

A06-0804

State of Minnesota
In Court of Appeals

Buddie Greene,

Appellant,

vs.

Commissioner of the Minnesota
Department of Human Services and
Aitkin County Health and Human Services,

Respondent.

APPELLANT'S REPLY BRIEF

Frank W. Bibeau (Mn# 036460)
51124 County Road 118
Deer River, Minnesota 56636
(218) 760-1258

Attorney for Appellant

Mike Hatch
Attorney General, State of Minnesota

Margaret Chutich
Assistant Attorney General
445 Minnesota Street, Suite 900
Saint Paul, Minnesota 55101-2127
(651) 296-2418

Attorneys for Respondent State

Thomas Murtha
Aitkin County Attorney
Courthouse West Annex
Aitkin, Minnesota 56431
(218) 927-7347

Attorney for Respondent County

TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
ARGUMENT	3
What are culturally appropriate employment services?	6
Location and efficiency of services.	8
Contract Law.	9
Federal Indian Law.	11
Blame the victim.	19
CONCLUSION	21

FEDERAL CASES

<u>Livingston v Ewing</u> 601 F. 2d 1110 (10 th Cir. 1979).	15
<u>Morton v. Mancari</u> 417 U.S. 535, 94 S.Ct. 2474	12, 16
<u>New York ex re. Cutler v. Dibble</u> 62 U.S. 366, 371 (1858)	13
<u>Peyote Way Church of God, Inc. v Thornburgh</u> 922 F. 2d 1210 (5 th Cir. 1991).	14
<u>St. Paul Intertribal Housing Bd. v Reynolds</u> 564 F. Supp. 1408 (1983).	15, 17
<u>U.S. v. Antelope</u> 430 U.S. 641m 97 S. Ct. 1395 (1977)	12
<u>U.S. v. Boyll</u> 774 F.Supp. 133 (D.N.M. 1991).	15
<u>Washington v. Confederated Bands and Tribes of Yakima Indians</u> 439 U.S. 463, 466, 99 S. Ct. 740 (1979).	14

FEDERAL LAW

U.S. Const. Amend. XIV § 1	13, 21
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ALASKA CASES

<u>Malabed v. North Slope Borough</u> 70 P3d 416 (AK S. Ct. 2003)	18
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MINNESOTA CASES

Krueth v Indep. Sch. Dist. No. 38
496 N.W. 2d 829 (Minn. Ct. App. 1993) 16, 17

MINNESOTA LAW

Minn. Const., Art. 1, Sec. 2 Sec. 2 21

MINNESOTA RULES AND STATUTES

Minn. Stat. § 126.501 17

Minn. Stat. § 256J.645 18, 21

Minn. Stat. § 256J.315 9

Rosa Parks was a seamstress in Montgomery, Alabama when, in December of 1955, she refused to give up her seat on a city bus to a white passenger. The bus driver had her arrested. She was tried and convicted of violating a local ordinance.¹ Rosa Parks was expected to give up her seat on the bus because she was Black.

ARGUMENT

Buddie Greene is a single mother who applied for and was receiving Minnesota Family Investment Plan (“MFIP”) benefits and assistance for her (and her daughter, the Princess of Malmo) from Aitkin County, Minnesota when, 5 days before Christmas 2004, she and her daughter’s “MFIP benefits [were] reduced by thirty percent as a sanction for failing to participate in [MCT²] employment services, a mandatory requirement for benefits.³

Buddie Greene was *secretly* mandated to use the tribal only services because she is a member of a particular Indian tribe, enrolled in the Minnesota Chippewa Tribe.⁴ Respondents attempt to blame Appellant for

¹ See Rosa Parks Profile, “The only thing that bother me was that we waited so long to make this protest.” Quote from Rosa Parks on the web page at site <http://www.achievement.org/autodoc/page/par0pro-1>

² Minnesota Chippewa Tribe, one of 462 federally recognized tribes

³ R. Brief at 2.

