

# MCT CONSTITUTIONAL REFORM DRAFTING COMMITTEE

Date: 1/23/24 Time: 6 PM

**Facilitator:** Carol J.

**Present:** Marcie M., Michaa A., Julie H-C., Clair G., Veronica S.

## **Old Business:**

1. Follow-up to last week's discussion about Charters.

## **CHARTERS**

### **LOCAL CHARTERS OF ORGANIZATION (LCO)**

1. On July 24, 1936, The MCT Constitution and Bylaws
  - The Tribal Executive Committee (TEC) and Tribal Delegates comprised the governing body.
  - According to the Attached PowerPoint, The Development of the MCT Constitution by Attorney Phillip M. Brodeen (see **Attachment 1**, p. 3)
    - "In order to ensure localized control, the Indian Agency called for the passage of Local Charters of Organization."
    - Tribal Delegates
      - Each Community/ District was allowed to select two (2) delegates
      - Tribal delegates from each Reservation would then Elect two (2) members from each Reservation to sit on the TEC
      - Originally, there were approximately 32 reservations precincts (over 65 elected officials).

### **CORPORATE CHARTER OF THE MCT OF THE CONSOLIDATED CHIPPEWA AGENCY**

1. On November 13, 1937, two-thirds of the adult members of the Tribe petitioned for a Charter of Incorporation and, by a majority vote at an election in which at least 30 % of the adult voters living on the Reservation voted, would ratify the Corporate Charter.
2. Summary of the Corporate Charter (ratified November 13, 1937)(**Attachment 2**)
  - a. **Purpose:** Economic development and economic independence, and to provide for the proper exercise by the Tribe of various functions heretofore performed by The Department of Interior and to charter the Tribe as a body political and corporate of the United States of America.

- b. **Powers and management:** by the Tribal Executive Committee, subject to the restrictions in the Constitution and laws and the United States or the MCT Constitution and Bylaws.
- c. **Accountability:** Provided for property, corporate profits, and corporate accounts.
- d. **Revocation, surrender, and amendments:** Section 10 of the Charter states that the Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Tribal Executive Committee, which, when approved by the Secretary of the Interior, to be effective, shall be ratified by a majority vote of the adult members living on the Reservation of the Minnesota Chippewa Tribe at a popular referendum in which at least 30% of the eligible voters' vote.

### **SECRETARIAL ELECTION ON 11/23/1963**

1. On March 3, 1964, the approved Revised Constitution and Bylaws of the MCT:
  - Created Reservation Business Committee (RBC)
  - Implemented  $\frac{1}{4}$  degree blood quantum
  - Change term of office from 1 to 4 years
  - Removed Local Charters (LCO).
    - **Article VI- Authorities of the RBC** Section 1 (f) The powers therefore granted to the bands by the charters issued by the Tribal Executive Committee are hereby superseded by this Article, and said charters were no longer be recognized for any purposes.

### **TEC REQUEST TO SURRENDER THE CORPORATE CHARTER**

1. In 1996, the TEC requested the surrender of the Corporate Charter in the Indian Technical Correction Bill.
  - a. According to Congress.gov, The Indian Technical Correction Bill is a term that can refer to bills introduced or passed by the US Congress to make technical corrections to existing Indian laws. These bills usually aim to clarify, amend, or update certain provisions of previous legislation that affect Native American tribes and their rights, lands, or resources. The purpose is to fix some errors and inconsistencies in the previous acts.
  - b. The phrase "and for other purposes" is a common way to end the title of a bill in the US Congress. It means that the bill may contain other provisions that are not directly related to the main subject of the bill but are included for various reasons, such as political compromise, budgetary constraints, or legislative efficiency.

### **ATTORNEY JAMES SCHESSLER'S LETTER TO NORMAN DESCHAMPE**

In a March 22, 1996 letter to Norman Deschampe, Attorney James Schoessler wrote: "As you recall, we have been trying to revoke the "Corporate Charter" of the Minnesota Chippewa Tribe, issued originally in 1937 pursuant to Section 17 of the Indian Reorganization Act. The TEC passed a resolution asking Congress to accept its "surrender" of the Charter. Our goal was to include a congressional acceptance of the surrender in the Indian "Technical Correction" bill, moving slowly through Congress this session. Schoessler then wrote, "The Technical Correction Bill (HR 2726: PL 104-109) was passed by Congress in February [1996]. Included in section 13 of the bill is the following language:

The request of the Minnesota Chippewa Tribe to surrender the Charter of incorporation issued to the Tribe on September 17, 1937, pursuant to section 17 of the Act of June 18, 1934, commonly known as the "Indian Reorganization Act" ( 48 Stat. 988, chapter 576, 25 USC 477) is hereby accepted and that Charter of incorporation is hereby revoked."

Schoessler ended the letter, saying, " You can now put a large "REVOKED" sign across your copy of the MCT Corporate Charter."

**Last week's discussion concerned why some members in the 1980s and 1990s wanted the Corporate Charter surrendered.**

1. The suspected reasons were that the Charter demanded accountability, made lawsuits available against the tribal members, and some alarming reports of corruption were going on.

**NOTE:** On June 1996, Rickie Lee Clark, Jerry Joseph Rawley, Jr., and Darrell "Chip" Wadena were convicted in federal court of conspiracy, theft, and bribery concerning programs received in federal funds, engaging in monetary transactions in property derived from specified unlawful activity and willful misapplication of tribal Funds. Additionally, Clark and Wadena were also convicted for mail fraud and conspiracy to oppress free exercise of election rights.

**New Business:**

1. Marcie suggested some changes in the language to the Code of Conduct, Ethics, and Conflict of Interest. After the other delegates agreed, the document was amended.
2. Michaa provided information on his understanding of the past tribal government structure, which was timely because he had just interviewed Dale Green Sr., the oldest member of Leech Lake.
  - a. Each Band had a delegate who represented the villages and districts.
  - b. In 1964, the delegates were done away with (see above); this resulted from the 1963 election to remove Local Charters, which some Bands called Local Councils.)
  - c. The Local Charter Bands could decide everything. Then they took it a step forward, and then all the Local Charters/Councils could decide,

- d. After 1964, representation was down to just a few, the RBC and 12 TEC, resulting in no separation of power.
- e. There were protests against this change.
- f. There were two different Corporations: the Local Charter (LCO) mentioned in the Constitution and the Corporate Charter of the MCT.
- g. Leech Lake had resurrected its 11 LCOs with no actual authority.

**Action:**

- 1. Michaa will send the MCT Wheel diagram.
- 2. Carol will send the corrected Code of Conduct, Ethics, and Conflict of Interest.

**NEXT MEETING: 1/30/24 6 PM**