

Original draft by Wayne D. 11/7/24 **In Black**

Definitions of sections: **In RED eliminate later**

Suggested changes **highlighted in yellow**

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Here is a revised constitution for the Fond du Lac Band of Lake Superior Chippewa. The aim is to integrate modern governance structures with traditional values, while considering elements of sovereignty, citizenship, and the relationship between the Band and external governments.

**Preamble ( the content is often classified into five categories: Sovereignty, historical Narratives, Supreme goals, National identity and God or religion)**

We, the Fond du Lac Band of Lake Superior Chippewa, recognizing the inherent sovereignty passed down through generations of our ancestors, and in keeping with our sacred responsibilities to protect our lands, water, culture, and people, do establish this Constitution. This document reflects our shared identity, our commitment to self-governance, and the preservation of our cultural heritage for current and future generations. We affirm our right to govern ourselves according to the principles of respect, balance, and harmony with creation, in pursuit of the **liberty, equality, justice and** well-being of our people.

**ARTICLE I: TERRITORY AND JURISDICTION**

1. **Territory:** **(The physical, geographical boundaries claimed or controlled by the government-territorial lines drawn on a map)** The territory of the Fond du Lac Band includes all lands within the boundaries of the Fond du Lac Reservation as established by treaty and other agreements. The lands ceded to the United States that we retain usufructuary rights. Additional lands may be included through future treaties or agreements.

2. **Jurisdiction:** **(The government’s legal authority, the ability to make laws and enforce them through sanctions.)** The Band exercises full jurisdiction over its lands, people, and resources, **or the activities therein and includes but not limited to air, water, land, surface and subsurface, natural and cultural resources and in any interest therein. in** ~~accordance with its laws and modern legal frameworks.~~ Also, the Band asserts co-management of those lands ceded within our treaty boundaries. This authority extends over all citizens of the Band, regardless of residence, particularly in matters of treaty rights and cultural responsibilities.

3. **Self-Determination:** **(The Band reserves the right to define its territory and jurisdiction independently of external definitions, recognizing its historical and ancestral lands as the basis for sovereignty.)** **Maybe place in Preamble**

**ARTICLE II: CITIZENSHIP (Determine who qualifies for citizenship and receives tribal benefits.)**

1. **Citizenship Criteria:** (Citizenship in the Fond du Lac Band is determined by a combination of ancestry, tribal rolls, and cultural connection, with a requirement of some bloodline as determined by Band law.)

Need specifics, i.e.:

- **STARTING POINT???** Section 1. All persons of Anishinaabe blood whose name appears on the official federal acknowledgment roll, the annuity roll of April 14, 1941, enacted by the Congress in the Act of January 14, 1889 (25 Stat. 642) and Acts amendatory thereof, which roll shall be known as the basic roll of the Tribe.
- All lineal descendants of persons listed in section 1. or All lineal descendants of persons listed in section 1. provided that each subsequent descendant shall have been an enrolled citizen of the Tribe.

2. **Cultural Participation:** Active participation in cultural and spiritual ceremonies, knowledge of the language, and contribution to the community are integral to maintaining citizenship. The Band values both the political and cultural identity of its people.

3. **Rights and Responsibilities:** Citizens have the right to partake in the governance and resources of the Band. In return, they must uphold the traditions and values of the Band, contribute to communal well-being, and follow its laws.

**ARTICLE III: GOVERNANCE STRUCTURE AND SEPARATION OF POWERS**

1. **Legislative Authority:** Legislative power resides in the Band Council, which is responsible for creating **creates** laws that reflect both traditional governance and contemporary needs. The Council includes elected representatives and community leaders, ensuring that all voices are heard.

**Local Indian Councils (LIC) how do they fit in here? i.e. from Leech Lake LIC- Liaison in an advisory role through their District Representatives on the Reservation Tribal Council.**

2. **Executive Authority:** The Chairperson holds the executive authority, charged with enforcing laws, managing tribal affairs, and representing the Band in external matters. The Chairperson must safeguard the Band's sovereignty and cultural integrity.

