

**MINNESOTA CHIPPEWA TRIBE
CONSTITUTIONAL CONVENTION
White Earth Nation
Delegate Meeting
July 19, 2019
Shooting Star Casino and Event Center
Mahnomen, Minnesota**

Call Meeting to Order

Douglas Lee opened the meeting at 10:15 am

Opening Ceremony

Invocation: Lisa Brunner

Roll Call

Mille Lacs, Grand Portage, Leech Lake, Bois Forte, White Earth all Present

Special Orders

Red Lake Process/Reform

Red Lake Panel: Theron Stillday (coordinator), Pamela Johns (Twin Cities), Brenda Child (Twin Cities) Lorena Cook (Red Lake District), Mike Beaulieu (Little Rock), Sheldon Brown (Redby)

Red Lake is six years into the process of constitutional reform. There is financial support from tribe and grants from Bush Foundation to pursue obligation. The tribal council voices support but are separate from the process. Buck Jourdain & staff did apply for 1.5 million grant.

Process

Theron Stillday (Coordinator): Based on a survey six topics were selected that people really care about. Anishinaabe processes were removed through colonization; consequently it took the voice away from our people. The result is that presently our people are put into groups of haves and have-nots.

We did not advocate either way on the subject of constitution reform. We let the people talk & we listened. Regular voices from people have been silenced through such obstacles as fear for their job; expressing political opinions that others disagree with; or not wishing to express their opinions in a public forum.

Pamela Johns (Twin City): Red Lake's population is at approximately 13,000 people. Half live on the reservation and half live off the reservation with a large majority living in the twin cities. The members of the Constitutional delegates have attended the Native Nations Institutes. Their access to Native Nations Database is important because it allows them to see how other nations are doing in the process of constitutional reform.

Brenda Childs (Twin Cities): It's important to present a brief history of their constitutional reform process. It has been six years since the beginning of educating themselves in the process. They have looked at other groups in the U.S., Canada, and Bolivia. Red lake has long history with building a constitution that includes the present, another from 1958, and another in 1918. Traditionally, the

government used headman & hereditary chiefs and they wanted to maintain the strength within the document. Their 1918 constitution was prior to the 1934 Indian Reorganization Act (IRA) constitutions.

Lorena Cook (Red Lake District) Committee formed in March 2013. Still stay in contact despite passing on & moving. Participation in Native Nation was very important in order to explore other nations experiences. Turnout at meetings have been good & bad. Topics that has generated discussion is enrollment. They are proposing moving from blood quantum to lineal descent in phases. Drafts will be presented to tribal council for approval. Have a Plan B – Referendum

Sheldon Brown (Redby) Include everyone in the process – elders and youth.

Mike Beaulieu (Littlerock) Key issues are: language and culture, natural resources, separation of power, citizenship, governmental infrastructure, and tribal enrollment. Membership is easy to gain which leads into enrollment process of citizenship which includes responsibilities. Recommend that supervisors not be in the process. Representative are considered stipend employees but oversight should be thought of so they are accessible to public.

Members of their committee have been trained by the Native Governance Center. It is a two year obligation and they are currently taking applications for Cohort 11. Their theme this year is constitution reform. Committee was formed under a referendum & tribal council will be asked for help when it's time for a referendum vote.

Election process: All reps represent all the people so that resources are not portioned out by district. Community members do not trust process. Discussion of issues from prior meetings in the reform process include sovereignty, traditions, upcoming elections, other amendments proposals may have been illegal. System creates many of our social problems, protection of the people should be most important. Referendum vote should be honored. Culture and language must be included in the process.

Their proposed constitution includes language & culture concerns; the 1958 constitution did not address this. Language preservation is important and it is included also. Hereditary chiefs have been important and they are always invited to meetings. However, Chiefs have been male with one woman as a placeholder. A women's council & off reservation citizens are also addressed.

Red Lake has clan system partially in place. Everyone knows clan but no clan mothers are in place. You must speak to Midewewin if you want more information on how to utilize it. The process of absentee voting included certified letters to everyone in the tribe. However, that responsibility is turned over to citizenship by having citizens contact tribe to vote.

Their Survey is handed out to their citizens at every 4-6 rounds of community engagement meetings. Survey distribution includes Facebook; community engagement meetings; and face-to-face meetings. Facebook can be thought of as social tool to engage people through sharing of feed. Face-to-face meetings and community engagement meetings are important and more effective. Community engagement meetings are held in each reservation community including Minneapolis, Bemidji, & Duluth and there have been many over the last 6 years.

Community meetings include recorders using easels & poster boards so that all comments were included for the consultant. Record everything that your citizenship says. In addition, small groups within the community engagement meetings help to positively engage the community. It helps with people who don't like talking in public and the more outspoken people. The next two community

meetings for Red Lake are August 11, 2019 at Little Earth in Minneapolis and Red Lake Tribal College on August 18, 2019.

