

## **The Indian Reorganization Act,**

Section 16 of the Act of June 18, 1934 (25 USC 476), the following occurred:

1. Congress created the Minnesota Chippewa Tribe
2. The six bands under the MCT were as recognized as an IRA Tribe
3. An IRA Constitution

## **Authority to be an Alliance**

### **25 CFR Part 2 Section 81.**

Subpart A—Purpose and Scope

§ 81.1 What is the purpose of this part?

This part prescribes the Department's procedures for authorizing and conducting elections when Federal statute or the terms of a tribal governing document require the Secretary to conduct and approve an election to:

(a) Adopt, amend, or revoke tribal governing documents;

### **§ 81.2 When does this part apply?**

(a) This part applies only to federally recognized tribes in the circumstances shown in the following table:

(2) <u>Adopt a new governing document to reorganize outside Federal statute [IRA]</u>	The governing document requires approval under the Secretary's general authority to approve.
(3) <u>Amend or revoke a governing document adopted under Federal statute [IRA]</u>	The Federal statute requires an election and approval for amendment or revocation.

**Native American Technical Corrections Act of 2004** aimed to improve legal provisions, address specific issues and enhance the well-being of Native American communities across various aspects of governance and resource management.

**SEC. 103. TRIBAL SOVEREIGNTY.** Section 16 of the Act of June 18, 1934 (25 USC 476), is amended by adding at the end the following:

"(h) TRIBAL SOVEREIGNTY.—Notwithstanding any other provision of this Act—

"(1) each Indian tribe shall retain inherent sovereign power to adopt governing documents under procedures other than those specified in this section;" and

"(2) nothing in this Act invalidates any constitution or other governing document adopted by an Indian tribe after June 18, 1934, in accordance with the authority described in paragraph (1)."

**Historical Precedent:** Indian nations have always had leadership and governance, which we use as the framework for constitutional reform. Our traditional values came from respect, compassion, responsibility, obligation, etc., to each other and our relatives/descendants.

**Inherent Sovereignty:**

- The recognition of our sovereignty came out of International Laws.
- As sovereign nations, we have the rights and authority to determine how we will structure our governance, and thereby
- the rights to reverse our experiences of colonialism [remove the IRA Constitution] and
- the rights and authority to interpret and apply laws created by indigenous peoples within the limits of territory controlled by the indigenous communities (Varese, 2006).

**Treaties:** The ultimate form of sovereignty. Binding agreements made between two sovereign Nations.

**Self- Determination:**

- Self-determination is one of our goals.
- Self-determination involves free choice-making in situations of a problem to achieve a specific goal...(Wehmeyer, 2007).

The **Indian Self-Determination and Education Assistance Act of 1975** (Public Law 93-638) authorized the Secretary of the Interior, the Secretary of Health, Education, and Welfare, and some other government agencies to enter into contracts with and make grants directly to federally recognized Indian tribes.

**International Law Regarding Self-Determination/Sovereignty/Rights**

(\*US signed as a member, or endorsed the laws)

1. Customary International Law recognized our sovereignty early on.
2. \*UNDRIP

3. \*The International Labor Organization has two conventions that protect the rights of indigenous peoples:
  - The Indigenous and Tribal Peoples Convention, 1989 (ILO Convention 169 or C169) is the binding international convention concerning indigenous peoples and tribal peoples. It is a forerunner of the Declaration on the Rights of Indigenous Peoples.
  - The Indigenous and Tribal Populations Convention, 1957 (No. 107) was adopted to protect Indigenous populations from oppression and discrimination.
4. \*Committee for Elimination of Racial Discrimination (CERD)
5. \*United Charter 1945 Article 1, & 55. Regarding the Right to self-determination
6. \*Charter of the United Nations Article 1 & 55.
7. \*Universal Declaration of Human Rights (UNDHR)
8. \*International Human Rights comprised of the following:
  - a. \*The International Covenant on Civil and Political Rights
  - b. \*The International Covenant on Economic, Social, and Cultural Rights
  - c. \*The Universal Declaration of Human Rights (The US signed it in 1948.)

#### **CHANGE OUR MINDSET.**

- All of the above gives us the authority to change things and take more control.
- We do not have to comply with everything the BIA states. They are there to administer programs and funds. We, however, have to comply with some Federal laws.
- Change is scary. It threatened our sense of security, economic stability, and identity.
- We will not lose our Federally Recognized as an IRA Tribe or the benefits that accompany that recognition.
- We can revoke that entire IRA Constitution and replace it with the Alliance and our Local Constitutions.

Pueblo of Laguna Tribe, New Mexico, removed that Secretary of the Interior from their IRA Constitution. They received a letter stating that this [removal of the Secretary] will not affect current status as an IRA Tribe. Pueblo will continue to be an IRA Tribe with a non-IRA Constitution.

We sent Draft 11 of the Alliance out, which has removed the Articles from the Alliance that were more appropriate for the local constitutions, as discussed at the last convention. There are also some other minor changes.

## **Answers to the questions Mille Lacs read at the last convention.**

### **What Is The Primary Purpose of The Alliance?**

The Alliance name states its purpose. MAAMAWIINO ANISHINAABEG NATION (aka CHIPPEWA) [WE ARE ALL ANISHINAABEG TOGETHER]. We will all be together under an alliance, not the MCT organization.

