

MCT Constitution Reform Convention
Minutes August 15, 2025
Hosted by Fond du Lac at The Black Bear Casino and on Zoom

IN-PERSON ATTENDEES:

FDL: Cheryl E., Julia L., Tara D.

WE: Mike S., Emily A., Norman D., Jolyn D., Louie J., Patty S.

LL: Sally F., Claircy G., Aaron F., Delores F., Tara F-V., Christina B.

GP: Michele B.

ZOOM ATTENDEES:

BF: Toni W.

FDL: Carol J., Deb T.

WE: Fawn R., Mykee B., Raymond B., Angel S., Sybil G., Andy A.

GP: Sandra B., Marcie M.

SL/WE: Tammy S.

Others: Pam, Maureen J., Samsun SM-S, Julie, Dave J.

WELCOME: Cheryl E.

INVOCATION: Mike S.

DELEGATION ROLL CALL: Present -FDL, WE, GP, LL, BF. Absent: MLB

HOUSEKEEPING/REMINDERS AND PROCESS: Cheryl E.

TEAM BUILDING EXERCISE: Learning Styles Discussion

- Participants share various learning preferences, including reading and outlining, visual (pictures), tactile, reading, repetition, auditory (hearing), experiential learning, outlines, examples, storytelling, and keeping information concise and at an 4th or 5th grade reading level, highlighting, looking up vocabulary. The military method involves telling what you're going to do, stating three key points, and then summarizing.
- The facilitator emphasizes that education primarily happens at the local level rather than in these larger meetings and encourages delegates to use these insights when planning educational materials for their communities.
- The group discusses various approaches to community engagement, including rotating meeting locations, using social media like Facebook Live for outreach, and creating independent news channels. However, they acknowledge the importance of in-person meetings for elders who don't use technology.

- Andy A. and Deb T. discussed issues regarding potential solutions for implementing Facebook Live streaming of meetings. Andy to consider recording TEC meetings to increase transparency.
- Luke Warnsholz needs to update the Minnesota Chippewa Tribe website with current information and make archived TEC meeting videos accessible to members.

DISCUSSION: INTERIM COUNCIL-Carol presented a PowerPoint presentation

- Article XII, the TEC's Plan
- Remove the Secretary of the Interim from Article XII
- Article XII, the Secretary has the power to:
 1. Call elections
 2. Approve amendments
 3. Conduct elections
 - ALL OF WHICH DIMINISHES OUR SOVEREIGNTY
- What will replace the Secretary of the Interior in Article XII?
 - The Drafting Committee suggests that the Interim Council replace the Secretary.
- Who will call future elections?
 - The TEC suggests that they will call all future elections when the Secretary is removed.
- What will happen with Secretarial Elections?
 - A Uniform Tribal Election will replace Secretarial Elections.
 - The Secretary will have no role in calling and conducting future elections or amending and revoking the Constitution.
- The Interim Council will now handle the role of the Secretary in Article XII.
- See the handout
 - Draft of Interim Council document
 - Definitions (Historical account of definitions and where they are located, including adult voter, 30% Quorum, the includes entitled to vote, Qualified voter, eligible voter, and registered voter.

The Interim Council document reviewed-Comments:

- Sally F. noted their tribe plans to replace their current 5-member leadership with a new constitutional structure including 133 legislators.
- Jolyn D. expresses concern that the Interim Council creates another layer between citizens and leadership.
- Marcie M. clarified that the council would provide oversight after the Secretary of the Interior is removed and during the transition to new tribal constitutions.
- Several members emphasize the need for community input on the proposal and the importance of protecting tribal sovereignty during this process.

- Other people talked about the need to deal with lateral violence, involve the youth, and the need for safeguards. One asked if there was a Code of Conduct. Carol J. noted that the Drafting Committee drafted one.
- TEC must update its definition to Article XII to reflect the change from "entitled to vote" to "registered voters" based on Resolution XX-25.
- Patty S. suggested that the TEC should not pursue any amendments or resolutions during the interim council period.

INTERPRETATIONS ARE UNCONSTITUTIONAL?- Carol J. presented a PowerPoint

- **PROCESS TO REMOVE THE SECRETARY OF THE INTERIOR FROM ARTICLE XII-**
 - A secretarial election pursuant to 25 CFR 81
 - The challenge
 - The Secretarial election requires a different threshold than the Revised Constitution for a valid election.
 - The revised constitution requires 30% of Entitled to Vote
 - The Secretarial election requires 30% of Registered voters
 - TEC's solution
 - RESOLUTION XX-25 ...the requirement in 25 CFR Part 81.39 are applicable to constitutional reform efforts conducted by the MCT and the number of duly registered voters shall be used to calculate voter threshold requirement pursuant to Article XII of the Revised Constitution and Bylaws of the MCT.
 - Citizens' concerns
 - The TEC's interpretations are unconstitutional.
 - Citizens have not been informed of their due process rights and how to exercise them.
 - Resolutions and ordinances cannot amend the constitution.
 - Federal regulations cannot amend the constitution (Hudson v. Zinke case)
 - Remedies
 1. Use the petition process outlined in Article XIV Referendum
 2. View TEC's Interpretation 11-09: statement of your rights to petition for a referendum (it includes the limitations of those rights).
 3. Submit petition to the BIA (25CFR 81.6 and 25 CFR 81 Subsection F)
- See handout
 - TEC Interpretations and Process-Unconstitutional?
 - The Revised Constitution and Bylaws of the MCT do not contain an article that defines who can interrupt the constitution.

