

MCT CONSTITUTION REFORM CONVENTION NOTES
DECEMBER 18, 2019
WHITE EARTH
10:00 A.M. TO 4:00 P.M.

LL DELEGATES IN ATTENDANCE: Sally Fineday, Frank Reese, Terry Smith, David Jackson, Carrie Day Aspinwall, and late arrivals – Wally Storbakken, Debra Storbakken, and Barb Dubois

Kevin Shores, spiritual leader, lead the opening ceremony, ending with we are not Chippewa we are Aanishinaabe.

Roll Call – WE, LL, BF, FDL, GP, and ML

ML requested to add to the agenda after home rule discussion - topics for the January convention as it will be a two-day convention.

Preamble Update and Home Rule Discussion

- WE requesting to omit Minnesota Chippewa Tribe and Minnesota from the new constitution and re-title the Preamble in January.
- LL noted there will be a new constitution not a revised constitution.
- ML learning about the constitution not comfortable enough to vote.
- LL home rule may cause other discussions.
- ML – Are we revising? Do we become more independent?
- LL – we recognize we don't need federal recognition.
- WE – agree no federal recognition. Understand sovereignty; we make our own decisions. Not Chippewa. We are Aanishinaabe.
- Kevin Shores – the pipe holds the power to strengthen our words.
- LL – home rule set the ground work for moving forward.
- WE – TEC – go to RBC – the constitution doesn't represent us the citizens.
- GP – Consensus to use Aanishinaabe. Maadiziwin our life. Perhaps a description of the land.
- Eugene Summers, WE citizen, recommends Native Nations Institute hosting a training in January. It costs \$600 per person includes travel and lodging. A lot of resources may be gained by asking them to come here to MN.
- LL – Constitution of 1999 by WE is good discussion for home rule. Our treaties – we have a right to review and revise.
- WE – welcomes home rule. We are united to stand against the US government.
- WE – Todd Thompson – as an individual we are sovereign. Aanishinaabe are all one. Our rights to hunt, fish and gather.
- WE – Nancy Laduke – No sovereign to self. Strength by blood of ancestors before her. We must not be pompous.
- GP – We are from Canada. We were supposed to move to WE, but we refused to go. Bring your idea of home rule. Separate documents.

- ML – By-laws within the constitution. Do they belong there? Discuss now or at next Convention.
- BF – Native Americans are the largest group of people including Canada. One day all Aanishinaabe will be reunited; all resources available to us are now being stripped; Tecumseh said to southern people if we do not band together they will enslave us. They followed the seven teachings, clan systems, and garden (1st row for elders, 2nd for orphans). The first thing we think of is per capita. We have more people to care for with our gardens. What do we care about – manoomin and water. Bring something for the next convention, insist must be in there for the separate reservations.
- LL – Wally Storbakken – Enrolled at Leech Lake, Mississippi Band, speaking from the heart. He has studied different forms of government, constitutions, and how people relate to each other. Colonialism was foreigners bringing their governors to this land; even though you are a different color they are your rulers. Neo-colonialism was no appointment by the system; choose amongst themselves. Sovereignty is self-determination. You are sovereign only as much as you will defend it. Our leaders of the past could ask people to fight in wars. We are self-determining our own. If they want to be a Band and separate they should consider if they are aanishinaabe. We are responsible for the children of tomorrow. Maybe we cannot go back. Maybe we choose the best white government and go forward. Who are we? Do we belong together? Is there enough remaining? Your great grandchildren will be made to follow our decisions today. Gold, copper, timber, animals...we are taught how to use them to take care of the earth. WE had to eat the animals to survive but in a good way. Reality as it is or dreaming.
- Kevin Shores – Quest for the truth. They lie to us. Our ceremonies and rituals taught what it's like to be aanishinaabe. Our history was genocide.
- East Lake – At times of people coming into territory they chose where. What came first the chicken or egg. Before 1934, many reservations, IRA, Howard Wheeler Act, Constitution put on us defined us. The six reservations were put upon us. The Delegate system, each village put forth Delegates, we were stripped of our home rule. Nindoozhiibii igassh (written down somewhere).
- LL – Alliance and Home Rule – we are caring for the people who are agreed a part of our community. We like the alliance. We want home rule.
- ML – 100% Home Rule and 100% Alliance. Eliminating MCT?
- LL - Enrollment is not in the alliance. Land – Ordinance 3 – MCT has jurisdiction. Elections in the alliance. Licensing not in the alliance. An ideal way to set the foundations of Alliance and Home Rule are to set up two sides and identify what each side shall address and maintain... below is an example

