

MCT CONSTITUTION REFORM CONVENTION

Hosted by the Leech Lake Band of Ojibwe

Thursday, October 19, 2023

9:00 a.m.

Northern Lights Casino

Attending in person:

Name	Email	Tribe
Cheryl Edwards	cedwards1@css.edu	FDL
Emily Annette	mle1annette@gmail.com	WE
Jolyn Donnell	donnelljolyn@gmail.com	WE
Louie Johansson	louiejohansson3@msn.com	WE
Melissa McFarlane		LL
Frank Reese		LL
Debra Storbakken		LL
LeRoy Pawlitscheck		LL/ML
Michelle Palomaki		MLB
Christina Bowstring		LL
Claircy Gonzales		LL
Mykee Brown		WE
Veronica Skinaway		SL
Michaa Aubid		SL/RL
Niib Aubid		SL/RL
Danielle Smith		ML
Sally Fineday		LL

Zoom attendees: Sandra Borden GP, Carol Janick FDL, Julie MLB, Michele Beeksma GP, NG3L WE, Rebecca Woods, Ray Bellcourt WE, Danielle Smith, Patty Smith, Tammy Skinaway, Julie Skinaway-Fineday, Orlando Fineday, Joaquin Skinaway

Sally Fineday welcomed the Delegations. Michael Smith, Jr. conducted the invocation. Roll call, all except Bois Forte. 9:45 to noon, Carol Janick's notes of her presentation are included here.

The Preamble: It was suggested that there were too many "we" statements and suggested deleting three sentences.

Sally F. said to remove the word "will" in the second sentence.

Cheryl E. reminded the delegation that the drafting committee was asked to shorten the Preamble because it was too lengthy at a previous convention. This is why there are the "We statements.

Leroy said to leave the word "will" in.

Jolyn D. said the third and fourth sentences were redundant, cut "We ordain and establish..."

Cheryl E. said "ordain and establish" are not in our Ojibwe language. A suggestion was to use "We Honor..."

Jolyn D. asked if we were limiting ourselves by saying, "We will form an Alliance to protect the Rights of Nature...?"

Sally F. suggested Jolyn attend the Drafting Committee on Tuesdays at 6 PM to discuss her issues.
Article I Origin. Patty S. suggested that the first two sentences be rearranged, and this third sentence be stricken.

The Drafting Committee agreed to switch the first two sentences around but did not agree with cutting the third sentence because it is about our ancestors, which is what this paragraph is about.

Cheryl E. said to leave it in because it is an important part of our story.

Sally F. agreed.

Article II Mino Bimadizwin (Living a Good Life). The suggestion was that there were too many "we" statements and too much fluff. It was suggested that the three sentences in the first paragraph be cut, paragraph 3 is too wordy, and paragraph 4 should be cut.

Carol J. said the Drafting Committee was directed to add culture and traditions to the document. People reportedly have been receptive to this information in the document.

A White Earth delegate suggested we remove the "s" from the end of the word "form" and have it say, "We have a form of government." The delegation agreed.

The delegations agreed not to remove the sentences in this Article.

Regarding the Preamble, Cheryl E. reminded the delegation that the Preamble is meant to be a statement about the document. To describe the document that follows it. A Preamble is usually done when the document is finished.

Article III Rights of Nature. The words "doodems" and "miinawaa" were circled without an explanation. Michael S. said to capitalize Doodem because it is the core piece of our culture. He said miinawaa is like "and" or "an addition to," and it would look odd not to capitalize it.

Leroy said Because "miniawaa" is a conjunction and should not be capitalized.

Article IV Treaty and Reserved Rights. The suggestion was to delete the words "since time immemorial, inherently retained by our ancestors."

Cheryl E. stated that the word immemorial has been in our documents for hundreds of years and shouldn't be removed.

Leech Lake agreed. Leroy stated that the concept of time, mewinzahaa, is "from long ago then forward." Put the word after the word since.

Article 5 Declaration of Sovereignty and Sovereign Rights The question asked was, "Has the United States approved UNDRIP? The suggestion was to delete the third sentence.

