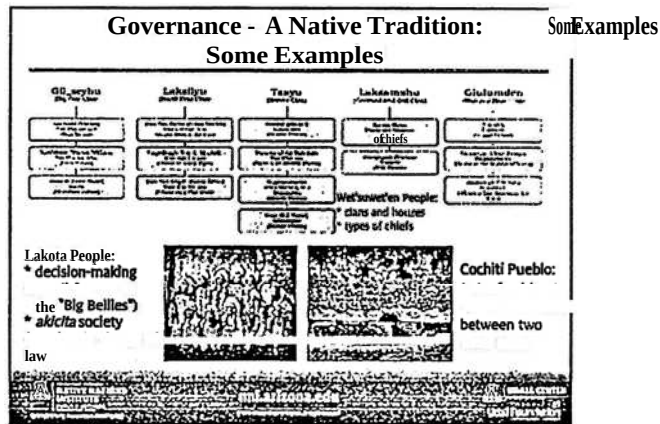


Minnesota Chippewa Tribe Constitution Meetings
 Session 3: Government & Constitutions: What They Are, Do, & Look Like Across Indian Country
 August 2017 - January 2018



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



What Happened to Native Nation Governance in the United States?

Colonial 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
 Economic activism

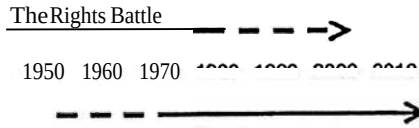
1970s: Indian Self-Determination and Education Assistance Act, the ~~Indian Self-Determination Act~~
 federal programs

1980s - present: Expanding tribal assertions of governing power

Presented by the Native Nations Institute.
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A Major Shift in Focus: From Rights to Governance



Tribal Sovereignty Today



Today, Native nations in the U.S. retain considerable powers of self-government.

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

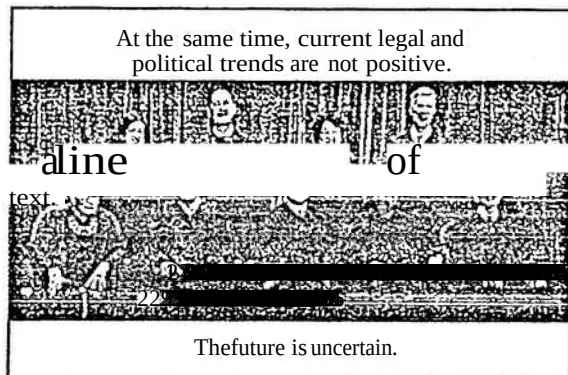
- Citizenship
- Governmental Form
- Law Making and Enforcement
- Regulation and
- Cultural
- Some Criminal Matters
- Taxation
- Lands and Natural Resources
- Environmental Regulation
- Business Permitting and Regulation
- and Religious

Affairs

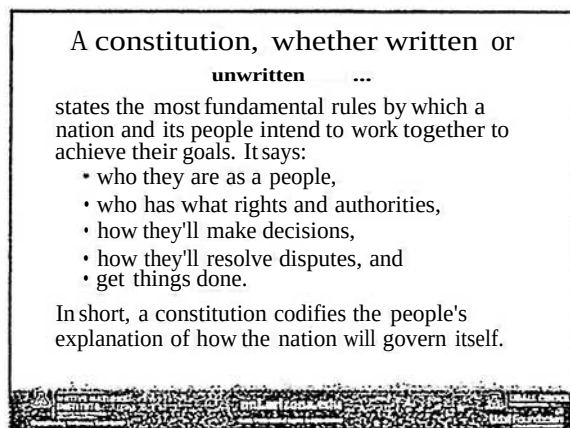
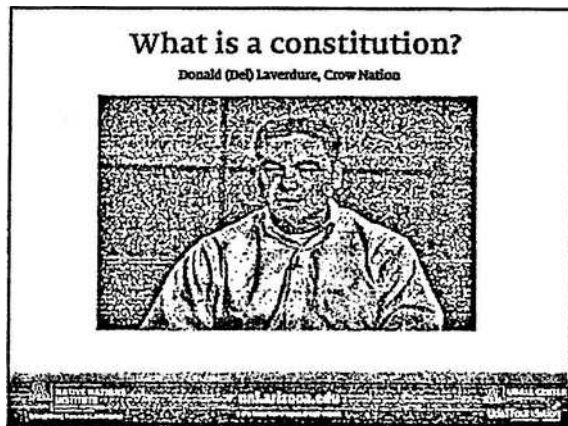
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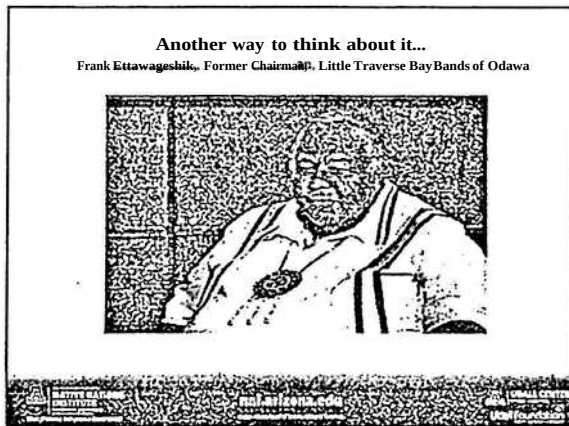
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Key Issues A Constitution Needs to Address

- Who are we?
- How do we define nationhood and citizenship?
- Who has responsibility for what?
- How do we make law? Where does law come from?
- How do we resolve disputes?
- How do we choose our leaders and maintain quality leadership?

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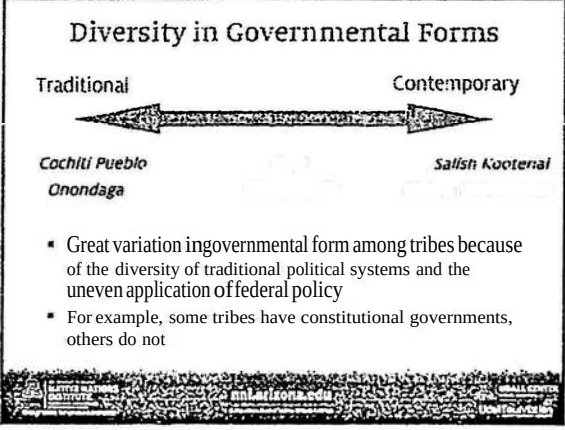
Diversity in Governmental Forms

Traditional ← → Contemporary

Cochiti Pueblo
Onondaga

Salish Kootenai

- 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.



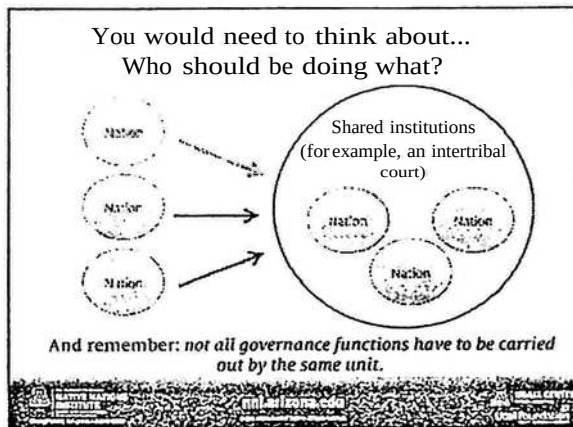
A Fourth Branch?

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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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 holds 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
Tribal Court
as a people."



Hon. Joseph Thomas Flies-Away.
Judge
Hualapai, Gila River, Kan: