

Dan Huculak: Boozhoo. I am Dan Huculak, WGZS station manager, and an enrolled member of the Fond du Lac band of Lake Superior Chippewa. Our friends at Niijii Radio, KKWE, the White Earth Band of Chippewa, and WGZS are attending the Minnesota Chippewa Tribe Constitutional Convention meetings. We will be bringing the MCT Constitutional Convention meetings to our enrolled members as well as listeners across the state and eventually available via Podcast on WGZS 89.net. Not every Band member can attend these monthly two-day meetings. In order to share the information with all of the nearly 42,000 Band members of the MCT, the Tribal Executive Committee of the Minnesota Chippewa Tribe has decided to rotate the meetings to a different Tribal community each month.

The audio you are about to hear is from the September 25, 2017 session held at the White Earth Shooting Star Casino and Events Center. This is Session No. 1 and it covers the General History of the MCT Constitution. Philip Brodeen is an attorney for the Minnesota Chippewa Tribe and he will cover the historical aspects of the MCT Constitution but before we get to Mr. Brodeen, here are the opening statements from the Fond du Lac Chairman and MCT President, Kevin Dupuis.

Kevin Dupuis: Boozhoo. [Boo nu eh shanabe do nag noos me ni je ga mag ju managu ni jeba (ph) 01:10]. First, I would like to thank everybody for coming today. I really do not want to talk a lot. I have talked for 22 years on this and I talk all the time. This is something that we are here today to turn over to the membership. We know that our document that we have is not a complete document. It does not work all the time. So this [glob 01:32] of information that we have—I want to make sure that Mille Lacs gets it because at the meeting with Mille Lacs, we did not have this information for their membership. So we need to make sure that this information—these packets that we have—go out to Mille Lacs also.

And the other thing is, take it home tonight, read it, because we are going to have a test first thing tomorrow morning. I am just playing. I am just playing. Let us get this rocking, you guys. Milgwech.

Dan: Milgwech, Kevin. I think it is important, too, to know that we as Tribal Council people, President of the Minnesota Chippewa Tribe and any other official that is in the room, we take our hats off at this meeting. We are here as members, not as Tribal Council members. So that is very important to know that our ideas are shared with you and yours with us. So with that, Milgwech. Marvin or Raymond you ought to come on up or Dale—one of the two and three and we will kick it off. Milgwech to Merlyn for those prayers and that pipe that he did.

Dale Green: Boozhoo. [Full sentence in Ojibwe 02:36]. My name is Dale Green. I have only been doing this for 21 years so Kevin has a year on me. I want to say, welcome. From my understanding, these are Minnesota Chippewa Tribe Constitutional Convention Informational Meetings. The first thing I would like to say is we were supposed to have the Native Nation Builders being facilitating in their format and agenda was supposed to drive these meetings. Unfortunately, they backed

out at the last minute saying that they did not get the agenda in time but they did have an agenda prepared for these meetings. I just wanted to be clear on that. We do have an agenda. Like a really, really good [shinabe (ph) 03:29], we are not going to hold to it fast and furious.

If there is a discussion that goes longer, we will stay in that discussion. And at the end of the day, we do want to spend a few minutes discussing what tomorrow's agenda should look like because Mr. [Many Penny 03:48] and myself believe that the spirit of the original Constitutional Convention talk. We have been referring to it at the last MCT meetings that it was Constitutional Convention—Constitutional Convention—Constitutional Convention—and at the last meeting it got thrown in there Constitutional Convention Informational Meetings. So somewhere along the line, the membership kind of got sidetracked. But I do believe that these meetings need to be membership driven because we are the ones who are ultimately affected by any constitutional change or if we stay the same. So with that, I will turn the microphone over to Mr. Manypenny.

Mr. Manypenny:

Boozhoo. [Full sentence in Ojibwe 04:41]. I am honored to be able to speak to all of you. I know some of us have differences. I think that is what it is all about. We do not always have to agree to opinions or beliefs, but I think what excites me is the fact that all of us here today will have an opportunity to speak your mind. I think this is what it is all about—people having their input and people understanding what the Constitution is all about. What we are attempting to do is the Constitution that was adopted or revised and adopted in 1963 and 1964, we have to take a look at its operation and what has been done. I think it is important that all of us understand this and this is what I hope can be done here in these next two days where information can be given.

I think we have some good minds here and some good people with information. I know a lot of you have never even read the Constitution itself and I am not just talking about people in general. Sometimes folks are elected to office that do not know the Constitution themselves and that is not a put down. I think that our children should learn about this document because it does affect their lives and it affects all of our lives. I have been doing these things, Constitutional things, over 30 years. I am not claiming to be an expert but I do know what is going on. I think that is about all I have to say right now. Are there any other elected officials that would like to say something?

Unidentified Speaker 1: Boozhoo, everyone. I am just honored and glad to be here. I am glad to see this happening myself. For the last 25 years, I have watched my mother and some of my older family members and elder friends—older friends from White Earth and Fond du Lac speak about Constitutional change and making sure the Minnesota Chippewa Tribe is followed, you know—especially Article 13. We all know and understand Article 13 gives us all equal rights, equal access, but it really has not been followed. Leech Lake, White Earth, and the other four reservations—we need to look at each other and treat one another equally and fairly at all times if we are going to follow and abide by Article 13—the Rights of our People.

So I am just glad to be here and another thing that is on my mind is I went to school in Cass Lake, graduated from Cass Lake, and that is within the reservation boundaries. What I do feel is all six reservations—maybe a combination of both on the individual level and on the Minnesota Chippewa Tribal level probably passed a couple of resolutions enforcing our MCT Constitution into our school classes because United States history is a required credit for all high school graduates. Our Constitution is not a required credit and if we made that a required credit, a lot of our younger ones would know and understand our Constitution and it would probably have been changed a long time ago if our people knew our Constitution inside out. So I just wanted to run that by everyone to think about. Milgwech.

Dan: Before I pass this on to Mr. Brodeen, I just want to say we want to be mindful that our little sessions do not go too long and that people need to take a quick break, go outside and get some fresh air and stuff. If it seems to be getting too long, we can take a break. And with that, Mr. Phil Brodeen, Tribal Attorney for the Minnesota Chippewa Tribe.

Phil Brodeen: Boozhoo. [Full sentence in Ojibwe 09:03]. Thank you for the introduction. My name is Phil Brodeen. I am the legal counsel for the Minnesota Chippewa Tribe. I am originally from the Lake Vermillion Reservation of Nett Lake. So I am honored to be here today. It is truly a privilege. To preface my presentation today, I think I must say that I am not an expert on the Constitution. A little bit about my education in the Constitution is important and I think it is indicative of what a lot of younger tribal members like me go through. I think I was briefly introduced to the MCT Constitution as part of the Johnson O'Malley programming at [Townsend 09:50] and Secondary.

I did not really take too much interest into it and as a result, I kind of got more interested as I got into law school and finally became an attorney. But one thing that is missing, I believe, is that there is not a lot of information out there for a lot of Band members to know about the Constitution. In our research, we have a little bit of curriculum that was developed by the Minnesota Chippewa Tribe but other than that, there is a limited amount of primary sources of authority on the topic. So I think that is why the booklets in the back, put together by Gary Frazer and his staff at the MCT are so important. I would like to briefly go through those quickly and just say what is in the booklet for when you take them home and review them tonight.

The first one is the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe. I will be discussing that in my formal presentation. The second item under your second tab is the 1963 Constitution and the 1972 Amendments. I will be touching that as well. This is the one that serves as the structure and largely is intact today of our current Constitution. It looks like number three is the 1936 MCT Constitution, the original enactment. I will be going over that. Four is the Corporate Charter that was rescinded by the Minnesota Chippewa Tribe. Five is Interpretations. Six is Ordinances. Seven is the Burris Report.

The Burris Report was put together by an employee at the Minnesota Chippewa Tribe and it goes through and serves as the guide for how these things came to be—how our Constitution was enacted and how it was revised and amended in 1963. Number eight is my current presentation that I will be giving on the history of the Minnesota Chippewa Tribe Constitution. At the previous session in Mille Lacs, I had a really pretty PowerPoint and I would be able to divert your eyes off of my ugly mug up onto the screen. However, I was unable to get the computer up and running today so if you just follow along in your booklets under the eighth tab, that will be good.

And then, number nine is the history of the Minnesota Chippewa Tribe Constitution. I think this was created in 1978. It is part of the curriculum that was developed. We are currently in the process as a tribal government, as the MCT TEC, in updating this curriculum and revising it. It is a very big undertaking but we have received instruction from the TEC as a whole to move forward with creating and updating this curriculum that we can teach. With that, I will move to my formal presentation—the development of the Minnesota Chippewa Tribe Constitution. Just as a brief overview of my presentation, there are five main parts. The first goes over the important federal laws that serve as the basis for kind of where we are today. Second, will be the history of the MCT Constitution from its original enactment in 1936 to its revision in 1963 and then subsequent amendments.

Fourth is the powers and duties of the TEC and the powers of the RBC. The fifth one will be the day-to-day operations of the Minnesota Chippewa Tribe. Before I get too big into it, just something that has not been mentioned yet, but as we sit here and look at this document, at the last session I thought of—I have a one and a half year old daughter. She is a proud member of Bois Forte and I was thinking the work we do now is going to impact her life going into the future. But I was also thinking about the people who came before us—the people who actually were on the ground doing this stuff in 1936. How they felt about it. It got me thinking that it was not an easy process. They fought for our sovereignty.

Every inch of gains that we have had and to a large extent the fact that we are sitting in a room talking, they afforded us with the opportunity to try to make our lives better and the lives of our membership better. So I would like you to remember that as we go through in the next two days. Let us keep it positive. Let us keep the ball rolling. We have forty-one—over forty-one thousand members. We have to get a lot of people to vote in favor of any Amendment to the Constitution in order for it to pass. So there is my plug and I will get back to my presentation. So I will start with the important federal laws that kind of help dictate what we do and how we got to the point of organizing as Six Bands of the MCT Constitution.

The first law is the General Allotment Act of 1887. The General Allotment Act, also called the Dawes Act, called for the conversion of communally held land. A lot of times the lands were reserved for each reservation called for the

conversion to individual allotted lands and then it allowed the sale of the surplus lands within the reservations to non-Indians. This is the reason why we have a lot of checkerboard jurisdiction. You will see parts of trust land here—non-Indian ownership fee land there. The goal was to break up the communal aspect of Indian society. It was to “civilize” the Indians. There was a predominant feeling at the time of the federal government that with private property ownership came a higher degree of society which I think has proven as we go along is to be wholly and true.

Individual members would receive allotments and this created—they would live and work on these allotments. This creates what resulted in a lot of fractionated interest currently. And finally, it led to the dispossession of millions of acres of Indian land to get out of our hands and gave it to non-Indian ownership. The next important law to remember is the Nelson Act of 1889. This is a federal law that was intended to be kind of the Minnesota version of the General Allotment Act. It was passed with the idea that all of the Anishinaabe in Minnesota would move to White Earth and the surplus lands would be sold from there. It mandated the allotment of communal land and it focused on everyone—all the Anishinaabe in Minnesota including Red Lake.

As history progressed, part of the dispute and the reason you guys have probably heard of the Nelson Act is that there were improper core accounting of timber valuations and this led to the Nelson Act settlement that we recently received. So you have the General Allotment Act of 1887 and the Nelson Act of 1889. They allowed—the federal government allowed these laws to go forward and in the mid-1920's, it was apparent that these laws were not working. The Indian Allotment Act was a complete failure. It did not change the communal nature of Indians. It just worked to dispossess us from millions of acres. So finally in 1934, the Indian Reorganization Act was passed—the IRA. The goal was twofold.

The first was to combat the alienation of Indian lands—to stop that. You will see in the IRA, Section 5 allows for the Secretary of the Interior to take land in the trust for Indian tribes but another part of it was to also help stabilize Indian communities. And this is either—the benefit of the IRA is that it stopped alienation. The downfall of the IRA is that it standardized, to a large extent, forms of governance. You will see our current Constitution is based on the IRA Constitution. Adoption of the IRA and the reorganization of tribes is voluntary—“voluntary.” We have heard stories that it was not as voluntary as it was stated. Each reservation had 18 months to vote on whether they wanted to adopt the IRA or not.

Prior to the IRA, the Anishinaabe in Minnesota were loosely organized in small communities. The primary form of governance was hereditary chiefs. The Band lived in fairly independent communities and we would get together at certain points of the year and socialize and do different activities. There was no official tribal organization as a whole as we kind of see in the MCT currently. The initial reservations were set aside for each individual Band based on treaty. The

Nelson Act, as we previously stated, created a Chippewa in Minnesota Fund. This is important going forward in how we all came together as a Band [inaudible 18:29]. It included all Anishinaabe including Red Lake.

So the Nelson Act worked to dispossess us from our lands but also it halted the creation of this fund for our benefit. To ease administration, the local Indian office said that we will include all of the Bands in Minnesota into one fund and then we will administer it that way. Otherwise, they would have had to administer the funds for each individual group of Indians throughout Minnesota. So in the span of four years, you saw the Indian office go from no real centralized organization of Anishinaabe in Minnesota to having some things akin to what we have now as all of the Bands organized under one form of government.

The initial contact and intermediary between the federal government and the Minnesota Chippewa Tribe was the Minnesota General Council or the Chippewa General Council. That was in 1913. It was formed to act as a medium between us and the Nelson Act's Chippewa in Minnesota front. It was, from the start, fairly controversial in terms of how it was administered and who was administering it. There were large disagreements between full-blooded Indians and half-blooded Indians and how and for what purposes the Chippewa Fund got set up. You also see that Red Lake—although they were originally in the Minnesota General Council or the BIA wanted them to be in, they pretty much said, no, we are going to go our own way.

Their opposition led to them being separate even though originally they were intended to be in it from the federal government's perspective. They were separate and in 1937 the Supreme Court upheld their separation from the Minnesota Chippewa Tribe—in the case title, Chippewa Indians of Minnesota vs. United States. The governance by the Chippewa General Council was always tenuous. There was not a lot of buy in from the local Indians. There was not a lot of confidence in who was representing them on the Chippewa General Council. Eventually that led to them losing legitimacy and kind of just failing to function as a governing unit. The lack of localized support led to the federal government having to go back to the drawing board in terms of who would govern.

After the passage of the Indian Reorganization Act, that led to the enactment of our original Constitution. It was the IRA Constitution enacted in 1936, amended and revised in 1963. The amendments were the first two in 1972 and the third and fourth amendments were in 2006. I will discuss each of these in detail. So after passing the IRA, there was significant discussion at the local level of the federal government with how we are going to organize the Anishinaabe in Minnesota. There had always been questions on whether they should be organized as six individual Bands or together as the whole governmental unit. The Indian office, I think, finally came to the decision that there would only be confusion and made the decision for the Anishinaabe in Minnesota.

There would only be confusion if they had to deal with each of the six individual

Bands and other groups of Anishinaabe in Minnesota. What I want to talk about is the six individual Bands. It is important to clarify that even in Bands there are separate divisions within our Bands. So my people are from Lake Vermillion and they are originally from northeast of that in the Boundary Waters. We got put together with Nett Lake through original treaties. We were supposed to move from Lake Vermillion over to Nett Lake and that was always the goal of the federal government. So that is how we got lumped together. But we also through intermarriage, we share some common ties. It is important to note that because, I think, all of our reservations have those differences.

However, we have come together as Bands and as an entity to work towards a better future. So then, the Act of 1936 and the MCT Constitution was originally drafted by a Cass County attorney, Edward Rogers, as well as a Leech Lake member in the Indian office employee named Jacob [Manall 22:33]. It included a consolidated form of government. The original TEC was organized much differently than it is today. It called for the creation of separate chapters of each individual Band to govern localized issues. So it had a different delegate system than we currently have today. This is an important distinction. This was changed in 1963 so each community or district within all of the reservations would elect two delegates.

Each of those tribal delegates would get together from each of the districts and elect two members from each reservation to serve on the TEC. So you had essentially 32 different precincts throughout the Minnesota Chippewa Tribe electing two delegates and then each reservation would elect two from those delegates to serve on the TEC. So this changed much with the passage of the 1963 Revised Constitution which I will touch on briefly. For the first time with the enactment of the 1936 Constitution, you saw the formalized embodiment of the Minnesota Chippewa Tribe—us under one kind of governing structure. The idea was initially approved—you look in the Burris Report, there are quotes. It was initially approved by the tribal delegates.

They knew—they intended for it to be having localized control with each of the individual Bands for local issues. There is a quote in here. This is a memorandum from the Indian Agency employer to another employee. It says, we understand from the representatives who met with tribal delegates that the Tribe does not wish to give the tribal organization power to control the local reservation or community organizations. It wishes to leave these local organizations free to operation in an independent way. There was clearly an idea that localized issues would be taken care of on the local level. However, you see the adoption of individual charters resulted that the Indians at the time to ensure localized control over those issues.

They were saying that Nett Lake is a tourist destination and White Earth is more agricultural and Grand Portage is similarly a tourist organization—a tourist destination. Therefore, each of the charters were supposed to be drafted in such a way to reflect that. However, the charters were just about identical as you go through the six individual reservations. The 1936 Constitution was

submitted to the entity on June 20, 1936. There were a little over 1500 votes for it and 544 votes against. It was approved by the Secretary of the Interior on July 24, 1936. The BIA, as I said, had a strong influence in drafting the Constitution. The reaction right away to the Constitution in some instances was not universally positive.

For instance, Fond du Lac—it is my understanding that upon their ratification vote, the BIA counted those who did not vote either way as votes for the ratification of the Constitution. Therefore, the votes were heavily skewed in Fond du Lac in favor of voting for the Constitution when the actual votes cast were prove otherwise. Opposition was also caused by the drafters. The local Indian looked and said that Manall and Edwards, the BIA employee and the Cass County attorney, drafted the Constitution for the benefit of the Indian office—that they restructured the government in a way that made it easier to administer all of the funds and issues that affect each of our individual Bands. Some also stated that they did not necessarily understand and it was sold to them differently than what they understood when they in fact voted to accept the IRA Constitution.

In 1945, three reservations wanted to leave the centralized government due a lack of local control. That is in the Burris Report. So we have lived with difficult issues since the beginning. We have struggled with who has the authority to do certain issues and what the TEC's authority is to do other issues. This has been ongoing since 1936 and we have struggled with these and now we are in this room today to hopefully work through some of these and get answers. The Revised Constitution was enacted in 1963. There were also bylaws that were enacted as well. It was approved by the Secretary of the Interior on March 3, 1964. They removed the localized chapters and the most important thing about the 1963 is that it changed the governing structure. It created reservation business committees instead of the local districts that the TEC was previously governed under.

It also implemented a quarter blood degree quantum and changed the term from one year to four years. The structure of the MCT Constitution is largely what it is today. There have been four amendments to the Constitution since 1963 but most of the information in there is currently valid. So first of all, we have the Preamble. I will briefly touch on each one of these. I think it is important to remember that this document is what we are here to change or talk about changing or talk about improving. Article I. Organization and Purpose. The purpose of the MCT is to conserve and develop tribal resources, promote general welfare, preserve and maintain justice.

Article II. Membership. There are two types of membership. The first being those listed on the 1941 role and secondly—or three classes. The second class is children of those on the 1941 role born between 1941 and 1961. The third class is one-quarter blood born to a member of the Minnesota Chippewa Tribe.

Article III. Governing Body. To a large extent, TEC takes care of larger legislative issues with the RBC's focusing on the local issues. One of the things that has led

to a certain extent confusion on our Constitution currently is the lack of clear delegations of the authority or the lack of really substantive legal provisions saying this is what RBCs do. This is what the TEC does.

Article V and Article VI relate to TEC Authorities and RBC Authorities. I will go through each one of these in the next section. Article VII is Duration. The Minnesota Chippewa Tribe Constitution is perpetual in nature, meaning they will keep surviving until we amend it or do away with it. Article VIII relates to Majority Vote. In all elections under the Constitution, the majority of eligible votes cast shall rule unless otherwise provided by and Act of Congress. Article IX relates to Bonding. It requires Tribal Bonding of Officials in some instances. Article X relates to Vacancies and Removals. Vacancies to the TEC will initially be filled by the Indians from the Reservation from which the vacancy comes from until an official election can be held.

