

MCT CONSTITUTION REFORM CONVENTION

April 17, 2025, and April 18, 2025

Hosted by Leech Lake

Minutes created on October 3, 2025, by Carol Janick from the tapes of the two-day two Convention Meetings

DAY 1- April 17, 2025

WELCOME AND INVOCATION

- Invocation by Michael Smith Jr. with a song by Sally Fineday.

HOUSEKEEPING AND ROLL CALL

- All six bands were present at the meeting.
- Sally F. noted that voting would be conducted at this convention and that "we would like consensus, but at some point say we have supermajority 5 out of 6, just so we can move and move forward."

WHEELER- HOWARD ACT AND SECTION 16 (TRIBES MAY FORM A CONSTITUTION)

Frank Reese related the following:

- In the mid-1980s, the TEC attempted to amend the constitution through what they called Amendment 3, seeking to grant itself executive, judicial, and legislative powers, thereby legitimizing its previously illegal actions.
- A group had a meeting. The place was packed with tribal members, and the TEC withdrew the Amendment 3 Resolution. That was a victory for the people for a short time.
- Then, the TEC also voted to have a constitutional convention that day. They decided to hold primary elections, but we didn't have primary elections until ten years later.
- Frank ran for office at Leech Lake and contested the elections because the declared winner did not win by a majority vote, as stated in our constitution. The election judge ruled in favor of holding a new election because the original one had garnered only about 30%, not a majority. They contested it, and the matter was referred back to the election judge, who ruled in his favor.

- The Chief Tribal Judge convened an Appellate Court that included Amendment 3. They had a meeting in Duluth. They overruled the election judge and the need for a new election.
- Frank has been going around to express to people that we need a new Constitution. However, they never supported our effort until just recently.
- In 1998, a special election was held. I signed up and ran again. This time, I came out ahead. Number one, I should have conceded right away. A new election ordinance was issued by MCT, stating that we had to hold primary elections. That's what I was pushing for, and I went along with it because, of course, I lost in the primary. Since then, I have been advocating for change and a new Constitution.
- I also reviewed the Indian Reorganization Act of 1934, also known as the Wheeler-Howard Act. If you look at our constitution, it states that the authority for it comes from Section 16 of the ACT. It states that the constitution we are under is wrong and unlawful. It says that "Any Indian tribe, or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws,..."
- Frank noted that we have been pushing for a long time, and they are finally allowing us to do that. He stated that if you also look, the Secretary of the Interior was supposed to call for an election within one year. That did not happen. It had been more than a year since they called for the election, which was another violation. The Secretary saw that, but instead of kicking it back, he approved the constitution.
- Frank stated that that is where he stands, and we are not trying to make a constitution that comes from the people. The constitution that we have is not from us. It came from the federal government.

Carol Janick shared some PowerPoint slides that complement and support Frank's presentation. **See attachment, Slides 1-9.**

CONSTITUTION REFORM – QUIZ AND PRIZES

- Donovan Stables conducted the quiz.
 1. **What does MCT stand for?** (Minnesota Chippewa Tribe)
 2. **What does TEC stand for?** (Tribal Executive Committee)
 3. **What does RBC stand for?** (Reservation Business Committee)
 4. **What are the 6 MCT reservations?** (Bois Forte, Fond du Lac, Grand Portage, Leech Lake, Mille Lacs, White Earth)
 5. **Who makes up the RBC and TEC?** (RBCs are tribal officials elected by each of the Bands. The TEC is composed of the two Officers of each Band, the Chairman, and the Secretary-Treasurer.

