

MCT CONSTITUTIONAL REFORM DRAFTING COMMITTEE

Date: 1/16/24 Time: 6 PM

Facilitator: Carol J.

Present: Marcie M., Raymond B., Michaa A. Julie H-C.,

Old Business

1. Ideas for the Drafting Committee's presentation
 - a. Refresh the delegation on how the Drafting Committee handles suggestions for change in the Alliance Document. **See Attachment 1.**
 - To alleviate concerns that the U.S. government has not signed UNDRIP, explain that the U.S. has already signed the following International Agreements and recognize the same rights and concepts that are in the 46 articles of UNDRIP.
 - Charter of the United Nations (U.S. signed)
 - Universal Declaration of Human Rights (UNDHR)(U.S. signed)
 - International Human Rights comprised of the following:
 - The [International Covenant on Civil and Political Rights](#) (The U.S. signed in 1977 and ratified in 1992).
 - [The International Covenant on Economic, Social, and Cultural Rights](#) (the U.S. signed in 1977 but has not ratified it).
 - The [Universal Declaration of Human Rights](#) (The U.S. signed it in 1948.)
 - To demonstrate that the UNDRIP articles are in the other International Agreement, **Attachment 2** compares The International Covenant on Civil and Political Rights to the Articles in UDRIP.
 - b. In Researching Federally Recognized Tribes that used UNDRIP in their tribal documents, we identified two tribes as of this date.
 - Muscogee (Creek) National Council in 2016 enacted a Resolution, TR 16-149 adopting the United Nations Declaration of the Rights of Indigenous People.
 - The Pawnee Nation of Oklahoma enacted the Pawnee Declaration of the Rights of Indigenous People ACT of 2022. In the process of their initiative, they asked the Muscogee Nation about the potential for losing Federal funding. Judge Bigler responded that he had never heard of any concerns and thought it would be problematic for the United States as they announced their UNDRIP support in 2010.

NEW BUSINESS

1. The question came up about language in the Alliance as a way out of that structure, to revoke it. The answer is not yet, but we will add it.
2. Why did White Earth cancel the Convention? Some didn't like the thought of all Zoom-only meetings.
3. Fond du Lac hosts a convention in February.
4. Clair suggested we all read the article **BLOOD QUANTUM EXTINCTION by Carl Begay**.
5. Review of General Assembly
 - Minimum of 1 representative from each Band.
 - Meeting with constituents monthly, Use Special Meetings as needed.
 - Delete Section 5. Quorum and Section 6. Voting.
 - Officers and Reps need to take an oath that swears allegiance to the Alliance, the code of Conduct and Ethics, and the Duties and Responsibilities of their position.
6. Question regarding Bois Forte Retroceded from Public Law 280 in 1979. How did they do it? We are all members of the same Tribal organization under the same Constitution.
7. It is always good to look at other Tribal Constitutions.
8. Add the following:
 - a. A Legal Defense Program to provide legal assistance to citizens appearing before the courts.
 - b. Land Commission.
 - c. Fiscal Responsibility Committee and or a Fiscal Service Board.
 - d. Ethics Review Committee.
9. If the new government will create courts and Law enforcement, should we rescind Public Law 280?
10. How did Bois Forte retrocede P.L.280 under the same Constitution as the rest of us? Comments: Maybe because they are such a vast area? Shouldn't the Constitution have been amended to allow that? Maybe they got legislation, the State Governor, or Congress to do it.
11. Reviewed Code of Conduct and Ethics (**see Attachment 3**)
 - a. We discussed the definition of a tribal business. Clair G. explained the casino structure. NIGC oversees Class 2 gaming. Class 3 gaming has compacts with the State of Minnesota and compacts for Poker and Black Jack.
 - b. Suggest an Ethics Committee with at least three people rather than just one Ethics Officer.
 - c. Resolution issues can be referred to The Tradition and Custom Dispute Resolution department if the parties can not resolve the issue informally.
 - d. The new governing structure will be in the hands of the people. Hopefully, there will be fewer violations with a stronger Code. This draft will help the Central Council and the General Assembly make policies and write more effective rules.

12. Discussion about how Resolution 1-80 came about. According to Raymond B.'s recollections, during the 1980s, people pushed to do the right things, but the following chain of events impacted the decisions made by the TEC.

1. At that time, Attorney James Schoessler, who had an "in with" the Solicitors' office because he had worked there before, helped remove the Charter because it held them accountable, and they knew that some people could be sued for things they were doing.
2. Schoessler helped to change Assistant Solicitor Mariana Shulstad's written opinion on The White Earth Nation's request to resume exclusive child custody jurisdiction under the Indian Child Welfare Act. Shulstad's opinion was that MCT must amend its Constitution before exercising child custody jurisdiction.
3. Schoessler stated that having found safeguards in the Constitution, the Tribe should go ahead and create courts and a police force immediately. He also stated We give deference to the Tribe interpreting their own Constitution, leading to an amendment of the Constitution without our consent or knowledge and without following the amendment process in the Constitution.
4. 1-80 went into effect. We could have challenged it but then told, "We give deference to the Tribe interpreting their own Constitution."
5. Raymond reported that Schoessler wrote a letter to the Tribe and said regarding creating courts, "We finally got our way, no legal questions or answers."
6. After the TEC enacted Resolution 1-80, everything else, ordinance, interpretation, violation of the Constitution, and the lack of Ethics started. They could "ride roughshod" over everything because they empowered themselves to be the only ones who interpret anything.
7. Others have fallen into the trap of "this is how it always was done." We are trapped in a cycle. People carrying out 1-80 and 2-80 today are just as guilty. The TEC Chairperson, Kevin Dupuis, said 1-80 and 2-80 should be rescinded, but he goes both ways on that issue.

13. Look for the Fond du Lac Newspaper article on February 1, 2024. It is a follow-up on the issues discussed at the TEC meeting on 1/19/2024.

14. Next week, we will review the Recall, Removal, and Vacancies draft.

Action:

Carol will send the Drafting Committee members the following:

- Article BLOOD QUANTUM EXTINCTION by Carl Begay.
- Draft of the Code of Conduct, Ethics, and Conflict of Interest.

NEXT MEETING: 1/23/24 6 PM