Carol J. stated that the United States did not sign the UNDRIP document. However, it was clear in 2010 that the United States endorsed UNDRIP, placing the UNDRIP concept in US domestic and foreign policy. Also, at the last convention, we discussed the concept of sovereignty. Because we have sovereignty, we can make these decisions without hesitation as to what the United States has or hasn't done. We must remember that as a Sovereign Nation, we make our own decisions. We must make those decisions ourselves to get out from under all the oversight, pressure, and colonialism. This is a good decision to make. The drafting committee agreed not to remove it.

Cheryl E. from Fond du Lac agreed, as did other delegates.

White Earth wished to hold off on an opinion.

Article VI Doodems and Clans. A suggestion was, "We cannot allow this statement, referring to The Alliance shall not prohibit any citizen from belonging to one of the original doodems or any derivative." Carol suggested it might have been a misunderstanding, and the word "not" was misread.

Frank R. said we don't use "s" at the end of Doodems. Remove the word clans. The plural would be Doodemag.

Article IX Admission of Additional Tribal Nations. The suggestion was to delete this Article.

Carol J. The drafting committee agreed that we would not disagree with this concept. It is a very good concept. Initially, it was added as a way to build our nations and for support to become stronger as an Ojibway nation. We have a lot of work to do to educate our citizens about the Alliance document. This Article becomes a bit confusing, trying to draft rules for how we determine criteria for membership and who would be involved. It is complicated. Future generations may want to do this. We already have systems in place where outside tribes and our current bands form alliances, such as amicus briefs to support arguments like the Indian Child Welfare Act. We also protest together, change legislation, strategize on different writings, etcetera. Clair G. did state that she thought we could develop this section.

Sandra B. stated it is harder to add something after you adopt a document. She said to think carefully about removing it. She's inclined to keep it. Maybe it needs to be rewritten, but we should consider it more. If we remove it, adding the concept back might be impossible once the Alliance document is adopted. Tribes may benefit us. The other delegates agreed, except White Earth, who put their opinion on hold.

Article X Territory and Jurisdiction The suggestion was to delete the portion that talks about the treaty.

Carol J. The drafting committee was asked to add treaty information to the Alliance document. This is why it was placed here.

Sally F. said she liked that language. We need to remind ourselves of our history. She stated that when talking to Keven Dupuis about a treaty written in our language, we borrowed that land and did not give it away, but they took it that we gave it to them.

Article XI Citizenship It was suggested that if we have separate constitutions (as proposed), sections 2,3 &4 will/can be stated in separate constitutions.

Carol J. The drafting committee believes it should be in the Alliance as the basis for our citizenship, and the local level would implement it, write ordinances, etc.

Sally F. thought this Article should be in Alliance because the section tells what we are doing today.

Carol J. The only sections that are at issue will be presented today. We will put it in here when we determine if we will use Blood Quantum or lineal descent. A question has been asked: what will we do with our current members? Are they still citizens? The current members will still be citizens unless they wish to give up their citizenship or are disenrolled through a formal process.

Jolyn D. White Earth is not opposed to lineal descent. What we oppose is that the people are not given options. Let the people decide what the criteria should be.

Frank R. I thought that there was consensus that each band would decide their membership.

Cheryl E. said to remember that we can write it any way we want. There are options. It is complicated. We need to revisit this section after talking to urban, worldwide, and nationwide people. We need to review this section as we go forward. This document has no blood quantum because we can do that, but the people will decide. We are talking about a bloodline as opposed to Blood quantum.

Emily asked What about Dual membership? She argued for dual enrollment. She stated that in Section 1. b, #3, Section 2, we should remove the words "if enrolled in another tribe." Why should we eliminate them for enrollment if they are enrolled in another tribe?

Cheryl E. responded that we don't have dual membership as an option, but we could.

Jolyn D. Section 2 always remains the same when we go out to educate and share this document. We get responses that you say this will change, but it never changes. We need to change the language indicating that we are seeking options.