⁴ See Affidavit of Cynthia B. Jahnke, dated July 19, 2005 (“Jahnke Aff.”), Ex. 4, Employment Services Referral noting “Date mandatory Status begins: 07/14/04 . . . Single Parent . . . under 20, w/o high school diploma or G.E.D. [and] Child under 6 years.”

not accepting the *some Indians only* (MCT) services. Further, Respondents attempt to misdirect this Appellate Court's attention by suggesting that *Appellant did not articulate any explanation that might qualify for good cause to be excused from work requirements*⁵ or any explanation for this *refusal to work with the Tribe*.⁶ Greene informed Respondent's in January 2005 that

Greene has requested the MFIP Employment Services from Aitkin County as any *regular* Minnesota citizen is eligible to receive by applying [and that to do otherwise] violates the equal protection clauses of the U.S. and Minnesota Constitutions.⁷

Respondent's were notified nearly two years ago that "Ms. Greene's Appeal request of January 11, 2005 is very clear, she wants to opt out from

⁵ R. Brief at 7. Respondents cite to Respondent's Appendix which includes two (2) exhibits never previously served on Appellant, who filed a Discovery Demand on June 6, 2005, which included a demand for the "transcript, evidence, or other supporting papers . . ." Respondent was denied fair and timely access to both documents for argument purposes in the initial Appellant's Brief (transcript) and R. App. Ex. 2 at the District Court appeal and this Appeal. According to Bonnie LeCocq's, Clerk of the District Court Receipt of Documents mailed on or about September 1, 2006, Items Nos. 26 and 27, the Transcript of Proceedings from Dept of Human Svc was filed with Affidavit of Service, and was never served on Appellant Buddie Greene in this matter, until attached as R. App. Ex. 1.

⁶ Id. at 4.

⁷ See Referee Moore's Agency Record to District Court dated July 19, 2000, Ex. No. 10, letter to Thomas Burke dated January 29, 2005.

receiving state MFIP services via the MCT” and “Ms. Greene desires to receive and comply with the same program services via Aitkin County”.⁸

Respondent Greene also informed Respondents that she “want[ed] to keep getting benefits until the appeal decision” when she complete the Appeal to State Agency form noting her reason for appeal “I would like to use state service.”⁹ However, Respondent’s ignored all requests and did in fact impose the 30% financial sanction on Buddie Greene and her daughter in January 2005.¹⁰ The MFIP Notice of Decision’s, Appeal Rights provided that “If you don’t agree with the action taken on your case, you can appeal. To keep your benefits until the appeal, you must appeal: within 10 days or before the first day of the month when the action takes place.”¹¹

Determining when the 10 days lapsed, how time for service and holidays might apply, Respondents should have allowed Buddie Greene and her daughter to continue receiving the much needed MFIP benefits in the winter while this matter was under appeal. The appeal language is unclear

⁸ See the “complete record of proceedings” provided to Aitkin County Court Administrator by Cover letter of Catherine Moore, Appeals Referee dated July 19, 2005, Exhibit No. 10, letter to Thomas Burke, Director Aitkin County Health and Human Services dated January 29, 2005.

⁹ Id. Ex. 2, Appeal to State Agency dated January 3, 2005.

¹⁰ Jahnke Aff. Ex. 3 at 1.

¹¹ Id. at 2. The Notice is dated December 20, 2004, just 5 days before Christmas, with an abbreviated appeal period considering mail time, holidays and weekends.

as it suggests that if a Notice was dated the 25th of the month and received the 28th, the last day of the month could be the end of the appeal period instead of 10 days? Respondents should have erred on the side of caution for a young, MFIP mother and child, but chose instead to further punish the victim.

Greene repeatedly asked the Minnesota Chippewa Tribe for a referral to a county employment service provider¹² but the MCT finally declined in writing stating that it “is mandated to provide you service and cannot refer you elsewhere.”¹³ The MCT letter of non-referral dated September 7, 2004 actually translates *between the lines* to mean that because of a financial services delivery contract between the MCT and Aitkin County, the MCT is mandated to provide you service and consequently the MCT can not refer you elsewhere.¹⁴ At this point Appellant Greene was being denied the same, equal access to Aitkin County’s social services as other resident, non-Indian, tax paying citizens and *some other Indians*.

What are culturally appropriate employment services?