- Resolution 1-80
 - ❖ TEC's exercises quasi-judicial powers, and among said quasi-judicial powers ... is the power to give official binding opinions regarding the meaning and powers possessed by the tribal government under said constitution.
 - ❖ Said opinions shall be conclusive and final as to the meaning and interpretation of the Minnesota Chippewa tribe's Constitution and the powers contained therein (said opinions shall be binding upon the tribal court system established by tribal ordinance).
 - ❖ 1-80 was voted on and enacted 45 years ago. No official challenges were filed. Nor were any challenges filed regarding subsequent TEC Interpretations.
- **TEC RESOLUTION XX-25**
 - ❖ Secretarial elections are conducted pursuant to federal law requires registration of Tribal members in order to participate in the constitutional amendment process, and
 - ❖ To expediate the constitutional amendment process, the TEC finds that it is necessary and in the best interest of the MCT to adopt an interpretation of Article XII of the MCT Constitution that conforms with 25 CFR Part 81.
 - ❖ **THEREFORE, LET IT BE RESOLVED,** hereby that the Tribal Executive Committee of the MCT acknowledges and recognizes that the requirement in 25 CFR Part 81.39 are applicable to constitutional reform efforts conducted by the MCT and the number of duly registered voters shall be used to calculate voter threshold requirement pursuant to Article XII of the Revised Constitution and Bylaws of the MCT.
- **CHALLENGING TEC RESOLUTIONS AND ORDINANCES**
 - **ARTICLE XIV REFERENDUM**
 - ❖ The TEC, upon receipt of a petition by 20 percent of the resident voters of the MCT, or by an affirmative vote of eight (8) members of the TEC, shall submit an enacted or proposed resolution or ordinance of the TEC to a referendum of the eligible voters of the MCT.
 - ❖ The majority of the votes cast in such referendum shall be conclusive and binding on the TEC. The TEC shall call such referendum and prescribe the manner of conducting the vote.
 - If the TEC refuses to act, tribal members or leaders may submit a petition directly to the Bureau of Indian Affairs (BIA).

- Regional Office to request a Secretarial election. (**See attached 25 CFR 81.6 and 25 CFR 81 Subsection F. process**)
- **INTERPRETATION 11-09**
 - ❖ **Article XIV Referendum** of the revised constitution reinstates the principles of Interpretation 9-95 and extends its applicability to enactments of the TEC...
 - The right of reservation voters to petition for a referendum is limited to:
 1. Resolutions and ordinances of the TEC or RBC, which have been finally enacted by the Committee.
 2. Legislative enactments by the TEC or the RBC and does not extend to the exercise of administrative and executive power of the committee.
 3. To emergency enactments passed for the preservation of public peace, health, and safety.
 4. To enactments or appropriations necessary for the expenses, maintenance, and support of the tribal and reservation governments and their institutions.
 5. section skipped here
 6. To the extent that any such proposed referendum seeks to compel the TEC or RBC to act in a manner which violates the rights of members secured by Article XIII of the Constitution and by the statutes of the United States, specifically including the Indian Civil Rights Act.
- Samples of Petitions to TEC or BIA, or the Secretary of the Interior
- **COMMENTS:**
 - Raymond B. discusses the negative impact of federal government interpretations on tribal identity and sovereignty. Raymond adds that recent solicitor opinions lack proper legal analysis due to pressure from officials. The discussion highlights concerns about the TEC having too much power without proper representation of the people. Raymond expresses concern that TEC members may resist giving up their power and money. Raymond cited a case, *Jacobson v. Massachusetts*, 197 U.S. 11 (1905), to emphasize his argument that the TEC can not use powers in the Preamble if the powers are not listed in Article V.

- Carol explains that solicitor opinions are not binding unless they are "M Opinions" that are published, signed, and binding.
- Both Raymond and Carol suggest there have been conflicts of interest with solicitors who later became tribal attorneys.
- Delegates discussed using petition processes to challenge these interpretations. All six bands could use petition language if a consensus is reached.
- Carol noted that while the interpretations have been Common Practice for 45 years, they will be eliminated during the transition to new local constitutions. She discussed the petition process, which is the citizens' right to due process.

EDUCATIONAL CURRICULUM-Michele B.

