate judges have also used RMH in Topash³ to make an end run around the U.S. Supreme Court's decision in Bryan v. Itasca County, Minn⁴, for another *results oriented* decision so Minnesota could wrongfully, re-start taxation of *some* Indians again, at least, who are not members of the same reservation where they were/are living and working on, 20 years ago to the present. Unlawful taxation is the very kind of systematic theft that keeps people impoverished, in addition to Indians' civil rights violations. Only DOJ can charge and prosecute judges under 18 USC § 242, so DOJ action is essential to the protection of Indians' civil rights here in Minnesota.

¹ See State v R.M.H., 617 N.W.2d 55 (2000).

² See Petition for Certiorari Davis v Minnesota at http://sct.narf.org/documents/davisvminnesota/petition_for_cert.pdf

³ See Topash v. Commissioner of Revenue, 291 N.W.2d 679 (Minn.1980).

⁴ See Bryan v Itasca County, Minnesota, 426 U.S. 373, 96 S.Ct. 2102 (1976).

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A clear deprivation of civil rights is Buddie Greene v. Commissioner of the MN Dept. of Human Services⁵ where an Indian, born in Duluth, Minnesota and who was living off reservation in Minnesota, was denied access to the public job search services in Aitkin County, Minnesota because the State of Minnesota had contract for services with the Minnesota Chippewa Tribe. *This is the classic Rosa Parks' story except Buddie Greene is not allowed on the bus at all.* The clear and concise dissent was by Justice Page writing

I respectfully dissent. While I join Justice G. Barry Anderson's dissent, **I write separately to note my disagreement with the court's analysis of the constitutional issues raised by Greene.** There is, however, no need for an extensive discussion of that disagreement because this case can be resolved on statutory grounds. **It is enough to say that the notion that a citizen of this state, of this nation, can be disenfranchised on the basis of his or her political classification is stunning.**

Emphasis added. (Greene was disenfranchised for being an Indian).

In State v Joel Roy⁶, Minnesota Appellate Court judges intentionally ignored specific defense cites to relevant, Minnesota Chippewa treaties which showed the U.S. traded firearms and ammunition as part of the valuable consideration to the Chippewa nation at the time in 1854 and 1855 to convict a tribal member living and working on reservation of felon in possession of a firearm conviction. The Minnesota Court of Appeals decided to use and substitute Wisconsin Court of Appeals analysis with a Stockbridge Muncie treaty and Stockbridge Muncie tribal member to substitute for the actual Minnesota Chippewa treaty defense and civil regulatory arguments made for a Minnesota Indian, with treaty rights. The Minnesota Supreme Court

⁵ See Buddie Greene v. Commissioner of the MN Dept. of Human Serv. , 755 N.W.2d 713 (2008), Supreme Court of Minnesota.

⁶ See Petition for Certiorari Roy v Minnesota at http://sct.narf.org/documents/royvminnesota/petition_for_cert.pdf

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denied petition for review for completely erroneous legal analysis and Joel Roy served a 60-month presumptive commitment under state regulatory law.

Presently I am involved in an appeal process in the State of Minnesota court Appellate system under the caption State v Bissonette. Bissonette lives and works on Leech Lake Reservation. She was charged with negligent parenting or parental neglect⁷ which is really civil regulatory nature because *Minnesota's law has exceptions for other civil rights like religious freedoms or good faith beliefs*.

The simplicity of Bissonette is that it requires following the Congressional directive under the Duro Fix⁸ in 1990, but Minnesota has never recognized the *Duro Fix* and instead follows Duro v Reina⁹, which is the Supreme Court decision Congress intentionally fixed in 1990, if not overturned. For all of my clients who have been criminally charged and/or convicted "Ignorance of the law is no excuse." Minnesota Judges are intentionally ignoring and continuously violating all Indians' civil rights every day in 2016.

The 1855 Treaty Authority is very close to moving forward with our 1855 ceded territory usufructuary rights litigation in federal court. A copy of the draft complaint was already sent to DOJ addressees above. We will also be

⁷ See Minn. Stat. 609.378 NEGLECT OR ENDANGERMENT OF CHILD. Which includes the religious civil rights exception "If a parent, guardian, or caretaker responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, this treatment or care is "health care," for purposes of this clause." Minn. Stat. § 609.378 is a civil/regulatory law, with a rebuttable presumption of negligence, and with criminal consequences. Cabazon established that a statute to which a criminal penalty is attached can be regulatory and therefore outside the Public Law 280's grant of criminal jurisdiction, (see California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987)).

⁸ See *Duro Fix*, Act of Nov. 5, 1990, Pub. L. No. 101-511, § 8077(b), 104 Stat. 1892 (25 U.S.C. 1301(2)). Made permanent Act of Oct. 28, 1991, Pub. L. No. 102-137, § 1, 105 Stat. 646.

⁹ See Duro v. Reina, 495 U.S. 676, 110 S.Ct. 2053, 109 L.Ed.2d 693 (1990).

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alleging violations of §1983 (and §242 which we cannot enforce) because Minnesota judges, courts and law enforcement are actively engaged in the daily, systematic approach to deny our various and several federally protected civil rights. DOJ federally protected rights.

While nonmember Indians like Bissonette may be living on a different reservation, they are protected under public law 280 from Minnesota's over reach of jurisdiction to continuously gain from ill-gotten revenues from traffic citations, fines, penalties and wrongful incarceration costs.