Sally F. Isn't section 1. just language from the current Constitution? If we are going to talk about the past, we also need to talk about what we are doing now.

Carol J. We must realize and let the people know we have three stages going on here.

Stage one is our current constitution language that must stand because our people are enrolled under its criteria. Those people will continue to be enrolled. If we remove that language, they will not be enrolled, and we won't have members. You would still be enrolled under this language if we had a new document.

Stage two is what we are doing now. A potential Secretarial Election in the form of Blood quantum will change the current Constitution.

Stage three is what we are trying to accomplish: the Alliance document.

This is all up in the air right now. Initially, the drafting committee left areas blank, but at the last convention, we were asked to put language about lineal descent and what happens with the current members. We added language. Some people will be enrolled under stage two if there is an affirmative vote in a Secretarial Election for 32-15 Blood quantum. Then, if the Alliance is forwarded, there would be additional options because we agreed that the band would determine their membership.

Louie J. expressed his concern about always hearing that the bands will determine their criteria, but the language in section 3 that refers back to section 1 states lineal descent.

Cheryl E. I don't know if you are reading this document currently. Section 1a. is language from a previous constitution, and 1.b. is language from the revised constitutions. We can not change the words. We need it so our members are recognized under the Constitution. None of us would be enrolled if we didn't keep the language. This language is part of our history. Section 2., 3., 4. is what is going on now and is for us to change.

Louie J. made a statement about Section 2 a. and Section 2b. which will take care of those now enrolled and our children and grandchildren. But Section 3. says each band will manage enrollment under Sections 1 and 2. So, this means we can't determine our criteria.

Sally F. We want to be sure we don't want to close out the children who were adopted out that are your age and my age.

Cheryl E. It does include all our descendants. We are talking about our bloodline. Getting rid of the blood quantum.

Sally F. Put in an appendix, children taken away.

Carol J. After listening to all the comments, I think we need one more paragraph dealing with the bands' criteria.

Jolyn D. Get rid of one-quarter blood quantum and add dual enrollment.

Sally F. We expect White Earth to bring options to the next meeting.

A delegate questioned, "What about all those who couldn't get enrolled? Others asked about adopted children and the kids in the home who were not enrolled after 1961.

Carol J. Section 2 would take care of them.

Article XIII Rights of Citizens The suggestions were that this Article should be in the reservation Constitutions, put a link to UNDRIP, how we deal with rights #35-40, and suggest we strike #41.

Carol J. We want the government in the hands of the people. We also like the people to have the rights they are entitled to. The Drafting Committee states that these rights should stay in the Alliance. Articles 35-46 are all about implementing the rights. There are articles, tools, and resources to help us with this.

Cheryl E. We don't need to put a link in the Alliance document. Anyone can Google UNDRIP. We don't need to add all those pages to this document.

Carol J. We also have a PowerPoint presentation on UNDRIP.

A Delegate asked what #6, the right to a nationality, means.

Carol J. To be identified as Ojibway, which is partially an identity and political.

Regarding the rights, initially, we had a long version of the rights, then we were asked to shorten the Article so it only said, "The Constitution Alliance adopts the United Nations Declaration on the Rights of Indigenous People (UNDRIP). The rights fall under the categories of Self-determination and Indigenous Institutions; Equality and Nondiscrimination; Survival Rights; Cultural Rights; Education and Public Media; Participation in Decision-making and Free, Prior, and Informed consent; Economic and Social Rights; Land, Territories, and Reserves; Treaties and Agreements; and Implementation and Interpretation."

Then we were asked to put a shortened version of the articles in. which we did. Now, we may not need this summary.

Carol J. I suggest that we add to Article VIII Self-Determination, adding the language "We endorse UNDRIP as a tool for addressing our economy as well as other issues and challenges identified in this Alliance. It is the essence of what we want to accomplish in our self-determination. It also sets us in a better position when we argue that our decisions and actions are appropriate based on the rights identified in Article XIII.

Chat-Michele B. asked, "If UNDRIP changes, are we okay with automatically incorporating the changes over the years because it is a long-term document?"