- Review of the Educational Curriculum to receive the \$100,000. The Finance Committee needs to meet with Luke W to review the process. The group decided that there needed to be 20 educational sessions.
- Suggested changes:
 - Use the term "Nation" instead of "Band"
 - We need to clarify the years the Constitution was revised and amended.
 - Simplify the language to a 5th-grade reading level
 - Add contact information for people who want to get involved
 - Change "membership" to "citizenship" and "rights of citizens;
 - Add "A constitution is a form of expression of the relationship between a government and its people, and the principles that define that relationship. Place the source as: **Structuring Sovereignty: Constitution of Native Nations by Melissa L. Tatum, Mirian Jorgensen, Mary E. Guss, and Sarah Deer. 2014 The Regents of the University of California.**

CONSTITUTIONAL REFORM PROJECT MANAGEMENT REVIEW

- Cheryl E. presents a comprehensive 81-page Project Management document that outlines the constitutional reform process, including committee roles, milestones, and action items for the six tribal delegations. Cheryl E. proposed that she serve as project manager to help the group move forward on their tasks. She asked delegates to review the document and provide feedback at the September meeting. Cheryl, as a project manager, would assign tasks that would move us forward in the process.

DISCUSSION: REDEFINING LEADERSHIP, THE MEANING OF WORDS, AND CHARACTERISTICS OF LEADERS-Christina B.

- Christina and Cheryl lead a discussion about leadership, emphasizing that everyone is a leader and highlighting how their traditional clan-based governance structure changed in 1963 with the introduction of the Reservation Business Committee. They stress the importance of using mindful language, team building rather than just icebreakers, and the need to increase community involvement in their convention meetings.
- Tara D. suggested that each delegate bring 5-10 community members to future meetings, where they can discuss effective outreach strategies, including word of mouth. The meeting concludes with brief committee updates and announcements about upcoming meetings.
- Our Conventions, when they are called “Delegate Meetings”, exclude members.
- Removing fear and replacing it with opportunity
- “Team Building” is not “Ice Breaking”; they have different outcomes.

Next steps:

- **All Delegates:**

- Take the interim council proposal back to their respective reservations and gather feedback.
- Consider and provide suggestions on the number of representatives each nation should have on the Interim Council.
- Determine the process for selecting Interim Council members.
- Provide suggestions on how to remove someone from the Interim Council position if needed.
- Contact their enrollment office to determine the current number of resident voters needed for the 20% petition threshold.
- Take back to their community the question of whether they are ready to challenge the TEC interpretations using the petition process.
- Put pressure on the TEC to eliminate constitutional interpretations that violate the MCT Constitution.
- Consider implementing game-based learning methods similar to Leech Lake's approach for constitutional education.
- Continue rotating community meetings to provide information even when attendance is low.
- Determine specific locations for their allocated educational sessions.

- **Drafting Committee:**

- Reconsider the compensation structure for Interim Council members.
- Take back the discussion about compensation for work done by committee members to be discussed further.

- **TEC Subcommittee:**

- Finalize the education curriculum funding to support reservations in hosting educational meetings.
- Consider Patty's suggestion about putting constitutional amendments and resolutions on hold during the interim council period.
- Gather information from all six bands to determine if there is agreement on challenging the interpretations.

- Carol J.:

- Have Cheryl send out the Code of Conduct, Ethics, and Conflict of Interest document to everyone.
- Provide the PowerPoint presentations to Mike Swan for the White Earth meeting at the Casino on Wednesday.

- **Sally F.:** Share Leech Lake's constitution draft with Deb via email.

- **Finance Committee:**

- Prepare for processing payment requests to MCT and maintaining records for the educational sessions.
- Add Linda Tibbetts-Barto to the Finance Committee email list.
- Meet with Luke to review the MCT education funding and agreement.

- **Education Committee:**

- Finalize the Constitution flyer with corrections.
- Check with Mille Lacs about their participation in the educational sessions.
- Michelle: Email good copies of all educational documents to online participants by Monday for consideration at the September Convention meeting.
- All Delegations: Plan the arrangement of their educational sessions.
- White Earth Delegation: Consider creating a video about their constitutional model if they want to present a different position.
- All Delegations: Develop survey questions for community feedback during the educational sessions.
- Each Delegation: Determine the number and locations of educational community meetings they want to hold in their areas.
- Cheryl will edit and finalize the elder videos for the educational sessions.

CHAT:

Tammey Skinaway

- I be curious to know how Meta does or doesn't protect sensitive information. A outline as a member suggested as to what was discussed on Facebook after meetings sounds like a good idea.
- https://narf.org/nill/constitutions/minn_chippewa/index.html I just found this and thought it might be useful.
- <https://mnchippewatribe.org/wp-content/uploads/2024/12/REVISED-CONSTITUTION-AND-BYLAWS-11RMS.pdf>
- <https://ojibwe.lib.umn.edu/main-entry/izhiwebizi-vai> When I hear the word "Rules" I run... lol... but it may be necessary for legal binding but I just wanted to add that. And do we have time for a quick introduction? Miigwech

Toni Wakemup-Bois Forte

How do get on email list for the education committee. Email wakemupikwe@gmail.com

NEXT MEETING: Grand Portage, September 19, 2025.