Respondents suggest that this contractual agreement provides for *effective delivery of culturally appropriate employment services to tribal*

¹² See A. App. Ex. 3.

¹³ Id.

¹⁴ Id.

members and that *the statute benefits Indian tribal members*, without any citation or evidence in the record. Respondents argue to Appellant Indian that the Indian(s) subjected to this contractual arrangement should *just believe* this is the way the law works for *certain* Indians and so should this Appellate Court.

Respondents' Brief is the first notice to Appellant that there are *culturally appropriate employment services* available "to tribal members so that they may successfully participate in the MFIP program."¹⁵ Respondents do not provide any evidence of: 1) what *culturally appropriate employment services* are under the MFIP program; 2) any proof of legislative intent; 3) how these culturally appropriate services are different from services to non-Indian or non-MCT Indians; 4) what different employer's or which employment communities are significantly tied to or associated with culturally appropriate employment services; and 5) any evaluation methods to support who, besides MCT Indians, "may have unique cultural needs."¹⁶

Buddie Greene was hoping to find suitable employment near her home in the Malmo-Aitkin area. Oddly, Respondents note that "allowing [MCT] members to participate when they live far from tribal employment services would undoubtedly strain the ability of the Tribe to provide the

¹⁵ R. Brief at 25

¹⁶ Id. at 20.

necessary, concrete employment assistance that the statute and contract contemplate.”¹⁷

The same is true for Greene. However, Respondents want it both ways when they argue that somehow the MCT Employment Services will “ensure that tribal members receive employment services in the best and most effective way possible.”¹⁸ What are all of the other non-MCT member MFIP recipients getting? Something separate and unequal?

Location and efficiency of services.

Buddie Greene resides 17 miles from Aitkin just outside Malmo, off-reservation, where the County’s MFIP Employment Services are available to virtually all *other* resident, citizen, taxpayers. MCT service provider locations are: Cass Lake, Duluth, Virginia, Cloquet and Bemidji.¹⁹ Of the five (5) MCT Tribal Employment Office Locations, Cloquet appears to be closest location, approximately 70 miles from the Malmo area where Appellant lives. Respondents provide Minn. Stat. § 256J.315 stating this law “mandates that county agencies cooperate with tribal government “to ensure that the [MFIP] program meets the special needs of persons living on

¹⁷ Id.

¹⁸ Id.

¹⁹ R. App. Ex 2 (last page). (This exhibit was never previously served Appellant Greene under the Discovery Demand of June 6, 2005).

Indian Reservations.”²⁰ Buddie Greene does not reside on a reservation and wonders how Respondents determine the differences between the unique cultural needs for on reservation MCT Indians.

Where is the rational basis to expect this single, mother under 20, with child under 6, living with Appellant’s parents, under 30% sanction of benefits, to afford to participate in *culturally appropriate* employment services mostly 70-100 miles away from home and daycare? Is Buddie Greene not allowed to search for non-culturally appropriate employment in her immediate area because she is a certain type of Indian? Are unique cultural needs attributes of an ethnic or racial group or a political group?

Contract and law.

The statute and contract may *contemplate* or hope or expect that MCT members would use the *culturally appropriate* tribal service provider for Employment Services, but read together the plain and obvious legal meaning was rendered by DHS Referee Moore 18 months ago noting that

While the statute imposes a duty upon the county to make referrals to tribal employment services when a participant is deemed eligible, there is no requirement that an eligible participant utilize that service simply because they are eligible. Likewise, the fact that the tribal employment services programs cannot refuse to provide eligible participants services, does not in turn create a requirement that an eligible participant utilize those services. The appellant, like any other citizen of Aitkin

²⁰ R. Brief at 20 citing to Minn. Stat. § 256J.315 (2004).

County, should be able to access county employment services.²¹

This initial Agency Decision recognized the failing of the language of the state law coupled with the MCT Contract, which could not mandate Greene or assign a duty to her under contract and state law. The actual law states must be *referred*²², instead of required or mandated, which is the likely reason the legislation either did or would elude and evade the normal heightened scrutiny analysis for suspect racial classifications.