The RBC from that reservation will select a temporary member to sit until the formal election is held. Also it requires two-thirds vote of the RBC for removal of an RBC member. Article XI. Ratification. You will see that this is kind of what I was talking about previously with Fond du Lac. The initial—the 1963 Constitution stated that it would not be operative until it was ratified by a vote—a majority vote of the adult members, providing that it is 30 percent of those entitled to vote shall vote. If you have low voter turnout like the initial vote to ratify the Constitution in 1936 at Fond du Lac, they arguably did not meet this threshold requirement of ratifying the Constitution. Also the majority of adult members did not vote.

Article XII. Amendment. The Constitution of the Minnesota Chippewa Tribe can be amended by a majority vote of the adult members provided that at least 30 percent of those entitled to vote shall vote. The amendment has to happen through a Secretary or election pursuant to the terms of our Constitution. There has been some discussion on what exactly the threshold requirement of that 30 percent looks like. Recently, the Bureau of Indian Affairs came out with regulations saying that 30 percent relates to votes cast. I believe when we are working on other Constitutions, there is a lot of discussion of RBC saying that instead of looking at votes cast, we should look at the number of eligible voters for meeting that threshold.

Article XIII. The Rights of the Members. I know my fellow facilitators are well versed on the rights of the members and they know more about it than I do. That provision essentially states that the members are accorded equal rights, equal protections, and equal opportunities to participate in economic resources and activities. It says no member may be denied Constitutional rights or guarantees enjoyed by other citizens of the United States. Article XIV relates to Referendum. The referendum provision may be triggered by a petition signed by 20 percent of resident voters or it also may be triggered by the affirmative vote of eight members of the TEC. And those are submitted or proposed by the TEC to review any enacted or proposed resolution or ordinance.

Essentially, a different election would be run, a referendum vote would be taken, and it would, depending on the phrasing of the referendum, be either asking is this law valid or is it not valid, should it be valid or should it not be valid. Article XV: Manner of Review. There are different provisions that require the review of the Secretary of the Interior. A few tribes that have gone through this Constitutional Amendment process have talked about getting rid of that secretarial review. That is one of the things that we can talk about going forward. Is it necessary for the Secretary to review certain ordinances or resolutions and for the TEC or the Minnesota Chippewa Tribe to obtain approval before those can be affected. That is something we can look forward and discuss this with Band members.

The Bylaws for the Constitution are fairly straightforward. Article I describes the Duties of the TEC Officers. Essentially, the president will preside over all meetings and the vice president will preside at meetings in the absence of the president. Article II relates to TEC Meetings. Article III relates to the Installation of Members. This is essentially an oath of office of elected officials that are therefore elected to the Tribal Executive Committee. Article IV relates to Amendments. Amendments to the Bylaws specifically are conducted in the same manner as amendments to the Constitution. Article V is Miscellaneous provisions relating to bookkeeping and auditing. Article VI relates to RBC Bylaws, saying that RBC shall, by ordinance, adopt laws bylaws relating to the governing of RBC meetings.

And I previously said there have been four Constitutional Amendments since 1963. The First and Second amendments were approved by the Secretary of the Interior on November 6, 1972. The First Amendment states that all members of the tribe over the age of 18 shall have the right to vote at elections held within the reservation of their enrollment. It is my understanding that voting at Tribal Elections was different before that. In 1972, the Amendment to the Constitution essentially said that you can only vote in elections at your home reservation or where you are enrolled. Amendment Two was approved on the same day. It stated that candidates must reach the age of 21 before they can be elected where previously it was 18.

The Third and Fourth Amendments were approved on January 5, 2006. The first amendment approved on that day stated that the candidate must reside on the reservation of his or her enrollment for a period of one year before the date of election for the residential requirement. The second amendment created an election disqualification for the individual that was convicted of a felony or of a lesser crime involving theft, misappropriation or embezzlement. I will briefly go through the powers of the TEC and the RBC but it is important to remember that as we go forward and talk about amending this document, we really need to clarify and focus in on fixing these to a way that is workable, having clear authority for what the RBC does and clear authority for what the TEC does.

And some of these are powers and duties are duplicative, meaning that some of the powers and duties in the Constitution for the TEC are also just replicated for

the RBC to a little bit different function. So the first power and duty of the TEC is to employ legal counsel for the protection and advancement of the rights of MCT. The second is to prevent any failed disposition lease or encumbrance of tribal land, interest in land, or other assets including mineral, gas, or oil. The way that it has gone is that some of these have been delegated from the TEC down to the RBCs. With regard to land, Land Ordinance #3 of MCT is delegated to regulation and control of MCT lands on individual Bands of the Bands themselves.

No. D. Administering the funds within the control of the Tribe to make expenditures for the advancement of the tribe. No. E. is to consult and negotiate contracts or conclude agreements on behalf of the MCT with the federal government, state governments, or local governments. Here is the important one. No. F. Except for the powers granted to the RBCs, the TEC shall be authorized to manage, lease, permit, and otherwise deal with tribal lands. This is what the land ordinance essentially delegates back to the RBCs. The rest are fairly self-explanatory. The powers and duties of the RBCs. The first is to advise the Secretary of the Interior with regards to appropriations of money.

The second is to administer any money within their control. The third is to consult, negotiate a contract, and conclude agreements with federal, state and localized agreements. It is just a duplication of those powers and duties at the TEC level tweaked just a little bit. That is why as we look at this document, I feel that is one area that we can improve and get tighter explanations and tighter descriptions of the powers and duties there. The RBCs may levy licenses or fees on non-members or non-member tribal organizations doing business solely within their respective reservations.

That brings us to the Constitutional Interpretations. I will briefly go through these. Once again, it is an area we need to focus on as a group of Band members together. How do we deal with the authorities in these interpretations? How do we remedy the deficiencies of these interpretations or what do we do with them going forward? And to a large extent, each of these interpretations was enacted as a result of a specific issue that was before the TEC at that time, that they needed to make a decision on, and they did it through interpretations beginning in 1980. So you have No. 1-80. That interpretation states that only the TEC, the Tribal Executive Committee, can interpret the institution of the Minnesota Chippewa Tribe.

No. 2-80 enacted shortly after allowed for the creation of tribal courts by the Bands and at the tribal level by the MCT. No. 3-81 related to the eligibility for certain education funds. This is largely outdated today because the source of the funds are no longer available or are no longer administered by the MCT. That interpretation essentially set back the MCT as in discriminating against individuals with basis for eligibility for certain educational funds on membership. No. 4-81 reaffirmed once again. A year later they passed an interpretation reaffirming the Interpretation 1-80. No. 5-84 was rescinded in 1996. No. 6-84 related to records and the distribution of records. What records

that the TEC could have open for distribution.

No. 7-86 stated that the local RBC had the authority to determine what constitutes 20 percent of the resident eligible voters. No. 8-94 related to delegations of authority. No. 9-86 was rescinded in 1996. No. 10-96 made it clear that the BIA had no authority to ignore the MCT Constitution. No. 11-09 was rescinded. No. 12-09 affirmed that the Enrollment Ordinance Language related only to the blood quantum of biological members. There was a question at the time, do we count the blood quantum of an adopted parent to determine the adopted child's eligibility for enrollment. This clarified that it is only blood of the biological parent. Interpretation 13-09 determined whether a conviction or attempt of a crime serves as a disqualifying factor pursuant to the Constitutional Interpretation of disqualification.

No. 14-2011 stated that four out of five votes is required for removal purposes and this has generated discussion and President Dupuis has explained this in a way that two-thirds requirement and four-fifths of the district is obviously different. In certain instances, four out of five votes is required for removal. However, if you have an RBC sitting with less than five members, the two-thirds requirement and the four-fifths requirement do not quite mesh. An easy solution to this and would have been a better way to deal with the issue is to say at least a two-thirds vote for removal purposes without having to get into the four-fifths. Finally, No. 15-2011 states that a majority vote is necessary for recall actions.

I will just briefly discuss the day-to-day operations and what the TEC currently does on the administrative side. Some of you know the RBCs take care of a lot of the administrative issues on the individual reservations. The TEC takes care of essentially four main functions. Some administrative purposes, some education, some finance, and some human services. So on the administrative side you have the Executive Director who helps organize the efforts of the Chippewa Tribe in terms of education, finance, and human services. Part of the administration is also dealing with tribal operations such as enrollments and conducting elections pursuant to the Constitution. There is some accounting and accounting functions and liquor licensing that is taken care of by the Minnesota Chippewa Tribe administration. And then there is some human services programming that is channeled by the Minnesota Chippewa Tribe.

Education. MCT takes care of or helps organize scholarship information and helps check on the clients with Johnson O'Malley for the various reservations. We are in the process of developing new curriculum that can be used by Band members on each of the reservations to help explain the Constitution and explain where we came from and where we are going. The Finance part of it—the Minnesota Chippewa Tribe is involved with home loans, business loans and also selling homes that have gone through foreclosure on the loans that they have. Finally, human services. There are senior services that are handled by the Minnesota Chippewa Tribe.

There is investment employment and welfare services that the Minnesota Chippewa Tribe helps coordinate and there are also food stamps and nutritional education is a function there. So you see the current roles on the administrative side of TEC or the MCT are fairly limited. That is it for my formal presentation. Are there any questions, any follow up?

Dan: You did ask that we at least identify ourselves with our name in the enrollment.

Phil: Yeah. And I believe we are on the radio and we are also being live streamed by Leonard [Rohrbach 43:16] in the corner. The more we speak in the microphones, the more we can be heard.

Ray B: My name is Ray [inaudible 43:23] and I just have a couple of questions from your address. Clearly in the Minnesota Chippewa Tribe Constitution there is no place for interpretations and I would like you to address how do they go about—come about making these interpretations which are actually amendments without following the amendment process laid out in the Constitution?. Now I know you might bring up the fact that they said they give deference. The Solicitor said they give deference for the TEC to interpret your own Constitution, but there is still nothing in the Constitution that says that. That is the Solicitor's opinion and that is just an opinion and deference—that is just doing a favor for someone—it is not really—it is not law.

So they are overriding the Constitution. There are 15 interpretations which would take 15 amendments to bring that about. We have never had that. And the other thing that you addressed, the oath of office. A lot of elected officials in the past violated that oath of office many, many times. There is no enforcement mechanism in the Constitution for that or the Bylaws. I know these things are a lot to be addressed in the upcoming convention, but I would like to hear your opinion on those interpretations also. Thank you.

Unidentified Speaker 2: Do you not think that the Constitution needs to be amended before they go ahead and do these things because there is no authority for that? You read the Constitution and where does it say the TEC can interpret anything? It is not in there. And then from that interpretation and all these other ones were—they get more blatant as they go along. Those are violating people's Article 13 Rights of Members.

Phil: Yeah. And I think it is our duty to figure out how authority's sovereignty of each individual Band is exercised as well as how authority of the TEC as a whole exercises its sovereignty. This is inherent sovereignty. And how it is exercised and in what function can it go forward. There is no doubt that each of the individual Bands as well as the TEC as a whole have authority just by nature of us being here since before the Constitution. But how is that authority exercised? Right? And that is the problem going forward. It partly is because of the initial [inaudible 45:40]. The need for interpretation is also there because there was not a formal separation of powers in the 1936 and 1963 Constitutions.

So you did not have a final arbiter of what this constitutional provision meant like you typically would in the federal system. In the federal system, the United States Supreme Court is the final arbiter of what is included in the Constitution as well as the laws of the country. That is something we do not have currently.

Laurie: Hi. My name is Laurie. I am from White Earth here, too. You all know me as [Clingey 46:11] and I totally disagree with you. I am sorry.

Phil: No. It is okay.

Laurie: Let me read something to you on the problematic [inaudible 46:20] of tribal court—the [apology 46:24]. Now when you are talking about I-80 or 1-80 [inaudible 46:29] TEC interpretation of the Constitution, it is not so. This is a solicitor’s letter that shows they do not have that right under our Constitution. And this is actually referring back to an ICW Tribal Court at Fond du Lac back in I believe the 1980s. I was not there myself at that time. It is in the United States Department of Interior letter dated July 31, from [inaudible 46:57]. No, drafted by David [inaudible 47:01], signed by Tim [inaudible 47:03]. Jacobson vs. Massachusetts was discussed and referred to on page 2 and 3 of a letter which discusses the articles of general purpose clause of the MCT Constitution and appraised to maintain justice.

This letter was in relation to a proposed Tribal Court being established to attempt to exercise child [inaudible 47:24] jurisdiction at Fond du Lac. The Department of Interior stated to conclude as a Band that decided language in Article V—no Article VI—authorizes to do anything that would further any of the purposes of the Article I would make unnecessary the detail listing of specific authorities contained in the remainder of Article VI. It is simply unreasonable to conclude that the drafters of the Constitution intended to give virtually unlimited authority to Reservation Business Committees by authorizing them to make expenditures for reservation purposes.

But then to proceed to provide several paragraphs detailing explicit authorities that would clearly be [inaudible 48:09] under the categories promoting the general welfare or maintaining justice. Such a conclusion as this is especially unattainable since the Supreme Court rejected such an approach with respect to the United States Constitution long before the Constitution of Minnesota Chippewa Tribe was created. In that case in itself, it was an individual from the early 1900s who stood up and did not want to be inoculated. That individual stood up to the United States Government from that state and won because he knew his Constitution as we know our Constitution.

Our Constitution was not created to give sole interpretation to any TEC. There was never a Referendum vote for that to even come about. So when I listen to you, you seem to miss a lot of the fundamental parts of the Constitution that pertains to us. Us—the membership—the same reason that we are all in this room. Plus our membership will interpret our Constitution as the Preamble states. Only the membership can interpret—not our elected officials because

we chose them to speak on our behalf. We did not tell them to take all of my inherent rights—all my jurisdictional rights. We took in good faith upon that person's ability to speak for us within the United States Government's laws. Not with a subagent even though we have a lot of issues with the subagents in the State of Minnesota in my point of view and these are my comments.

Phil: I think it is a good point and a good perspective to keep in mind going forward. That is one of the primary issues we will have to view as well as membership is what do we do with these interpretations and the authority in them? How do we either include them in a Constitutional Amendment going forward or clarify that should not have ever been that way, right? So 1-80 was passed in 1980—seven years before I was born, right? And we are still living under it today but we have the opportunity now to figure out what to do with it, because it is still officially on the books of the Minnesota Chippewa Tribe.

And your point is well taken. If you are going to have the amendment provision, then have interpretations of it, at what point does an interpretation become an amendment and then therefore trigger the amendment provision? I do not think there is a good answer to that but we have the opportunity to make sure that there is a good answer for that going forward.

Laurie: These are things that as we are coming together and speaking on our Constitution, we need to really go back and think. Where did a lot of our issues come from? Where are a lot of our problems that have brought us to this point? Why are we here defending the Constitution, and recognizing that a lot of the legal activities of the past incited that. They used the Constitution on their behalf when the majority of the members might not be fully aware that there are still a lot of us that do know or are educating others to stand up and understand. So my point is when I say the Constitution when you are talking and I am listening to it and reading what you have.

Basically, what we need to be doing is explaining why that is illegal not giving us the he reason why it is down there not but why is it illegal and why at this point in time at the Constitution Convention, how do we rectify it? All of the illegal things that have happened to us because of our Constitution. We are a people under two Constitutions. I have the United States Constitution behind my desk and I have the Minnesota Chippewa Tribe behind my desk. If one fails, the other one has to pick up. That is my Civil Rights Act and it is also my Native American Civil Rights Act that guarantees [inaudible 52:03]. So I want to make sure that my next generation or my grandchildren, or somebody down the road, has that kind of security. Somebody thought about me way back in 1925.

Phil: I hear you but I think specifically my role here is to provide unbiased information on this and your role and then somebody else's role is to provide your understanding of what, you know, if this is—if you think it is illegal, your reasoning for the illegality and somebody can come forward and defend it. We are here to have these hard discussions. We cannot just go through and take a crayon and say we do not want this, we do not want this, and this is what we

are going to do. These are going to be discussions going forward and if these are the hard issues we have to deal with, and now we dealt with since 1936. So I think that as we go forward, it is important to take that book home, read it, understand what is in it, and then come forward and think of ways to fix these issues.

So we have highlighted the problem. This will be just a little bit and then we will take a break. One of the problems is that the interpretations—there is no authority in the Constitution to say that there is an interpretation authority or anything like that. What is our solution though? Here is my opinion. We need some of the authority in there. We need the Tribal Courts that have specific authorities. Do you want to limit that—whatever. But we need to have Tribal forum to air Tribal grievances and settle Tribal related matters or else we are going to be in the state courts. And for specifically Tribal issues, I do not want to be in Hennepin County Court. I do not want to be in [inaudible 53:47] County Court. If there is a way to do this, we need to figure out how to do it and the right way to do it.

Wally S:

My name is Wally [Spurvoch 53:55]. I am Mississippi Band enrolled at the Leech Lake Reservation. I would like to speak a little on different issues. One has to do with our membership which [inaudible 54:10] change we call quantum requirements and all of that. But back when you were talking about the important federal laws and the Allotment Act and especially the Nelson Act, speak to the fact that there was also a lot of fraud going on at this time and that there were people that [inaudible 54:32] so that they could be alienated from their allotment. And then how that would snowball down then to the [inaudible 54:50] that their sentence would have.

And then, finally, when you get to our Revised Constitution and when we create that third class of members, which is one that has to be at least one-quarter Indian blood and how that plays in to our future as a people and to our extinction as a people if we continue to follow that. And then, finally, as I mentioned, I am enrolled at Leech Lake but I am a Mississippi Band member. I just bring that up to point out that we have to be real careful when we use our language. We interchange things like the Tribe, the Band, the Reservation. I am interested in knowing who are the successors of interest—like the 1855 Treaty and the rights.

If there was Chippewa—Minnesota—if there was a Chippewa reservation created for the Mississippi Band and then later on for administrative expediency, we all get incorporated into one reservation—so if you have two different Band members and Mississippi Band members, all at once we do not talk about that, we just talk about Leech Lake which is basically—originally five reservations and for expedience now it is one. So we have one tribal government there. What is your opinion on who is the successor of interest for those Mississippi Band Treaty Rights?

Phil:

I think there are three questions there. Let me get it right. Sorry about that. I should have a notebook up here. In the General Allotment Act in the Nelson Act, originally they had a period in which the Trust would go to. I think it was a 25 year period that the land that was allotted to an individual Indian would be held in Trust. However, they said that for mixed bloods or less than full-blooded Indians, that could be less and they could alienate their interests earlier. So it led to a lot of full-blooded Indians being recognized as less than full-blood so therefore their land could be alienated easier. My personal story is my Mom was thirty-one/thirty-seconds Bois Forte.

First of all, I do not know where the one/thirty-second got separated but the filing to the BIA through the correction was easy. There are all kinds of issues with blood degree that are based on errors made when we originally started getting into the practice of assigning blood degrees. With regard to the 1855 Treaty, I try to stay away from the Treaty rights stuff as much as I can because the rights of those 1855 Indians and their successors of interest. You asked me who is the successor in interest and that is a good question. I am more familiar with the 1854 Treaty in who it has been recognized is Fond Du Lac, Grand Portage, and Bois Forte. But are there other Indians there in the 1854 Treaty that were not a part of those Bands?

But just the way the Treaty nation happened, is that who is currently recognized as the 1854 Treaty successors of interest. The third question related to—that is the reason why when we talk about this is what is in our Constitution—this is what our Constitution says. The 1936 Constitution was written by one of us. I think Manall was a Leech Lake Band member, but it was also written by a Cass County attorney to, in my opinion, to function and help the Indian office at the time administer these various functions. When you look at it, it is like some rights have been elevated and some have been totally put aside. You group all of these different kinds of communities into Bands and then into the Minnesota Chippewa Tribe from there.

But it is important to realize—to understand the history like that. Even within our own Bands, we are not all the same. We did not come up the same way but we come from different areas but we do come together and that is kind of our bond going forward. I do not think we are going to be able to—for Leech Lake to split up into five different communities or anything like that. This is what we have and let us make the best of it.

Dan:

That is going to wrap up this Minnesota Chippewa Constitutional Convention meeting session. You can hear more at [WGZS 89.net](http://WGZS89.net). Also, a reminder the next meetings will take place on October 23 and 24 at Fortune Bay Resort Casino in Vermillion, Minnesota. The Monday meeting kicks off at noon and the Tuesday meeting starts at 8:30 AM. I am Dan Huculak. Thanks for listening.