3. **Judicial Authority:** The Tribal Court shall ~~interpret and apply the laws,~~ **resolve disputes about laws, and decide when a law has been violated through** interpreting and applying the laws of the Band, respecting both written laws and traditional customs. Elders and cultural leaders will provide counsel in cases involving traditional law.

## ARTICLE IV: JUDICIARY

1. **Tribal Court:** The Tribal Court has jurisdiction over all legal disputes involving the Band's citizens, lands, and resources. It applies a mix of written law and traditional principles, with a focus on restorative justice and preserving harmony within the community.
2. **Traditional Dispute Resolution:** Where applicable, traditional methods of conflict resolution such as council discussions or mediation by elders will be utilized before formal legal processes. This reflects the Band's cultural emphasis on maintaining balance and avoiding unnecessary conflict.

## ARTICLE V: ETHICS, REMOVAL, RECALL, AND VACANCIES

1. **Code of Ethics:** All officials must adhere to a code of conduct based on the core Anishinaabe values of respect, humility, and responsibility. This code is designed to ensure that leadership prioritizes the welfare of the people and the protection of natural resources.
2. **Removal and Recall:** Procedures for removing officials for misconduct or failure to fulfill their duties will be established by tribal law, in line with traditional principles of accountability.
3. **Filling Vacancies:** Vacancies will be filled according to Band law, with input from the community and elders to ensure that successors respect both cultural and legal obligations.

**ARTICLE VI: SOVEREIGN IMMUNITY (This is one of the most important attributes of tribal sovereignty. Sovereign powers protect tribes from lawsuits filed against them. This immunity also protects tribal official and employee acting in the capacity of the tribal \_\_\_\_\_. The tribe can waive its sovereignty. The only other entity that can waive tribal sovereignty is Congress)**

1. **Sovereign Immunity:** The Fond du Lac Band shall not waive its sovereign immunity, except as expressly authorized by the Band Council. This immunity is central to protecting the Band's self-governance and legal authority over its affairs.

## ARTICLE VII: ELECTIONS

1. **Election Process:** Elections for Band Council and other leadership positions will be held regularly. The election process will reflect traditional governance principles, including consultation with elders and community leaders to ensure that elected officials uphold the cultural and spiritual priorities of the Band.

**ARTICLE VIII: AMENDMENTS (Once the Secretary election is removed form our constitution, elections by the people, by majority vote? will adopt amendments.**

1. **Amendment Process:** Amendments to this Constitution require community consultation and the approval of a majority of citizens in a duly held election. All amendments must reflect the shared values of the Band and respect both modern governance needs and traditional practices.

**ARTICLE IX: SEVERABILITY (the purpose of a severability clause is to preserve the remaining, valid parts of a constitution if a portion is found invalid.)**

1. **Severability:** Should any provision of this Constitution be deemed invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect, ensuring the Constitution's continuity.

**ARTICLE X: SAVINGS CLAUSE (A savings provision allows some or all of a repealed law to remain in force under specific circumstances. When large scale changes to the law are proposed, savings provisions are sometimes put together into a separate law.)**

1. **Savings Clause:** All prior laws, ordinances, and resolutions of the Fond du Lac Band remain in effect unless they conflict with this Constitution. Where conflicts arise, this Constitution shall be the supreme law of the Band.

**ARTICLE XI: RATIFICATION AND ADOPTION (After the last Secretarial Election to repeal and replace the current constitution with the local constitutions, the outcome of the election vote is recorded if it meets the criteria for a valid election. This is followed by a signature of the person authenticating the election results.)**

1. **Ratification:** This Constitution will take effect upon its ratification by the citizens of the Fond du Lac Band in a community-wide vote. Upon ratification, it will serve as the supreme governing document of the Band.

2. **Adoption:** With ratification, the Band formally adopts this Constitution as the highest expression of its sovereignty, cultural values, and governing authority.