

CONSTITUTION OF THE GOVERNMENT OF THE LEECH LAKE OJIBWE

PREAMBLE

The Leech Lake General Council enacts this constitution to provide for the protection of tribal resources and provide for the health, safety and welfare of tribal citizens. Leech Lake Ojibwe is in alliance with Bois Forte, Grand Portage, Fond du Lac, Mille Lacs and White Earth nations. The Leech Lake Ojibwe recognize the treaties with the Chippewa is the United States federal government recognizing the Leech Lake Chippewa's sovereign nation status. Leech Lake Ojibwe honor the Treaty in the Act of January 14, 1889 (25 Stat.642). Leech Lake Ojibwe honor the Treaty of 1837, wherein the United States entered into a Treaty with several Bands of Chippewa Indians. Under terms of this Treaty, the Chippewa Indians ceded land in present-day Wisconsin and Minnesota to the United States, and the United States guaranteed to the Indians certain hunting, fishing and gathering rights on the ceded land. The Leech Lake Ojibwe honor the Treaty of Washington, the 1855 Treaty, (February 22, 1855) United States government and representatives of the Pillager, Lake Winnibigoshish and Mississippi bands of Ojibwe established the Leech Lake and Mille Lacs Reservations. The Leech Lake Ojibwe honor the 1999 ruling by Justice Sandra Day O'Connor, U.S. Supreme Court, where it was concluded that the Chippewa retain the usufructuary rights guaranteed to them under the 1837 Treaty.

ARTICLE I

Branches of Government

There shall be three branches of government.

- a. General Council – the voting citizens
- b. Legislative Branch – Local Indian Council develops and institutes all laws enacted and amended.
- c. Executive Branch – one elected Local Indian Council from each citizen community oversees the government and businesses of the Leech Lake Ojibwe.

The General Council constitutes registered voters (eligible Leech Lake citizens who vote). An individual registered voter may request a law. The Legislative Branch enact laws through a regular legislative session. Once the law is written, defined and structured to meet the needs of the citizens. A final written law is determined by 51% of the legislative branch, the law will be voted into a law by 51% of the registered voters.

It is a privilege to be elected by a community of citizens to serve on the Leech Lake Ojibwe government branches. The Leech Lake Ojibwe General Council will dictate monetary compensation using Leech Lake laws enacted by 51% of the registered voters for the Legislative and Executive Branch positions.

The Leech Lake Ojibwe honor the Revised Minnesota Chippewa Tribe Constitution and ByLaws until the Constitution of the Leech Lake Ojibwe is instituted by fifty-one (51) percent of registered voters of the General Council. Any authority not stated is reserved for the Leech Lake Ojibwe citizens. The Leech Lake Ojibwe elected leaders shall not harm the people. Harm done shall constitute removal from office; included in this term for removal are 1) retaliatory actions against the Ojibwe people, 2) Lack of informing the Ojibwe people of any changes with laws, business developments, annual budgeting and financial reporting.

ARTICLE II

Citizenship

CURRENT MEMBERSHIP WITH THE MINNESOTA CHIPPEWA TRIBE: Excerpt of Revised Constitution and ByLaws of the Minnesota Chippewa Tribe, Article II

Section 1. The citizenship of the Minnesota Chippewa Tribe shall consist of the following:

(a) Basic Citizenship Roll. All persons of Minnesota Chippewa Indian blood whose names appear on the annuity roll of April 14, 1941, prepared pursuant to the Treaty with said Indians as enacted by Congress in the Act of January 14, 1889 (25 Stat. 642) and Acts amendatory thereof, and as corrected by the Tribal Executive Committee and ratified by the Tribal Delegates, which roll shall be known as the basic membership roll of the Tribe.

(b) All children of Minnesota Chippewa Indian blood born between April 14, 1941, the date of the annuity roll, and July 3, 1961, the date of approval of the citizenship ordinance by the Area Director, to a parent or parents, either or both of whose names appear on the basic citizenship roll, provided an application for enrollment was filed with the Secretary of the Tribal Delegates by July 4, 1962, one year after the date of approval of the ordinance by the Area Director.

(c) All children of at least one quarter (1/4) degree Minnesota Chippewa Indian blood born after July 3, 1961, to a citizen, provided that an application for enrollment was or is filed with the Secretary of the Tribal Delegates or the Tribal Executive Committee within one year after the date of birth of such children.

Sec. 2. No person born after July 3, 1961, shall be eligible for enrollment if enrolled as a citizen of another tribe, or if not an American citizen.

Sec. 3. Any person of Minnesota Chippewa Indian blood who meets the citizenship requirements of the Tribe, but who because of an error has not been enrolled, may be admitted to membership in the Minnesota Chippewa Tribe by adoption, if such adoption is approved by the Tribal Executive Committee, and shall have full citizenship privileges from the date the adoption is approved.

Sec. 4. Any person who has been rejected for enrollment as a citizen of the Minnesota Chippewa Tribe shall have the right of appeal within sixty days from the date of written notice of rejection to the Secretary of the Interior from the decision of the Tribal Executive Committee and the decision of the Secretary of Interior shall be final.

Sec. 5. Nothing contained in this article shall be construed to deprive any descendant of a Minnesota Chippewa Indian of the right to participate in any benefits derived from claims against the U.S. Government when awards are made for and on behalf and for the benefit of descendants of citizens of said tribe.

NEW OPTIONS:

1. Each community shall decide Leech Lake Ojibwe citizenship based on a valid Leech Lake Ojibwe heritage, descendant or lineal descent line connection to their community. Each Local Indian Council shall determine an enrollment committee to establish and determine new citizens based on criteria approved by the legislative branch and when 51% of registered voters codifies citizenship law by their vote.
2. Honorary members do not qualify for benefits.

ARTICLE III

Rights and Privileges

The Leech Lake Ojibwe shall possess all the rights and privileges possessed by citizens of the United States of American. Leech Lake affirms the United Nations Declaration on the Rights of Indigenous People (UNDRIP).

The Leech Lake Ojibwe Nation, exercises its powers of self-governance, by providing the Leech Lake Ojibwe citizens the following rights and priviledges:

- Have protections to be secure in their persons, house, papers, land leases, and effects against unreasonable searches, seizures, warrants, but upon probable cause, supported by oath and affirmation, and particularly describing the place to be searched and the person or thing to be seized.
- Have the right to assert preferential employment with the Leech Lake government and any and all of the Leech Lake enterprises, including contracts for services and products, where Leech Lake laws provide for Leech Lake Ojibwe employment and purchasing standards and practices.
- Employment protections of safekeeping positions and salaries for Local Indian Council citizens while participating with legislative sessions will be dictated by a budget and a 51% of the vote of the General Council.
- Have protections for health and dental services that meet the needs of the citizens to full and satisfactory capacity.
- Have the right to the true history of the Leech Lake Ojibwe in the schools within the jurisdictional boundaries of the Leech Lake Reservation.
- Have the protections of the Leech Lake civil courts and the Indian Child Welfare courts.
- Have protections with freedom of speech, freedom of religion, and the right to hold property and maintain a Leech Lake lease according to the property laws of the Leech Lake Ojibwe.
- Assert and affirm the Tribal Employment Rights Organization.
- Possess traditional family living standards that supersede all other laws that hinder traditional family living.

- Have protections from violence of elders, youth, and vulnerable adults.

ARTICLE IV

Executive Power

The Executive power of government shall be exercised by the Legislative Branch of Leech Lake Reservation. The Legislative Branch shall nominate the following tribal cabinet officers to assist in the exercise of the executive powers of government.