Dan Huculak: Bon jour. I'm Dan Huculak, WGZS station manager, and an enrolled member of the Fond Du Lac band of Lake Superior Chippewa. WGZS and our friends at Niijii Radio, KKWE, have teamed up to bring the Minnesota Chippewa Tribe Constitutional Convention meetings to our nearly 42,000 enrolled members of the six bands, which constitute the Minnesota Chippewa tribe. This is the second half of the first September session, and was hosted by the White Earth band.

Male Speaker 1: We'll move on to the agenda, and I believe Mr. Marv Manypenny will be speaking about the need, the purpose of the Constitution, and Mr. Manypenny will also open himself up to questions at the end of his presentation. And Mr. Manypenny's sitting over here, and will speak from here.

Marv Manypenny: Thank you. There are some things we all have to understand, and one of the things when we're looking at the Constitution, it is our governing document. And basically, what I'm saying, it's the rule of law. It's applicable to tribal officials. It's applicable to us as a people. But understand that we have the human rights to self-determination, self-governments, and a Constitution means what it says. Nothing more, nothing less. The Constitution is rigged, and by that, I mean there is an amendment process. If we're going to change one word in the Constitution, as it exists, it has to be through the amendment process. In a lot of ways, this has been neglected.

The problem being that the Constitution as it is set up today, or as it exists today, there are no separation of powers. There is no independent judiciary. There is no enforcement mechanism. You heard Mr. Brodine talk about 1-80, the TEC's right to interpret a decision that was made back in 1980, and I believe that was in response to White Earth's attempt to set up an Indian Child Welfare Court. And the BIA's, or the Interior Solicitor's office, handed down opinions. If you look at the Constitution, they do have a duty to do such things. And if you look at those opinions, they are of a legal analysis and corporate federal law, or law into those opinions.

I think in 1986, again, the issue of Indian Child Welfare Courts was brought up by Fond Du Lac, and again the Solicitor's Office handed down a pretty extensive opinion as to why that couldn't be done. And it had a lot to do with how it would affect children, families, and the intrusion into the affairs of the people in general. And I'm giving you a very brief outline of what that was all about. They handled that for 14 years, so 1980 to 1994. In 1994, I like to look at it as a political opinion, where they then said, they gave deference to the tribes in saying, oh, yeah, well, we'll give you deference for setting up courts and you can go ahead and do these types of things.

And deference is not law. Deference is like a favor. They know it well. Go ahead, we'll let you do it. But it still involves us as a people to make that determination. And we should do it by amendment. I think a lot of things have been done with interpretations that we have to look at, and how it is contrary to what the Constitution says. So the Constitution's important to us as a people to be able to

look at, and understand how it is supposed to protect our rights, and certainly the bands are in consent when it's acted upon. Some things I'd just like to share with you about what constitutions are all about, and I'll read you some things.

The most important attribute of the sovereign people is the power to choose a form of government under which those people live. This includes the right to define the powers and duties of the governmental officials, the manner of their employment or election, the manner of their removal, and the rules that the government officials are to observe. The right to establish a government includes the right to choose the forms and procedures employed in passing the laws and ordinances, and the right to interpret and enforce such laws and ordinances.

I'm sure that many of you are kind of surprised to look at the book you have been given here, to find all these things in there, or probably weren't aware of. I know a lot of people don't. For any political entity, constitutional law reigns supreme. It governs all other laws, as well as the individuals within those societies. The constitution is the basic body of law, which establishes a political entity form of government. Grants powers to the leaders, and places limits on these powers. A government's constitution is the blueprint for governmental structure and operation. It establishes, shapes, and controls government.

A constitution is an agreement between the people and their leaders about how they shall be governed. Constitutional authority refers to the sum of authorities, that is powers, that have been explicitly granted to the government by the people through the Constitution, or that have been explicitly reserved for the people. The people always retain the power to govern. But through a constitution, they devise a system for selecting representatives, and then delegate. And I emphasize delegate. It doesn't mean give up. And when you delegate something, if it isn't followed, or the officials do not follow that delegated authority, we as a people have the right to take it back.

So we delegate certain powers to the representatives. The tribal government then may exercise only those powers the Tribal Constitution states or implies. The governing body has its authority only because the people have delegated, specific to power, through the constitution. And the government's authority is limited to those specific powers. Constitutional government and limited government really mean the same thing. The limits are built in to the constitution. And if you look at our constitution, it's limited.

The Revised Constitution and Bylaws provides for a government of limited authority. Now, some folks, if we take a look at government and what it does, or when it says, we're going to do something in your best interest. Let me share this with you. Tribal government may decide it would like to act officially in some way that would benefit the tribal members. However, if the Constitution does not grant the power to act this way, the act cannot be done. The government cannot threaten the tribes' freedom and survival.

Even though the act appears to be for the tribes' welfare, it can't do it by ignoring the Constitution. I don't know, 30 years ago, I would like to share with you—in 1987, there was a proposed amendment of the Constitution made. And a Secretary of Election was set up to adopt the amendment. What concerns me over the years, as I've been watching all this stuff go on, is that you see a gradual encroachment on our rights. To me, it looks like, what are they after here? What's the ultimate goal? What type of power does our governing officials want?

And I'm not saying current officials. I appreciate what has happened here, through the efforts of people here who have pushed for this convention. I believe this is just the start, where the people's voices are heard, and then we do go on to a convention with the delegates from each reservation to hammer out or change or revise. I don't think there's that much wrong with our existing constitution that the people themselves cannot fix. I truly believe that. And if we have a tribal officials listening to what we have to say, we can do this together.

But when I looked at, read this, in 1987, it really concerned me. And I'll read it to you, and see what you think. This was the proposed amendment, and believe me, as they stated to us, Bureau of Indian Affairs had it, and they were setting it up, or it was already set up, for a Secretary of Election. So the train was rolling, we were told. And they also told us that once this train gets rolling, there's no stopping it. Well, guess what? The people stopped it. Not me, but the people stopped it. But I want you to read this. I mean, hear this. This is what they were proposing.

All inherent powers of government shall be vested in the Tribal Executive Committee and the Reservation Business Committees, who shall exercise legislative, executive, and judicial powers. In addition to all powers vested by existing law, and as set forth in writing as enumerated powers, the Tribal Executive Committee and the Reservation Business Committees shall also have, whether or not limited to, the power to create tribal and reservation courts, enact civil and criminal law ordinances, create charter and otherwise recognize corporations, partnerships, and other organizations, levying and collect taxes, and otherwise exercise any power required to carry out and fulfill the preamble and purposes stated in this Constitution.

What does that mean to you folks? To me, it meant absolute power in one body. So when I read this, we, and some of my friends here, took the issue very seriously. And informed the people. Tried to let them know what was going on, and we were able to stop this. We asked for a convention, and here we are, 30 years later, starting the process. I guess I'll shut up here, and we'll go from here. Miigwech.

Male Speaker 1: Is there any questions? Any points of view?

Marcy Park: Hello. My name is Marcy Park, and I'm White Earth enrolled. I just have some comments, just what Mr. Manypenny was reading, and some of his thoughts.

Some of the things that were written in the Constitution. I was always taught and learned in school that the Constitution is to govern. And it needs to be clear and concise, because a constitution should be for the people and by the people. Now, I read that for the United States government. For the United States Constitution. And I believe that our Tribal Constitution should be as such, for the people and by the people.

And we are the people. I think our thinking gets mixed up, because what's going on, and what I've seen and heard is, okay, what is the—my background is I was raised in foster care. I was always under the dominant thumb of white people. I was always told that they were better than us. They were better than us Indians, that they had to raise the children, because Indian people didn't know how to raise their children. That's why I was in white foster care. They had to take care of us, and when I read in elementary and high school that the white people had to think for the Indian, because Indians didn't know how to think for themselves.

They didn't know how to govern themselves. When I see some of this, like what Mr. Manypenny was just reading, I think that Indian people that are in power could take over the thinking of the Great White Father. We become the colonized thinkers, because that's how we were raised. We are raised to think the way the colonial people think. We have to start thinking non-colonial. We have to start thinking traditional. We got to start thinking of our people. And I got to tell you, and I've said this before, when I came back to Indian society and started learning our traditional ways, when I was told that our children are our most sacred gift from the Great Spirit, I laughed.

I was not a great gift to Indian people as a child. Because I was in foster care and raised in foster care, I felt like I fell off, like all the Indians fell off the face of the Earth. And I had to face a lot of racism. I had to fight to get out of that way of thinking. Because today I'm a proud Indian woman. But I never was when I was young, because I was told that we cannot think for ourselves. But I knew they were wrong, because I was Indian, and I could think. So that kept me going. But I've sure faced a lot of racism trying to hang on to who I am. But I survived. So I need, I think when we start thinking about this Constitution, we need to start thinking about everyone. Of all our Indian people.

And we got to think about our children. This Constitution that we form is for our children. They're the ones that are going to have to live and work, and live with this Constitution. We got to make it so that they can survive through this Constitution, and survive the Great White Father, which is the people that are, the white government. Who still, like the Secretary of the Interior, has to approve everything we do. They have to approve this Constitution. Washburn came and squashed what White Earth had going on. And let me tell you, it started—when I joined the Constitution team in '07 until '09, I mean, it took two years for him to come and say this.

And look at all the money and effort that was spent going through all of this. And all of a sudden, it just got squashed. We even had a vote. We voted. What happened to that? Where is that? There were so many pros and cons, but yet nobody could come up and think of this until Washburn came and wrote that letter. We can't let that happen again. We got to start listening to each other. We got to start getting along and start treating each other with respect, and doing, to get a clear and concise Constitution, for the people and by the people. Thank you.

Male Speaker 1:

And for reference, the additional packet that was passed out this morning, you'll see the Kevin Washburn letter, followed by three former President Norman Deschampe's letters. I would ask you to take time to read them. It does clearly state what process should have been followed, and that was the amendment, or Article 12 process. Unless there's other questions, I would like to point out something in this beautiful packet of information. If you go to Chapter 9, page 467, this is the part of the Minnesota Chippewa Tribe Student Government Handbook. In the handbook, this would be page 100.

But if we go down to the last paragraph on page 467, it says another source— maybe I should just say that the original Minnesota Chippewa Tribe Student Government Handbook, it was sponsored by the 1978 Minnesota Chippewa Tribe Tribal Executive Committee, and the Minnesota Chippewa Tribe Student Government Handbook, as you open the first flap there, it'll have the Great Seal of the Minnesota Chippewa Tribe imprinted on the inside of that cover page. So I've always thought of the Minnesota Chippewa Tribe Student Government Handbook as evidence on how to amend, alter, or change the Constitution.

So looking at the last paragraph, it says another source of limitation of tribal power is in one which is not outside limitation or review authority, is the Tribal Constitution itself. No action or ordinance of the TEC may do or exceed what the Tribal Constitution itself may prohibit or limit. For example, Article 10 addresses vacancies and removals from office. The Constitution states that the Reservation Business Committee may, by two-thirds vote, remove any member for malfeasance in handling of tribal affairs, neglect of duty, or gross misconduct after due notice of charges and opportunities to be heard.

Here is the key point. The TEC and RBC could not, on their own, change the two-thirds requirement to one-third or whatever. The only way to change Constitutional requirements is to change or amend the Constitution itself. At this time, if we were to look at the Tribal Interpretation, this is really a great book. If you looked at Tribal Interpretations 14-2011, they do exactly that. They change the two-thirds requirement to four-fifths. That's just kind of mind boggling that that could happen.

And on the same topic, when we did have the last Constitutional amendment adding the language preventing felons from running for office, which was done by a secretarial election, and I still think there's something insidiously wrong with asking the members to partake in a secretarial election to amend the

Constitution, and then three years later, add language to a secretarial election amendment called 13-09. And that 13-09 interpretation, it has significantly different language than what the membership voted on. I would hope anyone that is understanding of a constitutional process should understand that it shouldn't be done that way.

If you want to amend the amendment to the Constitution, the process would go through the amendment process. Once again, if there's anyone that has any questions for Mr. Manypenny or even just get up to make a statement, I encourage you to do so now.

Female Speaker 1: There are a lot of tribal people that do not understand the Constitution process. How do we understand a Constitution process so that all people can understand?

Male Speaker 1: This is just my opinion. I believe we've all been cheated. That this Constitution hasn't been disseminated through the education system. I was kind of taken aback in Mille Lacs when someone said that their members hadn't been exposed to the Minnesota Chippewa Tribe Constitution. I just wondered why that was that way. But that's my opinion, is that we have Tribal Executive Committees, Reservation Business Committees, whose role is to disseminate or pass down the information of what's going on, when it concerns events, resolutions, ordinance, that affect the membership.

And quite frankly, that hasn't happened. In fact, the opposite has happened to remove the informed participation and consent of the members from those processes. And once again, I believe that's why we're here. There is things, such as the Kevin Washburn, the various correspondence between Mr. Norman Deschampe, the former chairman here, and also the Norman Deschampe letter to Mr. Kevin Washburn, and also the letter to Mr. Ray Belcourt, who in 2009 was asking what's going on with our Constitution.

So if anything, we do need to ask our elected officials to pass along the knowledge that is happening at the Tribal Executive Committee, and even the local RBCs. Because without information, oh, I don't want to talk about this. But that last ordinance that was passed, it really limits the petition process. It really limits the rights of the members, and someone on one of the reservations could have started a petition, went around gathering the necessary signatures, maybe spent quite a bit of resources and time on it.

And then only be told, well, we passed a super secret ordinance that limits the memberships, the petition authority. That is also in this beautiful, neat package of information. It's the last ordinance. I want volunteers for when people start falling off their chairs after reading that ordinance, to help pick them up. But here's Mr. Kevin Dupuis.

Kevin Dupuis:

I think everything that we're doing, I think it's the right way. Especially with all this information. I'm glad the packet was done. I wish that it would have been done and handed out at Mille Lacs. To me it's very simple, and probably, maybe I'm the only one that looks at it that way. It's a doctrine that exists that we're supposed to follow. Article 12, Article 13, and Article 14. The amendment process, rights of members, and referendum process. And even within the referendum process, it still states a majority by the TEC by eight members. But it also says that when that's done, it goes to a vote of the membership.

So also, Article 12, to amend the Constitution, it states that 30 percent of the entitled to vote, not 30 percent of the registered voters, but 30 percent of the entitled to vote, will vote. So once a Constitutional Election happens, the members who vote on it, and it passes, to change it in any way, shape, or form, must have another Constitutional Election. The original wording from 2006, and I can speak of this, because I was there, and I'm one of the ones of the three that opposed it. I opposed it because we took a blanket cause of the felony, and we applied it to our members, and stated even though you've been convicted and done your time, we at the Minnesota Chippewa Tribe are going to prevent you from ever running for office.

But the Constitution of the United States gives you rights by committing a felony. You do your time, you get out, and over a duration of time, you have the right to run for public office, you have the right to vote, and you have the right to bear arms. Unless you want to run for a position in the Minnesota Chippewa Tribe. In Article 13 of the Minnesota Chippewa Tribe is not limited to the rights of the Constitution of the United States. So Article 12, once it's gone through the amendment process by a Secretarial Election, once again, cannot be changed, wording or otherwise, unless there's another Secretarial Election. I don't care what Tribal Interpretation 1-80 says. That's interpreting the Constitution.

So what they're saying is that, we the TEC, have the ability to interpret what you voted on. How is that possible? How is that absolutely possible? So to make a long story short, we do have problems within the Constitution. I, myself, have full faith in our people that we'll figure out a way to fix this, and do it right, but it starts here with the education. And I'm glad the, like I said earlier, the pamphlet, the book was put together, because there was key things that I believe should have been in there. And Gary and his staff got it together for this meeting. Take it home. Read it. I think we're going to have a pretty fun time tomorrow going over different things with it.

But I want you to take a good look at Articles 12, 13, and 14. Because that's where your consent comes in. That's where the membership consent is supposed to come in. And in some things, it didn't. I understand that Tribal Interpretation 1-80 was probably based on some kind of emergency. Really don't understand that, but it's there. Tribal Interpretation 2-80. And then interpretations that even say things like this. That the authority lies with the body, not the Chairperson. So the Chairperson acts in the capacity of the CEO,

as general supervision over managers, directors of the band, but shall not have any authority that's exclusively invested in the RBC.

What it means is, as a Chairman of Fond Du Lacs, I can't do anything until the rest of my Reservation Business Committee gives me the okay to do it. That's basically what it says. So we have things in the Constitution that give the ability to have meetings, committees, organizations formed within the Minnesota Chippewa Tribe, and the individual reservations. But specially state that these organizations shall not derive any power that's exclusively vested in the RBC or the TEC.

So when we talk about separation of powers, we can't have a true separation of powers until that authority's given to the said bodies that have that. Call it an Advisory Committee, call it an Elders Council, whatever you choose, that they have the ability to have them, but they have no power or authority. The Constitution is saying it. The true separation of powers is, and I don't want to ramble, so I'll get done with this, is the TEC should not be the body to interpret the Constitution.

There should be a body above the TEC, if your system is in place, if this is what the membership choose to do, and they still want to have this type of form or this system, there should be a system that oversees the Constitution. Like a Supreme Court. Call it what you choose. You can't have the same body at one end of the spectrum make the vote at a Reservation Business Committee level, and bring that vote back up to the TEC. What's going to change their mind?

You're asking two of the members of that said Reservation Business Committee to make the same vote again. What's going to change their mind? So we have to have a clear, defining separation of powers. I definitely agree with this lady here stating that, and I'll go back to the needs over here. Brad Harrington, at the last meeting, there is nothing in our Constitution that says Ojibwe. There's nothing in our Constitution that says who we are as a people. Nothing. Nothing. It's an organization. So let's take a good look at this. Have fun with it. Take the opportunity to ask questions if you have questions.

I think, collectively, we can come up with an answer. I'm not an expert on it. We have people in this room who know a lot more about it than I do. But what I do know, I believe that what's there in front of us, to me, is very, very simple. It says this is what it's supposed to do. This has said what we're supposed to do. And it didn't happen. So, with that, Article 12, 13, and 14. To change it, you must vote on it. You must have your consent. And once you get your consent, nobody has the right to make an interpretation to what you voted on. You voted on something; you can't make interpretation on what you voted on.

What was the purpose of the vote? And she's right. The final ruling in November, 2015, that the Interior Department are asking the tribes to get rid of the Secretary of the Interior in their processes and with their Constitution. I completely agree. But if we don't have a true mechanism to enforce our

Constitution, then why do we want the only body that really oversees it, whether they truly do or not, out of the picture? Because if it does, it has the ability to actually become lawlessness with absolutely power. Miigwech.

Male Speaker 1: If eventually we want to take a real quick fresh air break, and then come back to the rest of the agenda, there's two ladies here with comments of questions.

Female Speaker 2: I just had a quick question for you. This history of the Minnesota Chippewa Tribe, is this the Student's Handbook? Thank you.

Gertrude Buckanaga: Okay, first of all, I'd like to introduce myself. My name is Gertrude Buckanaga. I'm an enrolled member of White Earth. There seems to be some type of problem here. We've been talking about this Constitution, but there are also some meetings and, what is said here, is there was a process that was set up. That we're going to have a meeting here at White Earth for a membership Constitution. And the Reservation Business Councils were not supposed to be involved in the process. And then yet, there was a resolution by our tribe, White Earth, that only members enrolled in the Minnesota Chippewa Tribe should be here.

They were asked to be ushered out. I do not agree with this, because some of the members that left were spouses of MCT members. And we have to really look at how we are going to recognize our American Indian people. I was taught to respect all Indians. I'm over 80 years old. And I grew up in this system. We're not really respecting people when we start having, like my own tribe, pass a resolution for the MCT that the members should leave. This was an MCT meeting. This was not an RBC meeting. So I feel bad that people left. I know a lot of these people are married to our tribal members. And we have a lot of Indian children that are not being recognized.

I hear this lady here about raised in a foster home. I know exactly what's happening. Because I've been working with, when I've been working since 1986, with children that are in out-of-home placements. When I first got involved in this, all our children were in non-Indian homes. They were not Indian homes. And so that's what we worked on, to make sure that our children that are in out-of-home placement are placed with, at least one of the parents have to be American Indian.

