

# MCT CONSTITUTIONAL REFORM DRAFTING COMMITTEE

Date: 8/22/23 Time: 6 PM

Facilitator: Carol J.

Present: Marcie M., Rita E., Raymond B., Julie H-C, Gerald W.

## **OLD BUSINESS:**

## **NEW BUSINESS:**

The Drafting Committee reviewed the Alliance document and addressed the concerns recorded in the attached Minutes from the Constitutional Convention on 8/18/23 (see attachment of the relevant section in the convention minutes.

We have a draft of a glossary.

We will develop an Addendum related to the Creation Story.

Articles II, III, IV, V, IX, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII, XXV, XXVI, XXVII, XXVIII, & XXIX – The Committee made all the changes consistent with the recommendations.

Article VI Clan – The word citizen was kept rather than membership.

Article VII External Government Relationships- No change was made regarding suggesting not to give the Chimooks a loophole. In reality, we have to work with them.

Article VIII Self Determination- Changed to read "...aims to maximize and create sustainable ..." rather than using perpetuity, which did not seem to fit. We will look at the Indian Preference Policy next week.

Article X Territory and Jurisdiction- We will look at Ceded Territory next week.

Article XI Citizenship- We will see if anyone will address the issue of how non-Indians are enrolled when there were no criteria for Adoption into the Tribe.

Article XII Civil Rights- We will discuss this next week.

Regarding the suggestion that there be a Grandmother's Council, we have the Elder's Council, which is also addressed in Traditions and Customs Dispute Resolution.

Article XXIV Ethics, Removal, Recall, and Vacancies- Define Convictions. A pardon of convictions can be done in the Tradition and Custom Dispute Resolutions Article.

**The following is a statement by Raymond B. Regarding Sovereignty and the Declaration of Independence. (Paraphrased):**

**Sovereignty:** On the one hand, we say we are a distinct sovereign nation, but on the other hand, we are beholden to the federal government. Think about doing our own Declaration of Independence declaring our own sovereignty and we are breaking through bonds of slavery and declare that the treaty obligations are intact. They are binding contracts. The funding should not be altered because we are declaring our independence. We need more discussion on what sovereignty really is, and what it entails. We say we are a distinct sovereign placing, but we are placing a whole bunch of stuff back into the federal system. It is tied to funding, but those things can be worked out in negotiations. We are setting up a new system where funds aren't going to the TEC/RBC anyway. Think about it.

**Dual Citizenship:** There is no such thing. You are either a citizen of the Tribe or not. We never relinquished our Nationhood or belonging to our own Nation. The United States Constitution is very clear. It excludes us. The preamble, Article I, Section 2, Clause 3. excludes us. The 14th Amendment excludes us. The MCT Constitution allows no taxation on us, but they do it anyway. Article VI of the Minnesota Chippewa Tribe constitution says it can tax non-Indians. Anything not in the Constitution is reserved to the people. Any changes have to be done through the amendment process. Regarding Dual Citizenship, even the Civil Rights Act excludes Indians from taxes. When they brought black people back into the Constitution, they had to pass two amendments. The 13<sup>th</sup> Amendment struck language 4/5 of a person; they were property, and "slaves" had to be stricken. The 14th Amendment brought them in. Now, with the Indians, the 14th Amendment excludes Indians. Then, in 1924, the government passed legislation over a sovereign nation declaring everyone's citizens. This is curious: Citizenship is done through courts. You cannot make a citizen of the United States through an act of Congress. If they could, they would have with the black people, which needed two amendments. With the Indian people, they would have to do three amendments. The preamble has to be changed because we were not included there. We are not posterity, and we are not members of the Founding Fathers. It was a lot cheaper and easier to pass legislation to pull the wool over people's eyes. They said Indians are included and have the same rights as us, but that is the big lie. It has been a lie since the beginning. History books that they taught us are lies, and so is this Citizenship is a farce.

**Action:**

The delegates will draft an addendum regarding the Creation Story.

Rita agreed to coordinate the drafting of the Glossary.

Carol will review the following Issues and bring information back to the committee delegates.

- Indian Preference Policy
- Ceded Territory
- Continue research on taxation
- Civil Rights
- Send Raymond's letter to the Drafting Committee delegates.
- Condense the UNDRIP rights and put in Draft 9 of the Alliance.

