



# Tribal Government Infrastructure

February 21, 2020

# Participatory Governance and Consensus Building

## Why and how are we doing this Constitutional Convention?

- Directives for change - Each band has its' own reasons.  
Example: As stated in our FDL 2019-2025 Reservation Strategic Plan - Consider having an FDL Band Constitution versus being under the Chippewa Tribe Constitution.
- Public forums and meetings are being used by each band to inform citizens.
- Surveys and other information gathering are taking place at community input meetings by delegates.
- Transparency of process - will ensure that we are writing what our people want into our constitution.

# Functions and Responsibilities of a Constitution

Control through policies

By-laws, Ordinances, etc.

Committee structure

Current structure is:

TEC - Chairperson and Secretary/Treasurer from each band.

RBC/RTC Representatives - Elected by district

Chairperson and Secretary/Treasurer - Elected by band

Controlling financial affairs through the budget process

**Constitution** is the main document of an organization that determines the fundamental aspects of the said organization.

**Bylaws** determine the detailed guidelines of the fundamental aspects of the organization and also states the daily work of the organization.

**Ordinance** is a piece of legislation enacted by a municipal authority.

Example "a city ordinance banned smoking in nearly all types of restaurants"

# Government to Government Relations

What is sovereignty?

*Sovereignty* is a legal word for an ordinary concept—the authority to self-govern.

Note:

Indigenous governments are now subject not only to their own law but also (and often in significant ways) to the laws of the nation-state(s) in which their territories or populations are located.

Jurisdiction

The legal authority of the government, the ability to make law and enforce it.

Establishing protocols - how we do things here.

Protecting your tribe's sovereignty



# Modern Forms of Tribal Governance

Upward trends in adopting non-IRA Constitutions

General Councils and clan system can be described as a system of checks and balances.

Clan system - Everyone has a role and responsibilities to be carried out.

A reciprocal system where each person gives and receives help.

The goal was to keep balance and follow mino.

Mino - A sense of feeling. Living in a way that makes you feel good about self and life.

# Traditional Governance

## The Seven Teachings

These still guide our decisions; reinforce the energy in our hearts and keep us in balance in relationship to all of creation.

Minaadendamowin	(Respect)
Zaagiidiwin	(Love)
Aakode'ewin	(Bravery)
Gwayakwaadiziwin	(Honesty)
Nibwaakaawin	(Wisdom)
Dabaadendiziwin	(Humility)
Debwewin	(Truth)
Mino-Bimaadiziwin	The Good Life



# Leadership

## Defining leadership

The most knowledgeable people were sought out as leaders.

Hereditary leadership; often from loon and crane clans; carried forward the word of the people.

## Leadership vs. Management

Leadership means "the ability of an individual to influence, motivate, and enable others to contribute toward the effectiveness and success of the organizations of which they are members."

Management comprises directing and controlling a group of one or more people or entities for the purpose of coordinating and harmonizing that group towards accomplishing a goal.

## What makes a great leader?

Characteristics -

- Good listeners

- Being able to put their own opinion aside

- Being articulate



# Legislative, Judicial and Executive - Do we add General Council to our list?

Every government needs a way to make laws, implement and enforce laws and resolve disputes.

Branches of government allow for checks and balances so that a consolidated power structure cannot happen. (Separation of powers or separation of responsibilities)

What are the benefits of a General Council?

- Representation from each band.

- Holding government officials accountable for their conduct.

- Resolve election disputes.





# Structure

As a group, we have discussed changing this structure in many ways.

Current structure of MCT is:

- TEC - Chairperson and Secretary/Treasurer from each band.

- RBC/RTC Representatives - Elected by district

- Chairperson and Secretary/Treasurer - Elected by band

As a matter of checks and balances, if we remove the Department of the Interior, we need to replace their position as oversight of the TEC.

Do we keep TEC as it is currently structured?

What is the opinion about adding a council as this oversight mechanism?

- Would we give this council authority to override the TEC decisions? How?

# Things to think about

Should a constitution last forever?

What elements should be included in the constitution?

Does it match culture? Does it fit your vision of who we are?

How will you reach/educate the people on clans for the purpose of this constitutional revision/rewrite?



# Choices

We need to take all the information available to us and share it to make choices that are good for all of us.

For a great resource, National Congress of American Indians has published a report: Tribal Nations and the United States.

[http://www.ncai.org/tribalnations/introduction/Indian\\_Country\\_101\\_Updated\\_February\\_2019.pdf](http://www.ncai.org/tribalnations/introduction/Indian_Country_101_Updated_February_2019.pdf)