6. **True or False. The 1837 Treaty with Minnesota and Wisconsin Chippewa ceded land and gave away rights to hunt, fish, and gather wild rice.**
(False)
7. **1854 Treaty with the Chippewa of Lake Superior created what reservation?** (Grand Portage and Fond du Lac)
8. **1855 Treaty with the Chippewa of the Pillager and Mississippi created what reservation?** (Leech Lake, Mille Lacs, and Sandy Lake)
9. **1864 Treaty with the Mississippi, Pillager, and Lake Winnebigoish Bands of the Chippewa, what reservation?** (ceded Mille Lacs but stated that they were not compelled to move).
10. **1866 Treaty with the Bois Forte Chippewa created what reservation?** (Bois Forte and Deer Creek)
11. **1867 Treaty with the Chippewa of Mississippi ceded what reservation and created which reservation?** (Leech Lake ceded the land, and White Earth reservation was created)
12. **What did the Indian Appropriation Act of 1871 do?** (It ended treaty-making)
13. **What year was the Dawes "Allotment" Act signed into law?**
(1887)
14. **What was the purpose of the "Allotment" Act?** (To assign 80 acres to encourage Indians to take up farming, and become Christians, and the government would sell the rest of the land.)
15. **What was the purpose of the Nelson Act of 1889?** (to relocate all the Anishinaabe people in Minnesota to the White Earth Indian Reservation, and expropriate the vacated reservations for sale to European settlers.)
16. **In what years did Indian born in the US become citizens with the right to vote?** (1924)
17. ~~**True or false? The problem of the Indian Administration, aka the Meriam report submitted to the government in 1928, was a study of the poor living conditions of the Indians, ultimately helped form Indian policy.**~~
18. ~~**In what year did the Indian Reorganization Act of 1934 establish the MCT?**~~
19. **True or false? The Revised Constitution and Bylaws of the Minnesota Chippewa Tribe says membership requires. "...at least ¼ Minnesota Chippewa Tribe Blood."** (False)
20. **True or false? Between the years of 1936 and 1963, membership was "at least 1/4 Indian Blood."** (False, it was lineal descent.)

THE BUSH GRANT (FINAL)

- **The Finance Committee is not ready to present the Bush Grant for approval.**

FEDERAL RECOGNITION

- Leonard Fineday was unavailable, so Sally read the following letter he wrote on Federal Recognition:

On February 26, 2025, at 01:07, Leonard Fineday <leonard.fineday@llojibwe.net> wrote:

Sally:

Thank you so much for reaching out and asking this question. It is an issue that can be confusing considering the dynamics of Federal Indian policy over the last 150 years.

The simple answer is Leech Lake's federal recognition was achieved when our ancestors signed the Treaty of Washington in 1855 and continues to this day as displayed by our direct and independent government-to-government relationship with the federal government, which has been continuous since 1855. The Treaties that established the Leech Lake Reservation were never rescinded, revoked or abrogated by any subsequent Congressional action, and thus remain the supreme law pursuant to Article VI of the US Constitution.

It is important to note that the concept of "federal recognition" as a policy of the US government came about in the 1970s as federal Indian policy transitioned from the Termination Era to the policy of Self-Determination. In this time, Tribes that lost their government-to-government relationship with the federal government due to termination or other unilateral federal action could be "restored," like the Menominee Tribe in Wisconsin. To address the concerns of these terminated Tribes seeking restoration, the federal government established the Office of Federal Acknowledgement and a process for Tribes to obtain or re-obtain "federally recognized" status. Importantly, these actions were for Tribes who did not have a consistent and ongoing governmental relationship with the Federal government.

To implement this policy, and to ensure that only eligible Tribes received services and funding for federal programs designated to Tribes, Congress enacted the Federally Recognized Tribes List Act, which required the Department of Interior to annually publish a list of those Tribes who were eligible to receive services and funding from the federal government in the federal register. The List Act requires the Department to publish the list of every Tribe, regardless of whether that Tribe was terminated and restored or otherwise later recognized after the Treaty period ended in the late 1800s.

Unfortunately, this list is the source of a lot of confusion surrounding federal recognition for MCT bands because the federal register only lists the Minnesota Chippewa Tribe and then includes a parenthetical listing each of the six "component" reservations, including the Leech Lake Band. This leads some to interpret the list to mean that federal

recognition for the individual bands "flows" from the Minnesota Chippewa Tribe. I believe this to be wholly inaccurate.

To assume that the federal recognition of the Leech Lake Band is intertwined with the Minnesota Chippewa Tribe denies reality.

Federal recognition was not even a consideration of Federal Indian policy in 1934 (or 1937 when our first Constitution was enacted, or in 1964 when our Constitution was Revised). It is therefore absurd to assume that by agreeing to govern ourselves under the MCT Constitution as an IRA government in 1937 (or even in 1964) that we were agreeing to end our direct and independent relationship with the federal government and have that relationship "flow" through the Minnesota Chippewa Tribe.

The absurdity of this interpretation is displayed in the ongoing unique and direct relationship between the Leech Lake Band and the federal government independent of the Minnesota Chippewa Tribe. Leech Lake has entered into many Self Determination agreements ("638 contracts") for various programs going back decades, including various IHS programs. Leech Lake was one of the first demonstration Tribes in the original Self-Governance compacts (Title IV) for various BIA and DOI programs. We have a Tribally Controlled BIE school operated by the Band, not the MCT. We have a gaming compact and gaming ordinance approved by the National Indian Gaming Commission. We receive an Indian Housing Block Grant under NAHASDA. We have "Treatment as a State" status with the EPA for water quality standards and 401 certifications pursuant to the Clean Water Act.