To avoid the legal conclusions in the Recommended Order by Referee Moore dated March 31, 2005, the Chief Appeals Referee *solicited comments* from Respondent's state agency program personnel²³ and provided Policy Analyst Stephen Gies' letter²⁴ and a proposed order.²⁵ Chief Appeals Referee Mentz stated in his letter *soliciting comments* from Greene that

As Minn. Stat. § 256.045, subd. 5 provides, my current plan is to adopt a decision different from that the appeal referee recommends.²⁶

²¹ See Referee Moore's Agency Record to District Court dated July 19, 2000, Recommended Order of Appeal Referee Catherine Moore contained in Decision of State Agency on Appeal dated March 31, 2005.

²² See Minn. Stat. § 256J.645, subd. 4 (emphasis added).

²³ Id. See Kenneth Mentz, Chief Appeals Referee letter dated April 13, 2005.

²⁴ Id. See Stephen Gies letter dated April 11, 2005 to Mentz.

²⁵ Id. See Kenneth Mentz letter dated April 4, 2005. The proposed order was not included in the Agency Record, however almost identical language became the Amended Conclusions and Amended Order by Chief Appeals Referee dated May 5, 2005, contained in Moore's Agency Record.

²⁶ Id.

The Policy Analyst expressed his belief “that both the statute and the contract language are explicit in their requirements that MFIP recipients in Aitkin County who are MCT members must get their MFIP ES services from the MCT.”²⁷

Even when law, contract law, and not constitutionally protected significant and fundamental civil rights like equal protection were in favor of Appellant Greene, Respondents were not going to let *legal* reasoning get in the way of “making the referral mandatory . . . [because it] enables the system of funding to function effectively.”²⁸ Because without making the *referral mandatory*, some “counties may have been reluctant to assist tribes”²⁹ or more directly, without the mandatory requirements counties might not want to share base MFIP allocations with tribes, if the counties might still have to service tribal members because they are also county, Minnesota and United States citizens with equal rights of access to the Respondent County’s public services.

Federal Indian law.

Respondents want this Appellate Court to apply the rational basis test because *Indians* are a political group and not a race, relying on Morton v.

²⁷ See Gies letter dated April 11, 2005 to Mentz.

²⁸ R. Brief at 21.

²⁹ R. Brief at 21.

Mancari.³⁰ The Mancari decision involves employment preference for qualified Indians [who chose to apply for work] in the Bureau of Indian Affairs (“BIA”).³¹ The term Indians refers to all of the tribal or ethnic, indigenous people who resided in what became the United States who may also have treaties with, and are federally recognized by the United States. The employment preference in Mancari was for Indians over non-Indians, not MCT Indians over any other Indians. There is not a BIA Indian employment preference for Navahos, Apaches or Seminole tribal members over non-Indians. Similarly no BIA Indian preference exists for reservation tribal members, over reservation non-tribal members (from another tribe, ie Apache), only over non-Indians. Respondents have misunderstood and misapplied what the federal definition of *Indian* means. Moreover, the only reason Congress, and not the several states, enjoys the rational basis test with regard to Indian and tribal classifications is due to the “plenary power of Congress, based on a history of treaties and the assumption of a guardian-ward’ status, to legislate on behalf of federally recognized Indian tribes.”³²

Respondents misunderstand the application in Antelope³³, which involves exclusive federal criminal jurisdiction over Indians on a non Public

³⁰ See Morton v. Mancari, 417 U.S. 535, 94 S. Ct. 2474 (1974).

³¹ R. Brief 13.

³² See R. Brief at 13 citing Mancari at 551.

³³ See United States v. Antelope, 430 U.S. 641, 97 S. Ct. 1395 (1977).

Law 280 Indian reservation. For some reason, Respondents direct the court to case law as old as Minnesota's statehood, New York ex re. Cutler v. Dibble (1858), for the proposition that "the United States Supreme Court held long ago that the federal relationship with tribes does not prevent states from enacting protective laws that do not infringe upon federal rights."³⁴ Of course since 1858 was the Civil War, where shortly thereafter post-Civil War reconstruction laws like the Fourteenth Amendment to the United States Constitution provided for equal rights to all citizens regardless of race or color.

