

Minnesota Chippewa Tribe Constitution Meetings
 Session 3: Government & Constitutions: What They Are, Do, & Look Like Across Indian Country
 August 2017 - January 2018



Government & Constitutions:
What are they? What do they do?
What they look like across Indian Country

**Governance – A Native Tradition:
Some Examples**

GB: ayha Big Bear	Lakelihu Great Bear	Tanyu Bear	Lakemahu Great and Old Bear	Giulanden Bear
- Great Bear - Great Bear - Great Bear - Great Bear - Great Bear	- Great Bear - Great Bear - Great Bear - Great Bear - Great Bear	- Great Bear - Great Bear - Great Bear - Great Bear - Great Bear	- Great Bear - Great Bear - Great Bear - Great Bear - Great Bear	- Great Bear - Great Bear - Great Bear - Great Bear - Great Bear

Lakota People:
 * decision-making council (known as the "Big Bellies")
 * *akicita* society (warriors in charge of law enforcement).




Cochiti Pueblo:
 * chief spiritual leader alternates between two main kivas

What Happened to Native Nation Governance in the United States?

Cederal policies have impeded, displaced or destroyed Indigenous governance institutions and governing systems over the past few centuries.

Late 18th Century – Early 20th Century: the systematic suppression of Indigenous governance and governments

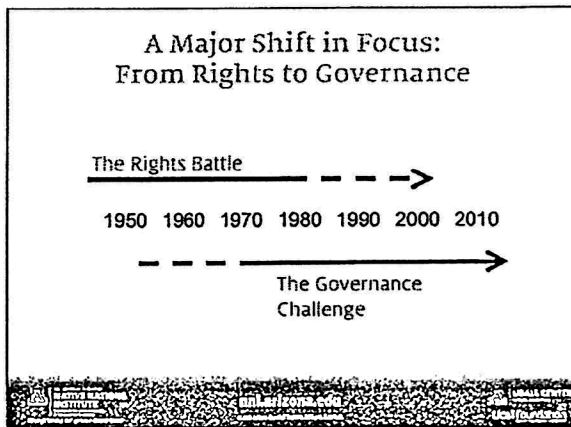
1930s: Tentative beginnings (the Indian Reorganization Act)

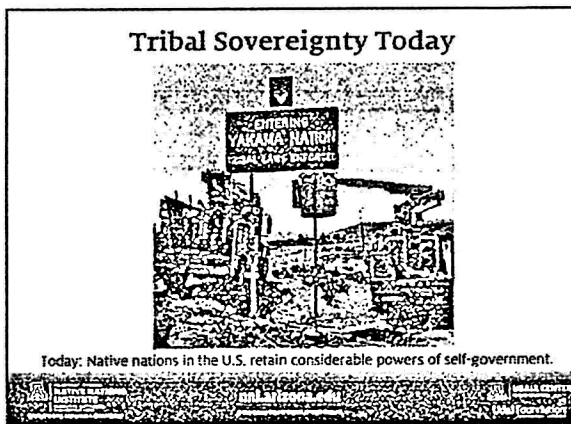
1950s: New funds, new programs, new demands: Office of Economic Opportunity (OEO), political activism

1970s: Indian Self-Determination and Education Assistance Act, the takeover of federal programs

1980s – present: Expanding tribal assertions of governing power

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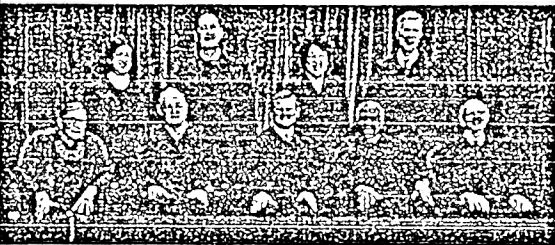


**Native nations exercise
significant control over (among
other things), name a few:**

• Citizenship • Governmental Form • Law Making and Enforcement • Dispute Resolution (Court Systems) • Civil Affairs (within limits) • Some Criminal Matters	• Taxation • Lands and Natural Resources • Environmental Regulation • Business Permitting and Regulation • Cultural and Religious Affairs
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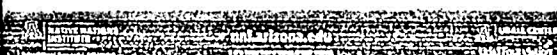
At the same time, current legal and political trends are not positive.



The future is uncertain.