They actively seek face-to-face meetings. They attend community events throughout the reservation such as pow-wows, health fairs, community dinners, clipboards in Thief River Falls, and getting contact information during Christmas check disbursement. Contact with friends, neighbors, and tribal members can happen anywhere and expect questions in public places.

The Floor was opened for questions:

Grand Portage: Were there any legal constraints that you had to think of in the process? None really except land issues (trust, fee Land) that may impact the constitution. Tribal council were there as citizens.

Red Lake talked to the head of the Bureau of Indian Affairs. They used the current constitution as a basis and guide in the process. Red Lake uses their legal department for questions and the legal department will look over their document to help guide them.

White Earth: Have you considered removing the Secretary of the Interior from your constitution? Red Lake attempted it in two ways:

1. Referendum – didn't pass
2. Constitution. Last sentence removes him from the constitution once he signs

Their constitution is a draft and reflects six years of research. It is handed over to consultants and personal opinions are not included. It's important to refer to self as citizens because of the government to government relationship. Draft document includes removal of Secretary of the Interior.

Red Lake does not include the Secretary of the Interior within their governance. Site agreements protect their distance with the Department of the Interior. Red Lake has never has been part of the IRA. – no allotments. Red Lake is group owned land.

There was a vote in 1995 to drop the Secretary of Interior during the constitutional reform process but it was not passed because funding for tribal programs was a concern of the people. Many tribes have done it & no repercussions. He does not have a right to approve changes.

Does the proposed constitution address blood quantum and citizenship?

Draft Constitution proposal has 10 year plan that includes Blood Quantum and citizenship

Final document will address tribal enrollment. It is a strict lineal process that includes ancestors' link to 1958 constitution. Red Lake discussed population growth in relation to enrollment and they stated blood quantum does lead to genocide of our own tribe. In addition, education of self & others on past processes prior to colonization and concession is important. Representative first duty is to form community councils. Everyone's opinion is important and that is important to reach consensus

Who has the authority to frame the constitution? The authority to frame the constitution rests with the tribal council through a vote.

Are tribal members both a citizen of their tribe and of the U.S.A.? Red Lake only addresses Red Lake citizenship. One opinion is that Red Lake members are quasi-citizens of the US. We do not pay state taxes and historically that is how many tribal citizen lost land. The United States constitution excludes Indians (Article 1) even when other groups were included for citizenship.

Should blood quantum include other tribes? Enrollments presently maintains blood quantum of other tribes. The proposed lineal descent system states that a Red Lake citizen must have an unbroken line of descent from the 1958 base roll. They do not want to include blood quantum for consideration for enrollment. They are getting entirely out of that concept. However, the proposed draft is not prescriptive. For example in 10 years we will be entirely lineal and getting away from blood quantum. However, tribal council may have other ideas.

Bureaucratic considerations should be considered in the process. One major issue is a different blood quantum within families in the 1958 base roll and lineal descent is a solution. Another is access to services are dictated through the enrollment process. Every issue circles back to the enrollment process

What about one whose ancestors married nonmember every generation? Unbroken line will affect that. That is how it was done pre-contact and we want to continue this tradition.

Quasi-citizenship & taxes were discussed with the thought that the government should not collect taxes from tribal citizenship on reservations

In conclusion, a constitution should always hold the government accountable.

Break for lunch

Special Order

Red Lake Constitution Delegates continue to take questions from MCT delegates.

There were constitutional reform question regarding sovereign status. There are six sites within the MCT and the goal is to how to make all reservations a good place to live.

How can all MCT members become engaged in regards to changes & government operations? The people's voice is important when discussing changes. Community engagement is very important because of fiscal responsibilities.

Everyone in the MCT must support the constitution in order to achieve consensus so that the constitution changes are implemented. In order to implement change, you must have community input and engagement so that when bringing it to the MCT – the people voices are heard. Elected representatives must hear what has been proposed and the people must know what the process is. That is the only way consensus can be achieved.

Red Lake's constitution is a twenty page document. It includes separation of power, women's council, and the proposed governmental infrastructure is described within the document. It tries to implant cultural values.

Their constitution reform meetings included tribal judges, people who have been through the process and others who have knowledge regarding constitution change from an Ojibwe perspective. For example, they used Kim Tallbear. Different committee members have strength. Others include post-secondary & legal experts with experience in drafting a constitution. Other tribal members with law degrees etc. will take the draft constitution and help to write the final version.

What is first step in drafting a constitution?

Red Lake spent 6- 9 months getting the entire committee on same the same page regarding by-laws and other aspects of the process. Each person may have different opinions but we all have the same goal and that must be always kept in mind.