<u>Alliance</u>	<u>Home Rule</u>
<ul style="list-style-type: none"> • Elections • Civil Rights 	<ul style="list-style-type: none"> • Enrollment • Land • Licensing

- GP – Questions about home rule – used Northern Ireland verses English. Help liberate us from oppression moving forward.
- LL – this feeds into the preamble. Is the current constitution still valid? Start enforcing the current constitution. Redress our grievance? Is the TEC living up to its job/duty?
- GP – TEC wrote a lot of amendments to increase wages and increase power.
- GP – Transfer responsibility to us.
- GP – Didn't put into Preamble, dollars went to their heads, and dictatorship was consolidated. 1970 – 80. TEC meets in secret and gives themselves raises. FP proposes four branches of government. Structure of government is key to ourselves.
- WE - Amendments are not legal amendments but are treated as such.
- WE – we may write our new laws.
- LL – Lenny Fineday – fundamentals of governance, sovereignty & structure. Governance - people create our sovereignty, a birthright to future generations. Treaties and Constitutions – We are the source of our sovereignty; we are protecting that individual right. Legal terms describe a right with a remedy (Article 13). Sovereign Immunity is the barrier to individual rights. There must be a remedy to enforce individual rights.
- East Lake – How did we get to be settled in with six bands? Sand Lake/Least Lake – preserve those rights. Mississippi Reservation who are we?
- BF – Joel Oshea – Do we know what we want to change? Focus on educating our Delegates. What are we doing to change, how and where? We will get something done. Every band needs something different.
- LL – Need visual tools. Carrie Day Aspinwall will bring visual tools to the 2 day convention.
- ML – agree to deconstruct the constitution, then we will have a discussion of how it will work for us.
- GP – 1) Groups current constitution, 2) Land, and 3) protecting resources. How do we educate our people? Break it down.
- GP – Alliances and constitution USA constitution derived from native law. Current Constitution is no good, discard it.

Next convention will be hosted by Grand Portage on January 24 and 25, 2020. Send agenda items to John Morrin.

John Morrin Presentation (highlights)

- 1986 – TEC tried to ramrod Article 3, we are trying to undo. Cannot undo until you understand what was done.
- Part of the problem authorities of the TEC RBC sovereignty is a way of life. Difference – geographical, all same values and principles. Develop a document that reflects our way of life. Hold people accountable, those put into leadership roles must be accountable. Reflects a way of life with the new constitution. Current sets up a business relationship. We are products of assimilation, we are struggling to educate our people who are struggling to survive.
- 1934 – Before BIA the constitution sets up 12 people on the TEC and 5 people on each reservation. Hundreds of years ago we are making decision for ourselves, for the future, respect

others, and balance. Article 13 – vague – those people who are elected can do whatever they want.