In 1924, all Indians were made citizens by an act of Congress and in 1953, Congress provided for the Public Law 280 and the Indian Civil Rights Act in 1968. Appellant Greene is unsure how Respondents can assert that their contract with MCT for employment Services "enacts protective laws that do not infringe upon federal rights."³⁵ Buddie Greene is a person under the various constitutions, deserving protection from unlawful discrimination.

Respondents suggest that Washington v. Yakima somehow supports their arguendo in this MFIP case, suggesting it *disadvantaged* individual

³⁴ See R. Brief at 14 citing New York ex re. Cutler v. Dibble, 62 U.S. 366, 371 (1858).

³⁵ Id.

Indians and so now Minnesota can disadvantage individual Indians.³⁶

Yakima was about the State of Washington applying its same state criminal laws, to individual Indians, like Minnesota under Public Law 280.

Interesting to note in Yakima is that one of the areas where Washington did not assume jurisdiction was with regard to *public assistance*.³⁷ In Yakima, the State of Washington relied upon the federal statute³⁸ providing for extension of State's jurisdiction over Indians and Indian territories.

Respondents direct the Appellate Court's attention to a variety of *Indian preference* cases, which are not directly analogous to Respondents' mandatory restriction of public services to *some* Indians, much less for a particular tribe's mandatory use to the exclusion of other Indians. Peyote Way Church of God, Inc.³⁹ follows the First Amendment rights of religious freedoms. Even more important to note is a case that runs nearly parallel in time, U.S. v. Boyll, which held that

the classification of peyote as a Schedule I controlled substance, see 21 U.S.C. § 812(c), Schedule I(c)(12), does not apply to the importation, possession or use of peyote for bona fide

³⁶ See Washington v. Confederated Bands and Tribes of Yakima Indian Nation, 439 U.S. 463, 99 S. Ct. 740 (1979).

³⁷ *Id.* at 466.

³⁸ See Act of August 15, 1953 (Public Law 280, 83rd Congress, 1st Session).

³⁹ Peyote Way Church of God, Inc. v Thornburgh, 922 F. 2d 1210 (5th Cir. 1991).

ceremonial use by members of the Native American Church, *regardless of race.* ⁴⁰

Similarly, in Livingston an Indian Preference applies for Indian only entrepreneurs to sell their Indian handicrafts at the Governor's Square.⁴¹ However, the state law did not require all Indian entrepreneurs to sell their crafts at Governor's Square, nor did the preference determine which tribes' members were required or not eligible for the preference. The preference simply permitted "only Indians to sell handicrafts under the portal of the Palace of the Governors in Santa Fe."⁴²

The case of St. Paul Intertribal Housing Bd. dealt with federal program dollars "available to families whose head of household is an enrolled member of a federally recognized tribe."⁴³ The housing program did not mandate or require Indians or only a certain tribes' members to do anything. As Respondents note, the case simply involves a Minnesota

⁴⁰ U.S. v. Boyll 774 F.Supp. 133 (D.N.M. 1991).

⁴¹ Livingston v. Ewing, 601 F. 2d 1110 (5th Cir. 1991).

⁴² Id.

⁴³ St. Paul Intertribal Housing Bd. v Reynolds, 564 F. Supp. 1408 (1983). Defendants included "William Bradford REYNOLDS, individually, and in his capacity as Assistant Attorney General, Civil Rights Division, United States Department of Justice; Attorney General William French Smith; the United States Department of Justice; the United States Department of Housing and Urban Development; Samuel R. Pierce, Jr., Secretary, Thomas T. Feeney, Minneapolis Area Manager of the United States Department of Housing and Urban Development; and other defendants now unknown to the plaintiff."

statute authorizing a state agency to distribute federal funds for urban American Indian housing programs.⁴⁴

Respondents finally attempt to misuse Krueth which held that the American Indian classification was not racial but political since it was limited to members of federally recognized tribes.⁴⁵ The Krueth court noted that “If the strict scrutiny test is applied to this case, respondent's policy is arguably not narrowly tailored and could create a problem.”⁴⁶ And the Court added that Mancari articulates that preferences for American Indians are not racial but political when the preferences apply to members of federally recognized tribes.⁴⁷ Here, Respondents are not applying Minn. Stat. § 256J.645 to members of the 562 federally recognized tribes⁴⁸ as a political group, but only to members of the MCT, even and especially when they reside off-reservation.