Carol J. We talked about this in a previous convention. I think it was Sandra B. who brought this up. I don't think we should wholeheartedly accept the changes. We need to address them and see if they fit. If so, do an amendment.

Micheal S. (audio was difficult to hear) spoke about writing the rights in the present tense, not the future tense.

Cheryl E. said we can't change the UNDRIP rights. We can accept them as of a specific date, with a right to review and the right to amend.

Jolyn D. asked: When we add something like UNDRIP, do we put ourselves in a different category, like another country, that would affect our funding?

Carol J. If we continue to call ourselves quasi-sovereign, we're doing ourselves a disservice. If we use the word dependent nation, we also do ourselves a disservice. These are terms used before where we are now. We are a sovereign nation; we have inherent sovereignty from the beginning. What happened to our sovereignty is that it has been diminished, not resulting in a quasi-sovereignty. We must present ourselves as a sovereign nation and expect our rights to be addressed. It is then that we become a stronger nation and gain some of the diminished aspects back. It is a movement that brings us into the future, getting us out of the colonization we talk about and all the heavy stuff we deal with. Our needs are not being met. Using the UNDRIP rights will get us closer to meeting the needs of our people. It is not going to be perfect at first. It is something to work on. We deserve this. It is one of the most important things we are doing. Other tribes have incorporated UNDRIP. We will not be defunded because we use UNDRIP. It may give us more funding in other areas. It is not going to take away the trust relationship with the government. We are restricted on what we can do internationally, but our treaties put us there initially.

PM notes by Sally Fineday

Lineal Descent discussions took place:

Currently defined in the glossary: Direct and lineal descent – There is no difference between direct descent and lineal descent. They both mean the same thing: a blood relationship in the direct line of descent from a maanawiino.

A date from each Nation is necessary to identify where to start the lineal descent is necessary. Provide the documentation to the drafting committee.

SL – 1889 Treaty is signed by Chiefs present. It may be a good place to begin.

WE – 1910 through 1920s blood rolls were established by Chief Flatmouth and Broken Tooth. Geneologists had published a book in the 70s and 80s

FDL – Judd Powell is a reliable source

WE – Why are we worried about this? When was enrollment a process.

1934 ERA Economic development of Indian Reservations, section 476 organize by accepting written constitution

BIA has records to track where children were sent

Be careful for the non-Natives with allotment

Assignment – 1) each Nation to seek the bloodline date to begin

Example – Choctaw and lineal descent

Reports from Nations with Constitutions –

LL – developing the LL constitution from a foundation developed by Local Indian Councils in 1996.

FDL – working on it

ML – 26 pages thus far, will bring to next convention

WE – not ready yet, must meet with membership

GP – draft many years ago, need to update

BF – not present

TEC Report

Education Committee stumped at this time

Finance Committee – Jolyn had a discussion with Beth Drost and outcomes are 1) follow up questions, 2) wanted answers from previous funds, 3) no account was set up for the 60k and the remaining balance of \$9800 (estimate) is not available as there is no account of it.

Put forth a letter to the TEC – reviewed and small changes. A vote took place to provide it to the Tribal Executive Committee at the meeting on the 25th.

VOTE

LL – yes ML – yes FDL – yes BF – (seek at next convention)
GP – yes with changes and typos WE – abstain

Drafting Committee – Discussions and review of documents thus far:

- 1) grand council and general duties
- 2) governing bodies
- 3) rights
- 4) land issues
- 5) Employment/jobs
- 6) Elections, referendums, resolutions and ordinances
- 7) Territory and external government retention
- 8) Other

Grand Council Representatives speak for the Band that elected them; spokesperson; secretary

Central Council

How many from each nation?

Age?

Duties and responsibilities?

Formulating policies

Amendment and Alliance

3. Judiciary – research PL 280

Employees of the Alliance must be considered

Governance back in the hands of the people

GP – Remembering Jason Burnette, how will we track membership?

Next convention is hosted by Mille Lacs. Dates will be Nov 16 or 17 at Hinckley.