

MCT CONSTITUTIONAL REFORM DRAFTING COMMITTEE

Date: 1/30/24 Time: 6 PM

Facilitator: Carol J.

Present: Marcie M., Michaa A., Raymond B.,

New Business:

1. Recall, Removal, and Vacancies Article XXIV of Alliance

- Removal of the judicial section. We will address this with the Judiciary document.
 - Add the following to the grounds for removal
 - No more than two (2) unexcused absences from meetings within twelve (12) months.
 - Public drunkenness or being under the influence of illicit drugs is prohibited while conducting business or activities related to your position or job.
 - Change the " Petition " process in Sections E & F to something else. i.e., letter, complaint, etc.
 - Draft a brief outline of handling the recall and removal requests.
 - Make a section stating the Grand Council shall fill the vacancy.
 - Need better enforcement.
 - Need a separate body to oversee this process.
 - Need a procedure for appeal.
2. Reviewed the Code of Conduct, Ethics, and Conflict of Interest and made some changes in the language.
3. We will hold off on distributing the General Assembly Council to the delegation until we finish the Administration and Supervisory Council and the Tradition and Custom Dispute Resolution.
- Amended one (1) delegate to two (2) delegates from each of six (6) Bands with one (1) alternative.
 - Added a Secretary to the General Assembly.
4. The committee members discussed that we are developing a new governing system, and at times, it is difficult to envision because of its

abstract nature at this stage. It should provide checks and balances, and no one of the governing bodies is above another.

5. Michaa suggested having a tabletop exercise in the summer when we are closer to completing the Councils and governing bodies. Each Committee member chooses a situation and presents how it is processed and dealt with under this proposed new governing system.
6. Raymond noted that absentee voting was meant for a limited situation: those in the armed forces, students away from home, and people in the hospital who couldn't return home to vote. He stated that with the off-reservation votes, we are being controlled from without instead of from within. The people don't live here, and the people living on the reservation have to go by the decisions they make. They never return home to live under them (decisions).
7. Raymond asked if all the members are eligible to vote, then why is registration needed? Because the Code of Federal Regulations requires it for a Secretarial Election 25 CFR Part 81.
8. Carol will continue to work on the I-80 Resolution analysis.
 - a. Raymond B. stated that nothing in the MCT Constitution gives power to the TEC to interpret the Constitution. It's like when the solicitors said that the Constitution needs to be amended to add powers of courts to hear ICWA cases, but the Assistant Attorney General, James Scheessler, got them to change their opinion and amended the Constitution without going through the amendment process, a Secretarial Election.
 - b. Michaa A. stated that there was a theme going on in the 1980s and 1990s where An individual would work in the Solicitor's office and give opinions to give the Tribe power in new areas and then quit the Solicitors and then go to work for the Band as a lawyer or lobbyist for the Band he made a ruling for. He said, besides Schoessler, in their area, it was Mark Slowman who wrote a solicitor opinion that separation of power would work within the framework of the MCT Constitution at Mille Lac Band. Two years after his opinion, he quit the Federal government and went to work for Mille Lac Band as their top lawyer and lobbyist.
 - c. Raymond B. and Michaa A. agreed that Mark Anderson did the same. In the 1980s, his written opinion was that Mille Lac Band had jurisdiction over Sandy Lake and Rice Lake. He also wrote an opinion that the TEC interpretations of the Constitution and all courts were legitimate. He, too, quit his Federal government job and became MCT's lawyer and lobbyist.

- d. Michaa A. reported that the troubling issue seen with this history is that these solicitors' opinions granted powers to so-called quasi-judicial governing bodies to interrupt the Constitution and then elicit aid and lobby on behalf of the Bands and benefit from it.
- e. More importantly, these solicitor opinions ignored the MCT Constitution Article XII Amendment, which requires a Secretarial Election to amend the Constitution. An election that gives all eligible voters the right to vote. These opinions took that right away from the people.

Action:

Carol J. will send the following out after making the suggested changes:

1. Code of Conduct, Ethics, and Conflict of Interest
2. Recall, Removal, and Vacancy document
3. Analysis of the 30 % quorum required for the Secretarial Election
4. Copy of Case law-related Tribes interpreting their own Constitution.

NEXT MEETING: 2/6/24 6 PM