

March 22, 2021



Dear Chair Mariani and Members of the Public Safety and Criminal Justice Reform Finance and Policy Committee,

I am appealing to you on behalf of the Dakota nonprofit Makoce Ikikcupi to request your support for HF1042, legislation that would exempt Indigenous building practices from the State of Minnesota's building and fire codes.

The Makoce Ikikcupi (Land Recovery) project was launched in 2009 with contributions from settlers in Minnesota as a way to address the crimes of land theft, genocide, and ethnic cleansing, perpetrated against Dakota people in our *Minisota* homeland. As current beneficiaries of those crimes, Minnesotans have contributed personal funds to a land buy-back project. It was perceived as a way to right some historical wrongs. Thus, it is a project of reparative justice.

After a decade of fundraising, in summer 2019 we purchased our first small land parcel just outside of Granite Falls, Minnesota with the intent of establishing a small community for landless *Oceti Sakowin* (Seven Council Fires, including the Dakota, Lakota, and Nakota) people to return to this part of our homeland. Our vision is to create a culturally-grounded, sustainable community, one that is off-grid, with no electricity or indoor plumbing. That is, we hope to walk the path back to the ways of our ancestors, through language, through ceremony, and through simple ways of living. Part of this is the recovery of one of our traditional housing structures, the Dakota earthlodge.

***The purpose of the 501c3 nonprofit Makoce Ikikcupi is:***

*to reconnect Oceti Sakowin people to our homeland through land recovery in Minisota Makoce and the establishment of culturally-oriented and self-sufficient Dakota communities;*

*to recover and share the traditional knowledge that connects us to our homeland;*

*to develop sustainable and regenerative practices that will help restore integrity to the lands and waters while living the ethic of mitakuye owas'in; and,*

*to work toward land justice.*

Today, the city of Granite Falls has stated their support for our right to practice this aspect of our culture, but they are bound by state law to enforce adherence to the MN building codes. On September 16, 2019 we were issued a stop work order by the local building inspector and have been threatened with fines, legal charges, and the demolition of our homes if we continue building.

The codes were not written for structures of this kind and they clearly are at odds with our inherent right to practice our culture according to international law. Minnesota building codes were written to support western building practices rooted in industrial civilization. Adherence to those codes would require us to actually change the architecture and design of our earthlodges, thereby undermining our capacity to build according to our traditional concepts of planning, architecture, and engineering.

We believe it is our inherent right as the Indigenous people of the land to practice our culture and not just build but also inhabit our traditional houses.

After a January 7, 2020 meeting with the Granite Falls city council, they agreed that the best long-term solution to this conflict would be to seek a legislative exemption from the building codes for Indigenous building practices. We agreed we would halt construction while we worked on legislation and the city council offered to pay attorneys to draft the bill you have before you. We first tried to pass it a year ago, but as with many other bills, COVID-response took legislative priority and our bill was not passed. We are trying again this spring. Thus, this is an urgent issue for which we need your help.

According to MN Statutes (326B.082), violation of the building codes is a misdemeanor. Each violation can result in a \$10,000 fine. Furthermore, if violations are not remedied, or access to the property is not granted, or if we violate a stop order, we could be charged, additionally with contempt of court. If we persist, this could eventually result in arrest and jail time. A legislative exemption would prevent us from being criminalized for practicing our culture. Building Dakota earthlodges should not be illegal in Dakota homeland. We hope you will help us.

*Wopida ecic'iyapi* (I give you thanks)!

*Waziyatawin*

Waziyatawin, PhD  
Makoce Ikikcupi Executive Director  
waziyatawin@gmail.com  
makoce.ikikcupi@gmail.com



*The top three photos are from a Dakota earthlodge built at Enemy Swim on the Lake Traverse Reservation in SD. Bottom photo shows one of Makoce Ikikcupi's earthlodges under construction in Granite Falls, MN.*