So we have a lot of Indian children that are mixed tribal blood. I have a number of Indian grandchildren and children that are enrolled, some in Grand Portage, Fond Du Lac, Red Lake, White Earth, Leech Lake, Mille Lacs, and Bois Forte. Not one of these tribes are recognizing each other's blood, and that's disrespect. That's racism in our own tribes. And most of the things I'm hearing today is all anti-Constitution. It's not working. Let's throw it out. Let's start over and make things that work. I agree with the attorney here that we need our court systems. We need to get our children out of the white court system. We need to be making the decisions about our children. Thank you.

Male Speaker 1: When we come back, I would hope that we can have some discussions on the concerns of the membership, and also start thinking about the agenda tomorrow, and if there's things that the membership wants to add to the agenda tomorrow.

Dan Huculak: That will do it for this session. And this is just a reminder that the next Minnesota Chippewa Tribe Constitutional Convention meetings will be held October 23 and 24 in Vermillion, Minnesota, and hosted by the Bois Forte band. The Monday sessions begin at noon, and Tuesday sessions begin at 8:30 AM. All sessions end at 4:00 PM. The November meetings will be held November 20 and 21, and hosted by the Fond Du Lac band at the Black Bear Casino Resort.

If you are unable to attend any of the Minnesota Chippewa Tribe Constitutional Convention meetings, you may also send your written comments to the Minnesota Chippewa Tribe. Attention Jane Bruce. PO Box 217. Cass Lake, Minnesota. 56633. Or by email at jbruce@mnchippewatribe.org. I'm Dan Huculak. Thank you for listening.

Dan Huclack:

Buzhu. I'm Dan Huclack, WGZS Station Manager and an enrolled member of the Fond du Lac band of Lake Superior Chippewa. WGZS and our friends at KKWE have teamed up to bring the Minnesota Chippewa Tribe Constitutional Conventional meetings to our 42,000 enrolled members of the six bands which constitute the Minnesota Chippewa Tribe. This is the first September session, and was hosted by the White Earth Band.

Male Speaker:

Well, I guess I can start. I know sometimes I ramble and get long-winded even though I'm shy and don't like to talk. I really want to thank the current Tribal Executive Committee for moving forward on these Minnesota Chippewa Tribe Constitutional Conventional informational meetings. I think we're at a really important time in the Minnesota Chippewa Tribe where the membership is involved in having these discussions on the Minnesota Chippewa Tribe Constitution, and revising it, amending it, or whatever the final decision is that happens.

We've been promised these constitutional conventions before. We had a partial one back in 2002 that, quite frankly, gets stopped. I don't know what the reason for that was other than maybe it was moving too fast or not fast enough, and not enough members or elected folks were buying into a constitutional convention at that time.

One of the things that I always think about is, what was our tribal government, if we even had one, 200 years ago? What was the real tribal government structure, what was it? I know that nowadays we've lost something where not too many people understand our own traditional family history. There's a portion that understands that, if we had a government prior to 1889, 1865, 1864, 1937, what did it look like? How did the Indians of those eras identify themselves prior to the reservation era? Even the term [mukan dway in any woka (ph) 02:47] is kind of derogatory, but yet there it is on my Minnesota Chippewa Tribe enrollment card.

I wanted to say [in answer to Bodean 03:03] about that 71, 72 Amendment, the reservation of your enrollment, I'm not enrolled in a reservation. The reservation collects the information and sends it to the local RVC that passes a resolution that then sends it to the Tribal Executive Committee for voting yes or no on membership. All of us in the six reservation Minnesota Chippewa Tribe are enrolled members of the Minnesota Chippewa Tribe. I always wondered where in the heck that 72 Amendment got enrollment under reservation, especially since the CEC enrolled everybody in the Minnesota Chippewa Tribe.

What do our people call themselves prior to the Leech Lake Reservation? What did they call themselves before the Mille Lacs Reservation? What did they call themselves before White Earth Reservation? I know that all my life I understood I was bone

Anishinaabe, and that's the inherent teachings of my birth, not the political status of a political enrollment. If we have three tiers of Minnesota Chippewa Tribe membership, that's kind of mind-boggling, where someone born in 1959, and they have siblings born after 1964 of the same parents, and they're not eligible for enrollment. I've always thought that was an equal protection issue, and why does that happen?

I kind of understand that when the Constitution was being revised in 1964, it wasn't the people of that era that asked for the one-fourth blood requirement because we still had the base role. In the base role, there's no evidence today on your enrollment card. If it says something like 408-C, you more than likely got that derogatory name "villager." It has nothing to do with who you are today. I think 407-D is Mississippi, and I can't remember what Fond du Lac was, that's where Grand Portage or Boys Fort 405 for Fond du Lac.

When you research or are unfortunate to have to have your family or parents BIA probate, that enrollment number signifies a bunch of things. I know that with my enrollment number, I had to probate my mother's death. My history that the BIA kept track of goes back to the 1700s and it ties me to— [Brave telling horny joke over here 06:28]. Your enrollment number will tie you an annuity payment. It will tie you to your heritage of the different people you come from. And I think just about everybody in this room, if you were able to trace your enrollment number, you'll find that there's some signatory person in your family tree that was prominent at one time in some sort of treaty negotiations. Many people believe that there was a hereditary chief. It may have been so, or it could have been just the family characteristics of being a good speaker or having common sense and being able to articulate it was passed on to your children, their children, and finally to you today.

Prior to 1837, if we had a tribal government, what was it? I don't believe we had a tribal government that compelled people to do things they didn't want to do. This morning, I really wanted us to stand up and say the Pledge of Allegiance, just so I could see who would kneel down and raise their fist in the air or get up and walk out. But I just didn't have the courage to even bring that up. Maybe tomorrow we can try that and then see who gets up and walks out or gets mad when we don't say it. We did compel one another to do things that we didn't want to do. If we had a knowledgeable person on rising, that person would become a Head Man. If we had someone that knew where the fish were going to run at a particular time, that person would be a Head Man, Head Woman. There are a lot of misconceptions about hereditary chiefs and whatnot.

The meaning of ogichidaawi, to me, was always told that that was the head spiritual person in our ceremony. They would be head people. They would be the people that would make decisions in the family and

community, and maybe one of the young people that had the ability to go visit with other communities or treaty negotiators would go there and would be considered "head men," and then be marked down as "chiefs." Even what was our traditional government, I'd say was built into the clan system. When you hear people introduce themselves, and they give their name and their clan and where they come from, there's a bigger story in that greeting than the majority of people actually realize or understand.

With the upcoming enrollment issues, they will have to be looked at. To me, when they added the words in the 1964 Constitution, it wasn't because they were thinking of eliminating people. If you look at what's happening in 64, parents were enrolling their children. There was no foreseeable future where they would see their great-grandchildren or grandchildren not be eligible for enrollment unless they were removed, or things happened to them by policies or federal law.

To me, the enrollment issues might be one of the most simpler things facing us because our elected officials could empower those in the Minnesota Chippewa Tribe administration to give a history on why that provision—one-quarter blood—be used for enrollment. I don't know if in this day and age, it's necessary to have the one-quarter blood criteria. If it was that era that required it because those fledgling RVCs didn't have funding, and to be able to acquire funding, they said, oh yeah, let's throw that in there, because it's not going to affect me, it's not going to affect my children today. And by the way, there isn't a whole heck of a lot of involvement by the other members of the Minnesota Chippewa Tribe.

If the administration would research, if that mandate, to have that one-quarter blood quantum requirement, still exists, or they're going to cut off our funding, I think that's an easier issue to examine. That's just me rambling here. I would really like to open the floor up for any suggestions on what we need to talk about on the agenda tomorrow, what's important for the people of White Earth and those that have traveled here to participate. Queenie said that she would like blood quantum added to any discussion agenda items tomorrow.

[Marcie Hart 12:06]

Marcie Hart again, from White Earth. I think we need to review everything that we talked about today. There was a lot of stuff that the attorney mentioned that I was trying to keep up with and all of a sudden just became a talking head, I didn't understand anything he was saying. But it's because I don't understand everything about the Constitution, and a lot of the details. It just became blurred vision.

I think at tomorrow's meeting, we should clarify some of this. I'm sure there are other people, too, that really didn't understand everything that was being said here. I don't think I was the only one that didn't

understand. I want to understand. I want to learn this, and for the best interests of all tribal people, so that we can stop being told something that we don't understand so we just believe people and hope for the best. Sometimes it doesn't turn out for the best. We also have homework to do tonight by Kevin Dupuis for Article XII, XIII, and IV. I hope that we all review that. Thank you.

Irene Benjamin:

Irene Benjamin, Minnesota Chippewa Tribe enrolled in Mille Lacs Lake. One of the things that I was discussing earlier with a couple of members it that, remember our secretary election back in 2006? Do a lot of people remember that, back in 2006? Can I see some hands please, just to give me kind of an idea? That election back then, after the election results came out, I asked some people why they voted this way or that way. The majority of the people that I talked to on my reservation had no idea about what they voted on. This scares me. This scares me in the sense that, we talked about education in Mille Lacs at the Mille Lacs Constitutional Convention. At the end of all of these conventional meetings, I will have to say, we're going to have a very low turnout of voters attending and learning what we're trying to do here to make some positive changes to this constitution. I'd like, maybe, to discuss tomorrow, or before we leave here, how we as band members, and how our leaders, can help us to get more band members together to learn so they make an educated vote. This is on our constitution. This is for our children and our grandchildren. This is a document that they will be living with.

I think that the booklet is awesome. But how can we get the same information out to the people that are not coming? Is there a way that anybody can see this to get more participation in getting this information? Miigwech.

Male Speaker:

Dale Green, Senior, would say, "Beat them for speaking English and make them grow their hair long." That's how we'd reverse it. That was a poor attempt at a joke.

Steve Hart:

I want tomorrow, membership on the TEC Board. I don't think all people are up on that board. White Earth and Leech Lake are the biggest reservation. I think we should have more people that sit on that TEC Board.

Wally [Stromachen 16:04]:

Wally Stromachen, Mississippi band enrolled on the Leech Lake Reservation, member of the Minnesota Chippewa Tribe. I was listening earlier when we were talking about what a constitution is, and what it is and what it isn't, what powers are granted. And what powers our government is limited. One thing that we need to also look at and remember is that the Constitution is that, but it's something else too. It's a social contract. It's a contract between us. These are the rules that

we decide, that we want to live by. It lays out how we're going to live with each other. How we're going to interact.

Even though there's a lot of stuff in there that seems complicated, if you keep it at that basic level of understanding that this is a social contract, that we here as people are agreeing to abide under. Yes, it does do things like explain how our government is going to be structured. And it does do things like explain what powers and authorities that government has. But it also explains the limitations, so that government can't just squash us as people. It's a contract. So, keep that in mind.

One of the things we'll be talking about, I'm going to be bringing it up tomorrow—and it is listed in there on the agenda as Tyranny of the Minorities—that's just a political science term. Basically, it applies at the TEC level. This is what you're talking about when you think the TEC should have more members rather than just two from each reservation. We'll talk about it tomorrow, but it's not only at the TEC level that you chance, there's terrible things happening. It's called Tyranny of the Minorities, it's where a small number of people can terrorize a large number of people.

I think a perfect recent example of that is the Nelson Act Settlement. Just think about that. We'll be talking about that. Because it not only applies, as I said, at the overall level. Take a look at your local government, your local reservations. And take a look at the way your districts are. If you have one district that has the vast majority of people, and then you have one or two other districts, because you're limited by the constitution to have no more than three representatives. Just think, on your reservation, how one district can terrorize the other districts, basically because their population is small, but they have the same vote as the people that live in the large.

That's why I think, when Grand Portage has two TEC members, and then have 900 total members, and then White Earth has the same, two TEC members, and how many thousands and thousands of members? Yet they have the same representation. And we have to address these things as we look at this conflict. How do we make it fair? How do we design a government where there is this protection and separation of powers? Where there is proportional type of representation? So that each and every one of our votes weighs the same as every other member's vote, so I don't have to feel like, gee, my vote counts for one, but his vote over there counts for ten because of the way the government is structured.

And with that, I just hope that we can find good solutions to these problems. We have four more of group [inaudible 20:12] coming up on different reservations. I think this whole thing is for all of us, even those

others that think they know something, are learning in this process. Miigwech.

Lori [Framoiter 20:27]

Hi, I'm Lori Framoiter, and I think I'd like to know, also for tomorrow when we are talking more on this, and I wrote myself a bunch of questions to ask, with a newer or amended constitution, we need to ask ourselves, as we're doing this, will this infringe upon any of our inherent rights individually or any of our inherent rights on a whole? Our constitution is based on a treaty. If we uphold those treaty rights that aren't our inherent rights, but we're talking on upgrading our constitution to amending it or anything, we have to always protect those inherent rights. Our inherent rights. I do not want anything infringed upon. Because according to all the other stuff over the past, that's the way we've been having it.

Ray [Belker 21:29]

Ray Belker from White Earth. Just wanted to make a point as we go forward with this very important endeavor we're in here now. I see in one of the flyers, it says, "How do we strengthen tribal government, TEC and RVC." But we're losing track of who should be in power, it's the membership that should be empowered here. As we go forward, we have to always remember that what we do in this constitution, these are rights and privileges that we are giving to these bodies. They're not giving us anything. We're extending those authorities, those powers, and whatever they do, that comes from us. We always have to remember that. For once in history, we've got a chance here to empower the membership. I don't mean where it's just people, but where the people are going to have some say. Like I said, what the RVCs and TECs have are delegated from the people. It's been reversing all these years. A little bit like [Mars 22:39] said, they're encroaching a little more and more. Our rights are going down the tubes. And we see what these interpretations, these things are ridiculous.

Oceti people should keep that in mind as we go forward and however we develop this, to always remember who the membership is and who should be empowered here. And to limit what goes into this. Miigwech.

Female Speaker:

Also, I'd like to mention, I guess it just has to do with semantics. But as far as upgrades, I think we are going to update our constitution to fit our future and to empower our membership. I don't really believe that the membership deals in the empowerment. I do feel, I think today I really felt like this was really being taken seriously with all the materials that we have here, to read and to really educate myself about the constitution. And to understand it more. I just feel like some of these interpretations, how it's been going, are kind of leaning toward an autocratic government. Where they will tell us, as members, what they are going to interpret, when in fact it should be the membership. I think that we should keep that in mind. We can't just let it go and let somebody else handle it because it could turn into an autocratic

government. Look up the word "autocratic," and you will kind of see a little bit of what I'm talking about. Thank you.

Male Speaker:

Yes, if I could add something now. I see the room filled with elected leaders, but I want to point out something that each and every one of you are leaders of your life, your family, your children, your community, and those that want to ask you about the things in their lives. Sometimes we forget that, that that was the traditional leadership that Indian people had. When we would come together, we would always be mindful of the people in our families and our communities that we represent. We would listen. We would go back to our families and discuss what we heard and listen to what our family and community members' concerns were or hopes or dreads. And then we would come back to a meeting like this and we would share with those in this larger group.

I think that the fortitude within this room at this moment, each and every table of individuals is a leader. Yes, we have the status of many of our elected officials in here. They can go along with that understanding as well because they have a tremendous, tremendously hard job to do in their elected positions. Sometimes when they're correcting wrongs they're creating wrongs for someone else or a smaller group of people. There's the hardship that I don't understand that those that are elected into the RVC and TEC positions endure I think 24 hours a day. I know this part of the room has spent a good deal of [beaking 26:49].

Antoinette Vizenor:

I agree with what you say. I respect what you're saying. A point I'd like to make is that our tribal council's TEC, they're elected by the people. They're not our boss. We are the boss. We elect them into office. They don't give us the opportunity to do a referendum on any issues. Isn't that what the Tribal Council is about? The TEC is about? It's not fair. I just feel like their power is going to their heads. They don't give the people the opportunity to speak out. I think he's right. I realize they're busy people. But they need to listen to the people too. That's all I've got to say. By the way, my name is Antoinette Vizenor, I'm from White Earth. An old member.

[Mitchaw Abid 27:58]

[Bungey dush lawee gaggee indomoss (ph) 27:48]. Hello everybody, my name is Mitchaw Abid, I'm from East Lake, enrolled at Mille Lacs. Since I came in on a real good history presentation by Phil, I just wanted to briefly add while we're on this first day, to talk about a little bit of history, and East Lake and Sandy Lake, and our position under the Indian Reorganization Act. I'll try to be as brief as I can. I'll start with the 1855 Treaty.

In 1855, we saved nine reservations, three of them up there in Leech Lake, one at Mille Lacs, and five others in the Mississippi Valley, two of which were Sandy Lake and where I'm from at Rice Lake. Our leaders

signed this treaty and we saved these reservations. We signed a few more treaties after, and we signed treaties before there at East Lake and Sandy Lake. In 1889, Wally brought up the Nelson Act Settlement, and as we all know, 1889 was the factor in there. In 1889, East Lake, Sandy Lake, and Rabbit Lake met with Henry Rice in Kimberly. Leech Lake had meetings, Mille Lacs had meetings, but we had our own understanding there in 1889. It was that we could receive our allotment and we could stay on our reservations at East Lake and Sandy Lake.

Those allotments never came through. We continued to live there on our reservations all the way up until 1940, 1934 when the Indian Reorganization Act was passed. The government came to East Lake and Sandy Lake and they said, "Hey, here's this new thing. If you vote for it, no more land loss. You can have your government. You can take care of your people."

In East Lake, they voted 19 to zero. They said, "Yeah, we've been trying to save our reservation here for decades. So, yeah, we'll vote for it." At Sandy Lake, they voted eleven to zero. Okay, Indian Reorganization Act. Soon after, the government came to East Lake and said, "Hey, we're sorry. We know you guys voted for this Reorganization Act, but we're going to have to remove you from your reservation at Rice Lake." The 1855 Reservation.

There was an agreement there, we call it the Original Agreement, that the people that are moved from Rice Lake over to East Lake, which is about five miles off of our reservation. Also under the Indian Reorganization Act, we ended up not having our own government politically. We were joined together with another reservation that was in a similar situation as ours and that's Mille Lacs. We were denied our reservation existence.

The old people in our community used to say that Rice Lake and East Lake, we lost the most under IRA. There were supposed to be no more land loss, but yet we were removed right as IRA was passed. We were kicked off of our 1855 reservation. I just want to start there. Whenever we start talking about IRA in our community, we always start at where we were at the government. And that's our treaty, 1855. Our reservation there. As we got to this point of IRA, nothing was fulfilled. Nothing was honored all the way up until IRA. We took another plunge saying, all right, we'll join this. And like I say, we were removed. People in my community used to say we lost the most under the Indian Reorganization Act. I

just wanted to let everyone know a brief piece on our history. And to add, as I was reading the student handbook, just to go back to one more thing. At the time of the student handbook, as I read it, the Mille Lacs Reservation was stated to have no boundaries. Today, we all know

that's not true. The boundaries exist there. But just as in this time, when the book was released for our own education, when we told ourselves, these boundaries don't exist. Now today we know they do. Just like these other reservation boundaries exist, so do these reservations at Sandy Lake and Rice Lake. The reservations still exist, as well as at Gull Lake and Rabbit Lake and Pokegama, or these other Mississippi band members are talking about here. I just wanted to bring some of that up. Miigwech [Meu (ph) 32:30].

Veronica [Skinaway 32:35]:

Good afternoon everybody. My name is Veronica Skinaway. I am from Sandy Lake, but I am enrolled in Red Lake. It is an honor to be here with everyone today and listening. I like to always listen before I speak. I just want to begin with, this is a pretty amazing book here. A lot of important information. Also, I want to point out that throughout history, my family was kicked off the reservations three times. Not once, not twice, but three times.

While reviewing this book, it's foreign to me. This was not written by our people. I think this is why the Constitution is not working. It's because it was not written by us personally. We have this opportunity where I think we could just— What I would like to do is, I do not want to repeat history. We want to make positive changes for our future. I think in order to do this, is just to rewrite the whole Constitution. I know it's a lot of work. It takes some time, and a lot of dedication with ourselves and our community. But we have to think of what the old ones went through, what they sacrificed, in order for us to be here, to exist, to stand strongly amongst one another. That's my take on it. I appreciate the time. I hope to see you all tomorrow.