**Next Meeting:** Meeting on 8/29/2023 at 6 PM

## **MCT Constitution Reform Convention**

**August 18, 2023, 9:00 AM to 4 PM**

### **Preamble**

#### **Questions/Comments/Questions/Comments/Suggestions:**

Glossary of Native Language (Sandra B.) and some of the English words (Marcie M.)

### **Article I Origin**

#### **Questions/Comments/Suggestions:**

Might have an addendum of our Creation Story. Most of us know our creation story taught through oral history, but the future generations may not know it. (Marcie M.)

### **ARTICLE II MINO BIMADIZWIN (LIVING THE GOOD LIFE)**

#### **Questions/Comments/Suggestions:**

1. What does Maamawiino mean? (Unnamed delegate) We are all together! and Maamawiino Anishinaabeg means we are all Anishinaabeg together! (Marcie M.)
2. I thought we were going to get this translated into Ojibwe? (\_\_\_\_\_) That was the original intent, but we don't have the money for translating yet. (Cheryl E.)
3. Anishinaabe Akiing means the land of the Ojibway. This is very important about our land and communities. For example, back in 1959 when a highway went through Mount Josephine and even before, oral history said that the humans were behaving so terribly that the Thunderbirds left Mount Josephine, where they had lived. It just shows that we have a responsibility to maintain the rights of nature. (Marcie M.)
4. The statement "The life of Anishinaabe Akiing is inseparable from the life of Maamawiino Anishinaabeg. Since all life is interconnected, our actions and laws must reflect what is good for the whole. Since we believe no one can own Anishinaabe Akiing, nature is not considered property under the law; nature has inalienable rights just as humans do. Therefore we can grant Anishinaabe Akiing a legal identity." Is directly from our ancestors but all Turtle Island believes this. It is universal in the Western Hemisphere. (Marcie M.)
5. Article II first paragraph, last sentence "Directed by our philosophy of respect and stewardship, we pledge to protect the fundamental values of the distinct Maamawiino Anishinaabeg identity that have ensured the existence of our Tribe and welcome all our descendants." Do you think this sentence will cause confusion if we do not see changes in our membership? For example when we say "welcome all our descendants, will that confusion all those who are not enrolled? (Jolyn D. ). If we maintain 1/4 Blood Quantum, we have to look at this and remove it. (Marcie. M.) Our ancestors have always been inclusive, see the 1847 Treaty. (Carol J.) The question always comes up about our enrollment, clarify criteria (Jolyn D.). Chat: This is such a beautiful start, so much meaningful guidance. (CarrieD A.) **Chat:** Indinawemaaganag (Debra K.) Add a statement "We have endured the existence of our tribe

and our citizens." This might cover what might happen in the future. Eliminate "Welcome all our descendants." (Patty S.) Also include the word "family." (unnamed delegate).

6. In the statement "The life of Anishinaabe Akiing is inseparable from the life of Maamawiino Anishinaabeg. Since all life is interconnected, our actions and laws must reflect what is good for the whole." Need to take out Since, and in the second sentence take out "Since we believe." In that same paragraph change it to read "Therefore Akiing has legal identity." Because it already exists, we do not grant it. (Tara T.)

7. Article II "The Treaty of 1854" hunting, fishing, and gathering rights. There is more than one Treaty with those rights, could you rephrase it to include all of the treaties. (Julia L.)

8. Last year Gertrude Buckanaga expressed her interest in drafting a document to make it more concise. Maybe she should be invited to sit in on the drafting committee? (Patty S.) Cheryl E. said she has her e-mail and will send an invitation out.

### **ARTICLE III RIGHTS OF NATURE.**

#### **Questions/Comments/Suggestions:**

1. Manishinaabe Akiing Miinawaa Ishpiming means the land of the Ojibway and what we would call heaven, which is not the best translation, but it comes from the Bible. Most of you will recognize the relationship we have with the animals, and if you look in the literature-Lame Deer Seeker of Vision, there is a part in there where he speaks to a fox and this shows us that there is really a relationship between animals and humankind, well actually we are human animals too. (Marcie M.)