- a. Secretary of State – Ojibwe term – Orator
- b. Secretary of the Treasury – Ojibwe term
- c. Elders (55+)
- d. Youth (13 to 18)
- e. Tribal College
- f. Tax Commission
- g. Utility Commission
- h. Natural Resources Advisory
- i. Organizational/Administration
- j. Tribal Courts
- k. Gaming Regulatory
- l. Bug-O-Nay-Geshig School
- m. Housing Authority
- n. General Administration
- o. Public Works
- p. Public Safety
- q. Tribal Development
- r. Resource Management
- s. Alcohol & Drug
- t. Behavioral Health
- u. Health Services
- v. Education
- w. KOJB Radio
- x. State Agreements

The tribal cabinet officers shall be confirmed by majority vote of the General Council. Executive Cabinet citizens shall abide by the following traditional laws:

1. Shall not use illegal drugs; random testing will occur.
2. Shall be required to attend all meetings of the Local Indian Council, Executive and Cabinet meetings; consequences for non-attendance of three consecutive meeting will be dismissal from the Executive Cabinet.
3. Shall be conduct themselves in a professional manner.

4. Shall not have been charged at anytime in adulthood (18+ years of age) of a felony crime. (MCT Constitution – Article IV. Sec. 4 No member of the Tribe shall be eligible to hold office, either as a Committeeman or Officer, if the or she has ever been convicted of a felony of any kind; or of a lesser crime involving theft, misappropriation, or embezzlement of money, funds, assets, or property of any Indian tribe or Tribal organization.)

ARTICLE V

SPECIAL MEETINGS OF THE LOCAL INDIAN COUNCILS

Biannually all Local Indian Councils shall meet to determine if issues are extreme and to measure goals and create objectives to meet the solution to extreme issues.

ARTICLE VI

LEGISLATIVE POWER

The legislative power of government shall be exercised by the General Council. The General Council shall consist of ALL representatives of the Local Indian Councils.

- 1) Nature's Lake (formerly S Lake)
- 2) Ball Club
- 3) Sugar Point
- 4) Noopiming (formerly Cass River)
- 5) Cass Lake Area. Cass Lake shall have two representatives.
- 6) Onigum/Old Agency
- 7) Inger
- 8) Smokey Point/Kego Lake/Boy Lake
- 9) Bena
- 10) Mission
- 11) Oak Point
- 12) Prescott
- 13) Winnie Dam
- 14) Sugar Bush/Buck Lake
- 15) Minneapolis/St. Paul area.
- 16) Duluth
- 17) Deer River
- 18) Bemidji

New communities shall become a part of an existing community where the location is nearest to the existing community.

The Leech Lake Reservation Local Councils shall select a representative to be seated with the Executive Branch.

Legislation shall originate with the citizens, the General Council and becomes effective when passed by majority vote of the General Council.

ARTICLE VII

MEETINGS OF THE EXECUTIVE CABINET

All meetings of the Leech Lake Ojibwe shall be with consensus voting and 15/18 super majority. Rules of traditional order shall be honored at each meeting. A majority of Executive Cabinet citizens may call a Special meeting. Notice of a special meeting is honored with three (3) business days' notice to each Executive Cabinet. Executive Cabinet meetings shall be held once every other week. Legislative meetings shall be held once a month. All meetings are mandatory and elected Cabinet citizen shall appoint an alternate from within their Local Indian Council of their choice.

Traditional rules of order and conduct are

- 1) Sagaswediimin - smoking of the pipe to solve disagreements.
- 2) Cabinet citizens shall conduct themselves with the following sacred laws when conducting Cabinet business:
 - i) Dbaadenidiziwin – humility
 - ii) Aakwaodeewin – bravery
 - iii) Gwekwaadziwin – honesty
 - iv) Nbwaakaawin – wisdom
 - v) Debwewin – truth
 - vi) Mnaadendimowin – respect
 - vii) Zaagidwin - love

ARTICLE VIII

DUTIES OF CABINET CITIZENS

Shall be mandatory to attend an orientation of the Leech Lake Ojibwe Constitution and history of the Ojibwe.