Male Speaker:

I'm going to put the president on the spot and make him speak one more time. It's getting pretty close to the end. I think he said that he could do about 45 minutes to an hour. For all of you that took that long break, he kind of owes you this.

Kevin Dupuis:

I just want to say two things. We take a look at the secretary election in 2006. There was around 6,600 people who voted for it, 6,600. There are 42,000 plus members of the Minnesota Chippewa Tribe. That's it, 6,600 people. That's less than 30 percent. That's less than 30 percent that are entitled to vote. The question that came up earlier, how are we going to get everybody educated on this? We're going to have to push it really, really hard.

Within the TEC itself, and the individual reservations to get the information. I want you to remember that, though. 6,600 votes for yes for that felony issue in 2006. Constitution states 30 percent entitled to vote. This was changed by a waiver to 30 percent of the resident voters, or registered voters. There's a completely different number there, a huge difference. What Mitchaw was bringing up, and I talked to Phil

earlier, I think to elaborate more on this book, this great book that was put together, because it's very, very informational, that we get the information on the Dawe's Act, 1887 Dawe's Act, [inaudible 35:35] Nelson Act and the Rice Commission, and also the [Hinton rule 35:40].

We can sit in a room, and we can look at the [Hinton rules] and we can see the atrocity that was put on each and every one of our families. That's what the [Hinton rules] did about land, to measure our craniums, to measure the size of our feet. To treat us like the Nazis did to the Jews. The difference was, they had newspapers, they had TVs, they had cameras. That's atrocity that was put onto us. To picture your breast plate where your skin is closest to your bone. To scrape it. How much blood you bled, the more blood you bled, the more Indian you had in you. And we're fighting amongst ourselves on this.

That's the kind of information that has to brought up. What was done to us, our history, the Dawe's Act, the competency principle. If you had White blood in you, you're competent. Here's your 80 acres of land. 1889 Nelson Act. You have the Rice Commission, but most importantly, in my mind, the [Hinton rules]. These are the kinds of information that we should have with us because Mitchaw is right, to go into that part of history, we need to know what happened, how it happened, how it got there. Maybe that might be a way to unite us., so we can understand everything that happened to us collectively. I don't know if you guys knew about that, but that's the way we were treated.

Male Speaker:

I'm not trying to dispute what you just said about the [Hinton role]. I think the [Hinton rule] was closer, a little closer to reality, than I think what you're referring to. I think what you're referring to is the [Powell role 37:24] or the 1929 Blood rule. That is the one that was atrocious, what they did to our people there and how they stole the land there. I think the [Hinton rule] was important, but also a look at the [Powell rule] and what all they did there. I just want to insert that, the state of what you're saying.

Male Speaker:

Well, there 1910 Omnibus Act that the federal government wouldn't recognize any traditional forms of government also. That's why we probably had the Reorganization Act,

Marcie Hart:

Marcie Hart again, White Earth enrolled. One of the things that they did to the Jews is that they stamped numbers on their arms. We basically all have numbers and are the only race that have numbers, and that exists today. We could all stamp numbers on our arms because we're all enrolled members. I just wanted to bring that one up, too. Thanks.

Male Speaker:

One last speaker.

Evelyn Dillinger:

My name is Evelyn Dillinger. I'd like to reflect a little bit about what Mitchaw was saying about the IRA. When they offered that to the

American Indians, they also offered them the opportunity to be their own government. The RTC is based on the Western style, with the chairman place chair. I think that also has given them a lot of power. I think the Tribal Council has too much power. Before [bill 39:10] people, we used to have a voice and the chiefs carried out their wishes. We've gotten so far away from that. When you look at the RTC, to me, when they follow that Western style of chairman over the people, to me, I see the oppressed oppressing the oppressed. Thank you.

Male Speaker:

There is a survey that was supposed to be used by the Native nation builders that was included. The question is, what do we do with it? I suppose we could put it at the back table. There's some of it that I really find troublesome, about citizens.

But one last thing. Mr. Frank [Biebel 40:03], to my right here, he wanted Mr. Joel Smith to talk about that our young people aren't having enough sex, in that by 2080, we might not have enough members. So, if Mr. Joel Smith could talk about that tomorrow, I think—that's how you said it, right Frank? But Mr. Biebel said he thought that would be a very interesting part of our discussion. I'm partially joking. Thank you for your patience. Oh, wait. One more from our esteemed elder.

Bob Howard:

Hi, my name is Bob Howard. As you look around, you see how many people came. I would say a good percentage came from other reservations here to listen to this presentation. But you know, I think we could have had a lot more people here if they were allowed to come here and listen to this. I think this is important that they could have time off from their duties, everyday duties and work, to attend this. Are we going to get, is this what it's going to look like when we start counting our votes? To get the correct amount of people that would qualify to change, to make this change?

I think it would have been important that they would have posters out on the bulletin boards. I walked through there yesterday, at the council meeting at the government center. There was nothing mentioned on the bulletin board about this, nothing. I had to go into the internet last night just to confirm the dates, what time I would be here today. How many people have computers here on the reservation? There aren't too many. I think we have to make a better effort to approach those who would be here if they could with the help of giving them some time off on such an important issue like this.

It was listed in the newspaper here last week. I read it, I read the whole thing. But I just had to confirm the time that I'll be here. I think Irma did, when she was proposing this constitution amendment, she made it a mandatory thing that everybody be here, at their job. I was thinking about that, also. People didn't want to come and listen, they'd rather stay home. They didn't really agree with what she was saying, but you're

mandated to go. But here, I don't think with the space the way it is, I don't think there's going to be much vote, or much information being put out. That's all I have to say.

Female Speaker:

I think a lot of our problem here on White Earth, in itself, because I work at the casino, the only reason I'm here is it's my day off. I think we need to ask our council members from White Earth to get a hold of every one of our managers, general manager, from this casino, because we have so many enrolled members that want to come but our departments are saying, "No, you can't go." This is our right. This is what we need. We need to ask our council members to stand behind, to move forward, progress further, for our people. Without their ability to coming here and educate and learn for themselves, to have that central role, we have instead to help us keep us back, our place of employment. If our place of employment will withhold us from coming to attend these meetings, we will never see the full faces of all of us to have input, to share, to have a consensual vote.

That's where I feel that it goes down to our Tribal Council. Can you talk to the department heads? Because our coworkers have every right to come here. We don't get to get PTO and come to these. But we're sure you're a leader, do the job, because I've got to do me.

Dave Huclak:

That will do it for this session. This is just a reminder that the next Minnesota Chippewa Tribe Constitutional Convention meetings will be held October 23rd and 24th in Vermillion, Minnesota, and hosted by the Boys Fort band. The Monday sessions begin at noon and Tuesday sessions begin at 8:30 AM. All sessions end at 4 PM.

The November meetings will be held November 20th and 21st and hosted by the Fond Du Lac band at the Black Bear Casino Resort. If you are unable to attend any of the Minnesota Chippewa Tribe Constitutional Convention meetings, you may also send your written comments to the Minnesota Chippewa Tribe, attention Jane Bruce, P.O. Box 217, Cass Lake, Minnesota, 56633. Or by email at jbruce@mnchiuppewatribe.org. I'm Dan Huclak. Thank you for listening.

Dan Huculak: Boozhoo. I'm Dan Huculak, WGZS station manager and an enrolled member of the Fond du Lac Band of Lake Superior Chippewa. WGZS and our friends at KKWE have teamed up to bring the Minnesota Chippewa Tribe Constitutional Convention meetings to our 42,000 enrolled members of the six Bands which constitute the Minnesota Chippewa Tribe. This is the September session and was hosted by the White Earth Band.

Marvin [Mennipenning 00:43]: Good morning. I have been asked to present on the agenda about the Constitutional Convention and the current [V8 00:35] revision and/or Convention. My name is Marvin Mennipenning. I think there is always going to be different opinions; I hope we don't become divisive. I don't want to be a device of bigger—. I fought for many years to try to get us to where I think we belong, today.

I should mention some people who were movers in this effort, especially on the Tribal official side. I know there's a great deal of misinformation floating around that one of our Tribal officials is a dictator; I don't see it that way. I see people moving forward, where they've been elected to be positions and have worked with the people to try to bringing ourselves together so we can take a look at the Constitution and develop it in a manner by which we all become involved and get our ideas put together so we can have a Constitution that works for us, the people.

I think that has went astray over the years because some things have been done. Yesterday, I presented an amendment in 1987, which, if it was adopted by the people at that point in time, we would have turned over absolute power to the governing officials, or I should say, the TEC and the Reservation Business Committees.

The things I would like to say about having this Convention, I believe that these meetings are important because there is information being disseminated to the people that many of us have never had access to. The information is important to understand the history, to understand what has been done throughout the years to modify this Constitution and remember—keep uppermost in your minds—that this Constitution belongs to you; you are a part of it and you play a big role. It's not just having elections every two years to replace our leaders.

What happened in '87, I believe that that effort failed because the people come forth, and many of us had differences of opinion but, we also realized that if this type of thing was passed, then we would have no say in government other than electing officials.

The things I see wrong with the Constitution, itself, is that there is no separation of powers. By that I mean, we have a government that functions legislatively, lately, and the past few years judicial systems have been set up that are controversial. I know on White Earth, here, the effort was taken just within the past couple of weeks where action questioning the judicial code that was instituted without the people's consent—without the people's knowledge.

I think that's important that we have law enforcement, which, there again, the people never consented to or were told about. To me, that's scary. There have been efforts to recognize Tribal Courts within the state system, a thing called, "rule of pen," that would recognize Tribal Court decisions and enforce them. A lot of people don't know these things, and the effort that I've always tried to make and the people I work with—I don't want to this [meegan 05:24] because it isn't about me; what it's about is the people and your rights.

We have a right; if there's going to be a court system, then that court system has to be presented to us and we must either agree or disagree with that. We have a right to go up or down, whether we want that. In no way in my mind that we don't need law enforcement, that we don't need courts; however, those things are going to be established, then do it the right way. I believe in informed consent; that's really important.

How many of us have ever read this Constitution before? I'm not saying all of us haven't but, a lot of our people haven't. That's important so, when I say, "no separation of powers," that's why we have these systems set up. There is no independent judiciary or ad litem and the current RBC has acted to rescind those things that were set up without the people's consent.

We can start a new—we're not saying that we don't need that court system but, my compliments to the Reservation Business Committee that took the action to put that in its place. You talk about the people in general, a lot of folks didn't know that this was in place.

I'm bringing this up for discussion; these things, you as a people, have to determine if that's good or bad. Do we just let governing officials do what they want to do? They put things in place and say; "sorry, that's the way it is?" No, that isn't the way it should be. You have a right to have a say in what goes on here; we all do.

There isn't an independent judiciary. Why? Because the judges, in a lot of cases, are appointed by the Reservation Business Committee. That's not

right. If they're going to be independent—and we discussed this in '87—and have an independent judiciary then those judges should be elected to those positions so, there is real independence from the governing body. If you don't have that, what good is it? Who does it serve? Does it serve you? Me? No, it doesn't.

I commend the Tribal leaders, and a lot of them are here, that pushed for this Convention to happen. Now, it's up to us. There's a difference in how we approach it, here, what we want is the people to speak their minds. Some things happened yesterday that I'm being blamed for, having people leave.

I think, there again, it gets into the enrollment process. We have to discuss how to come to grips with those things. It's a discussion that all of us, together, have to make, here. What happened in '63? Why did the Federal Government impose on our governing officials saying, "All your members have to be quarter or more to be enrolled." Before that time, there was lineal descent enrollment; we have to discuss it. How do we deal with those matters?

That's up to us, the people. We ought to come together; how do we resolve those things? Let's look at that; let's discuss it. Isn't going to happen over night but, we as a people, can do it. When we look at the Constitution and what has been done in the past, I brought that thing up yesterday about the controversial amendment that was being proposed.

The Bureau of Indian Affairs was, in fact, working toward—they already had it in place—a secretarial election to adopt that proposed amendment. But, there was a thing about majority vote, at one time, and what "majority vote means." In reality, it means, 50 percent plus one.

The Tribal Executive Committee was doing was saying, "Oh, well, for a majority we need preponderant quantity." That's a nice term; isn't it? What did that mean? It certainly didn't mean majority vote but, the people kept pressing the issue and there were court cases about that, which eventually came where a majority vote didn't mean preponderant quantity. Or, we have an election, 20 people would be running for one position, and what they were talking about was, out of that 20 people, majority means, most of the votes out of that 20 people. That's not a majority.

When we talk about majority vote, it means 50 percent plus one. That was finally dealt with but, that was through the efforts of the people. The people can be forceful in bringing about the necessary changes to this

document. I say these things to inform you what has happened in the past. Some of us have been standing up and crying in the wilderness but, pushing—pushing for the necessary changes, sometimes being demonized for our efforts. We weren't just speaking for ourselves; we were trying to speak for all the people. There has to be an enforcement mechanism in this Constitution.

By that I mean, we have rights; Article XIII of the Constitution, itself, talks about our rights to be involved. A lot of times, that has been denied. We had the Indian Civil Rights Act five years before it came into being as Federal law. Think about that one. That's what Article XIII is about.

There have been modifications done in this document. The controversial things that were discussed, yesterday, about interpretations. If you read the authorities clauses of the Constitution, you're going to find nothing in there that says that only the TEC can interpret. I believe that authority abides in the people. If they're going to have that power or authority, that has to be delegated to them by the people.

Remember, I said that delegation is not giving up. We can delegate something but, if it's being done wrong, we can take that back. Always keep that in mind.

There are controversies about Article XIV calling for a Referendum; that has been modified and putting down a time limitation on that manner of review, the Secretary of Interior and everybody talks about either he or she is named, in the Constitution playing a big role in our government. That effort has subsided but, it's still there. If it wasn't there, we as a people, would be in a lot of trouble. They do have a duty.

You read the Washburn letter that, I think, was distributed and it talks about that Constitution. That protects our rights; I know there's an effort and there are people in the audience who supported an effort to write a new Constitution. I commend that effort but, it was done wrong. We can argue all we want about it but, the Secretary of Interior does play a role, here, not the type of role he should, because we're in a lot of trouble because of that lack of involvement due to policy. Our Constitution isn't about policy; it's law.

The rule of law—we've got to make that work. If we want to change the whole thing, I'll write the Secretary of Interior out. We can do that but, before we do that, we'd better understand that if we take him out, the way it stands right now, some real difficulties could occur and we'd all be impacted. We have to keep that in there until we, as the people,

establish an enforcement mechanism to make sure this Constitution works for us.

In the manner of the review, you also see that the Tribal Executive Committee also has review authority. We brought, many times—not just myself—. This guy here helped me a lot; we helped each other. There are others that tried to bring attention to what was going on at White Earth where an effort was being made to write a whole new Constitution, was questioning that. We weren't allowed to inform the rest of the TEC members as to what was going on. We were denied that right.

We have to make this thing. I'm bringing these things up for you to think about. Those are the types of things that we have to deal with, here, to bring our elected officials into line. If I have to be specific in talking about who of our Tribal officials did some of these things, Tara Mason, I believe, Kevin [Dooby 17:05], [inaudible 17:06] Constitutional change and they forced the issue. There were other new elected officials that grabbed onto that concept.

Here we are, today. The criticism of leadership here, we should take a look at that. I don't want to be divisive; I don't think it's the time to divide ourselves; it's a time to come together and see whether we can do to fix this document or change it completely if we so desire. It takes all of us. Remember, Minnesota Chippewa Tribe is six Reservations under this umbrella. That's what our grandparents or great grandparents decided to do, to link us all up. We are one. I don't agree with the concept that we're all independent. We're one people.

I think the Federal Government was very effective in dividing us. Why is that? Why are we any different than the Anishinaabe in Wisconsin, Michigan? We look at those Treaties, we're all connected—all of us. We have to keep that in mind.

I hope I gave you some idea of what we have to do with the Constitution; but, we have to do it together. That's up to us to send the delegates to this when we get through all of these informational meetings, I take it that, if we have a Constitutional Convention, we send all our delegates to that Convention to hammer something out that we, as a people, can all live with, and a document that protects us, as a people. With that, I'll keep my big mouth shut and we'll go from there. Megwitch.

Unidentified male: Does anyone have any questions? Then, welcome, Mr. Mennippening; you've got some really important information.

On our agenda, we do want to revisit yesterday's discussions. If anybody has any questions about that. Secondly, I would like to get to revising the agenda. I know that we want to move Mr. [Scorbakken 19:50] somewhere up the agenda. Mr. Joel Smith may have something on enrollment.

Before we go there, I got triggered yesterday on a memory. Many people may know that I spent most of my adult life on the Fond du Lac Reservation. One of my shirttail relatives is the beloved Jim Northrup. For years he spent a lot of time in my kitchen. Whenever he would be writing a new Fond Du Lac Follies or be going to some big dig somewhere and going to talk about this or that, he would do his trial run on my kitchen table. He would revise it, depending on the laughs or the scowls those around my table would give him.

One time, he was talking about being a young man; that was back when the TEC must have been having only that one-year term. When a TEC meeting was coming up, he would reminisce that the Sawyer Indians would quarrel with one another on whose turn it was to have to go to the TEC meeting. There would be a lot of arguing back and forth of who had to go.

As a young man, he said that one year his grandfather was selected to go and he went along with him, along with his grandmother. He said that when they got to the TEC meeting—and this is Jim Northrup's words, he said, "They all had their own jug next to them on the floor." This must have been the early discussions on changing the blood quantum. The discussion lasted all morning. The Federal Government wanted to have the one-fourth blood quantum requirement in the Constitution.

Everything was one-fourth blood quantum requirement, one-fourth blood quantum requirement, one-fourth blood quantum requirement. This went on all morning. Eventually, they broke for lunch. Jim reminiscing, says, "Well, there's quite a bit of drinking." So, when they came back from lunch, they sat down and the discussion turned to the quarter blood quantum requirement.

Jim said he sat there and watched his grandfather getting angrier and angrier. Eventually, his grandfather slammed his fist down and said, "What the hell does this quarter blood quantum mean when all morning long we were talking about it being one-fourth? I want an answer." Jim said, at that point, his grandmother whispered into his grandfather's ear, and his grandfather said, "Oh, never mind."

I was remembering that story because sometimes we hear things; we understand things in words and things have different meanings to different people at different times during the conversations. I'm still struggling with the differences between one-fourth and quarter blood quantum requirement.

We have a lot of important things that we want to talk about but, once again, I don't want these sessions to go too long, where people need to take a break.

So, moving along, here, there was some suggestion for things that we want to add to the agenda later on, today. I believe one thing was the blood quantum. Maybe, we can get to that when Mr. Joel Smith talks. We're doing some of that right now but, we could put it down a little bit better on clarify and revisit some of the discussions that happened, today, after many—if not—some of you have gone through some of the material in that beautiful book.

I believe, what we voted for was the recent Amendment in 2005, and also in that same agenda request was, empowerment of the Band members to vote. That would be an easy thing to take care of; how do we empower peers to vote? That would be squarely on the responsibility of the RBC to facilitate or empower those discussions with their membership to happen.

I believe there was a request that we have the discussion on enlarging the membership on the TEC. The next one was, infringing on individual rights. That might be able to be combined with the ICW ICWA and possibly Tribal Courts.

I'm going to need some clarification on what the updating of the Constitution discussion will be. When that discussion comes up, whoever asked that, take the lead.

The next thing we would like to add in our discussion on the agenda is the 1855 and 1854 Treaties. We might as well add 1847 and 1837. One of the things, in the 1847 Treaty might be more relevant in the enrollment, because those of you who are Treaty scholars know that in the 1847 Treaty, the Indians demanded—and I believe the Indians maybe called Mississippian in Lake Superior Band, that mixed bloods and half-breeds be recognized that they are Chippewa. I know that's semantics but, that's always been important.

For us in the 1855 treat area, we don't own those property rights inclusively. If you look at the way the '55 and '54 Treaties were made, those people who maybe called "Red Lakers" today, may have been part of the '54 and '54 Treaty discussions.

Those who are members of White Earth may have been involved in those discussions, because our migration and transitory lifestyle, where you may have been fishing in the Lake Superior one season, then harvesting moose, whale here, or even killing a buffalo or two. This discussion is really important. In the 1855 Treaty, there's some neat wording in there that we, in the '55 retain a one-third interest in all of the previous Treaties, including the '54, '47, '37, and those farther east.