What is a constitution?
Donald (De) Laverdure, Crow Nation



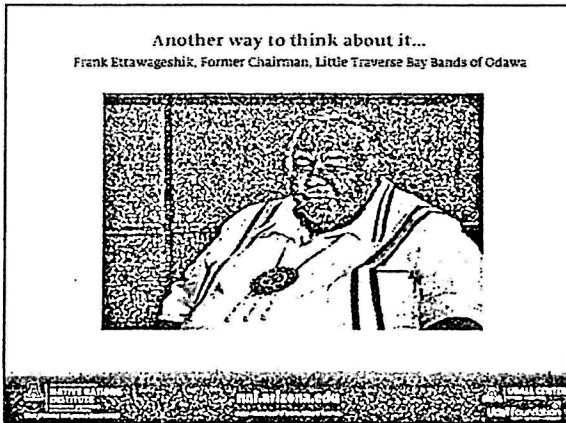
A constitution, whether written or unwritten ...
states the most fundamental rules by which a nation and its people intend to work together to achieve their goals. It says:

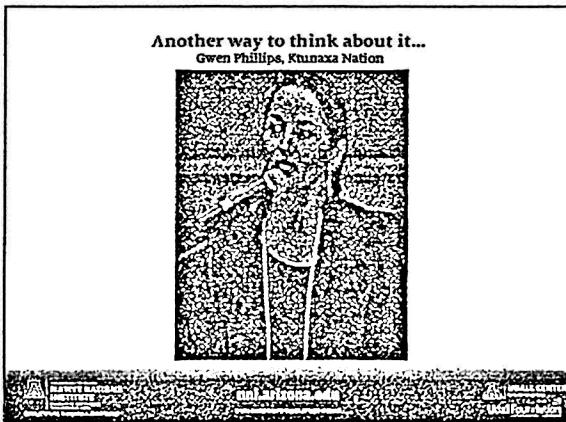
- who they are as a people,
- who has what rights and authorities,
- how they'll make decisions,
- how they'll resolve disputes, and
- get things done.

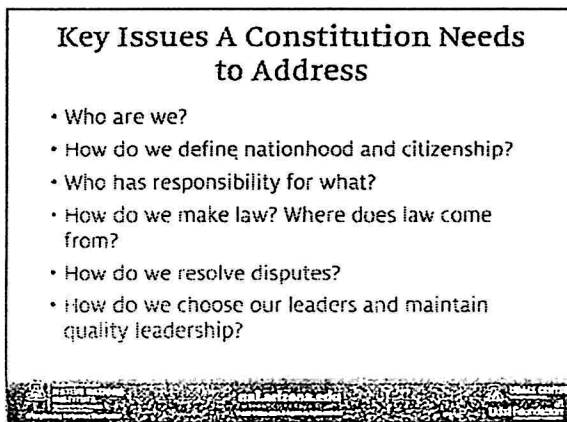
In short, a constitution codifies the people's explanation of how the nation will govern itself.



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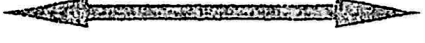




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Diversity in Governmental Forms

Traditional
Contemporary



Cochiti Pueblo
Onondaga

Hopi
Gilanyow FN

Sallish Kootenai
Citizen Potawatomi

- Great variation in governmental form among tribes because of the diversity of traditional political systems and the uneven application of federal policy
- For example, some tribes have constitutional governments, others do not

Localizing Authority

A number of nations, seeking to make their governance more culturally appropriate in the eyes of their citizens, have moved decision-making power and resources from the national to the sub-national level.

A Fourth Branch?

Many Native nations have the usual three-branch government. But some have an elders council or equivalent body to make cultural decisions, deal with sacred sites, and administer the oath of office.

Others are revitalizing traditional societies to play a role in governance.



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**You would need to think about...
Who should be doing what?**

And remember: *not all governance functions have to be carried out by the same unit.*

What Matters to Native Nations?

Interested not just in governmental and business affairs, but in...

- Maintaining and enhancing their religion, culture and language
- Maintaining and protecting their political autonomy and sovereign rights
- The welfare of their people and lands

Which of these governments is the "best"?

- The one that solves its nation's governance challenges
- The one that promotes its nation's interests
- The one that hold its nation together
- The one that matches its nation's *current* culture

In other words, there's no one "best" way. There's only the way that's best for your nation.

Remaking the Tools of Governance

A growing number of Native nations are remaking their governance systems so that they are able to:

- Provide a constitutional foundation for self-rule
- Make laws and enforce them
- Make day-to-day decisions
- Implement those decisions
- Provide for the fair and nonpolitical resolution of disputes
- Run programs/enterprises that serve the people

But bear in mind the two tests of a governance system:

1. **Cultural match.** Do your people believe this way of governing is appropriate for them? Do they see the system as theirs?

2. **Effectiveness.** Can this system deliver on the nation's needs and goals? Can it get the job done?

"A nation's laws are the deepest expression of its culture. They say what we value and how we intend to get along and hold ourselves together as a people."



Hon. Joseph Thomas Flies-Away,
Tribal Court Judge
Huulapai, Gila River, Karu:.