The best example of the outrageous, results-oriented and intellectually dishonest judicial legislative activity is with regard to sex offender civil commitment in regard to Indians living on the reservation.

Minnesota courts continue to rely on a legally created fiction term “exceptional circumstances” which are derived from a western treaty rights fishing case decided by the United States Supreme Court Puyallup Tribe v. Washington Game Department, (1977)(No. 76-423). Our Chippewa treaty rights were distinguished from West Coast treaty rights in US v Brown¹⁰, (upheld by the 8th circuit in 2015) which recognizes our Chippewa rights are not held in common with the citizens of the United States, like some tribes within the state of Washington, but instead are separate from the state of Minnesota and federal control on reservation with regard to regulation of hunting, fishing and gathering (*living*). Here the State of Minnesota is using *exceptional circumstances* from a completely different and unrelated tribe **again**, to wrongfully exercise jurisdiction against tribal members on Red Lake and Nett Lake reservations, both of which Minnesota is completely without jurisdictional grant from Congress.

Ultimately the Minnesota judges and justices say Congress needs to speak up against their jurisdictional actions instead of waiting for or seeking a grant jurisdiction for Minnesota. On page 10 of Respondent's Bissonette brief, the State clearly asserts that

¹⁰ See United States v. Brown, 777 F.3d 1025, 1029 (8th Cir 2015).

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Minnesota appellate courts have consistently found the type of heightened criminal policy conduct included in this case to be criminal/prohibitory in nature in public law 280 jurisdictions, as noted below. **To the contrary, most of the appellant's brief sites the exceptional circumstances standard that would apply in jurisdictions such as Red Lake and Bois Forte, where Congress has not expressly granted authority under public Law 280.**

Emphasis added to show the prosecution clearly understands Minnesota's judicially created Indian case law, civil or criminal, can be applied to Red Lake and Bois Forte on-reservation Indians, even though the prosecution ***clearly states the opposite at the top of the same page 10 of her brief*** that

Pursuant to this grant of [PL 280] authority, Minnesota has broad criminal and limited civil jurisdiction over all Indian country within the state, except Red Lake reservation, which Public Law 280 excepted from the grant of authority, and Bois Fort reservation at Nett Lake.

While the prosecution's cut and paste works in drafting the brief, the legal reasoning is *non sequitur* under federal laws, federal treaties and federally protected Indians' civil rights.

I am hoping the Department of Justice and FBI will take affirmative steps quickly to investigate the Minnesota Judges' decisions and state laws being presented now, to get in front of what may very well be tribal members' next litigation against the state of Minnesota after interfering with exercising treaty protected, usufructuary property rights in the 1855 cede territory.

Minnesota has been ripping off the historically poorest people, who have the more superior, constitutionally protected federal rights. This is more than a tribal sovereignty issue for on the reservation Indians. This is the core of the on-going cultural theft and genocide due to federally protected civil rights of

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individuals who are being systematically denied, oppressed and violated for the benefit, financial gain and revenue for the state of Minnesota based on their Indian nation of origin (§1983). This issue is usually described as \$15 million problem because Minnesota compensates the Chippewa in 1854 ceded territory, while not even allowing us to hunt or fish in the 1855 without fear of oppression and prosecution and confiscation of our food and confiscating our traditional and cultural harvesting tools.

I understand this is a lot to look at, and I have tried to provide intelligent arguments based on actual federal Indian law, very unsuccessfully before judges in Minnesota courts. I truly believe many judges and justices intentionally create and follow results oriented, intellectual dishonest decisions, clearly designed to be a systematic ongoing violation of our Indian civil rights for Minnesota's profit.

I believe this obvious and ongoing need for enforcement is the job of the Department of Justice and FBI under the Constitution of United States, to enforce the due process and equal protection rights that were extended to all U.S. citizens. We need your help to enforce the federal laws that protect our Indian rights as citizens with additional retrained treaty rights.

Presently, State v. Bissonette is scheduled for oral argument on 09/14/2016 at 10:40 AM at the Crow Wing County Judicial Center, Courtroom 1, 326 Laurel St., Brainerd, MN (see August 10, 2016 notice attached). **This is the next, overt act in furtherance of the on-going conspiracy to deprive Indians of their several and various civil rights by prosecution under §1983 and judges under § 242.** It is the on-going, systematic judicial and law enforcement abuse of Indians' civil rights in Indian Country by the state of Minnesota that demonstrates the actual criminal activity by state government and why citizens feel the need to come together in the IDLE NO MORE and BLACK LIVES MATTER movements. It is readily apparent that Indians' federally protected civil rights need protection at Standing Rock under §1983.

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As shown above, the Minnesota legal and judicial system has demonstrated a complete disregard for the civil rights of Indians for over 160 years, completely in favor of the state's control, regulation and taxation of Indians in open violation of congressionally created federal laws and U.S. Supreme Court decisions. This is an important piece of the racism puzzle to share with the press as well to see the present day oppression of Indians' civil rights in 2016 protected by judicially created fictions of law by Judges.

If you have any questions of need of assistance please call on me at 218-760-1258 or frankbibeau@gmail.com. Mii gwitch (Thank you).

Sincerely,

/s/ Frank Bibeau

Frank Bibeau

Attachments: Cass County's Bissonette Response Brief
 Bissonette Notice of Oral Arguments Sept 14 Brainerd

cc: Justin Lock, DOJ Civil Rights Division