Maybe the biggest agenda item is going to be the Indian child welfare. That one will cause a lot of people headaches, because it probably touches all of us. Those are some of the things that we'd like to have discussions on this agenda, also trying to get down to what it is we're doing here on this Constitutional Convention in identifying what we're wishing to do, change, amend or alter, or whatever it is the membership wants.

To follow-up a little bit on what Mr. Menniypenning said, I want to apologize. One of the things that really troubled me is the interpretation.

In that 2005 Secretarial Election, followed by the interpretation, when you read Article XIV, and I believe Mr. Brodine did a wonderful job on the Article XIV Referendum, there was one line left out. "The Tribal Executive Committee submits any enacted or proposed resolution or ordinance of the Tribal Executive Committee to a Referendum of the eligible voters of the Minnesota Chippewa Tribe. The majority of the vote cast in such Referendum shall be conclusive and binding on the Tribal Executive Committee. The Tribal Executive Committee shall call such Referendum in the prescribed manner of conducting the vote."

So, in the 2005-2006 Amendment, the membership voted for the language. Then, three years later, they did an interpretation. Section two is, basically, the same thing except it's for the Reservation Business Committee. Tribal Court.

I know there's been some of us in this room that have been involved in the Rule 10. Mr. Leonard Royce has been a champion of that. We've had Tribal attorneys, Tribal judges go down to the Minnesota State Supreme Court Rule 10 Committee and tell that foreign jurisdiction that they're up here exercising inherent sovereign authority in their court system.

When I looked at the Minnesota Chippewa Tribe Constitution, I struggle with that. I understand the preamble has some really cool words in it but, the preamble isn't a power clause. If we are dealing with judges that say they're exercising inherent sovereign authority of, say, Leech Lake, I question where they got it. The same attorneys and judges were telling the State Supreme Court Rule 10 Committee that they had independent, and I don't know where they got that.

If we were to look at Article VI, Section 1, it says to, "delegate committees, officers, employees—" and judges and attorneys are employees—"or cooperative associations of any foregoing authorities, reserving the right to review any actions taken by virtue of such delegated authority."

Also, in section—. Oh, I'm sorry; I'm in Article V. No wonder why I couldn't find it.

If you go to Article VI, it's Section 1 (d): "The Reservation Business Committee, by ordinance subject to the review of the Secretary of the Interior, levy license or fees on nonmembers or non-Tribal organizations doing business solely within the respective Reservation." "A Reservation Business Committee may recognize any community organization, association or committee open to members of the Reservation or located within the Reservation and approve such organization, subject to the provision that no such organization, association, committee may assume any authority granted to the Reservation Business Committee or Tribal Executive Committee."

I believe Article V has the exact same wording for the TEC. So, when reviewing that, those articles to empower independent Tribal Courts, those may be one of the things that has to be amended, addressed, taken out or strengthened. You can't have a body saying that it's independent when the Constitution doesn't allow that authority to be transferred to it from the RBC or the TEC.

I would be in favor of Tribal Courts; I worked in one but, I had to tell myself that it was an administrative remedy enforcing our codes and resolution. Just for thought, when Mr. Mennipenning mentioned that Article XIII, rights of member, was five years ahead of the American Indian Civil Rights Act, that's absolutely true.

One of the things about the American Indian Civil Rights Act—first off, it's Federal legislation, and it came four years after President Johnson's Civil Rights Act that must not have been able to stick or else they wouldn't

have had to do it in '68. It guarantees the affected Indians will give their consent or not when there's new jurisdiction being pressed upon them.

So, when we're moving forward and we're discussing Tribal Courts, there are going to be problems with Article V and Article VI, because the affected Indians were never given the informed participation, and more importantly, the consent of them.

I find it troublesome when employees are going to the State Supreme Court Rule 10 Committee and saying that they have independent sovereign authority that is older than the Indian Reorganization Act, because I don't know where they get it. Here on White Earth, on Leech Lake, it's Reservation Business Committee resolutions that empower Tribal Court and, maybe, someone should tell them that you can't give that authority to another organization or your employee that's reserved to the Reservation Business Committee and Tribal Executive Committee.

Unless there are any questions, I want to respect people wanting to be able to take a quick break. This will be considered our first break opportunity for those that need to get some fresh air. Megwitch.

Dan:

That will do it for this session. A reminder that the next Minnesota Chippewa Tribe Constitutional Convention meetings will be held October 23rd and 24th, in Vermillion, Minnesota, and hosted by the Bois Forte Band. The Monday sessions begin at noon, and Tuesday sessions begin at 8:30 AM. All sessions end at 4:00 PM.

The November meetings will be held November 20th and 21st, and hosted by the Fond du Lac Band, at the Black Bear Casino Resort.

If you are unable to attend any of the Minnesota Chippewa Tribe Constitutional Convention meetings, you may also send your written comments to the Minnesota Chippewa Tribe, attention: Jane Bruce, P.O. Box 217, Cass Lake, Minnesota 56633, or by email at jbruce@mnchippewatribe.org.

I'm Dan Huculak. Thank you for listening.

Dan Huculak: [Boozhoo (ph) 00:02] I'm Dan Huculak, WGZS station manager and an enrolled member of the Fond du Lac Band of Lake Superior Chippewa. WGZS and our friends at KKWE have teamed up to bring the Minnesota Chippewa Tribe Constitutional Convention meetings to our 42,000 enrolled members of the six Bands which constitute the Minnesota Chippewa Tribe. This is the September session and was hosted by the White Earth Band.

Unidentified male: When the Constitution was revised, there are 15 Articles, and there is no Article that talk about police or judicial powers; but, there is the Amendment process. Whatever the Indians understood or believed in 1963 and '64, they definitely understood that the Constitution didn't need police or judicial powers.

In looking back to 1963, that was just 10 years after 1953, I believe but, math has never been my strong point. In 1953, Congress passed Public Law 280, which gave the State criminal authority over the Minnesota Chippewa Tribe and all the reservations within Minnesota, excluding Red Lake.

When they were getting around to revising the 1963 Constitution, the argument was that the Federal government understood that the Indians didn't have the resources to run their own police or judicial system and they were trying to transfer the civil and regulatory jurisdiction along with the criminal right to the State of Minnesota. That might have been what the Indians understood in 1963, when the Constitution was revised and there was no police or judicial powers in the Constitution.

But, if they needed police and judicial powers, we have that very well articulated Article XII Amendment process. Maybe, in 1953 when Congress transferring that jurisdiction to the State of Minnesota, it stunted the need for those Anishinaabe of that era to have to develop their police and judicial systems. That may be one of the factors why it wasn't written into the Minnesota Chippewa Tribe's revised Constitution.

But, there is the amendment process and I would hope that that's part of the reason we're here, today, to at least start those discussions as informational pieces for a Constitutional Convention. Why our courts and police systems didn't include us in the amendment process—I'm not criticizing—well, maybe I am—. If we had informed participational consent in developing court systems or police systems in being the affected Indians, we may have asked that we have independent Police Chiefs voted by the members. We may have asked that the Tribal Courts be independent, where the Justices are voted in by consent of the members. We may have incorporated that the Prosecutors be familiar with our lifestyles and our understandings and they be voted in as the Prosecutors of our Judicial Systems.

All of that was bypassed to give a quick fix to establish Tribal Courts that, for at least thirty-some years, there's been a good majority of us that believed they're not MCT constitutional. I've worked in Leech Lake's Tribal Courts and the only way I could work in there was believing that the Court was providing an

administrative process for the members, while the Courts and Tribal Attorneys enforce policies and codes but, that's just my opinion.

Moving forward, if we're going to start looking at issues that we need to correct, I would hope that would be one of the discussions that the membership is very much involved in not driving the development of Tribal Courts and Police systems where, if we're going to have independent bodies, that those important people in those institutions are selected and voted for by the members. That's on my wish list.

Getting back to this revised agenda, I've asked Mr. Wally Storbakken to give a presentation that he's got on the tyranny of the minorities. [Megwitch (ph) 05:09].

Wally Storbakken:

The Mississippi Band enrolled at Leech Lake Reservation. This conflict has been brought up—. I'm not an educator or I'm not a professor but, I did study political science back in the 1980s, and later on, I went on to a Master of Public Policy degree. It's been quite awhile since I've been in school, so a lot of the things that I learned are getting hazy.

I have seen a problem that we have had, both at the local level on our Reservations and at the larger level, the entire Minnesota Chippewa Tribe, and it has to do with representation. It's also going to be a part of our consideration when we do decide when we're going to have a Constitutional Convention, where we're going to have a Constitutional Convention, how delegates are going to be selected, who gets how many delegates?

That's all part of the representation. Who's going to pay for this Constitutional Convention? All these things, once these constitutional meetings that we're having that are more educational—once these things are all done, hopefully, we will be prepared at that point to make those actual decisions and say, "Yes, on such-and-such a date at such-and-such a place, these many delegates are going to meet and are going to come up with something to recommend for the entire membership to vote for or against."

The concept of the tyranny of the minority—. It is a political science term. It has to do with history, as well, in the formation of the United States of America, they had great debates over how the citizens of the new country would be represented. They had those that thought that each colony would have the same number of people, and as states developed, they had a great debate.

It's actually called, "A Great Compromise," where they took the republican form argument that created the senate from thenceforth, the states were to elect two senators—every state, no matter how many or how few people you had. If you had become a state, you would have two senators. At the same time, this could create the types of problems that we face at the TC level and even at the Reservation level, because that's not based on population. It's based on a place.

So, the Great Compromise was to also have a congress that was bicameral, where you would have a senate where every state would have two but, over here, you would have a house where every state would be represented according to its population. When you have a small population state, like Alaska or North Dakota, they automatically get their two senators but, the number of representatives that they have in the house is much smaller than a state like Texas or California or New York or even Minnesota. We have eight congress people and two senators. Some of the larger states, I'm not even sure, but like Texas and California have 30, 40, 50—I'm not even sure any more—representatives. They all have two senators.

Why am I bringing this up that there is such a thing as a tyranny of the minority? It is because when you go on that republican basis and you have two from each Reservation, you run the risk that a Reservation with a very small number of people can run rough shod over Reservations which have very large numbers of people. This can lead to a lot of injustice and it has led to injustice for us, as a people, in the past.

Yesterday, I mentioned one of the most recent examples being the Settlement—the Nelson Act Settlement. I don't want to be divisive but, there is some resentment from those Reservations that suffered great harm and yet had to share equally with Reservations that were much smaller and suffered no harm whatsoever. Because they're much smaller, their little share of that Settlement was huge compared to the tiny little bit that the members from the Reservations that were larger were compensated. It's a problem that's created by that two people from each Reservation.

It happens at the Reservation level, as well, when you look and see we are constrained to have a five-member governing body at the most. You have to have your Chair; you have to have your Secretary Treasurer and you may have one, two or three under our Constitution. What that leads to is, on our Reservations—. I've been trying to research and find the Resolutions that created, I have been unsuccessful. Why did they decide that? I have a good, educated guess; I think it was based on geographical area but, it did not take into consideration the number of members that were living in each area.

Over time, on different Reservations, as people have migrated, maybe moving to where the government headquarters might be because, predominantly a lot of the jobs are there, so you don't have to travel so far to work. The population has shifted. Today, I don't know about all the other Reservations but, on Leech Lake I know, in specific, that there's a great disparity between the three. So much so that one of our districts has more than twice as many people in it than the other two districts combined. Yet, that district representing all those people only has one vote on our RBC, while the other districts that have way, way, way fewer people have each a vote, as well.

What that does, if you're a member of the small district, that means your vote is way more powerful than the vote of a person who lives in that large district.

This is not fair; it is unequal. I bring this up because there is also another—it's quite the opposite. Tyranny of the majority. When you don't look out for the small; you don't look out for the minority. Everything is, just, done by majority rule. In that case, you might have a large Reservation terrorizing the small ones. So, you have to find a way; you have to compromise. You have to find a way that everybody can be happy.

This is all brought up—I don't know how we will resolve this in the time when we look at the Constitution, itself, and representation on our governing body but, I do know that it will be an issue. As we come to the time when we're deciding when and where we're having this Constitutional Convention, how many delegates there are going to be. What way are those delegates going to be chosen?

I have some ideas and I'm sure there are other people that have ideas to make it a fair process, because we are all family. We really are; we are Anishinaabe. I'm bringing that part up to be aware of it as we go forward. Yes, I'm very happy to see—. I wish there were more of us, here, and I think eventually there will be. I'm one of those guys that 30 years ago was with Marvin and others at the Bingo Palace and we said, "No, you're not having that Amendment, Chief." It was the people that did it. How many people were there? Six hundred people at a meeting on a short notice because they were going to take total authority—total, and we couldn't allow that.

I'm really happy that, after all these years, 30 years later, we're here and we're sincerely trying to make things better. It's not going to be so much for us, because a lot of us are older but, it's going to be for our children, for our grandchildren and our great grandchildren and so on.

With that, I would take any questions with respect if you have any confusion over what I'm talking about, with respect to that tyranny which can go both ways—either a minority terrorizing a majority or vice versa, a majority terrorizing a minority. We don't want to terrorize each other; we want to get along because we're family.

Are there any questions? They don't ask me to read Article III which is Governing Body, Section 2, which is the Reservation Business Committee. "Each of the six Reservations shall elect a Reservation Business Committee composed of not more than five members, nor less than three members. The Reservation Business Committee shall be composed of a Chairman, Secretary Treasurer and one, two or three Committeemen. The candidates shall file for the respective offices and shall hold their office during the term for which they were elected or until their successors are elected and seated."

That's an example to the Constitution of how that happens at the Reservation level, where you can have a disparity between the number of members that are being represented, because—. I feel bad for the guy that has to represent 3,000 people, compared to the guy that has to represent 500. Can you imagine how

many more phone calls and requests for help that poor Committeeman has to deal with? It's not fair either way. It's not fair to that elected official and it's not fair to the members that he represents.

Unidentified female: I'd like to make some comments. First of all, you know I am up to in years; I lived on this Reservation. I know a lot of Indian history and I've studied Indian history. A lot of our programs that universities didn't get started without American Indian people meeting with private colleges and universities. I think that we have the people, we had the people a number of years ago.

I grew up during the Depression and all that. I remember we could not talk about our ceremonies in the home. We could not talk about whatever we did at home, because at the time, the Federal government was making rules and regulations on how they're going to deal with American Indian people.

It was during Prohibition, Indian people made their own pop and brew, wine. They made their own medicine and they still had their ceremonies. They went underground. I didn't realize until older in life that the government was working to stamp out our religion and our way of life. Indian people could not buy beer until 1953, but Indian people had their own stuff. The Freedom of Indian Religious Act wasn't passed until 1978.

It wasn't until I got older that I realized I had been living in a time where we could not trust white people mainly because of what was happening to our Treaty rights. The United States Constitution is modeled after Iroquois Confederation. Prior to the government BIA established Indian women were very involved in the government of Tribes. Indian women were held in high respect. Today, it's not like that. We have to go back to our culture. We have to be fair.

Archie LeRoy invited me when I'm in the Leech Lake area, and a lot of people ask me, "Why do you have a home on Leech Lake when you're enrolled in White Earth?" I said, "We owned this country; we can live any place." We can. The government never paid our Treaty. We have Treaty rights; each Tribe has their Treaty. Archie invited me to go to a meeting mainly because we don't know our history. Our history is not being taught in the schools. Our children are not learning the history.

Each Tribe, here, has Treaty rights; not the Minnesota Chippewa Tribe. It's not a Tribe but, Leech Lake, White Earth, Red Lake, Mille Lacs, Grand Portage, Ness Lake—these are all Tribes; they have Treaty rights. If you study Treaty rights on the national level—.

I told people, here, I'm going to get them a copy of the United Nations and how they view people on the national, international level. We have Treaty rights; each Tribe should have their own government Constitution. White Earth did it a few years ago and I didn't agree with the MCT censuring our Chairman, mainly

because they're elected by the people. Our people elected White Earth people, and the White Earth elected people should be looking at the needs of our White Earth people, each Tribe.

I'm recommending that each Tribe have their own Constitution. I went to a meeting, I think it was March; it was a national meeting. We met with a lot of Indian people that have their own Treat rights—each Tribe. We have to do that, because we have Treaty rights and we're not studying our history. We're not studying the importance of Treaty rights and sovereignty. We have let the BIA run our government and that's what they did back in—. I worked for the MCT; I worked for two years and had a disagreement. I always disagreed on how the system was set up, because I learned and studied Treaty rights and self-government.

My recommendation is that the MCT should help each individual Tribe set up their government system. My uncle was one of the first elected people under the new system of the Indian Reorganization Act. The Indian Reorganization Act did genocide to our communities. These are my words, because they separated our family. My husband's family was split up; half to Leech Lake and half to White Earth. My family was also split up; a lot of your family is. My one family went to Leech Lake and the other half went to White Earth.

Under the Indian Reorganization Act, we're all split up. I have family on six Reservations, seven, and some on the Lakota Reservation. We are supposed to be respecting each other. There are things happening that I don't agree with, because we grew up practicing the culture. I grew up in this system. This is my comments. I think we need to look at our history.

I was proud to go into that room that Archie had going on at Leech Lake, because they were studying a Treaty. I think that's what we need—each Tribe is their sovereign nation. Each Tribe should have their own Constitution and we should work together to help each Tribe become independent. Thank you.

Marcie Heart:

Hello. My name is Marcie Heart, and I'm an enrolled member, here, at White Earth. When I speak, I'm speaking from my heart as an Anishinaabe Quay. When I heard Mr. Storbakken talking about the tyranny of the minority, I understand that all too well. As I mentioned yesterday, that I was taken off the Reservation when I was seven years old and put into an orphanage, even though I wasn't an orphan. It was a Catholic orphanage.

We were promptly started catechism lessons and we had to learn the catechism. If we did not memorize the catechism, we were beaten with a ruler. I've seen the nuns break yardsticks over the heads of some of our Indian children. That's tyranny. When I saw that, I made sure that I memorized the catechism. Who made you? Why were you made? How were you made? What image were you made? Those kinds of questions.

I had to learn all of that under tyranny. My tyranny continued under being put into white foster homes and learning their ways. Even though I dressed like them, walk like them, talk like them, I wasn't accepted because of the way I look. I was definitely Anishinaabe, and I was always and constantly reminded of that.

I was raised under the tyranny of the dominant society. We continue that, and I believe that a lot of Indian people use those rules on each other. We have been working under the colonial rule and I think that we need to stop and think about what we do and say to each other, especially when it comes to this Constitution, because this Constitution is not about us as individuals but as our people. We have to include every Indian Anishinaabe in this Constitution and we need to start asking the people that aren't here to, please, come. Mr. Storbakken said, "I don't know how we can do this. How are we going to get this across to people?"

I have the solution and it's very simple and that's for each and every one of us to take the information that we have here, today, and we need to inform people about the Constitution by going over the Constitution. I was talking to Mr. [Dupree 25:56] about this. I said, "We looked at this—" I know; I'm probably saying his last name wrong. I'm sorry about that.

When we read it last night, there was double meaning or interchanging of words we didn't quite understand and I said, "Why can't I understand this?" I know a lot of the common people read this and they're like—if you don't understand it then, you just want to say, "Well, I don't want anything to do with that; I don't understand it."

We start with education; we start with very basic education of the process. That's what I plan to do when I go back. I work in the urban area; I'm a city-slicker Indian. I've been living in the cities now for several years. I'm still Anishinaabe queen; I'm a member of the White Earth Nation and I know that there's a lot of people who say, "You should live on the Reservation and come back." If all the Indian people came back from White Earth, there wouldn't be any jobs or any housing. It would be really bad. There's still not enough housing for the people on the Reservation. I understand that.

We've got to start with really basic things. That's where our education starts, if you understand what I'm saying. I don't want to be rambling, up here. There was also something I wanted to say. Without looking it up on your phones or looking at your papers, I was watching when Jay Leno was on, he had this game called "Man on the Street." He went on the street and one of the questions he had was, "What are the five rights in the first amendment that citizens have?" Does anybody know what the five rights are? Right to speech, right to religion, freedom of the press, the right to assemble, the right to petition the government. Redress of the government.