Shall possess zero felony crimes from the age of 18 to present. Shall be mandatory to pass a criminal background check to display zero felonies.

Cabinet members shall be drug tested. Unacceptable drugs are non-prescription drugs. Cabinet members shall attend all mandatory meetings or ensure their representative alternate is available to attend.

Shall be removed from duties and office for malfeasance, dereliction of duty, abuse of authority, and harming citizens – financially, home and health.

ARTICLE IX

TERMS

Terms shall be 4 years and up to 2 terms. Staggered terms are divided 1 to 9 and 10 to 18.

ARTICLE X

ELIGIBILITY

- 1) Must be twenty-one (21) years of age.
- 2) Must be knowledgeable about community and history of Ojibwe.

ARTICLE XI

VOTE AND REFERENDUM VOTE

Voting and Referendum Voting shall be regulated with the Alliance Voting Ordinance.

ARTICLE XII

EXECUTIVE BRANCH

The Executive Branch will oversee the Executive Director and Chief Financial Officer. Any changes to the Government and business industry rules for operations shall be changed only by the authority of the General Council with a referendum vote of 51% percent of the registered voters.

ARTICLE XIII

LEGISLATIVE BRANCH

The Legislative Branch will be seated Commissioners overseeing the Divisions

ARTICLE XIV

JUDICIAL POWER

The judicial power of government shall be exercised by the Leech Lake District Court and the Alliance Supreme Court. Judges shall be elected and must be Leech Lake and live within ceded territory.

This constitution does hereby ratify the dissolution of Public Law 280. Public Law 280 does not reflect the rights nor laws of the Leech Lake people. Leech Lake Ojibwe Tribal Court shall have authority over all criminal law up to a point of felony crime. Felony crime shall then be deferred to the US Federal Court.

Judges shall possess a law degree and be in good standing with the State Bar Association.

The Leech Lake District Court shall be a court of general jurisdiction. The Leech Lake Court of Appeals shall be empowered to review questions of law only on appeal from the Leech Lake District Court.

Judicial officers shall include one 1), District Court judges, and 2) Court of Appeals is retained with the Alliance, 3) members of the Leech Lake Bar, and 4) Traditional Advisors.

The Federal Rules of Civil and Criminal Procedure shall provide the initial procedural law to be applied by the Leech Lake Judiciary., until modified. The substantive law of the State of Minnesota and Traditional Ojibwe Law shall be substantive law applied by the Leech Lake Judiciary, until modified.

Judges shall be elected and confirmed by majority vote of the General Council. Judges shall serve for life and may be removed only by trial of impeachment by the General Council.

Members of the Leech Lake Bar shall be a graduate of an American Bar Association approved law school and licensed to practice law before any state or federal court and shall pass the LL test for knowledge of Federal Indian Law.

Traditional Advisors shall be nominated by the Legislative Branch. And confirmed by majority vote of the General Council and shall provide advice, upon request, to the judicial officers when questions of traditional law are before the court (Appendix A – Traditional Law)

ARTICLE XV

JUDICIARY, CODES AND LAWS

ARTICLE XVI

VACANCIES AND REMOVAL

Judgements of the Leech Lake District Court, unless appealed, and Alliance Court of Appeals are final and conclusive.

Any vacancy in the Local Indian Councils shall be filled by a majority vote of the Leech Lake Ojibwe voters of that particular Local Indian Council. During the interim, the Local Indian Council shall be empowered to select a temporary Local Indian Council replacement for a specific duration of time until an election may occur to replace the vacancy.

The Local Indian Councils shall by a majority vote of its Local Indian Council citizens shall remove any officer of the Local Indian Council for the following causes:

1. Malfeasance in the handling of tribal affairs;
2. Dereliction or neglect of duty;
3. Unexcused failure to attend three regular meetings in succession;
4. Conviction of a felony in any county, State of Federal court while serving on the Local Indian Council.
5. Refusal to comply with any provisions of the Constitution of the Leech Lake Ojibwe.