- This document is destroyed and we have to create a document that our people can read and follow. Whole idea with Nelson Act 1867 was a removal act.
- Sovereignty – relationship with mother earth. If we respect mother earth she will take care of us.
- Charles has a son – George Aubid. Words of Wisdom. Remember the object of the game, never forget what was done to us because it still affects our people. Harsh ways used to try to change us into others. Our elders are waiting for us to stand. 100k acres were stolen from WE. Land ban 796k acreage after Nelson act allotted. 1867 agreed article e was an allotment process. Giiwewizence. Land cannot be sold to anyone except another aanishinaabe. After assimilation these people were like white. Article 7 gave 40 acres, French got an Indian land certificate, and 67 Indian Land certificates were discovered. How did Nelson Act supersede the 187 Treaty? They weren't going to leave the ancestors but we forced to relocate. 1907 Steiner Act 5074 original allotments Zezaa got on 1827 set up to get the timber. Burr Act – someone competent to manage their own lands. 196 Clay Amendment passed by a rider – attempting to remove the 25 trust period. Full bloods had to be approved by the Interior. 603 k acres. 1920 120 acres left. IRA – people had very few places to go, enrollment got messed up this document keeps it mixed up. They ripped off the lands. Full bloods were saying “we getting our land ripped off” scheduled to go out of Ogema. They went out of Park Rapids. Now under Clap even mixed bloods were getting ripped off.
- John Morrin and his colleague's investigations noted many lost their lands. 1950s probate 4 errors have to come into agency with 2 witnesses. People sold their land with an x on a line. We have to understand what was done to us. 1966 – PL 2415 Requesting torte claims like asking the fox to guard the hen house. 1976 to 1979 extended Zezaa 1927 24 year trust period. Return to fee and taxable. 1954 assessed taxes on Zezaa's land, 1961 took it with tax laws. 40 acres of wood fee simple patent. BIA says taken for taxes. 1 heir George Aubid got a Quit Claim deed. A sheriff came to his door. George said that land wasn't taxable. Challenged it summons to court. District Court 1927 they passed Executive Order to extend trust land on WE for another ten years. IRA trust land indefinitely. County went to State, Supreme Court, US Supreme Court, 1917 8th US v. Morrow interpreted the CLAP Act. 1910, annuity was dependent on white blood. Crooked interpreters made people sign with an x on a land deed. Full bloods said they had a little white blood. Ranson J Powell, attorney, Anthropologist who were pricking skin, collecting hair samples, people thought they were crazy. Rabbit blood was traded and their outcome was a mixed blood! 1972 George won the case. Attorneys to look at other tax forfeitures. MCT in 1978 looked for tax forfeitures allotments when not all heirs were notified. 1979, BIA posted pos. We can say how 100% of 100 acres was reconciled. Interpretation project TEC/RTC. 1984 WE knew the history, came to help through the process people took risks, didn't matter, and if it is right you will be strong enough to stand up for what is right.
- We can agree to disagree. We are just as strong as our ancestors. A lot of our ancestors went to prison. We are on that journey to develop something good for our people. Young people will carry on what we create. Let's keep going. We can do better.

GP – Jason presented his financial report.

- Blandin Foundation told to speak with Kyle Erickson. Kyle Erickson works with the Bush Foundation; offered to connect with Carlie Bad Heart of Native Nations; offered Blandin facility for meetings at no charge; offered Native Governance Center for funding with Wayne Deschampeau III.
- Northland Foundation – Eric Torch wants GP to apply on its own for vehicle and office. Funding available at \$1000 within 30 days. 30K grants reviewed on a quarterly basis. Need a fiscal agent.
- Expenses for example for 1 Band, 1 year roughly 69k for 1 year or 512 K for 6 bands for 3 years at 1.3 million (rent office space, phone, website, office supply, guest speakers)
- Rita Evans – contacted Shakopee, must have a fiscal agent, own website.
- Jason – recommends asking BIA.
- Other foundations were discussed – McKnight Foundation & Bush Foundation
- The Finance Committee will provide a written report to go to TEC meeting.

Jason Decker's Proposal

- WE – likes a structure. Appoint another subcommittee to do the document. Having preamble ready at next meeting. Add a drafting committee.
- BF – agree with process
- SF – Leave process as stated, 5 minutes, then vote

LL – Yes

WE – yes

BF – tabled not enough Delegates

FDL - table

GP – Yes

ML – yes

- BF and FDL both say they do not have enough of their Delegates here.
- WE – ask the TEC to consider following our current constitution until we complete our task of reforming the constitution.