MILLE LACS BAND OF OJIBWE
Executive Branch of Tribal Government
MILLE LACS RESERVATION 1855 (10 STAT. 1165)

THE DEVELOPMENT OF THE MCT CONSTITUTION

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Overview of Presentation

- History of MCT Constitution
- Powers & Duties of the TEC
- Powers & Duties of RBC
- Day-to-day operations

1936 MCT Constitution

- Submitted for ratification to the MCT on June 20, 1936
  - 1,528 votes for
  - 544 votes against
- Approved by Secretary of Interior on July 24, 1936
  - BIA had a strong influence in drafting the initial constitution
  - Provided little localized autonomy (envisioned local charters to be adopted)

History of the MCT Constitution

- Indian Reorganization Act of 1934
  - Imposed a standardized model of governance on tribes
  - Adoption of the IRA was voluntary and each reservation had 18 months to vote on whether or not to adopt

Overview of MCT Constitution

- IRA Constitution adopted in 1936
- Amended and Revised Constitution adopted in 1963
  - 4 additional amendments
    - Amendment I – 1972
    - Amendment II – 1972
    - Amendment III – 2006
    - Amendment IV - 2006

1936 MCT Constitution

- Governing body was TEC
  - Consisting of 2 members from each Reservation
- Tribal Delegates
  - 2 delegates form each designated district or community of the MCT
    - Originally there were approximately 32 reservation precincts (over 65 elected officials)
    - Delegates would then select 2 persons to sit on the TEC

Revised Constitution (1963)

- Revised Constitution and Bylaws of the Minnesota Chippewa Tribe was enacted in 1963 and approved by the Secretary of the Interior on March 3, 1964
- Remains largely intact today

Revised Constitution (1963)

- Removed local charters
- Created Reservation Business Committee structure
- Implemented ¼ degree blood quantum
- Changed term from 1 to 4 years

Revised MCT Constitution

- Preamble
- Article I – Organization and Purpose
- Article II – Membership
- Article III – Governing Body
- Article IV – Tribal Elections
- Article V – TEC Authorities
- Article VI – RBC Authorities
- Article VII – Duration
- Article VIII – Majority vote

Revised MCT Constitution

- Article IX - Bonding
- Article X – Vacancies and Removal
- Article XI – Ratification
- Article XII - Amendment
- Article XIII – Rights of Members
- Article XIV – Referendum
- Article XV – Manner of Review

Revised MCT Constitution

- Bylaws
  - Article I – Duties of TEC Officers
  - Article II – TEC Meetings
  - Article III – Installation of Members
  - Article IV – Amendments
  - Article V – Miscellaneous
  - Article VI – RBC Bylaws

Constitutional Amendments

- Amendment I
  - Approved by Secretary of Interior on November 6, 1972
    - Stated all members of the Tribe, over 18 years of age shall have the right to vote at all elections held within the reservation of their enrollment
- Amendment II
  - Approved by Secretary of the Interior on November 6, 1972
    - Stated candidates must reach 21 years of age before the election

Constitutional Amendments

- Amendment III
  - Approved by Secretary of Interior on January 5, 2006
    - Candidates must reside on the reservation of his/her enrollment for one year before the date of election
- Amendment IV
  - Approved by Secretary of the Interior on January 5, 2006
    - Election disqualification for felony or conviction of a lesser crime involving theft, misappropriation, or embezzlement

POWERS & DUTIES OF THE TEC

(a) To employ legal counsel for the protection and advancement of the rights of the MCT;

(b) To prevent any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other assets including mineral, gas or oil;

(c) To advise with the Secretary of the Interior w/ regard to all appropriation estimates or Federal projects;

(d) To administer any funds within the control of the Tribe; to make expenditures from tribal funds in accordance with a budget

POWERS & DUTIES OF THE TEC

(e) To consult, negotiate, contract, and conclude agreements on behalf of the MCT with Federal, State, and local governments or private persons or organizations;

(f) Except for the powers granted to the RBCs, the TEC shall be authorized to manage, lease, permit, or otherwise deal w/ tribal lands, interests in lands or other tribal assets; to engage in any business; to borrow money to loan the money thus borrowed to Business Committees of the Reservation...

(g) levy licenses or fees on non-members or non-tribal organizations doing business on two or more Reservations;

POWERS & DUTIES OF THE TEC

(h) To recognize any community organizations, associations or committees open to members of the several Reservations and to approve such organizations, subject to the provision that no such organizations, associations, or committees may assume any authority granted to the TEC or the RBC;

(i) To delegate to committees, officers, employees or cooperative associations any of the foregoing authorities, reserving the right to review any action taken by virtue of such delegated authorities.

POWERS & DUTIES OF THE RBC

(a) To advise the Secretary of the Interior with regard to all appropriation estimates on Federal projects for the benefit of its Reservation;

(b) To administer any funds within the control of the Reservation; to make expenditures in accordance with a budget;

(c) To consult, negotiate and contract and conclude agreements with Federal, State and local governments or private persons or organizations; manage, lease, permit or otherwise deal with tribal lands, when authorized to do so by the TEC; engage in business; to borrow money or to loan the money

POWERS & DUTIES OF THE RBC

(d) levy licenses or fees on non-members or non-tribal organizations doing business solely within their respective Reservations;

INTERPRETATIONS

- No. 1-80 – only TEC can interpret the Constitution
- No. 2-80 – allowed the creation of a court system on the Band and Tribal levels
- No. 3-81 – related to eligibility for education funds (largely outdated today)
- No. 4-81 – reaffirmed No. 1-80
- No. 5-84 – rescinded in 1996
- No 6-84 – related to records
- No. 7-86 – local RBC decision for what determines the 20% of resident eligible voters
- No. 8-94 – related to delegations of authority
- No. 9-95 – rescinded in 1996

INTERPRETATIONS

- No. 10-96 – made clear that the BIA had no authority to ignore the MCT Constitution
- No. 11-09 – rescinded
- No. 12-09 – affirmed the Enrollment Ordinance language that only the blood of the biological parent could be counted
- No. 13-09 – whether a conviction for attempt is a disqualifying factor
- No. 14-2011 – 4/5th requirement for removal
- No. 15-2011 – majority vote necessary for recall election

Day-To-Day Operation

- Day-to-day operations on each Reservation is largely a matter of RBC control
- MCT is currently involved in:
  - Enrollment
  - Election
  - Agent for Programs