Each and every one of these agreements, contracts, and designations is directly and independently between the Leech Lake Band of Ojibwe and the various applicable federal government agencies. The Minnesota Chippewa Tribe is not a party and plays no role in any aspect of this diverse and multifaceted relationship between Leech Lake and the Federal government.

Because the Leech Lake Band of Ojibwe was never terminated and because our treaties were never rescinded or abrogated, there is no question the Leech Lake Band is independently federally recognized.

Finally, if there is still argument about Leech Lake's federal recognition after all this, one need only look to the recently enacted Leech Lake Band of Ojibwe Reservation Restoration Act, enacted by Congress in December 2020 as Public Law 116-255. This statute, in Section 2(b)(3), defines the term "Tribe" as the Leech Lake Band of Ojibwe. Congress itself has enacted a law defining the Band as a Tribe. We are federally recognized and don't need the Minnesota Chippewa Tribe to maintain that recognition.

I apologize for the treatise on this subject, but as you can see, I'm passionate about this subject. I am happy to answer any further questions you may have.

Chi Miigwech,

Lenny

- Carol Janick presented a PowerPoint, "CONSTITUTION REFORM UNDER THE IRA," on the topic of Federal Recognition. **See attachment, Slides 10-20.**
- Frank asked what "Plenary Power" and "Government-to-Government Relations" are. Carol responded that the Plenary Power is a concept that the government claims to have absolute control over, allowing it to make policies that affect us. They use the plenary power to make decisions that are to their advantage. Government-to-government refers to the ongoing interactions between the government and its counterparts, encompassing contracts, negotiations, funding, legislation, and the provision of services.

Carol presented an introduction to the process and procedures that had been left over from the previous month. The citizens' concerns about not wanting to leave the MCT. And is the Alliance the appropriate document for an Umbrella document? She discussed two ways to look at things. Each Tribe needs to determine how MCT is going to be reconstructed. **See attached documents.**

Marcie M. asked what resources were used. Carol responded, citing statutory case law, an Indian-authored historical article, other articles by knowledgeable authors, and an important article listed on the fdl constitution.org website, "History of the Minnesota Chippewa Tribe" by William Schaaf and Charles Robertson, Curriculum Developers, Minnesota Chippewa Tribe, 1978, on the Zaagibagaang website.

Patty S. noted the following:

- The Alliance needs to be revised, and White Earth will give its suggestions.
- Need education on:
 - The Secretarial election process
 - PL 280
 - 30% requirement
- Need a survey
- Don't need checks and balances if Article XII is removed

She asked if these should be passed on to the Education Subcommittee. The answer given was yes.

Cheryl gave an update on the Curriculum and the videos to be used.

Donavon spoke about the need to assure the people that we are staying together, we are united, and the Alliance is the source that keeps us together. We have power in numbers.

DAY 2 -April 18, 2025

STATEMENT OF THE NON-REMOVABLE MILLE LACS BAND MCT DELEGATES (FIRST AND LAST SENTENCES)

- After much deliberation, the Non-Removable Mille Lacs band delegates have concluded that we have. We'll no longer participate in the MCT's constitutional reform, including all aspects of MCT delegation work, for the following reasons:
- We wish you every success as you continue your work on the MCT Constitution.

QUESTIONS;

- Michael, how will it work when we vote?
 - Sally said that if they are not going to be involved in the reform, the rest of us have to carry on; we still have to conduct our work.
- Sally, is Mille Lacs going to step away from the TEC table then?
 - Michele Palomak stated, "No, our efforts are all focused on the education. They will hold their own delegation convention every third Friday instead of attending this convention. She also said that with the finances, the Bush Grant, you can move forward and acknowledge that piece is no longer there.
- Cheryl- will you be participating in our planned educational meetings?
 - Michele P. Stated That they will not be in the education meetings nor in any of the subcommittees. Quarterly reports will be given by a member or a leader, who will read them.
- A male delegate – Is Mille Lacs going to participate in our votes?
 - Michele P. I'm not sure about that; you would have to look up the resolution from 2018. However, the referendums that will be included in our elections. We will be working with our TEC.
- Fawn- are you completely separating away from the Constitutional Reform then?
 - Michele P. said "YES"
 - Sally noted that this is the second time MLB stepped away.
- Joyln- what happens with the MCT funding? Something to consider. Do we revisit that

Patty S., Marcie M., Cheryl E., Jolyn D., Sally F., Millie H., and Carol J. all thanked MLB for their participation and the valuable insights they provided throughout the process. Cheryl said for MLB to come back and visit.