This is part of the education. It seems simple. What does "redress of grievance" mean? I looked up the word and "redress" means, "to set right an undesirable

or unfair situation. To rectify. To correct right. To write amendment. Remedy, make good, resolve or settle.” But the Constitution was made because the Iroquois Nation—that’s where the Constitution started and yes, they did not include the Indian people; I know that.

That’s where our education will start. We need to know everything and we need to start. My opinion is we don’t read the Constitution we have because I think there’s a lot of echoes of our ancestors on there that were very wise and that we need to take that and continue to move forward, especially because there are so many changing times in our government and our people. It has a lot to do with all the stuff that goes on globally, because it affects us, too, here in the Reservation.

I’ll turn it over to Dale.

Dale: [Bewitch (ph) 29:32].

Are there any more questions or comments on Mr. Wallace Storbakken’s tyranny of the minority? If not, Mr. Leonard Butcher.

Leonard Butcher: Hello. [Boozhoo (ph) 29:53]. [inaudible 30:02]. I am a Sun dancer. We all are Sun dancers. We live with the sun. Every day, we look for the sun; it makes our day. I have participated in close to 50 sun dances. I am Anishinaabe; I come from here, White Earth. My spirit name is “Spirit Seeker” from the Martin Clan.

Those poor people of Puerto Rico, did their constitution help them with the wind and the water? Our earth is a living being; we are a part of it. It holds us together. It gives us life with that sun.

The people of Mexico, when the earth moved, where was their constitution? The people of Texas, when the water came, did their constitution help them? People of Florida, with the wind, remember we come from this earth. This is who we are.

So, writing these numbers, putting in place, revising this bible does not work with Mother Earth. We cannot right it all; love one another. Take care of one another because these things that happen, every island is going to be affected. The wind, the water, the shaking. Keep that in mind because we are Anishinaabe and we’ll always be here. [inaudible 31:47].

Unidentified male: [Bewitch (ph) 31:49].

Joy Annette: [Boozhoo (ph) 31:53]. My name is Joy Annette and I’m from the White Earth Nation. I grew up in Pine Point. Thank you, Lenny.

We talk about different types of government. By education, I hold several different degrees; one is in history and government and civics. I have taught a

lot of government classes. Yes, our government does come from the Iroquois Nation and they established a system where you had an umbrella that would cover other forms of government.

You'd have your Federal government; you'd have your State government and you'd have your local governments. If that's the type of constitution you want, then that's the kind you need to address. The Minnesota Chippewa Tribe could be our Federal government. Each Reservation would be our State governments. Each village would have their own separate laws and how they are governed.

If you are looking at our traditional types of government, we are all one Tribe. We are all Anishinaabe. We're not White Earth Tribe. We're not Leech Lake Tribe. We're not Mille Lacs Tribe. Those are Bands. Another way that the Federal government has separated us. We are all Anishinaabe. We were run through several Councils; we were governed by our Chief Council, our Women's Councils, our [wired 33:25] Councils and our Elders Councils. We are also governed by our Clan leaders.

If we want to go to a traditional type of government, those are the types that we need to look into. How many of us know those? How many of us even know our Clans? I am [Praying 33:45] Clan. How many of us have even belonged to a society? Do you know what societies are? One of the biggest fallacies is our religion and our [med a ruben susnighety (ph) 33:56]. It's a healing society; it's not a religion. How many of you knew that? It's a way of life.

When you're looking at types of government, these are the types of questions you need to ask. Do we want to be white? And, yes, we are included in the United States government as of 1924, when we became citizens. We are under that Constitution. Do we want to be white or do we want to be Anishinaabe? Those are the questions you need to ask yourself. [Megwitch (ph) 34:27].

Dale:

Those were all very passionate presentations, comments and learning tools. I don't believe I'm a US citizen; I understand Article I, Section 2, has wording excluding tax-exempt Indians. The XIV Amendment also has the same wording - excluding tax-exempt Indians.

The One-Hundredth Congress put out a publication that explained excluding Indians not taxed as the people they made treaties with. If we were truly citizens, the Bill of Rights, the Amendments would already apply to us. There would have been no need for the 1924 American Indian Citizenship Act because, by virtue of the XIV Amendment, we would have already been citizens.

If we were truly citizens, President Johnson's 1964 Civil Rights Act would have applied but, four years later, they had to create the American Indian Civil Rights Act. If we were truly citizens, who knows what "ICWA" means? It means [laos 35:43] but—that's a trick question. We never hear of the Black Child Welfare Act. We never hear of the Hispanic Child Welfare Act but, there is an Indian

Child Welfare Act. You'd think that our people would have already been protected by those Bill of Rights if we were citizens.

The Indian Adoption Project, the Women's League of America came here to White Earth in 1947 and were appalled at the living conditions the Indian people were involved in and they were able to convince Congress to start the Indian Adoption Project. In 1964, they hailed it as a success because they were adopting Indian kids out at the same rate that the black children and the white children were being adopted.

Of course, a few years later when the Indian Civil Rights Act came along, they start apologizing. In 1978, the Indian Adoption Project apologized again, when the Indian Child Welfare Act was passed. But, more importantly, the American Indian Religious Freedom Act was passed.

If we were truly citizens, would there be need for that Federal legislation? That's something that I always think about. Somewhere, I'm considered an American [vectrix 37:17] but, that means nothing to me standing here in front of you, today, because I've learned the atrocities that the Americans, through legislation, have done to us.

I needed to say that because I understand that excluding Indian not taxed because we are in the Constitution. I've spoken long enough and if Mr. Joel Smith is ready, he's going to tell us that we need to remind the young people to make a bunch of babies or we're going to lose something in 2080. [Megwitch (ph) 37:56].

Joel Smith:

Good morning. My name is Joel Smith and I am an enrolled member here at White Earth. I'm also the Director of Administration for the Minnesota Chippewa Tribe.

Yesterday, Frank [Diebold 38:07] had asked at the end of the session if I would bring to your attention, again, the population projections. that were done back in late 2014. To give you a brief history of that, back in 2012 and late 2011, there was, actually, a Constitution Reform Sub-Committee that was a mix of elected Tribal leaders as well as Tribal members.

In that discussion at that time, one of the things that kept coming up was enrollment, a lot of discussion on our current enrollment criteria. What came out of that Committee was a request to see if there was a way we could project our population, based on our current enrollment criteria and considering other Chippewa or other Ojibwe or other Federally-recognized Tribes, what our membership would look like.

I was tasked with finding a grant to get this process started. We were successful with the Bush Foundation and we went to the Wilder Research Group in St. Paul. They have done some work on Fond du Lac and they were recommended

to us for this study. What happened was that we asked them to look at our current enrollment and our current enrollment criteria and also looking at these other scenarios, if we added other Chippewa blood or other Ojibwe blood, as well as other Federally-recognized Tribes.

The started with a Tribal member survey to gather information about a random sampling of Tribal members. With that information, and also looking at our current enrollment, looking at breaking down the scenarios as far as quarter-blood to just under half, half to just under three-quarter, and three-quarter to full-blood.

They used all that data and they have a certain methodology that they went through to make these projections. They're currently out on our website, right now, and you can get printed copies of it. What came out of this, basically, there were five scenarios.

First of all, looking at the population projections keeping it the same, one-quarter blood MCT would stay steady for awhile and then, they're projected out, would start declining over the next about 60 years. They projected out about 85 years, so within this next century.

Scenario two, they looked at adding other Ojibwe blood in mix with that and that was based on some of the responses they received back from our Tribal members that participated in that survey. They documented, at least, broke down, they did have other Ojibwe blood but, of course, we don't count that, yet. Those projections were made.

They also did projections for those that were other Federally-recognized Tribes, as best they could. Those three scenarios were very similar in the path that the population projections would go significantly down after about 60 years. There was a request from the Constitution Reform Committee that looked at what would happen if we did drop it to one-eighth and even look at lineal descent.

There were two other scenarios that were added to this report: the one-eighth scenario, maintained a pretty steady—actually, grew at first and then levelled off and it was a slower progression down for the end of that time period, of that 85 years.

With the lineal descent, they projected anywhere from 120 to 200 thousand potential members, and we would continuously climb. Those projections, again, based on their methodology. There are two parts to this report: one is the projections and one is the methodology they used. They contracted with Gillaspay Demographics—Tom Gillaspay. He was a Minnesota State demographer for about 33 years; he retired and now runs a consulting business. He does a lot of these projections. He's done population projections for other groups.

In that methodology report, it tells you about how they came about and how they did their projections. I would encourage everybody to look at that information. It came out back in 2014, early 2015. Basically, what we're looking at is using this information as a base line.

For example, in our discussion about enrollment, not only projecting out what our membership may look like, there's also the impact of changing the scenario on the administrative side, too, working current enrollment stats. What type of impact will that have? Are we even going to consider this, at all?

Basically, I wanted to make that available to you and inform you that that information is out there. If you have any questions or if you have requests for the documentation, you can always call MCT, ask for myself and I'll make sure to get that information out. It is on our website, currently.

That was a real quick summary, Dale. That's what I wanted to project. Any questions?

Wally?

Wally: If we maintain one-quarter blood quantum requirement, what year do we come extinct?

Joel: The way they projected this was in the year 2098, we would be down to about 2000 members, that's 83 years from now. Again, we took another look, too, at information about where we're at, right now, with births and deaths. Since 2003 up to current, we've been pretty steady so, enrollment's been going up a little bit. Yes, Wally.

Wally: A follow-up question. Which Reservation is going extinct first?

Joel: It didn't show exactly where each where by each Reservation, it went by total population since it was based on our enrollment database. White Earth would, probably, be the first. One of the interesting thing—one of the key findings is that, the largest number of enrolled members currently, are between a quarter and just under half. That is the majority of our members, right now.

In thinking about this, too, there's also a substantial aging of the population. Right now, half of our members will be 65 years or older by the later part of the century, as compared to about 10 percent, right now. There's a significant aging of our population, along with that large number of quarter to just under half.

That study was done in order to provide information out to the population, our Tribal membership, to use in discussion with enrollment. It's, at least, a baseline to use during our discussion about enrollment that we need to take into consideration. That was the report. Again, that information is available online or you can request a copy of that information and I'll send that to you.

There's a question here and here.

Unidentified female: If we're going to look at history—. A lot of people that have studied the Indian don't have all the information. I'm a researcher, myself. What happened to American Indian people in our land, when the government was looking at the land and wanting to take them, there were full-blooded Indian people. In order to get the land sold, they would say, "This person is not full-blood." That happened to a number of families.

If you are going to look at enrollment, you have to look at the people who—the government took our land from us. That's on all Reservations. We need to look seriously at the history; we need to study our history. That's how I was so happy to see the people at Leech Lake—all the people attending there, to study the Treaty rights.

The BIA did a lot of things to American Indian people. They controlled. They're still controlling but, under our Treaty rights, we have a lot of—. I look at that as sovereignty and self-determination. Each Tribe is the one that has the Treaty rights and we have to remember that. Thank you.

Joel: There was a question over here?

Unidentified female: Now the national Native population projection, as of 2015, is two percent and in 2060, it's two-point-four percent. Is that [big toe 48:01] natives that they're projecting in 2060? That it will be two-point-four that's actually an increase?

Joel: Yes. I have, yet, to see those numbers and how they went about doing that. All I can say is, based on what we have, here, that with what Wilder did for us is based strictly on our criteria. If you look at it nationally, all other tribes, there are so much different criteria, whether it's lineal descendance. I think that has an impact on that type of projection when you look at it nationally. They looked at fertility rates. It's a lot lower with our Tribal population than on average across the United States.

There are some other interesting factors that they took into consideration, specifically for us; that's all detailed in that methodology report. Getting to your question, though, I think it depends on the type of criteria that each Tribe has. Overall, I could see a steady population, or even a slight increase, based on nationally, given the type of enrollment criteria that 560 plus Federally-recognized Tribes have.

Unidentified female: I've got one more comment to make in regards to enrollment. I've been working since 1986 in regards to Indian children that are placed in [sorry not a home placement 49:41] and go into foster care and need homes. Some of them need permanency.

We have a lot of Indian children that are not called American Indian because they're not enrolled. Counties write letters to the Tribes, and they ask each Tribe if this child—because the child, the parents will probably be enrolled, but their children are not enrolled. The grandchildren are not enrolled.

So, when they're not enrolled, they're not viewed by the counties as American Indian children. When they did the census in Minneapolis, they said there was 2,000 cooperative Indian education. They said there were 2,000 American Indian children attending Minneapolis Public Schools but, that's only because you fill out a 506 form and it has to do with Johnson O'Malley and Indian education so they can get funding for the school district.

A lot of these children that are not enrolled are not counted and I know these kids; I know these families. We have a serious case right now, a [sub liter's 51:08] case where the grandmother's enrolled and the counties are not doing good kinship searches.

We have a case that went on Channel 4 News, where some white non-Indian couple who couldn't have children had a child placed in their home because this child was not enrolled. They wanted to adopt him and they thought this child is already my child because I went into foster care and her and her husband couldn't have children. They were going to adopt this child.

This is a descendant child from White Earth. It was in the paper and I have all the information in my car. I knew the grandmother and I knew who the mother was and I knew all her relatives. I had her come to my office and I said, "We're going to talk about your family." She had a number of siblings; her mother had, I think, 10 children so, this little girl has a lot of relatives.

We're looking at the laws; we're looking at the Minnesota Family Preservation Act, we're looking at the Tribal State Agreements. We're looking at the Indian Child Welfare Act because this little girl is not recognized. She's not enrolled. Her mother is enrolled, her grandma is enrolled and all her family members are enrolled in White Earth.

I talked to Laurie York, the director, so they recognize this family as being American Indian but, there's a court date next week. We have non-Indian people or some Indian people are not looking at all the criteria. We need to look at our children and our descendants and whether they're enrolled if their parents aren't enrolled. We need to do something about that. I'm talking about our grandchildren.

I have a lot of grandparents that support what I'm doing. That's why I'm here, because there are so many grandparents from all the Reservations in Minnesota, whose grandchildren are not enrolled because they're of mixed blood. We need to look at that, because we have a lot of—I call these little

children, children of American Indian love because that's how they got here. People were in love and they had these children who are not being recognized.

I wanted to bring this up because, if we're seriously going to look at our future generations, the children—I hear everybody talk about it. "We're going to do something for our kids, our grandchildren." But, I don't see their blood being recognized. They may have Lakota blood, and I know there is a lot of mixed blood here with seven Ojibwe Reservations because my grandchildren are mixed. I know what that means. I know that we're not recognizing all Indian blood and we have to do something about it.

I'm here because I have great grandchildren; I'll have great, great grandchildren if the Creator blesses me with good health. I have good health now and I still have my mind. I can still read and write. It's very important that we look at these children that are of mixed heritage. I wanted you to know we have more Indian people than we're counting, based on our government system of saying, "You're not an Indian unless you're a quarter."

Some of these Indian children have more Indian blood than a quarter; they're not being recognized because the Tribe is not recognizing them. I know the cases that go to court. We have about three children from Fond du Lac that are not being recognized by the counties and their heritage comes from both Leech Lake and Fond du Lac. I can name a number of families. I've been working this field since 1986. Thank you.

Dan:

That will do it for this session. A reminder that the next Minnesota Chippewa Tribe Constitutional Convention meetings will be held October 23rd and 24th in Vermillion, Minnesota, and hosted by the Bois Forte Band. The Monday sessions begin at noon, and Tuesday sessions begin at 8:30 AM. All sessions end at 4 pain management. The November meetings will be held November 20th and 21st, and hosted by the Fond du Lac Band, at the Black Bear Casino Resort.

If you are unable to attend any of the Minnesota Chippewa Tribe Constitutional Convention meetings, you may also send your written comments to the Minnesota Chippewa Tribe, attention, Jane Bruce, PO Box 217, Cass Lake, Minnesota 56633, or by email at jbruce@mnchippewatribe.org.

I'm Dan Huculak. Thank you for listening.

Dan Huculack: [Boo joo (ph) 00:00:00] I'm Dan Huculack, WGZS station manager and an enrolled member of the Fond du Lac Band of Lake Superior Chippewa. WGZS and our friends at KKWE have teamed up to bring the Minnesota Chippewa Tribe Constitutional Convention meetings to our 42,000 enrolled members of the six bands which constitute the Minnesota Chippewa Tribe. This is the September session and was hosted by the White Earth Band.

Male Participant 1: We've got approximately 40 minutes left before lunchtime, and the thing that we're going to do before lunch here is open the floor up for MCT CC discussion of interpretations, ordinances, and the constitution's Article VII, Article XII, Article XIII, XIV, and XV. Is there anybody that wants to take the lead on that in how this impacts that constitutional convention informational meetings going forward?

Wally: I would like to do something a little bit related to it before we get to that just to whet people's appetites or something. When I was a much younger man in 2003, I took a stab at writing a constitution because we had been told back in '87—1987—that we eventually would have a convention, and we hadn't had one yet, but there was starting to be talk about it again. So, I took a stab at writing one for myself that I intended when it hits the day of [routine 00:01:36], I would take my constitution [six 00:01:39]. Let's start with this. We can change it. I'm only one person. I can't think of everything. I don't know everything, so let's work on this. So, if you'd just humor me and turn your tab one in the big book and look at our constitution that we currently are under, right on page three, the Preamble. Look at the wording of the constitution we're under, and I'm going to read to you a different Preamble. It's the one that I came up with.

Sure, it probably needs work. It probably isn't done yet, but it's a place to start. "We, the Anishinaabe people, in order to reunify the numerous bands of the Ojibwe Anishinaabes and to preserve our sovereignty; enrich our culture; achieve and maintain a desirable measure of prosperity and the blessings of freedom; acknowledging with humility and gratitude the goodness, aid, and guidance of the Creator of the universe in permitting us to do so to ordain and establish this constitution for the government of the Anishinaabe nation." Now, that is substantially different from the one that we are under, that Preamble, which kind of sets the tone. A Preamble just more or less sets the tone for what the rest of the document, the rest of the constitution is going to lay out. So, there's a significant difference there because number one, the name is different, and number two, its purpose is to reunify the numerous bands, not to separate them further, not to divide them more, but to reunify them.

Humor me just a little bit more here. I have one—an Article II that's territorial jurisdiction, and in Article II, Section Two that says, "New reservations may be admitted by the Anishinaabe Congress into the nation, but no new reservations shall be admitted without the consent of each reservation's governing body as well as by referendum vote of its people." Now, this is just giving you an example of as we work forward, as we look forward, the types of things that we can consider doing. It doesn't have to just, "Let's look at each article and tweak

and change each article that already exists.” Like people have said, we could totally throw our current constitution to the wind and come up with a new one or we can compromise and keep some of it and throw some of it out, add some new stuff to it, and that’s all up to us as a people. I have Article V, distribution of powers. Section One: “The powers of the government of the Anishinaabe nation shall be divided into three separate branches—legislative, executive, and judicial—and except this provided in this constitution, the legislative, executive, and judicial branches of government shall be separate and distinct, and no branch shall exercise the powers properly belonging to either of the others.”

And finally, this is the last thing I’m going to read to you. Same article, but Section Two. “The constituent reservations of the Anishinaabe nation retain the right to organize local government; adopt their own constitutions; exercise rights retained specifically for them under treaty; exercise inherent rights not expressly granted to the government of the Anishinaabe nation under this constitution; and to adopt local rules, regulations, and legislation that does not abridge the constitution of the Anishinaabe nations.” And with this, I just wanted to whet people’s appetite as we talk about the other things, talk about our interpretations and the ordinances that do exist and stuff. Also, be forward thinking and think of the possibilities here as we undertake this. We have a number of more meetings, and eventually we hopefully will have that constitutional convention. Whatever we come out of that with, if we do our job and educate the people because it’s going to be the people that vote on it, if we should come up with a great document, the nations understand it and they should support it. That is the future of us. That’s the future of all our children, all our descendents. It’s the future of us as a people. I just wanted to whet your appetites with what I had done way back in 2003. Thank you.

