

# MCT CONSTITUTIONAL REFORM DRAFTING COMMITTEE

Date: 3/5/24 Time: 6 PM

Facilitator: Carol J.

Present: Raymond B., Gerald W.

## NEW BUSINESS

1. Sally F. will be the replacement for Clair G. Sally had four suggestions:
  - Incarcerated felons should not be able to vote. Based on their vulnerability, they are easily paid to vote as asked or required by a candidate.
    - Each band will need to address this issue for their future tribal elections. Until we remove the Secretary of the Interior, we need all the voters we can get to meet the 30%. At least we know their address.
  - The Grand Council shall consist of all adult enrolled members, adults who are 18 years and older.
    - This is already built in.
  - Add to Grand Council duties and responsibilities – any land acquisitions and requests to purchase land from the Tribe.
    - Yet to be determined.
  - Add banishment for heinous crimes – define heinous crimes.
    - **Justia Legal Dictionary**  
"heinous" crime Extremely evil or cruel to an alarming degree
    - **Law Insider**  
Heinous crime means murder, assault, kidnapping, arson, burglary, robbery, rape or other sexual offense.  
  
Heinous crime is an act or series of acts which, by the flagrantly violent manner in which the same was committed or by reason of its inherent viciousness, shows a patent disregard and mockery of the law, public peace, order, or public morals.
    - **US LEGAL**  
Heinous means hateful or shockingly evil. A grossly wicked or reprehensible action is called a heinous act. The term is mainly used to refer to crimes. For example, heinous murder.
    - **AN ACT ESTABLISHING A SEPARATE FACILITY FOR PERSONS DEPRIVED OF LIBERTY CONVICTED OF HEINOUS CRIMES AND APPROPRIATING FUNDS THEREFOR-PHILIPPINES IN CONGRESS.**

Their definition is: Heinous crimes refer to crimes defined under Republic Act No. 7659, which are considered as heinous for being grievous, odious and hateful offenses and which, by reason of their inherent or manifest wickedness, viciousness, atrocity and perversity are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society. Heinous crimes shall include the following: treason; piracy in general and mutiny on the high seas and in Philippine waters; qualified piracy; qualified bribery; parricide; murder; infanticide; kidnapping and serious illegal detention; robbery with violence against or intimidation of persons; destructive arson; rape; human trafficking; and illegal drugs trafficking.

A suggestion was to add banishment for Heinous Crimes. The other suggestion was that banished people should not lose health care.

2. Reviewed Administration and Supervisory Council
  - This week, the UNDRIP Articles were added.
  - Again, it was noted that the full language of each UNDRIP Article is appropriate.
  - Add all other concerns and issues identified by the Committee and the whole delegation.
3. MCT
  - Need evaluation of MCT programming
  - Need quarterly reports related to funding.
  - Oversight of MCT by citizens is done through representatives who then report back to the citizens.
  - Review all policies, resolutions, ordinances, etc. Amend them to be consistent with the Alliance. Use Codes rather than Ordinances.
4. The Alliance goes to a vote of the people. Potential Challenges to the Election **See Attachment 1**. Once ratified, the Alliance suggests an 18-month transition period.
5. This step in the reform is to gel together the Alliance, the local Constitutions, the roles of MCT, and the removal of TEC and RBC.
6. Look at the Recall, Removal, and Vacancies. Gerald suggested that recalling a person should take the same number of votes that the person was elected by.
7. There is a great need to look at all the land-related issues.

**Next meeting:** 3/12/2024 at 6 PM