### **What problems does the Alliance Solve?**

- The current structure of the MCT gives them way more involvement with the decisions of our tribal function. We will assert our Sovereignty and take control of what MCT and the TEC have done to diminish our Sovereignty.
- The Alliance provides a framework for values and principles under which the members will function and unite on common interests.
- Alliances foster meaningful connections with other members for common goals and benefits.
- We will be recognized as sovereign people, not the MCT organization, which is not a sovereign entity.
- Instead of TEC and MCT representing us, we, as sovereign people, will define ourselves. We will have more of a say in matters.
- Instead of MCT overseeing themselves, all the Alliance citizens will oversee MCT programming and funding.
- We're stronger in numbers and will have more strength against the federal government.
- The Alliance will help us all get along better and live more peacefully and cooperatively.
- The Alliance will improve transparency and accountability.
- The process will be equal for everyone by giving everyone a voice.
- The Alliance and the Local Constitutions will provide the separation of power that the IRA Constitution has not.

### **Is the Alliance considered an organization or a government?**

- We do not think an Alliance meets the definition of an organization or government.
- We know, historically, that Alliances between Indian Nations were more in line with "agreements," not government or an organization.

In those alliances, each member had their own form of government. We will be like the Iroquois Confederacy, the people of the longhouse that shared the same values. They saw themselves as a sovereign nation; as such, each Alliance tribe united and stood against issues that affected their sovereign rights, to keep their land, to resist wars, etc. Under the Alliance, each member tribe had equal representation in decision-making and participation.

- The Alliance outlines the fundamental principles and values by which we function, just like our ancestors, who had unwritten customs, values, and traditions they followed while having separate governing systems. The principles and core values remained the same regardless of the conflicts and issues they dealt with.

### **Is the Alliance draft document a constitution? If not, what is it?**

- No, an Alliance is not a Constitution. The Delegation directed the Drafting Committee to write an Alliance, and the individual Bands would write their Local Constitutions.

### **What is the scope and intent of the Alliance?**

- To provide a framework of principles and values by which we all function and which gives guidance to our governing system.
- Join together to strengthen our political power and protect our uniqueness.
- We are returning to our native ways and the concept of Mino Binadizwin. We have to get back to who we are, which we never left entirely, but we've strayed away from it.
- Learn together. Absorb knowledge from our Alliance members and outside sources. Along with learning, teach the next generations. An ongoing emphasis on learning puts Alliance members in the position to be proactive rather than responding to issues, frequently under a deadline. We will be better prepared to handle such things as Free Prior Informed Consent (FPIC) collaboration.
- Members of the Alliance, through the elected representatives and citizens of each local government, shall oversee the programming and funding of the current MCT.
- The scope of the Alliance can go from broad to narrow or vice versa, depending on the issue. Common issues could collectively produce benefits or risks for the members, so all members are interested in

those issues. Yet, other matters only relate to individual Alliance members. We are there to support one another, but if, after evaluating the problem, we decide we can not truly support it, we won't.

### **What is the responsibility of the Alliance?**

- Since the Alliance is a joining together of all our bands, as members, we have the following responsibilities:
  - We need to foster responsibilities with each other and address our Rights together.
  - We need to honor our Treaties and Local Constitutions.
  - We need to ward off corruption for personal and individual gain.
  - We need to recognize the federal government's various tactics to relocate, assimilate, take more land, or disband Indian tribes. Be prepared to resist them through creative and common strategies.
  - We must learn and be prepared to state our concerns and solutions instead of being told the solutions.
  - We must continuously reevaluate issues.

### **What is the Authority of the Alliance?**

- The authority stems from our Sovereignty, traditions, and customs, not a federal statute (IRA).
- Once adopted, it becomes a binding agreement between the Alliance members.

### **Does the MCT still exist alongside the Alliance?**

- Yes. MCT is not going away.
- The existing Minnesota Chippewa Tribe is not a Tribe. It is an agent of the federal government and, as such, it should not be called The Minnesota Chippewa Tribe (MCT). It should be called the Minnesota Chippewa Tribal Organization (MCTO) or something else without the words "Minnesota Chippewa Tribe."
- As an agency of the federal government, MCTO's primary responsibility is to achieve the US Government's goals. It also has to manage programming and distribute funds.

**Does the Alliance organization replace the MCT?**

- No, see the comments stated above.

**Why is tribal governmental responsibility mentioned in the document?**

- Our plan has always been to separate the governance and the Alliance. We worked on it within the Alliance document to not lose sight of it and to show an example of how the two can function together.

**And Why would you give up your sovereignty rights to something if it is just an organization?**

- There has been no suggestion that we intend to give up anything to the MCT.

**To summarize, the MLB Delegation's position is that you must first determine what to do with the MCT Organization.**

- At the last convention, the Drafting Committee shared our worksheet on our proposed MCT reconstruction, which will remain intact with modification.
- Each Alliance member will have their local constitution, and there will be a bridge between MCT and the bands, similar to the Grand Council Structure, which allows for the oversight of MCT by all the citizens of the Alliance.
- At the last convention, we also shared a summary and breakdown of which Articles should stay in the Alliance and which are more appropriate for the local Constitutions.

**Does it continue to exist as it is, and no revisions are made to the organization and its constitution?**

- No

**Do you modify, eliminate, or revise its current authority but continue recognizing the organization?**

- The plan is to reconstruct MCT. Some roles and functions may be eliminated, such as Enrollment.
- YES, we continue to recognize the organization as reconstructed and renamed.

## **Do you dissolve it and do something different?**

- We have no authority to dissolve MCT. It is an organization that the federal government has set up.

**Just as the MCT cannot be a government, a newly formed Alliance cannot be created as a tribal government. No authority within the IRA supports this action.**

- The Drafting Committee agrees that the Alliance does not form a new government; our local Constitutions provide the government structures.