Engagement of the people is very important. Informing the people include film shorts regarding subject. Film, audio clips will be archived for use later

Once the first draft was created. Keith (lawyer) helped to keep group focused & getting material

A guide explained the changes to each article. Amendments and articles included comments from citizenship. They tried to keep it simple for everyone. Research draft and guide will be mailed to everyone off reservation. It has been made available to on-reservation citizens. Legalese has been simplified. We looked at other tribes (White Earth too) and how they approached it. We realized that we have to go to the people first before anything is done.

Not everyone has read the constitution and copies were made available to everyone. You have to ask what is important to them.

Constitution convention is not about content but to ask if our work is adequate and acceptable to the membership. They want the opinion of the people if the constitution will work. It may have to be separate parts of the constitution that is discussed or not.

Elections are expensive but the biggest part is if the Tribal Council will approve it.

Red Lake Committee is available to answer question to help out with the process.

Reports of officers, boards, and standing committees

There were three motions recently brought to the Tribal Executive Committee meeting by Secretary Alan Roy.

1. Enrollment
2. Article 4 felony clause
3. Changing amendment

It was amended it to include Constitution delegates. TEC president thought our objective was to educate – not the actual process. There is need for representation of the Constitutional Convention to be officially represented at each TEC meeting to educate and update the TEC, as well as to report back to the Constitutional Convention on those TEC meetings.

For the foregoing reasons, Jason Decker of Leech Lake motions as follows:

- 1) That the Constitutional Convention appoint, at minimum, one delegate, for a four month term, to attend all regular or special TEC meetings that take place during their term;
- 2) That the appointed delegate(s) shall speak on the behalf of the Constitutional Convention at any regular or special TEC meetings on any issue that the Convention has asked the delegate to address (e.g., updating the TEC regarding the constitutional convention, asking questions related to the constitutional convention, officially asking for action to be taken on the conventions behalf); and
- 3) That the appointed delegate(s) report back to the Constitutional Convention regarding any regular or special TEC meeting(s) that they attend, including a summary of the meeting.

Marci from Grand Portage seconds the motion to include one representative from Constitution delegates to attend TEC meetings to attend meeting on issues that delegates have asked to address & summarize

White Earth amended the motion to include 1 person from each reservation. It is appropriate to ask if we are involved any motion that impacts constitution process.

Chairman Douglas Lee moved item to committee for debate and a vote

Leech Lake, Grand Portage, White Earth, Boise Forte – yes

Mille Lacs & Fon du Lac – continue their discussion

Fon du Lac votes yes;

Mille Lacs – Aren't we supposed to keep the TEC out of this process?

Leech Lake responded that we only want them to listen & acknowledge our work so that the constitution represents our people. We want to communicate our discussions with items on their agenda. We need to be aware of what is happening at the TEC level so that our needs are communicated and presented. We are building a standard agenda so that all of us know what our elected leaders are saying and they know what we are doing. We want to emphasize that we are not asking for their approval. The MCT Tribal Executive Committee really do not know fully what our work is and we want to be recognized. Their decisions should include where we are at in the process

Mille Lacs votes no.

Mike Davis (Mille Lacs): MCT stepped aside to take care of the process. Now Mr. Roy wants a decision regarding the three resolutions. They see it as a direct conflict with what we are doing. MCT are stepping in now.

White Earth: The purpose is to insure we have a voice at the MCT

Mille Lacs. The process is first we educate our members and that's what we are working on.

Bois Forte: If we are reforming the constitution we must have a basic understanding of what they are about & they must know where we are at in the process

Mille Lacs vote yes. It must have an approved agenda and no items discussed without prior approval

Chairman Douglas Lee restates the motion

- 1) That the Constitutional Convention appoint, at minimum, one delegate from each reservation for a four month term, to attend all regular or special TEC meetings that take place during their term;
- 2) That the appointed delegate(s) shall speak on the behalf of the Constitutional Convention at any regular or special TEC meetings on approved issues that the Convention has asked the delegate to address (e.g., updating the TEC regarding the constitutional convention, asking questions related to the constitutional convention, officially asking for action to be taken on the convention's behalf); and
- 3) That the appointed delegate(s) report back to the Constitutional Convention regarding any regular or special TEC meeting(s) that they attend, including a summary of the meeting.

Leech Lake, Grand Portage, White Earth, Boise Forte, Fon du Lac, and Mille Lacs vote yes – motion passes.

Mattie Harper from Bois Forte requests a motion for a timeline. They want a loose framework to move forward, clarify goals and processes. It helps with motivation and insures we are reaching each step along the way.

