

**TRIBAL COUNCIL MEETING MINUTES
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD INDIAN NATION, MONTANA**

Volume 23 Number 80
Council Chambers, Pablo, MT

Held: September 21, 2023
Approved: September 26, 2023

MEMBERS PRESENT: Len TwoTeeth, Vice-Chairman; Martin Charlo, Secretary; Ellie Bundy, Treasurer; Mike Dolson; Jennifer Finley; Carole Lankford; Jim Malatare; James “Bing” Matt; and Terry Pitts.

MEMBERS ABSENT: Tom McDonald, Chairman (Tribal Business – Travel).

OTHERS PRESENT: Dan Decker, Legal Department; Rick Eneas, Tribal Executive Officer; Pam Dupuis, Nonvoting Election Board Member; Ethan Friedlander, Appellant; Jableau Arlee, Tribal Council Support; and James Steele, Sr., Sergeant at Arms.

The meeting was called to **order**. Quorum established.

The meeting was opened with a **prayer** by Len TwoTeeth.

Ethan Friedlander met with the council to appeal the Election Board’s decision to deny his candidacy for Tribal Council. On September 14, 2023, the Election Board deemed Mr. Friedlander ineligible to be a Tribal Council candidate and sent him a letter with their decision and reaffirmed his right to appeal. He was required to (1) make the appeal in writing and signed by the person making the appeal, which he did; (2) include the name and residence of the person bringing the appeal along with a statement of standing, which he has done; and (3) provide detailed and specific details of the issue and bring forth witnesses involved of the facts or alleged to have brought the action or are helpful to make a decision on the appeal. **Len TwoTeeth** asked if Ethan had a list of witnesses speaking on his behalf today. Ethan advised he had no witnesses. Len stated this is Ethan’s appeal and this is not a forum for public comment. Ethan requested the meeting take place in open session. The floor was turned over to Ethan to make his presentation.

Ethan Friedlander played an 8-minute video of Merrick Garland, US Attorney General, speaking about a pattern and practice of unlawful policing and announcing that the Justice Department, the city of Minneapolis, and the MPD consented to an investigation. The review focused on MPD as a whole and not the actions of an individual officer and the actions that made the incident with George Floyd on May 25, 2020 possible. The Department of Justice stated the

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MPD and the city of Minneapolis engaged in a pattern or practice of conduct that violates the first and fourth amendments of the US Constitution and engaged in conduct that violates Title IV of the Civil Rights Act, Safe Streets Act, and the American Disabilities Act. Mr. Garland is the Attorney General and we are a nationally recognized Tribe, and we should take our cues from him instead of locally. Montana takes its sentencing guidelines from surrounding states. Excessive force is being applied to Native Americans and it is seeping into the Justice Department and the court. The CSKT people are undergoing a grave miscarriage of justice, which is detrimental to the Tribes and we must right the wrongs for what he went through. We have to resort to extraordinary measures to correct the egregious wrongs happening to our people. Ethan read a list of names of people that have succumbed to the justice system occurring on our reservation: Jerald "Bubbins" Irvine, Elijah Alexander, Eli Adams, Rick Matt, and Anna Michel.

Ethan had served a significant amount of time incarcerated due to a traffic violation that is not even found in the Criminal Code. It is not a crime and is in a completely separate section of the Traffic Code. It does not say anything about the charge preventing individuals from running for public office. Ethan has talked to legal people and they say he has a valid reason for his petition and for him to correct his criminal record. It would benefit the people if they could correct their criminal history. We live on our own reservation and a nontribal member can get pulled over without a driver's license or with a suspended license and be let go, but a tribal member will go to the tribal jail because they have room for him. It's economics. A nontribal member will be booked and released while a tribal member loses his car, job, and home. This happens daily. We cannot allow this to keep happening. It is unfair and we need to make it stop today.

Ethan has already served a substantial amount of time; he lost his wife, family, and a decade of the best years of his life. He paid dearly for his traffic violation. Ethan is opposed to underage drinking, which caused his situation. That was the environment in which he grew up in. People are suffering from the justice system creating a hopeless life. With no support, they learn to turn back to substance abuse. With our people in mind who are trapped in this vicious cycle, Ethan wants to be given the chance to be their candidate and show how to end this vicious cycle. The people writing our laws are not out to completely eliminate the crime. The law is only concerned with optimizing and not minimizing the number of DUIs. He is giving the Tribal Council the opportunity to intervene in the injustices happening to our people. The two DUIs he had happened when he was 18 years old. The law says the operation of a vehicle under the age of 21 says a conviction may not be counted as a prior conviction as a person aged 21 or older. That is a miscarriage of justice and should be corrected. Another charge of his is in the process of being expunged due to a valid basis of his petition. Mr. Friedlander does not have the resources because he lost so much time to be a wage earner that he is unable to hire an attorney to help him. It costs a lot of

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money and is out of his reach. Mr. Friedlander asked the Tribal Council to intervene on this miscarriage of justice. Ethan asked the Tribal Council to decide in his favor today.

That concluded the evidence presented by Ethan today. He provided his statement in writing.

Len TwoTeeth told Ethan that he appreciates him or any tribal member challenging the process because that strengthens the integrity of the process when they have hearings such as this. It brings many aspects out as we think about how to move forward on these types of issues. Len asked the council to step in the back room to deliberate and then they will return with a decision.

The floor was opened for any comments/questions from the council members.

Jennifer Finley stated Ethan is very articulate and intelligent and she appreciates him bringing the issue forward. He brings up some good points. There are a lot of injustices, especially for Native Americans. Ethan is a young activist and this is an important task to take on. Jennifer appreciated Ethan being so open, honest, strong, and sincere.

The Tribal Council members deliberated in the back room.

***** **Break** *****

The council members returned to the chambers.

Len TwoTeeth thanked Ethan for coming in today. He asked the council to deliberate. Based on the information provided to the council and as it states in the Election Rules and Regulations regarding a felony being on his record, in order to file for tribal council candidacy it needs to be pardoned.

COUNCIL VOTED that the information provided today does not constitute a pardon so the council affirmed the Election Committee's decision to deny Ethan Friedlander's application for Tribal Council candidacy. The vote count was 6 for; 0 opposed; and 3 abstentions (Ellie Bundy, James "Bing" Matt, and Terry Pitts).

Furthermore, a lot of the discussion included the council members were really optimistic to see young people stepping up and wanting to serve in these positions. Many of the council members watched Ethan grow up and they know he is intelligent and will be a leader of our people someday. Ethan made an extra effort to educate himself on these issues, and the council appreciated that.

Council **adjourned** and is scheduled to meet again on Tuesday, September 26, 2023, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary