

MCT CONSTITUTIONAL REFORM DRAFTING COMMITTEE

Date: 12/19/23 Time: 6 PM

Facilitator: Carol J.

Present: Raymond B., Julie H-C

Guest: Gerald W.

NEW BUSINESS:

1. What is new on the reservations?

a. Julie stated that Mile Lacs Band is conducting five presentations on how they became a Three Branch Government. When asked why they are doing this now, Julie could not answer but would keep us informed. The drafting committee hopes that Mille Lacs is training in preparation for the Alliance Education sessions and hopes that this meshes the two in a compatible way.

2. Raymond responded: They state they are a three-branch government, which is illegal and unconstitutional. We are all under the same Constitution umbrella.

3. Julie mentioned that Jay C. is doing the training because he was involved initially. She said Attorney Mark Anderson was also involved at that time. Raymond indicated that Art G. was the chair, but he subsequently became the Secretary/Treasurer. Chip S. was also there, and those guys had already made the arrangements between the bands: "You don't bother me, and we won't bother you" because they were into Scams. Mille Lacs Band did this despite the people objecting to it because it was outside the Constitution. The TEC did nothing about it. People were fighting against it. The Bureau of Indian Affairs didn't step in. Public Law 280 still prevails. Eventually, the insurance scam was exposed. All the Bands paid into a "Risk Management" program, but there was no insurance. The guys were spending the money. Skip S. went on to be a State Senator. Eventually, his position as a Senator and attorney license were taken away. Several of those involved went to jail. The Secretary of Interior should have stepped in because their actions violated our Constitution.

4. The University of Wisconsin-Madison offers full scholarships to enrolled members of any Wisconsin Federally Recognized Tribes. They also have a pilot program for law and medical school scholarships. Michigan also does this. Our Treaty rights are supposed to always provide for Indian Education.

5. After the last TEC meeting, where the TEC Committee agreed that all background checks would be consistent, using the same process for everyone, Ferron J. spoke to Cheryl E about the Constitutional Reform group looking into expunging felonies that tribal members acquired. Cheryl informed him that the drafting committee has had this conversation when proposing the Tradition and Customs Dispute Resolution Body. See Drafting Committee minutes dated 4/11/23 and 4/18/23 as examples. The committee will continue this discussion when they develop the Tradition and Custom Dispute Resolution process.

6. General Assembly Draft #3

a. Section 1. A minimum of one Lawyer with paralegals and representatives from each band should make up the General Assembly. Possibly select a Chair, Co-chair, and Secretary.

b. Section 2.,3., & 4. Meetings-open. All meetings recording and minutes generated. Because the citizens must abide by the ordinances, resolutions, laws, etc, they should have an opportunity to hear the proposed language and make comments.

c. Section 5., & 6. The committee will think about having to have a quorum and voting.

d. Section 7. Elected members of the General Assembly shall be at least age 25.

e. Section 8. Term of Office: three (3) years not to exceed two (2) consecutive three (3) year terms.

f. Section 9. All Elected officials shall swear an oath. The Drafting committee has a draft of a new oath. No elected official shall sit on another committee to avoid conflict of Interest.

g. Section 10 Ok.

h. Section 11.

1. Include language "Including but not limited to:

2. Add "Establish a Legal Defense Ordinance for citizens appearing in the court system. We suggest looking into the Anishinabe Legal Services, Cass Lake. alslegal.org

3. Subsection E. f. Land Issues: We should establish a Land Commission to go after the lands stolen. Look at the Northwest Ordinance that Congress passed in 1887, which states that no land should be taken without the people's consent. For example, WELSA went against the Resolution of TEC and RBC. W.E. was fighting against the people who took "Script" (took payment for land) instead of an allotment but also got allotments later.

4. Subsection F. The Grand Assembly needs to understand what policies the Central Council will focus on.

5. Subsection G. j. May not need separate written ordinances for the Citizen Councils, which would be a subcommittee of the Grand Council.

i. Section 12,13,14,& 15 ok for now.

7. Comments, Questions, and Other Matters.

a. Draft of the Code of Conduct and Ethics

1. The draft was sent to the drafting committee members for review.

2. It needs to be condensed. The draft was written based on several resources: White Earth Nation's Code, other tribal Codes, the Minnesota Management and Budget Department,

3. The purpose of the Code is to get rid of corruption. Assure accountability and transparency, eliminate conflicts of Interest, and provide a fair, consistent process for all elected officials and employees.

4. Use an Ethics Officer or Committee to ask questions or determine if the conduct or situation raises the level of a conflict of Interest. Documentation is essential. Maybe legal Counsel can act in this role.

5. Training is conducted for all newly elected officials and employees, followed by a signature of acknowledgment on a form in their record.

b. Free, Prior Informed Consent.

1. A big topic that needs a draft written.

2. Marcie M. sent an e-mail about a Public Notice to the Grand Portage water systems and the use of pesticides, etc. In this type of case, there is a time open for comments from the community and, hopefully, the legal department of the tribe to respond. This case is an excellent example of the need for the General Assembly to have an open meeting and implement the Free Prior Informed Consent (FPIC) strategies.

c. TEC Meeting on 1/10/24/& 1/11/24. Related to Article II-Membership change in the Constitution using an Ordinance.

Actions by the facilitator:

1. Send the group a copy of the Northwest Ordinance
2. Send a copy of the General Assembly draft to Gerald W.
3. Send the Zoom Information for the TEC subcommittee meeting on 1/8/24 at 6:30 PM and the TEC meeting on 1/11/24 at noon.
4. Send Drafting Committee members a copy of the 1998 Letter of Attorney Mark A. Anderson about the Enrollment/Membership Options.
5. Continue to work on the Recall, Removal, and Petition process.

Next Meeting: 1/3/24 at 6 PM.