In the interest of making our meetings more effective and focused, and to generally guide and organize the overall direction of our efforts, the Bois Forte delegation asks that the Constitutional Convention delegates vote to adopt a timeline for our work. The development and implementation of a timeline may also assist in clearly communicating our process and help clarify our purpose and scope of work. The proposal below is broken down into the three themes that the delegates generated at the June, 2019 meeting. It includes attainable goals and is designed to allow for flexibility.

Mattie Harper of Bois Forte motions as follows

- 1) That the Constitutional Convention divides the current work into three broad phases, and each of these phases be broken down into two subphases of Education/Outreach and Revision/Implementation;
- 2) That the delegates define a period of time for each broad phase, with the understanding that flexibility is allowed as the process unfolds;
- 3) That the delegates will utilize the timeline to communicate to MCT citizens the scope and advancement of the work being done by the Constitutional Convention delegates.

Phase 1 - Citizenship requirements (5 months, August 2019-December 2019)

-Education/Outreach, 2-3 months: Delegates spend time educating band members on the current requirements for citizenship; present other options for citizenship requirements as developed in other tribal constitutions; and elicit input from band members on what requirements they would like to see for citizenship.

-Revision/implementation of input, 3-4 months: Delegates convene and present the band member input on citizenship. Draft one or multiple citizenship requirements and come to a decision on how to revise the specific part of the constitution based on band member feedback.

Phase 2 - Governance (6-8 months January 2020-June/Aug 2020) - This may need to be broken down into several components, like courts, term limits, elections, etc.

-Education/Outreach, 4-5 months

-Revision/implementation of input, 4 months

Phase 3 - Language & Culture framework (3 months Aug 2020-October 2020)

-Education/Outreach, 2-3 months

-Revision/implementation of input, 3-4 months

Leech Lake amended the motion to include an adaptable timeline and the ability to amend & review timeline & adjust at each meeting

Leech Lake voted yes with the amendments included

Grand Portage: yes

Mille Lacs: discussing in their committee

WE – no

Bois Forte: yes

FDL: discussing in their committee

White Earth moves to amend by adding that we can discuss the different phases.

Mattie Harper from Bois Forte moves that we table the motion. She requests that each group of delegates discuss how the timeline can fit each community's needs. We can also put it on the agenda for next month. It will insure that we discuss how the amendment can fit with each community.

Old Business

A delegate from Mille Lacs expressed concern that there has been no discussion on old business regarding survey questions & education subcommittee. We need more work on insuring that our agenda follow a more structured & organized format

Patty from White Earth motions that the education and survey subcommittees will meet the morning of or night before the MCT Constitution Convention Delegate meetings to insure that the agenda picks up from the last agenda & moves forward

Fon du Lac: amends the motion by adding that it may be by telephone and seconds the motion.

Chairman Douglas Lee moved item to committee for debate and a vote

Chairman Douglas Lee restates the motion:

The education and survey subcommittees will meet in person or by telephone the morning of or night before the MCT Constitution Convention Delegate meetings to insure that the agenda picks up from the last agenda & moves forward

Leech Lake, Grand Portage, White Earth, Boise Forte, Fon du Lac, and Mille Lacs vote yes – motion passes.

Fon du Lac: Climate change impacts on people, animals, plants. Seven Prophecies & he believes we are in the 7th fire. We have to make a choice. We have to cherish the lessons elders have passed down to achieve the "good Life" (bimaadiziwan).

White Earth: We have to think of a centralized location for future meetings. White Earth would like to put it on the next agenda on August 23, 2019.

Acknowledge White Earth for asking Niib on education. Has a PowerPoint for those that want it. Niib gave a short presentation on treaties within MN that emphasize what we all have in common & their impact on MCT. For example, the Minnesota Chippewa Tribe has a 1941 base roll on which blood quantum is currently based; 1825-1826 treaties were first treaties signed collectively; and the 1837 treaty was signed as MCT.

Old Business

Proposed Preamble to Constitution

Chairman Douglas Lee asked the delegates from each reservation about the status of their work on the proposed Preamble to the Constitution.

Grand Portage has a draft and much of this is from prior work and has incorporated much of the information in their **(ordinance?)** Grand Portage read their proposed preamble.

Mille Lacs: They need more community education before work on preamble can begin

White Earth: They are still working on the preamble.

Bois Forte: They are still working on it but they need to work on delegates

Fon du Lac: They are still in the process of community input and their delegates change daily.

Announcements

Next meeting: Friday, August 23, 2019, Carlton MN.

Next meeting: Friday, September 20, 2019, Hinkley MN.

Audience Member (R. Thompson): Corrupt people receiving land – need to correct this. We are sovereign and we should not pay taxes.

Adjourn

Chairman Douglas Lee asks for any new business. There is none. He asks for a motion to adjourn.

Louie Johannson (White Earth) motions to Adjourn. Joy Annette (White Earth) seconds the motion. Meeting is adjourned at 4:00 p.m.