

# MCT CONSTITUTIONAL REFORM DRAFTING COMMITTEE

Date: 1/9/24 Time: 6 PM

Facilitator: Carol J.

Present: Marcie M., Raymond B., Michaa A.

## NEW BUSINESS

### General Topics of discussion:

1. Raymond commented that the Constitution does not say you can tax Indians. It says to tax non-Indians doing business on one or more reservations, not enrolled people. They're selling License plates for cars, fishing, and hunting, applying a tax on us. The U.S. Constitution exempts taxing Indians, and this language has never been changed.
2. Michaa went to the Red Lake Tribal Council meeting, which was an open meeting. He reported the following:
  - a. Red Lake drafted a new constitution six years ago and is waiting for the people to vote on it.
  - b. The Secretary of the Tribe keeps the rolls. He made everyone Full Blood without a Secretarial Election. It caused major dissension among Red Lake Indians. This decision is not permanent and will be reviewed in 20 years.
  - c. A question came up about managing resources. One way to do this is like the Cherokee Nation did for their education. They counted everyone down to 1/1000 and submitted that for Federal funding, which they were 1/4 blood or less. Theoretically, their members would also be eligible for HIS money and services.
3. Michaa stated that Phil B. said that the money would be the same even if we lowered it. The Feds never give us enough.
4. Michaa explained that he thought there was a loophole in the MCT Constitution Article II to allow for "Minnesota Indian Blood," thereby counting Red Lake because we all came from the 1889 Nelson Act. He feels that Red Lake was a Minnesota Chippewa Tribe because the April 14, 1941, Roll was derived from the Nelson Act Annuity Roll, noting that we have several hundred years of Red Lake blood in all of us. Until the 1941 roll, Red Lake, St. Croix, LCO, and Candian blood were counted as MCT.
5. A recommendation was to look at ascending versus descending (heritage).

### General Assembly

The Committee reviewed the General Assembly.

- Expand the General Assembly's role, i.e., writing opinions, researching, and submitting suggestions to open public comment periods for amendments to CRR, EPA projects, etc.
- It needs to be a strong process. Generally, public hearing periods don't seem to make a difference.

- We think a stronger process could exist by implementing Free Prior Informed Consent (FPIC).
- b. Section 2.,3., & 4. Meetings-open. Record all meetings, use Zoom, and generate 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.
- This is ok
- c. Section 5., & 6. The Committee will think about having to have a quorum and voting.
- The Committee will think about this.
- d. Section 7. Elected members of the General Assembly shall be at least age 25.
- After much discussion, the Committee agreed on 25 years.
  - Marcie provided information on the science of the human mind. The Brain of an individual under 25 uses rote. After 25 years, the mind is capable of judgment and executive function.
  - The Officers will also have a basic understanding of several things identified in their roles and responsibilities.
- 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.
- All Officers and employees will take an oath.
- 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](http://alslegal.org)
  - Committee members agree.
  3. Subsection E. f. Land Issues: We should establish a Land Commission after the stolen lands. 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.
    - The Committee agrees.
  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.
    - The Committee will think about this.
  - 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.

- The Committee would need training.

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.

### **Other Comments:**

1. Scrutinize the absentee ballots system. Initially, it was meant for people in the armed services or hospitalized who could not get back home to vote.
2. Raymond suggested that we write our own Declaration of Independence.

### **The Next Convention is on 1/19/24 at White Earth Nation.**

a. Ideas for the Drafting Committee's presentation

1. Refresh the delegation on how the Drafting Committee handles suggestions for change in the Alliance Document.
2. Allow Patty S. of White Earth Nation to address the suggestions she covered at the 10/19/23 convention she could not attend. Carol already sent Patty the following Sent Patty S. of White Earth the following suggested language:
  - a. Article II Future Membership will be determined by the results of the 2023 Secretarial Election.
  - b. Each Band should have the authority to decide their own enrollment.
3. Prepare for concerns about UNDRIP.
  - a. The following international agreements have already upheld and recognized the concepts in the 46 articles of UNDRIP as fundamental freedoms:
    - 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.)
- b. Because the question of enforceability of UNDRP came up by delegates in another committee, Carol is identifying where in each of the above Charter, Covenants, and Declarations the 46 articles of the UNDRIP are, thereby making them enforceable.
- c. Marcie stated that we are a sovereign nation. Our history is important to us. The U.S. Government ran us off our land, gave us diseases, destroyed our culture, and inflicted genocide on us. Our ancestors told us the history. The people from our Tribe formed the Grassroots group AIM, and we should be proud that we influence Indian people worldwide. We need to wake up.
- d. Raymond noted that the U.S. Government was wrong. We need to hang on to our treaties. We are sovereign people with treaties. We make them with sovereign people. Treaties and the U.S. Constitution are equal. They are the Law of the Land.

**Next meeting:** 1/16/2024 at 6 PM