2. In Section 1 change "Should be" to "are." Section 2 take out "which also" and replace with "that." (Sally F.)

### **ARTICLE IV TREATY AND RESERVED RIGHTS**

#### **Questions/Comments/Suggestions:**

1. We studied all the treaties that had to do with our people, we were called Chippewa, and the treaties were documents to take our land. In the 1800's we were referred to as Indian Nations and there were rights to hunt, fish and gather and taken the little bit of sovereignty we have and deal with it as to what we have not what we don't have. So we empathize Nationhood and we have specific rights. (Marcie M.)

2. Regarding the words "agreed to by our Ancestors," there were many things that weren't agreed to but were inherently retained. So if we limit it to "agreed to" and not say "inherently retained" we may be giving up some things. So strike "agreed to by our Ancestors." (Wayne D.)

3. Change word "control to stewardship" (Emily A.)

4. In the sentence "We agree to retain all our Reserved Rights..." Strike "agree to" (Tara T.)

### **ARTICLE V DECLARATION OF SOVEREIGNTY AND SOVEREIGN RIGHTS**

#### **Questions/Comments/Suggestions:**

1. The UNDRIP is a very good document and we all should become familiar with it and it should be a addendum (Marcie M.)

2. If you reference another document like UNDRIP, it is better not do an addendum as a reference because UNDRIP is evolving, and we want to reference what is current. (Sandra B.)
3. How are we going to address non-citizens on our reservations? (Nikki P.) We will elaborate on that in our governing documents, the separate governing bodies (Carol J.)
4. From a sovereignty aspect, how can we be citizens of the United States when the Constitution excludes us? It goes to our identity. It takes away our true identity. The longer this goes on the more they are going to take from us. It took an act of Congress to enact the Indian Citizenship Act. We must be citizens of our own Nation. (Raymond B.) Article V it doesn't state anything about us being citizens of the U.S. That may to another Article later. (Cheryl E.)
5. Stating "We, the Maamawiino Anishinaabeg people "is repetitive, take out "people." and change the word citizen throughout to Anishinaabeg. (Nikki P, LL) This will be brought back to the drafting (Carol J.)
6. There is a request for the speaker before the last speaker to paraphrase his comments in chat because it was difficult to understand. (Marcie M.)

## **ARTICLE VI CLANS**

### **Questions/Comments/Suggestions:**

1. In the sentence Historically, Clans were the center..." change "were" to "are." (Sally F.)
2. Strike out Citizen and put Anishinaabeg in the last sentence. (unclear who was speaking)
3. We have spent hours on discussing what we will call ourselves, Citizens or members. (Cheryl E.)
4. **Chat:** I wonder about the clans, if some clans were hidden for years where would they be placed on clans? (Sherelle G.). They are placed where they are traditionally placed, whether they were hidden or not. (Cheryl E.)
5. **Chat:** Like we know where the turtle, migizi and bear stand, but who knows about the hidden clans? (Sherelle G.).

## **ARTICLE VII EXTERNAL GOVERNMENTAL RELATIONSHIPS**

### **Questions/Comments/Suggestions:**

We use Chippewa because it was used over and over again in the treaties, and even if we don't like that word, we want to show continuity of who we are because other people may not understand that. (Marcie M.)

**Chat:** Anishinaabe is a description of the many tribes of original people on Turtle Island so it basically means original human. My opinion is that it should be Ojibwe Anishinaabeg which specifically describes us better. (Lawrence F.)

**Chat:** If this is our way, do we still fit the chimooks they never gave us that option? I don't think we should give them loopholes. Options. (Sherelle G.)

## **ARTICLE VIII SELF DETERMINATION**

### **Questions/Comments/Suggestions:**

1. Strike the word also in the last sentence. (Sally F.)
2. Change the word Sustainable in the first sentence to "perpetuity or sustainable and perpetuity." (Nikki P.)
3. Are we just looking at the U.S. or Mexico, what area tribe or Canada? (Rita E.)

## **ARTICLE IX ADMISSION OF ADDITIONAL TRIBAL NATIONS**

### **Questions/Comments/Suggestions:**

**Chat:** Where does dual Citizenship fit? For Section 3 why does that not include all Anishinaabeg on Turtle Island? (Sherelle G.)