Respondents note that “State action for the benefit of Indians can also fall under the trust doctrine and therefore be protected from challenge under

⁴⁴ R. Brief at 15.

⁴⁵ Krueth v ISD 38, Red Lake, Minn., 496 N.W.2d 829, 81 Ed. Law Rep. 310, 61 USLW 2546, 61 Fair Empl.Prac.Cas. (BNA) 361 (1993).

⁴⁶ Id. at 836.

⁴⁷ Mancari at 553 n. 24.

⁴⁸ Total number of federally-recognized Indian Tribes is presently 562 according to the National Indian Gaming Association <http://www.indiangaming.org/library/indian-gaming-facts/index.shtml>

the equal protection clause or civil rights statutes.”⁴⁹ However, when the federal courts refer to *Indians*, they are referring to members of federally recognized tribes, not members of one tribe (to be named later by contract) like the MCT as in the present case. Even in Krueth that court asked

If section 126.501 [American Indian Education Act] has meaning anywhere in the State of Minnesota, it has meaning in Independent School District No. 38, Red Lake, Minnesota. This school district is located entirely on the Red Lake Reservation and consists of a student population almost 100% American Indian. The spirit of the law and the intent of the legislature's designation of policy fits in this school district far stronger than school districts which primarily serve non-Indian students but happen to have at least ten American Indian students in the district. *If the law applies to them, it must apply here.*⁵⁰

The individual Indian interest protected here is an employment preference for those individual, qualified teachers, who are members of federally recognized tribes, who happen to be in a lay-off situation, when enough other federally recognized tribal members are students attending that school. *Indian* teachers were not mandated to do anything, they were given preference.

Krueth, Livingston, Antelope, Yakima, Peyote Way Church of God, Inc., St. Paul Intertribal Housing Bd. and Mancari apply to all *Indians* as members of federally recognized Indian tribes, and apply equally amongst

⁴⁹ R. Brief quoting St. Paul Intertribal Housing Bd. v Reynolds

⁵⁰ Krueth at 837.

the various members of federally recognized Indian tribes. Minn. Stat. § 256J.645 on its face uses the federal terms Indian tribal members. However, when the State's law is coupled with Respondents' contract for services, and the *secret* Indian forms identifying and mandating MCT members only, on and off-reservation, to use the MCT Indian services only, Respondents MFIP scheme seems designed more to elude and evade scrutiny. If it is legal or lawful for the Respondents to mandate MCT members, whether residing on or off-reservation, why did Legislators not choose to have just expressed their intent straight out in plain clear words?

In Malabed,

the suits claimed that the borough's Native American hiring preference violate[d] state and federal constitutional guarantees of equal protection, the Alaska Human Rights Act, federal civil rights laws, and the borough's charter.⁵¹

Here, Greene also asserts that Respondents' discriminatory practices have violated state and federal constitutional guarantees of equal protection, the Minnesota Human Rights Act, federal civil rights laws, and the MCT Constitutional civil rights of members. Respondents want this Appellate Court to look away from Malabed suggesting distinguishing standards that Alaska has a more stringent, greater protection to individual rights than the Fourteenth Amendment. Minnesota does too, but its agent, Respondents

⁵¹ Malabed v North Slope Borough, 70 P.3d 416 (Ak. 2003).

herein, seem intent on depriving Greene arguing lesser protections for Minnesotans.

Blame the victim.