Frank R. discussed the past when we all decided to create a new constitution, rather than revise the existing one, correcting bullet point 3 on MLB's statement.

Donovan stated that the one Band that is leaving us has changed its governance from within, based on its sovereignty, and then asked, "What does that tell us?" We are all

here to do our own thing, coming to this meeting to give updates and then returning to our own tasks.

Danielle stated that she supported coming together quarterly and updating the group.

Sally F. noted that she enjoyed the time with MLB and that if they wanted to come quarterly, that would be fine with us.

Millie H. stated that they are having trouble getting people to participate, but they are doing their best because they do not have all the professionals and resources. Our people have jobs.

Berdie R. always reinforces our sovereignty. It is difficult to educate because of so many different and incomplete messages out there. They are focusing on one message. MLB is not opposed to coming back.

Sally stated that MLB is only stepping away from the monthly meetings, but would like to attend the quarterly meeting, which we welcome. However, there was no statement by MLB committing to that.

Marcie noted that the effort in drafting is to revisit our approach and determine what works best to incorporate it into the document. Wally came up with the idea of an alliance. MLB agreed. If it isn't viable, it is our collective responsibility to come up with ideas to add to the document. We owe it to the ones who came before us to get this done. Maybe the drafting committee might work on a rebuttal to this statement.

Wayne thanked Marcie for her input and applauded her. He said we need to work together and form that alliance. It is the commonalities that form an alliance, noting that there is nothing in the Alliance that conflicts with what they are doing. In an alliance, you find commonalities that make you stronger. We join hands and contribute to the Alliance. Any detriment to the validity of that document going forward is a detriment to all of us.

LETTER TO THE TEC (FINAL) READY FOR AN APPROVAL VOTE

Michael and Carol will present and live edit.

- The TEC Subcommittee met but was unable to reach a consensus on what should be included in the letter.

We also ask that additional steps be considered.

- Resolve the tabled Secretarial Election interpretation issue by providing a written response to the BIA regarding the definition of the 30% requirement.
- Forward RESOLUTION NO. XX-24 to remove the Secretary of the Interior from the MCT Constitution amendment process in Article XII.
- Authorize and implement a Tribal Election Ordinance to replace the Secretarial Election.

- Authorize and implement a council to replace the role of the Secretary of the Interior.

Sally noted that Attorney Phil Brodeen took with him a document from the drafting committee that addressed the "implementation of a council to replace the role of the Secretary of the Interior."

Carol responded that the document Sally gave to Attorney Brodeen was not the appropriate document for this interim period. Sally had given him a document drafted by the committee for a different purpose. He was given the Grand Council document, which was intended for the proposed governing structure or model. Drafting did not know that this would be handed out.

Cheryl noted that the drafting Committee has developed a council for the interim period. Emily suggested it be attached; however, it has not been approved by the delegation, so that we will concentrate on the letter before the group today. Michael suggested that we do a simplified version of this letter and send it in. It was supposed to be a unified letter that we all signed onto and submitted. They need to know what we are waiting on. After the delegates expressed their opinions and concerns, the conclusion was that each delegate can make a statement in their report to the TEC, but only four tribes agreed to support the letter as follows:

Two issues before the delegation to vote on

- Resolve the Secretary election interpretation by providing a written response to the BIA regarding the definition of the 30% requirement.
- Delegates seek clarification on when the planning meeting to remove the Secretary of the Interior from Article XII-Amendment.

Cheryl: "This attempt was to write a letter on a subject or subjects we can all agree on."

Sally: "We should just call a vote." After a 5-minute break to talk to your people.

Sally: "We have the letter to vote on...only voting on removing the Secretary of the Interior from Article XII Amendment."

Cheryl: "There are two things ...the first thing to vote on is to resolve the Secretary Election interpretation issue by providing a written response to the BIA regarding the definition of the 30% requirement."

Sally: "We are going to all vote on this letter." BF Yes, LL yes, WE no, GP Yes, FDL Yes

Sally: "With that, we don't have a consensus vote."

Sally: "Non-removable Mille Lacs removed themselves from the table this morning."