The removal shall be in accordance with the procedures set forth herein:

Any elected Local Indian Council citizen is provided charges by written notice supported by no less than 20 percent of resident eligible voters of said Local Indian Council citizenship stating any cause for removal of the causes listed above. A hearing shall take place no later than 30 days after written notice of removal has occurred. The seated Local Indian Council and citizenship shall review the charges and hear the plea of the accused Local Indian Council citizen who has been charged with cause for removal. Then within 10 days there shall be a vote to remove the Local Indian Council citizen who is charged. A removal will be official with 51 percent of the citizenship of the Local Indian Council voters. At this time all resident voters are eligible to vote for removal. There shall not be an appeal. To serve the citizens is a serious and honorable service and to be found unacceptable for cause and removal occurs exhibits the seriousness to be elected to the Local Indian Council.

ARTICLE XVII

ELECTIONS

The Alliance Organization Minnesota Chippewa Tribe shall be held accountable for uniform elections of the Leech Lake Ojibwe and other member Tribes.

The Alliance Organization shall insure fair and just campaign finance with uniform elections.

ARTICLE XVII

Expiration

Leech Lake General Council reserves the right to make constitution changes.

ARTICLE XVIII

Amendment

This constitution may be amended by three quarters (3/4) majority vote of the voting citizens should the legislative Branch fail to approve the amendment, after three quarters (3/4) majority votes of the General Council, the General Council may enact the amendment upon unanimous vote.

On this ___ day of ___, 2023, at Cass Lake, Leech Lake Reservation, my signature affixed hereto, signifies on behalf of the Local Council I represent and as a citizen of the General Council, adoption and allegiance to the foregoing Constitution.

Shall be signed by the Chair of each Local Indian Council.

FOR MORE INFORMATION

- All work of the MCT Constitution Reform is available at www.FDLconstitution.org
- The MCT is NOT a tribe; the work to reform the MCT Revised Constitution is to develop an Alliance document. This work does not mean Tribes will be separating from the citizenship of the Alliance.
- Each tribe is now working on developing their own Constitutions.

NOTES 11/5/24 – Donovan Staples, Sally Fineday and Avis Poupart. No changes to the draft 19, too few citizens at the meeting. Discussed how to reach more citizens for input. Discussed meeting in Bena at the restaurant in December, making email addresses and telephone numbers available.

The following budget requests shall be brought to the Reservation Business Committee for review and approval. Budget to include Local education mileage reimbursement; Convention and TEC meetings travel stipends; LL Ojibwe hosting 2 MCT Constitution Reform Conventions at Leech Lake FY25.

Local education mileage		\$ 1300
Convention travel stipend	10 x 100 x 12	\$12000
TEC travel	10 x 100 x 4	\$ 4000
Website		\$ 500
MCT Constitution Convention	1100 x 2	<u>\$ 2200</u>
ANNUAL TOTAL		\$20000

UPCOMING MEETINGS

11/12/24 – 9am at the Pub 33, Cass Lake

11/19/24 – 9am at the Pub 33, Cass Lake

11/26/24 – 9am at the Pub 33, Cass Lake

12/03/24 – 11am at the Big Winnie Restaurant, Bena

12/10/24 – 11am at the Big Winnie Restaurant, Bena

All Leech Lake citizens are welcome to attend. Bring your ideas for government structure, citizenship, and citizen rights. Breakfast/lunch is at the expense of the participant.

The **November MCT Constitution Reform Convention** is hosted by the Mille Lacs Band on November 15, 2024. Location: District 1 Community Aquatics & Fitness Center, 18458 Minobimaadiz Loop, Onamia, MN 56359. Lodging at \$89 rate with code MC1114M will be available until 11/11/24 call 800-626-5825.

Write or call in your thoughts and ideas:

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Zoom information coming soon!