1. Does that include native Tribe's form MCT, state-wide, nation-wide or Turtle Island or does it include all Nations of Anishinaabeg/ any reservation? (Sherelle G)
2. Section 3 is just the established territories, reservations. (Rita E.)
3. Regarding Citizenship, my questions were not answered. If someone were of Native American lineage but there not enrolled anywhere would that be dual Citizenship? And if they are, do we include them in our jurisdiction and Citizenship? (Sherelle G) Inaudible answer given.
4. Regarding joining the Alliance, how does that work? How would each founding reservation give consent? How do they get consent, where is the voting process in the governing Tribal Council? Need clarification. (Michele B.)

## **ARTICLE X TERRITORY AND JURISDICTION**

### **Questions/Comments/Suggestions:**

1. Needs to be clarified a bit to allow for the future when we might have new tribes entering the alliance. Who are the members here? It's getting a little confusing. It just may need a few tweaks to allow that Section 3 founding reservation based on treaties. (Sandra B.)
2. Actually the territory and jurisdiction have to do with our governments if a tribe comes in under the Alliance, they would not be under our jurisdiction they would be aligning with us on particular topics, maybe on legislation that would not be included in our tribal laws and our governance system. (Carol J.)
3. Should we include jurisdiction regarding MCT land that is throughout Minnesota? (Patty S.)
4. If a tribal member goes off reservation boundaries and purchases land, why would that not be considered part of the boundaries? Maybe because it was before the signing? If I unenroll myself from my Tribe, where would I fit in all of this? (Sherelle G.) That question is related to purchase of property and doesn't apply within the document (Carol J.)
5. Regarding "ceded territory, if we ceded the land in treaties, are we now trying to declare jurisdiction over them now? (Michelle B.)
6. Side comment-We will get assignments and we will want to move it through, we are already up to number 8. That is a lot to present to our citizens. Can we keep it to a manageable number? (Michelle B.)

## **ARTICLE XI CITIZENSHIP**

### **Questions/Comments/Suggestions:**

1. These criteria are from the past and current MCT Constitutions. (Carol J.) Using the pronoun "his" to identify children. (Wayne D.) We will eliminate "his." (Carol J.)
2. What about the children who were taken, i.e. boarding school and adoption? (Sherelle G.) They would have to do some research and could apply for Citizenship if they have the proper certificates and can show they are a descendant of someone enrollment by one of the criteria. Their situation will be looked at. (Carol J.)
3. What Census? (Sally F.) We have not decided what the appropriate Census or Allotment records are yet. (Carol J.)
4. Most Leech Lake people are not on the 1941 Roll. (Sally F.) We have decided to expand this to include Census, and Allotment Records. (Carol J.)
5. Section 2 is not determined yet. It depends on the election results. (Patty S.) I heard what you stated, but most of us want lineal descent. The Alliance is a way to change that. At this point...(muffled) (Cheryl E.)
6. In the July TEC meeting, Kevin Dupuis questioned what the was the definition of Lineal Descent. We can't go forward without defining it. (Patty S.) It is on the agenda for this afternoon. (Cheryl E. Also defined in Section 2 of Article XI of the Alliance. Based on bloodline. (Carol J.)

## **ARTICLE XII CIVIL RIGHTS**

### **Questions/Comments/Suggestions:**

1. In Grand Portage you cannot speak against the government. This is stated in the employee manual and people are afraid to join the Constitution Reform group. (Rita E.) There are a lot of civil rights being violated (Carol J.) the paragraph is confusing. We are putting a lot into this Document about culture, but this is a lot of current. None of the tribes have a jail. We have agreements with the State. P.L. 280 comes into this. Would added tribes come under this? (Jolyn D.). Long sentence. It starts out with "Shall not" then it goes into "...and at own expense have the assistance of counsel for his defense." Hard to follow. (Michelle B.)
2. Should be a disclaimer that all prior laws up to this time shall stand. We have our own laws. We have civil rights laws. (Sally F.)
3. Would other tribes be willing to share courts until the tribes have them? (Sherelle G.) It is our vision that all bands will have a court system, and the Supreme Court will be shared. (Carol J.)
4. The TEC changed the petition criteria and did not give notice to G.P. and TEC is the only one who has a copy of the petition they denied. (Rita E.) The Petition process will be discussed in Drafting (Carol J.)