Respondents wrongly characterizes Appellant's argument to mislead this Appellate Court by asserting that

Greene tries to factually distinguish the employment preference cases by contrasting the effects on the individual Indians involved there to the financial harm that she suffers if she refuses to use mandatory tribal services.⁵²

Greene applied for MFIP benefits like any other county resident, tax paying citizen in Aitkin County in July 2004 and within a week Respondent County issued an Employment Services Referral to the MCT.⁵³ Because of one more innocuous and benign looking government *secret effects* form⁵⁴ for an Indian person to complete, Greene was mandated to receive services through the MCT Indian door only. While the form suggests you *can get services* from a Tribal program, the form does not expressly notify the person completing it that completing the form will result in their being mandated to the MCT, and more importantly denied equal access like any other resident, tax paying citizen and some other Indians to Respondent County's services.

⁵² R. Brief at 16.

⁵³ Moore's Agency Record, Ex. 5.

⁵⁴ A. App. Ex 1, Tribal/Reservation Membership form.

Buddie Greene asked to be referred back to the county's Employment Service provider program in Aitkin, which is much closer to her home, daycare and reasonable employment commute area. However, Greene was informed by the MCT contract service provider that the "MCT is mandated to provide service and can not refer you elsewhere."⁵⁵ The fact is the MCT is not mandated by any state law, but rather by contract law under a financial services contract with Respondents. The word mandatory only appears on the *secret effect forms* used by the County level with the Tribal Program.⁵⁶

Respondents can not use a *tribal* vendor or service provider under contract to cloak their conspiracy to strip and deprive citizens' civil rights and circumvent their equal protection rights of Minnesota citizens, especially tribe by tribe, under federal law cited by Respondents. Maybe, if the law applied to all members of federally recognized Indian tribes using MFIP, maybe even county by county, this scheme might resemble the rational basis test applied to Congress' laws for *Indians*. But not as applied by Respondent County Social Services against Greene and her daughter.

If the Minnesota Legislature believed it could *legally* treat MCT members different than all the other federally recognized Indians, when we

⁵⁵ See Moore Agency Record, Ex. 4 MCT letter dated September 7, 2004.

⁵⁶ See FN 51 *supra*.

are all citizens with civil rights, Minn. Stat. § 256J.645 would have required only MCT Indian tribal members to be *mandated* to use MCT services.

Even after Appellant filed her District Court Appeal on June 2, 2006, Respondents continued to financially coerce this sanctioned and impoverished single mother to just give in, surrender, go in the MCT Indian door by enticing her by saying “one way for you to receive a full grant is to get into compliance . . . using services from the Chippewa Tribe.”⁵⁷

CONCLUSION

Buddie Greene is a person under the U.S. Constitution, intended to be protected against state and local civil rights deprivations under the Fourteenth Amendment and under Minnesota’s Constitution. It is unlawful to mandate, compel and ultimately sanction Greene for not submitting to the civil rights abuses using her Indian race to discriminate. This Appellate Court needs to look behind the curtain and see where and how Respondents have hid the ball of civil rights in a conspiratorial fashion trying to avoid heightened scrutiny for suspect classifications, intended to protect all of Minnesota’s resident, tax paying citizens, regardless of race or tribal affiliation, or the county in which they reside.

⁵⁷ See A. App. Petitioner’s Memorandum’s Ex. 2, letter from Aitkin County Health and Human Services dated June 7, 2005, which also recognizes that Greene is represented by legal counsel.

Giving federally recognized Indians a preference, which allows individual Indians to take advantage are often rational due to choice by the individual. To mandate that a certain tribes' members, especially those financially vulnerable and on MFIP, to use a separate but culturally appropriate program and deny access to the regular citizens program is racial discrimination, not disguised as a political classification.

WHEREFORE the foregoing legal analysis and reasoning, federal and state case law, along with the facts and the agency record (and Discovery service deficiencies thereof) demonstrates a callous disregard by Respondents of Appellant Greene's civil rights to take her seat beside the other Aitkin County resident MFIP recipients at the Aitkin County Employment Services program.

As such, Respondents have violated Greene's civil rights and liberties derived from the Minnesota and United States Constitution and its Amendments, and the District Court decision giving deference and presumed constitutionality to Respondents' Amended Order must be reversed.

Date: 10-7-6



Frank Bibeau, Esq. (ID# 306460)
Attorney for Petitioner
51124 County Road 118
Deer River, Minnesota 56636
Telephone: (218) 760-1258