Male Participant 2:

This document isn’t old and archaic because it was drafted in this century. It’s not like that one that was drafted way last century. 1964, that’s so ancient. I’m just kidding. I’m sorry. Over the years, Wally has made sure that I’ve always had a copy of that draft. He’s been impatiently patiently waiting for this day, and he does have electronic copies of it, and he can email it to you. He understands that it can be used as a framework or inspiration, and it should be a discussion piece of things that can be looked and adopted if at the conclusion of these informational meetings turn into a constitution convention. So, they don’t want to make light of Wally’s work. In fact, it is really a great document. So, getting back to the constitution. One of the ones that I always get stuck with and one of the ones that I think is the most important is Article VII. People would think I’m talking about Article V or Article VI or Article XII, XII, or XIV, but here’s one of the things that got lost.

Article VII, duration of tribal constitution, Section One, and that’s kind of misleading because if you’re going to have a Section One, you should have a Section Two, but there isn’t. “The period of duration of this tribal constitution shall be perpetual or until revoked by lawful means as provided in the Act of June 18, 1934 (48 Stat.), as amended.” What that means to me—and other people can have their own interpretations of it—is this constitution still exists.

We have our peers run for the positions enumerated in Article V and Article VI, and they're not running for a Hollywood stereotype position. They're actually running for what Article V says it is. I noticed that Mr. [inaudible 00:08:51] is surprised. So, moving on to Article V and VI, and people often refer to them as the authority or powers of clauses of Article V and VI. So, sometimes I think candidates—and maybe this has to be in the election ordinance—they believe they're getting elected into positions that might not—their ideal might not speed up to what they're actually asking or soliciting votes from their peers who elect them into.

So, then they get into office and they find that there's already other elected officials that may have a different working understandings of what a reservation business committee is supposed to do or the tribal executive committee is already doing. I've seen it happen where a candidate will come in and solicit your vote and ask you to vote for them for Article V or Article VII positions and then get into office and find out that it's really difficult to follow through on some of their campaign promises because the structure that they thought they were getting elected into isn't the reality, and there is an 80 some odd year structure that is existing constitutional positions. So, I look at Article VII as being one of the most relevant, if not most important article of the Minnesota Chippewa tribe constitution in its duration. Yes, in the Washburn and Norman Beauchamp's letters that were passed out yesterday, Congress can do away with the Indian Reorganization Act, but it cannot amend or change the meeting of the constitution as it exists under Article VII.

So, I think that's important as we move forward because we're actually here in this information meeting to at least have discussions on what a constitutional convention should look like and what are our objectives of either strengthening and empowering the members and the members' rights or strengthening the existing constitution for better tribal governance. Miss [inaudible 00:11:32] Benjamin, she asked me to start over. So, yesterday, we all gathered here and—maybe not that far back. What I'm going to ask people to look at is that Norman Beauchamp's letters to Miss [Roma 00:11:47] Visner, Kevin Washburn, and I think without having it in front of me, President Norman Beauchamp was reminding Miss Visner and Kevin Washburn that—the BIA director at the time I think—that Congress can do away with the MCT IRA constitution. That's true. It is the creation of Congress. It's a federal law, but Congress or the Interior Department VIA, they can't change our constitution without going through the memberships participation, inform consent to alter it, amend it, or change it. It really is up to the membership. Yes, ma'am?

Female Participant 1: In regards to the Secretary of Interior, he gets his directions from Congress. Is that correct?

Male Participant 2: I'm not that familiar with that process. I think he's under the Cabinet of El Presidento—some guy named "Dump" or something like that that rhymes with it. He's under the President. The President appoints the commissioners to the various—well, I would imagine Congress may intervene somehow in creating

legislation and maybe that's a question for Mr. Brodine, but I think the President oversees his Cabinet and his appointees, and he gives them directions. If Congress believes the direction is unconstitutional, there may a congressional matter or some other Supreme Court or federal court challenge to the President. So, Mr. Brodine?

Mr. Brodine:

Yes, thanks. Secretary of the Interior acts under the direction of the executive branch, so the President of the United States. You'll see different administrations come in, and their Secretaries of the Interiors follow different, I guess, paths. One instance is the fee to trust. So, under the Obama administration, fee to trust was—they were very aggressive with placing land in the Trust for Indian Tribes. It moves quickly. They allowed the tribes to submit their documents, and they were more responsive to the needs of the tribes and they put a record amount of land in the trust term of eight years. So, with the Trump administration, you'll see the administration changed. The idea or mindset behind Indian affairs changed as well. So, you have the highest current person, the interim person, at the Bureau of Indian Affairs came out—I think it was a couple months ago—saying that off-reservation fee to trust is going to change. We're going to make it harder and not—this is me postulating, but they're going to make it harder for tribes to bring land off reservation into trust.

They're going to change the Bureau of Indian Affairs regulations. They're going to give more power to the states and governors and local governments, but in the same vein, Congress can pass legislations that effectively override internal regulations of the Bureau of Indian Affairs. So, there's your check on. If the Bureau of Indian Affairs, if they start administering a program or implementing a congressional act in a way that upsets Congress, Congress can go back and change the guidelines for that program or put express language in there with regard to how it's going to be administered. Does that answer your question? So, one of the things right now is the Trump administration has been—we've all been waiting to see what happens with regard to how they do Indian Affairs, and a lot of tribes have been reticent greatly so to bring forward things whether it's the fee to trust application or reservation proclamation requests until we get a firm understanding of what this administration is going to do with regard to Indian Affairs.

Male Participant 3:

I want to ask—we got a case going through federal court. The BIA on some of the issues that we've got, they all call it an internal affair. Now, I want to know how do we go about with the Internal Affairs with the BIA and our tribe? We've been trying to get the tribe involved in this because it affected all of us. A lot of our land and sovereign has been taken away from us under the interpretation of our constitution. So, I want to know how do we go about stopping the interpretation because once they get the interpretation of our constitution, they are actually giving away our sovereign when they're supposed to protect our lands and our sovereign here.

Mr. Brodine:

I think what you're referencing is that the BIA often gives discretions to tribal governments whether it be the TC or the MCT with regards to what they see as

internal affairs, internal tribal matters. I think you need to work through the political processes on your localized levels. I think it's good that the BIA defers to tribes on internal matters. Otherwise, we'd be back to square one.

Male Participant 3: Can we have a bylaw that stops the interpretation?

Mr. Brodine: I mean, we're talking with this constitution and we're looking at where these interpretations [get 00:17:16] at. So, that's something we need to be mindful of going forward is what do we do with the powers in these? Do we need to save some? Maybe. Do we need to get rid of some? Maybe. I mean, we need to figure out how to incorporate these into the larger governing documents of the MCT and the [inaudible 00:17:33].

Male Participant 3: Okay. Will our elected officials start a bind to our constitution? Because they really can't because of the interpretation.

Mr. Brodine: I can't really speak on their behalf.

Male Participant 3: All right. Well, thanks.

Male Participant 4: I thought there was another one. Our experiences with during fee to trust would be that it was a delegation authority from Congress to the Secretary of Interior. Can I just [reach the lady of 00:18:06] Trump wants to do away with the tribal recognition that's been a Bureau of Indian Affairs policy and return it to Congress, but the authority really comes from Congress, the delegation of authority to his Secretary of Interior and the Secretary makes the regulations for other tribes regarding fee to trust.

Female Participant 2: You've got an answer? I was going to make a recommendation in regards to this whole situation. I think it's very important. I keep saying this, that treaty rights are very important, and the United Nations has—I was just telling people I had all that in here, and there's a lot of treaty rights that are on a national level. They have a United Nations, and I think it's very important. I did all this research and I gave a copy to Dennis Banks. They need to [have stopped 00:19:11] the UN in regard to American Indians because all the people that belong to the United Nations, countries and that, have treaties and they're in sovereignty, and you need to study that stuff so you'll know where we fit with treaty rights. I'm going to keep saying that and I'm going to—I know Dennis serves on the Leech Lake tribal college board and he thought that people really need to study their own history. We need to study treaties.

Treaties are made with American Indians and they're also made with other countries, so I think that we have to go back and look at our treaty rights which includes the earth and land and water and many things, and I think Sandra pulled together a lot of people in regard to the pipes. And I've been looking at this stuff myself because the Mississippi River runs across Minnesota, and all these pipelines are crossing, and if one breaks—a major break, the tenth major

break in the nation, happened on Leech Lake, so I do my research and I think we really need to look at our water and our environment. Treaties, they're the top of everything and treaties that are made internationally and how they made treaties with American Indians. We really need to look at every one of them. I know back when my uncle—when they started implementing the Indian Reorganization Act—he's still alive.

I want to go visit him in Red Lake. He's from White Earth here, but he married a woman from Red Lake, and he's been living there until—he's still living there, and I wanted to go talk to him because he still has his mind and thinking and I wanted to talk to him about tribal government systems because the tribes never got paid until my brother-in-law did research, and then tribal governments started getting funding. So, if we understand the history and understand treaty rights on the national and international level, you will see a lot of information that should be considered because what now, the Department of Interior—we were under the War Department at first, American Indians, and then they established the Department of Interior. And so, they've been controlling, setting up, and moving regulations for tribal governments, and we need to look at—you need to know that you can set up your own system under treaty rights. Thank you.

Male Participant 5: Oh, yeah. Miss Wakanabi, you're absolutely right. [Reggie lee and dijinokies. Ga wah babi gonikog (ph) 00:22:31]. So, I'm looking up on my phone, and Google says that the constitution is a body of fundamental principles or established precedents according to which a state or other organization is acknowledged to be governed. So, I look up the word "tribe," right? Tribal constitution is what we're here about. "A social division in a traditional society consisting of families or communities linked by social, economic, religious, or blood ties, with a common culture and dialect." So, I ask is the current tribal government and constitution reflective of our family community and in line with the cultural unity or is it modeled to appease its original architects? So, an idea, just going to back just really quickly about the blood quantum thing, I just want to give my opinion really quick. I ask why are we using an enrollment model that was drafted by people who invented different ways to eliminate us? We're looking at the numbers now, but I guarantee you the numbers were looked at way, way before when they wanted this put in place. That's all I got to say right now.

Kevin Washburn: I think I can try to answer your question in my opinion. First is no to the first one. Right? And yes to the second one, but every time we talk about an enrollment, this is the conversations that come up. If we can agree that the ones who set this up for our termination, which to appease them to—we'll use Mr. Pratt's term—kill the Indian and save the man in one form or another—Mr. Pratt, the boarding school inventor. If we look at the Dawes Act, Nelson Act, race commission, everything else that applies to that, then why do we continue to argue the same thing when we can't go back to that date? It's recorded, right? It has a recording. It's written down on who put their X next to this and next to that, right? So, I've been saying this for 22 years. We get back to the same thing. We're arguing about the same thing and trying to figure a way out

of it. I don't know what the answer is, but I do know by conversations in this manner, that's what we look at.

If that's where we see the disruption of the enrollment principle that comes into play is our recordings, you've got to remember the United States government and the Catholic Church kept very, very good records of what they did to us, and I'm not putting down the Catholics. I'm not putting down anybody's belief system. I'm just saying that's a reality. The United States government and the Catholic Church kept very, very good records of what they did to us and how they did it. And so, when we take a look at that, go back to the Dawes Act and be confident [get a claim 00:25:26] that you had non-Indian blood in you. So, we looked at allotments original and altered in allotments under that manner. People put X's down there because of that reason. So, do we start now? Do we say this is where we're at right now and we're going to look at this? Or do we sit down and we educate ourselves to the best that we possibly can in these meetings and sit back when it comes down to this time or point where we reach to have this constitutional convention and these delegates that are chosen to work on for this issue, but I think it's something that we look at.

If we look at the numbers that exist here, I'm not going to believe their numbers. I am not going to do that because there's a bigger picture in my mind, and maybe it's just me that I go out like a spider web all the time and I pull that in. If we look at numbers, where's the drug addiction at? Where's the numbers of the death rate in overdoses? So, once we die, seven generations go, right? Because that's our belief, right? Correct? Okay. So, if we look at a number at one death, that's seven generations, correct? So, the numbers that we're looking at, are they right? Are they [screwed 00:26:37]? Come on, guys. Yes, the numbers are absolutely wrong, and we have to look at it in that manner. There's a whole lot of other things that apply to all of this, and I'm not trying to throw a monkey wrench into anything. I'm just trying to throw what I sit and look at all the time.

There's a whole lot of things that exist within Indian country and within our communities. If we don't look at that problem and we have the elderly woman who always gets up and talks about our kids, and she's absolutely right. Where's that piece? We're dying at an unbelievable rate, the young people. So, we want to protect our culture, we want to protect our teachings, and we want to protect our upbringing. If this generation here doesn't protect this generation that's coming up, they're lost. I use that term. That's probably not the right term, but who's going to teach them? All the grandmas and grandpas? All the uncles and aunties? So, when we take a look at different reservations, how many kids are in foster homes right now because of the drug epidemic? How many kids are going into foster homes because of the drug epidemic? We don't have enough foster care parents up at Fond du Lac.

So, there's a serious thing we have to take a look at here, and it's not just to sit there. We're all using this term "blood quantum," and we're all arguing over it, but if we sit down and say, "We're going to write something culturally based,"

who's going to say there's even going to be a term "blood quantum"? We've got to get to that point first. And so, we have to sit down and seriously, seriously take a look at what we got in front of us. I'm tired of going to funerals of kids. I don't know about you guys, but I'm tired of it, and we're going to have an opiate summit here in November, and it's going to be the largest one that's ever there. If we do it right, we have massed another 28 different tribes from here to Michigan that want to be part of it, which will definitely be the largest drug or opiate summit that exists in the country, and it's going to be all done in Indian country. We have problems.

The ones who sit here as leaders sat in front of the governor said there's a million dollars out there based on our death rate because of drugs. Yeah, that's sad that somebody dies over drugs. People OD seven, eight, nine times. Those are the numbers that need to be heard. How many ODs are on a reservation? How many people are jumpstarted by Narcan? How many heroin parties are happening? When they fill up the tub with ice and have stashes of Narcan there knowing people are going to OD. Look at the problems we got. So, let's come together. Let's take a serious look at what we have in front of us and make it better for our people. We're all talking about we're one people, but everybody's saying the different tribes. Show me the different tribes. There's one nation of people. We say one thing and we say another. We want to be recognized as one; we're all related. Well, then why are individuals saying the different tribes, the Fond du Lac tribe, the Leech Lake tribe, the White Earth tribe?

The White Earth band is made up of several groups; so is Leech Lake. Where is the White Earth nation existing at? We want to say we're collective. We want to say we're being one, but the next thing we say is the White Earth nation or the Leech Lake nation. Come on. I don't ever want to speak as a government official when I'm here at these meetings. I want to be recognized as Kevin—just Kevin—because I want to hear—I want to give my input as an individual, as a tribal member, not as a government official of the Minnesota Chippewa Tribe or not the chairman of Fond du Lac. Just Kevin. I've been around. Also, I think I have ideas. I'm not going to say they're good ideas or bad ideas, but to see the structure the way it is and if you could see the system is and how much this system fails, what good is the constitution? What good has it done? How bad is the constitution, and what are the wrong things that happened from it? That's what we have to look at.

We can't forget the other things that exist to move into the future. We have to decide if we wanted to move into the future as one. But then let's claim as one. Let's call ourself [sic] one. There is no separate tribes in this room, and we keep doing it, but I don't want to go to any more funerals anymore. I don't want to see anymore kids die. I don't want to see any more people die, but what I just said about the video is the absolute truth about drug dealers going out and taking a new person in, saying, "Here's Narcan." If it goes bad, your buddy jumpstarts you. I don't fear death because of my belief system, and I've made it through life to a point where I did okay. I may not be the perfect father, but I tried. I may not be the best man, but I tried. I may not be the best leader, but I

tried. I can go home. Nobody has the right to send somebody home before their time, and the way they're being sent home is wrong. So, let's fix this.

Let's look—the opportunity that we have in front of you. There's things that aren't working. Let's find a way to get down together and make these things work. We'd probably not agree with everybody at the end of the day, but that's the uniqueness of us. We're supposed to be able to agree to disagree because if we all agree, then we're nothing but robots. I don't see any robots in here. Just let's move forward with it. I'm sorry I'm getting kind of emotional, but I think it's part of the conversation that has to be. If we're going to talk about children and we're going to talk about these things, we need to understand why they're not in our home, why they're filling up the court systems, why there's not enough room in the jails. We brought up an issue earlier, JOM. There's two criterias [sic] that when people fill out the paperwork, one is for enrolled members and one is for defendants, and they're counted as Native Americans. It's where the money comes from, you guys, so it's there.

We make up less than a percent of the population of the United States. We have over 25 percent of the prison population of our own people in jail. The probation rate in the state of Minnesota is unfathomable in Indian country. The death rate, the suicide rate, the drug rate—everything. We are at the highest of anybody else. So, if we're ever going to come together and look as a separate entity, as one, let's take a serious look at it. I do agree that individual reservations, if we have a blanket constitution that covers the tribe, this tribe, each individual reservation should have its own constitution if that's what they choose, if that's what you as members choose. I'm usually not out of words. I'm glad we're here. That's all I can say. I am glad we are here and sitting down and talking about this, and hopefully something can come good out of it at the end of the day, and I know it will.

Male Participant 5: That was the best Article VII explanation I've ever heard.

Female Participant 3: I just wanted to add something to what Kevin's saying, and we are all listening to each other, but I want to say something. I want to speak for somebody that's no longer here, and she was a champion for fighting for our people, and this is what she taught me. We don't have borders. Throughout the state of Minnesota and Indian country, we do not have borders. We do not have fences. We own it all and collective. We are all one. Everything we have is in common has all of us. So, when the fear of talking about different separation [legal 00:34:46] constitutions, what you're asking of me is to give up my future and my children's future because if we aren't one, we're easier to take down by the federal government. Their ultimate goal is to eradicate the treaties. No more obligations. We are the descendants of those treaty signers. We are the children left here to protect our treaties for our next generations to come because somewhere back in 1800s, they thought of us. We need to think 100 years from now for our next generations to follow and have that security. Ugly as our constitution is at times, it's also very strong because it's kept us here this long. So, I totally agree with what he's saying. We need to stay as one because if we

don't, we might as well start shaking hands and saying, "Oh, our grandchildren will never have what we have. Our grandchildren don't have a race." That's nuts. They'll never go up there gathering because we're already trying to cut their throats before their born.

Marge Cardigan: Hi. Marge Cardigan, White Earth reservation. There's something I wanted to say about how we want to become all one. I know in the urban area we have the Bois Forte. We have Fond du Lac. We have White Earth, the urban offices. We also have Leech Lake, and we have Red Lake urban offices. So, that's five of them, but I've got to tell you there's a division. If we go to the Fond du Lac elder bingo, there's only certain prizes that we can get if we're not Leech Lake. I mean, we can't get anything. I was at Red Lake picnic. I was not eligible to sign up for anything because I was not Red Lake although I have Red Lake blood. My dad was from Red Lake, but my mom was from White Earth, so I'm enrolled in White Earth. So, I mean, there's always divisions, and I think we need to stop that because I believe we are all one. I've always believed that. When I started coming back to the Indian community after being in white foster homes all my adolescent life, I was so glad to see Indians.

I didn't look at someone and say, "Oh, there's White Earth. I'm so glad to see White Earth." Well, I actually didn't know I was White Earth until I was 26 years old, but I always thought I was Leech Lake because that's where I—I was born at the Leech Lake Indian hospital they called it, but it's actually Health Service in Cass Lake. I always thought I was Leech Lake. I just did not get any information about where I was enrolled, but that's another long story about part of my historical trauma. What I want to say is I got this band here and it says "Engage, educate, reform," and I got this from the Red Lake people because they are also working on their constitution. I believe that each and every person in this room is a leader by just coming in here and listening, and as leaders, we need to get out there to engage our community and find those other leaders so we can education everyone on a constitution and our rights. We need to keep that going because that's the way our reform's going to happen. Thank you.

Male Participant 1: [Go oth Levich (ph) 00:38:40]. Just real quick, hold your thoughts. We'll come back. Please break out of your questions or your comments, and when we reconvene, we'll start right back where we left off.

Dan: That will do it for this session. The November meetings will be held November 20 and 21 and hosted by the Fond du Lac Band at the Black Bear Casino Resort. If you are unable to attend any of the Minnesota Chippewa tribe constitutional convention meetings, you may also send your written comments to the Minnesota Chippewa Tribe, Attn. Jane Bruce, P. O. Box 217, Cass Lake, Minnesota 56633 or by email at jbruce@mnchippewatribe.org. I'm Dan Huculack. Thank you for listening.