**Chat:** Where is the section that holds up these rights? Why is it ok for RBC members to imprison people for the same thing? Your right about speaking up that are being violated. I think we should be able to sue for violating these rights. (Sherelle G.)

**Chat:** Lots of work from drafting. Miigwech (CarrieD A.) Indeed, thank all who are helping with the drafting. (Sherelle G.).

## **ARTICLE XIII RIGHTS OF CITIZENS**

### **Questions/Comments/Suggestions:**

UNDRIP will be presented this afternoon. (Carol J.) What tribal rights are extended to off reservation members such as teaching home schooled children about hunting and gathering on their own land off reservation? (Sherelle G.) Send specifics to drafting, discussions have to be had regarding off reservation citizens as well (Carol J.)

#### **ARTICLE XIV RIGHTS OF CHILDREN**

##### **Questions/Comments/Suggestions:**

There might be some words missing in the second to the last sentence. (Sandra B. If you read it in it's entirety it sounds right. (Cheryl E.) "Children deprived of their liberty" is a description and does fit the grammar and syntax of the rest of the sentence. (Sandra B.) It is the language of the UN Convention on children's rights, but it can be cleaned up a bit. (Carol J.)

#### **ARTICLE XV SEPARATION OF POWER**

**Questions/Comments/Suggestions:** No comments.

#### **ARTICLE XVI GOVERNANCE STRUCTURE**

##### **Questions/Comments/Suggestions:**

Does this give RBC the right to do whatever they want? (Sherelle G.) Absolutely not. If you go through the rest of this document with us you will see that the governing bodies are separated and RBC will not have that power. (Cheryl E.)

#### **ARTICLE XVII GRAND COUNCIL**

##### **Questions/Comments/Suggestions:**

1. What is the process for "all Citizens" to, for example to approve a budget? (Sandra B.) If you see the second handout on Governing Bodies, you will see that Representatives from each Band will be selected. (Carol J.) Are you implying that these Reps will be drawn from all the Citizens? (Sandra B.) Yes.

2. Include a Grandmother Council somewhere. (Patty S.)

3. Are you saying the Grand Council is a government? (Michelle B.) No, the government is all councils together, with separate powers to get the government back in the hands of the people for transparency and cooperation. There will be an interchange between them and representatives from each band as a part of the Grand Council. Each band will have its own Constitution. (Carol J.)

4. We have the 1854 Treaty is Grand Portage, Bois Forte and Fond du Lac. Any change could be approved by the whole Grand Council. In a way, we are giving away that ability to make our own decisions. (Michelle B.)

**Governing Bodies handout on governing bodies will be posted at [fdlconstitution.org](http://fdlconstitution.org).**

**A brief summary of the following governing. No comments given:**

- ARTICLE XVIII CITIZEN COUNCIL
- ARTICLE XIX CENTRAL COUNCIL
- ARTICLE XX GRAND COUNCIL
- ARTICLE XXI ADMINISTRATION AND SUPERVISORY COUNCIL

- ARTICLE XXII TRADITION AND CUSTOM DISPUTE RESOLUTION
- ARTICLE XXIII JUDICIARY

**ARTICLE XXIV ETHICS, REMOVAL, RECALL, AND VACANCIES**

**Questions/Comments/Suggestions:**

When you talk about a Major Felony, are you talking about court systems in the U.S.?  
(Unknown) This is what is proposed (Carol J.)

**ARTICLE XXV AMENDMENTS**

**Questions/Comments/Suggestions:**

It should state Grand Council not General Assembly. (Carol J.)

**A brief summary of the following governing. No comments given:**

- ARTICLE XXVI SOVEREIGN IMMUNITY
- ARTICLE XXVII ELECTIONS
- ARTICLE XXVIII SEVERABILITY

**ARTICLE XXIX SAVINGS CLAUSE**

**Questions/Comments/Suggestions:**

1. This brings up the question. Are any of the Ordinances and Resolutions valid if they didn't have approval of The Secretary of the Interior? Probably not, but they will all be looked at and see which are consistent with what is good for our citizens. (Carol J.)

2. Are we saying that MCT ordinances will stay in effect even though they're invalid? (Raymond B.) Yes, but the drafting committee will need to review all of them and eventually they will have to be replaced or gotten rid of. (Carol J.). I don't think they should go forward. (Raymond B)