Carol: I'm a little confused about one thing. Yesterday ...in an introduction, Sally said that we had a few things to vote on in this convention. You had mentioned that we could use a supermajority yesterday. I'm wondering why a consensus is needed on this.

Sally: "We did say super majority, five of six, yesterday. Today we only have five."

Cheryl: "Then it would be 4 of 5."

Sally: "At this point, I find it null and void because at Leech Lake, we made the statement yesterday that it is going to be 5 of 6."

Carol: "Yesterday you said supermajority."

Wayne: "Sally, you are being a little bit autonomous, aren't you. Are you speaking for everybody there?"

Sally: "If you look at the recording of this, you can see we said 5 of 6."

Wayne: But when there is only 5.

Unknown Female: "What is a supermajority now?"

Sally, "We can talk about this. Do you want a supermajority on?"

Patt: "We don't want our explanation for abstaining from the letter in our report, so with that being said, I'm going to leave the meeting now."

Sally: "Alright, we're pretty much done."

Cheryl: "Now wait a second. There was a question asked from the audience, from a delegate. What is supermajority now? If we are down to five, what is a supermajority now? We can't just drop the discussion."

Male voice: "Yup"

A different Male voice (Frank?) started to speak

Sally speaking over the male voice: "The people who are here now-?"

A male voice attempted to speak

Sally, speaking over the male voice, said, "We can't even vote."

Male voice: "It would be 4."

Cheryl: "It would be 4 of 5, that's what we have today. That's why I'm bringing this up. That's why it was brought up in the audience. Things changed today."

Sally: Yes, they did, and now we only have four people. Tribes here at the table because White Earth isn't going to vote on what is a supermajority. So I feel like we are beating ourselves on the head. Frank and I we talked in our community about that. It's not our job to do this work. This is the job the TEC needs to do. So we are going to write

our own report stating 'You, TEC, needs to get back on track.' That's what we're going to do to help all of us."

Carol: I'm okay with what the delegates vote for. I am not okay with the fact that we initially agreed on a consensus and then changed it to a supermajority; now, we say that's different. That is an important concept that we have to address right now. This vote came after one of the bands dropped out. They shouldn't be a factor; we need to address this. It isn't fair to come into a delegation meeting every month, not knowing what the rules are."

Sally: "Address that to the facilitation committee. Calendar for the next meeting. We need to discuss what a supermajority is, now that the Mille Lacs Band of Ojibwe has left the monthly convention."

Carol: What happens with the letter? We have a supermajority vote of bands who are still with us. What is being missed here? What I don't understand is the conclusion."

Female voice: Can we get together and write this?

Cheryl: "There are four of us. That agreed to this. Four of five agreed to use this letter. That is a super majority."

Sally: "What we don't know- that super majority has changed now that Mille Lacs left, and what we need to do is put it on the calendar so that when we do have a vote at the next meeting, we are all under the same understanding."

Wayne: "In my opinion, it is obvious that four or five is the Superman. That's my opinion, but I'm not speaking for everyone."

Sally: "We aren't seeing 'no, 'Leech Lake is not saying no. We already said yes."

Cheryl: "Then why aren't we presenting this letter?"

Sally: "You can present it. If you wish, we are going to put it in our report."

Cheryl: "Obviously, put it in your report. But this letter..."

Sally: interrupts "Without all that explanation stuff. We said we don't want any mention of 32:15 in this document? The last statement says that these must be resolved before any federal. We all know that. We support the letter, but we are going to make our statement in our own report, as well."

Cheryl: "Yes, but we have voted four or five to put this letter forward, and Leach Lake was included in the yes, and so this letter should be going forward."

Sally: "That is what we are saying. Put it forward. We will make a report as well."

Cheryl: "Obviously. We all are."

Sally: "We are not going to talk supermajority now. We don't have enough people here, and that should be on the agenda. We can't change the rules as we run along the road with this committee. Everyone has to vote on this, and we already heard from White Earth. They are not going to vote today, so if we want to change. Supermajority. We need to. Brought to the facilitation committee. From there, put it on the agenda and we give the people time to mull it over."

Cheryl: "In doing that, I'm asking this group, does this letter go forward with four delegates on it?"

Several delegates from the audience responded with "yes."

Sally: "We said yes, put it forward."

Cheryl: "That's what we are trying to clarify."

FINAL VERSION OF THE LETTER TO THE TEC See attachment

CONVENTION MEETINGS SCHEDULE

- The Facilitation Committee will determine this next week.

NEXT MEETING: August 15, 2025, at FDL