

Sep 14 2023 1:25 PM

STATE OF MINNESOTA
COUNTY OF AITKIN

IN DISTRICT COURT
NINTH JUDICIAL DISTRICT

STATE OF MINNESOTA,

Plaintiff,

v.

**Tania Aubid
Dawn Goodwin
Winona LaDuke,**

Defendants.

Court File No. 01-CR-21-87
01-CR-21-119
01-CR-21-86
01-CR-20-1056

ORDER TO DISMISS

The above-entitled matter came on before undersigned Judge of District Court on September 13, 2023 for a remote Settlement Conference.

Garret Slyva appeared remotely on behalf of the Aitkin County.

Frank Bibeau, Claire Glenn, Jordan Kushner, and Joshua Preston appeared with the defendants remotely. Attorney Preston made a record that the defendant's were acting in accordance with centuries of practice and tradition in seeking to protect the water on their indigenous land. Attorney Preston makes note of disparate treatment between the defendant's and Enbridge. Enbridge received one misdemeanor charge, resulting in a continuance for dismissal, in conjunction with breaching an aquifer. The defendants each face multiple misdemeanor or gross misdemeanor charges for trying to protect against the harm Enbridge was charged with causing. Attorneys Glenn, Bibeau, and Kushner joined Attorney Preston and concurred with his statements.

Following the settlement conference, the Court makes the following order:

CONCLUSIONS OF LAW

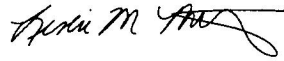
1. Minnesota State Statute 631.21 states that the court may order a criminal action, whether prosecuted upon indictment or complaint, to be dismissed. The court may order dismissal of an action on its own motion and in furtherance of justice. If the court dismisses an action, the reasons for the dismissal must be set forth in the order and entered upon the minutes.
2. Under Minnesota State Statute 631.21 this court has discretion, on its own motion to order a dismissal in the furtherance of justice. This Court finds that it is within the furtherance of justice to protect the rights of indigenous protesters acting in accordance with their Anishanaabe heritage, tradition, and religion in peacefully protesting protection of the earth, which they are called to do by dismissing this action against all defendants.

3. Treaties between the United States and Anishanaabe people have been signed regarding land cession. This Court finds that it is within the furtherance of justice to protect the defendants peacefully protesting to protect the land and water on the land addressed in these treaties by dismissing this action against all defendants.

ORDER

1. All charges against Defendant Winona Helena LaDuke in case 01-CR-21-86 are **DISMISSED**.
2. All charges against Defendant Dawn Marie Goodwin in cases 01-CR-21-119 and 01-CR-20-1056 are **DISMISSED**.
3. All charges against Defendant Tania Rae Aubid in case 01-CR-21-867 are **DISMISSED**.

IT IS SO ORDERED.



Metzen, Leslie
Sep 14 2023 12:25 PM

Leslie Metzen
Judge of District Court

MEMO

“IN THE INTERESTS OF JUSTICE”, a phrase often spoken but rarely applied to defendants, the less powerful, the voiceless. The State is entitled to justice and the fair and impartial application of the law. I have no concern that the State, with its resources and power does not receive its share of justice in courtrooms throughout this state every day. I have spent nearly 40 years playing my part in our system of justice.

These cases and these 3 defendants in particular have awakened in me some deep questions about what would serve the interests of justice here. As a child growing up in the 50's and 60's what I learned about “Indians” came from TV shows about cowboys and Indians and in school where the Caucasian European view of the world and history was the only one discussed. In the last 20 years I have come to a broader understanding of what we, the now dominant culture did to try to eradicate our indigenous neighbors. We moved them by force and power and violence off the land where they lived for thousands of years. To make peace, we signed treaties with them that promised many things they never received. When they had been forced to live within reservation boundaries, we stole their children; forced them to attend boarding schools where their language, long hair, spiritual beliefs, and contact with their families were forbidden. Many of them died from disease, violence, and some probably from a broken heart. I know only enough of this history to wonder how those of us in the “dominant culture” could ever have thought any of these actions were okay or justifiable.

I have a simple and rudimentary understanding of some of the beliefs and values of native people. Their reverence for the earth and what she provides; animals and fish to hunt and catch for food. Plants to gather from the forests for food and medicine. And wild rice, Mahnomen, the sacred food on this land that sustained them through the long harsh winters. Their practices in using these substances did not deplete the resources nor did they pollute the land, air, and water.

I have no expertise in the values and beliefs of the tribes that call Minnesota and Wisconsin home but I respect and value their presence on this land. Tania Aubid, Dawn Goodwin, and Winona LaDuke are respected members of their tribes and Anashinaabe people. Their presence at various gatherings to protest the construction by Enbridge of the Line 3 pipeline was an expression of their heartfelt belief that the waters of Minnesota need to be

protected from damage that could result from the pipeline. Their protest was expressed by performing a jingle dance and beating a drum. Their gathering may have briefly delayed construction, caused extra expense to law enforcement who came to clear their gatherings (much of which was reimbursed to Aitkin County by Enbridge), but the pipeline has been completed and is operating in spite of their efforts to stop it through peaceful protests.

This court also notes that in other counties across northern Minnesota many of the cases involving pipeline protestors were dismissed outright or continued for dismissal with a small fine and an admonition to not commit a same or similar offense. In the interests of justice the charges against these three individuals who were exercising their rights to free speech and to freely express their spiritual beliefs should be dismissed. To criminalize their behavior would be the crime.