Constitutional Reform Workbook

Gichi-manidoo-giizis midaasogonagizi ashi ningodwaaswi
Niizho-midaaswaak ashi zhaagaswi Gaa-aanike-ozhibii'igaadeg
Niizho-midaaswaak ashi zhaagaswi Gaa-aanike-ozhibii'igaadeg
Waa-apenimoyang Ogimaawiwin Enaakonigaadeg Gaa-waababiganikaag
Waa-apenimoyang Ogimaawiwin Enaakonigaadeg GAA-WAABABIGANIKAAG
OGIMAAWIWIN ENAAKONIGAADEG GAA-WAABABIGANIKAAG

Gaa-waababiganikaag dazhi-anishinaabeg obimiwiidoonaawaa gaa-izichigenid ogitiziimiwaan ishkweyaaang ji-giitaashkaagoosigwaa bimaadiziwaad, odinawemaaganiwaan, odoodemiwaan.

Geyaabi odibaadodaanaawaa anishinaabeg keyaa enendamowaad, wiidookawaawaad zoongide'ewaad, baapinendamowaad, zhaabwiiwaad, wiidookawaawaa zoongide'ewaad, baapinendamowaad go anishinaabe-ogimaawiwaad.

Niinawind sa anishinaabewiyaang Gaa-waababiganikaag wii-kanawendamaang keyaa bimiwidooyaang indoogimaawiwininaan, ji-biitaakoshkaagoosiwaang, keyaa bimiwidooyaang indoogimaawiwininaan, ji-ganawendamaang keyaa ina oonigooyaang ji-mino-doodaagooyaang, ji-bizaani-bimaadiziyaang, ioonigooyaang indakiiminaan, miinawaa ji-ganawendamaang keyaa ina oonigooyaang indakiiminaan, miinawaa ji-ganawendamaang keyaa indoozitoomin o'ow indakiiminaan, indinaakonigemin miinawaa indoozitoomin o'ow Ogimaawiwin Enaakonigaadeg Gaa-waababiganikaag.

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1. Introduction: What is a Constitution?

A constitution is a written record of a body of basic principles, privileges, rights, and limitations that a governing body must abide. The Preamble says that the purpose of the Constitution of the White Earth Nation is "...to secure an inherent and essential sovereignty, to promote traditions of liberty, justice, and peace, and reserve common resources, and to ensure the inalienable rights of native governance..."

These are core functions of the government of any nation. The Constitution of the White Earth Nation, however, reaches deeper into the traditions and culture of the Anishinaabeg, "The Anishinaabeg of the White Earth Nation are the successors of a great tradition of continental liberty, a native constitution of families, totemic associations. The Anishinaabeg create stories of natural reason, of courage, loyalty, humor, spiritual inspiration, survivance, reciprocal altruism, and native cultural sovereignty."

The core purpose of this Constitution is to take action and directly express, through that action, native cultural sovereignty.

This workbook is designed to help the citizens of the White Earth Nation to understand their constitution. Through this effort and through your understanding of the Constitution, you will decide whether to approve or reject this constitution.

A referendum vote will be held this Fall, 2013. The people of the White Earth Nation will decide and these materials can help you to inform and empower yourselves to make an informed decision.

The Education Team of the White Earth Constitutional Reform Project is grateful for the assistance of the White Earth Education Department under the leadership of Joan LaVoy. They played a critical role in designing these resources to meet the needs of White Earth voters. We are also grateful for the efforts and amazing creativity of the marketing team with the White Earth Economic Development Office under the leadership of Jerome Lhotka. They helped design the layout of these materials as well as the White Earth website and Facebook content.

We all hope that these materials will be useful in your learning process. If there are any changes or additions you would like to see please contact:

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2. Constitutional Theme Summary

Theme 1: Sovereign Authority of the White Earth Nation: Preamble, Chapters 1, 4, and 5

These chapters declare the right of the White Earth Nation to rule with authority and independence. The Constitution asserts the sovereignty of the White Earth Nation.

Preamble: Describes the traditional and cultural heritage of the Anishinaabeg of the White Earth Nation. This forms the basis for the Nation to assert its sovereignty.

Chapter 1: Defines the area of land which is a part of the White Earth Nation as the reservation lands established in the Treaty of March 19, 1867 and reserved rights in lands ceded in the Treaty of 1855. The Nation claims its authority to govern over these lands.

Chapter 4: The White Earth Nation is an independent nation and has sovereign immunity from law suits. The Legislative Council can waive its sovereign immunity if it is in the best interest of the White Earth Nation, the Legislative Council must use formal procedures and policies to do so.

Chapter 5: Defines the voting process which sets the voting age, calls for an election code, and establishes a Board of Elections. The Board of Elections must ensure elections are fair and impartial according to the election code and the Constitution.

Talking Points:

Each chapter in this section defines and protects the sovereign authority of the White Earth Nation. Remember these points when connecting the chapters to the overall importance of the Constitution:

- The Preamble asserts sovereignty and inalienable rights based on traditions and values like totemic/clan associations, courage, loyalty, humor, reciprocal altruism, justice etc.
- Chapter 1 uses the power to govern and traditional and cultural values of the Anishinaabeg over the land. Why are cultural valued included?
- Chapter 4 protects the sovereign immunity of the White Earth Nation
- Chapter 5 assures fair and impartial elections
 - What are some of the protections and procedures that will result in fair and impartial elections?

When reviewing these ideas, try to reflect and discuss their importance to the Nation and this Constitution.

Notes:

Theme 2: Citizens' Rights and Duties: Chapters 2 and 3

Chapter 2: This chapter contains four articles that define who the citizens of the White Earth Nation are and what their rights are.

- Article 1 defines citizens as descendants of enrolled members of the White Earth Nation.
- Article 2 defines the authority of the government of the White Earth Nation to establish laws and policies to manage services and entitlements provided to citizens.
- Article 3 provides citizens the right to appeal decisions that deny citizenship.
- Article 4 declares the responsibility of citizens and the White Earth government to protect the sovereignty of the Nation.

Chapter 3: This chapter provides for a broad range of rights and responsibilities that benefits the citizens of the Nation. This broad set of civil rights and obligations are taken, in part, from the US Constitution and the Indian Civil Rights Act of 1968 and are inspired by the inherent and traditional sovereignty of the Anishinaabeg.

The list of protections includes:

Civil Rights	Property Rights	Due Process Rights
Religious Practice	Right of expression	Due process of law: against self- incrimination, torture or other
Speech	Prohibits citizens from being banished	forms of compulsion, limits the authority of a confession unless there is evidence to support a
Right of Assembly	Right to private property	
Right to Petition/Criticize the	Right to possess firearms	conviction, protects right to be
Government		represented by legal counsel, confront witnesses against you,
Defines citizenship as a human	Personal papers and communications	right to a speedy trial
right	protected from searches without warrant	ng. it is a spoody that
Declares equality of people and	Citizens free from governmental	
prohibits discrimination based on	censorship	
race, creed, sex, gender,		
disability, or social status		

Talking Points:

These two chapters define citizenship to the White Earth Nation and the rights and duties of that citizenship. The listed protections form the foundation of citizens' rights. Review these points and reflect on their connection to the overall importance to the Constitution. The questions can be used to help guide ideas.

- · Citizenship is determined by descendancy of Anishinabeg families.
 - In order to become citizens, individuals must be related by linear descent to enrolled members.
- Linear descent differs greatly from the one-quarter MCT blood quantum requirement that went into effect in 1963.
 - Compare the value of descendancy and blood quantum as criteria for citizenship.
 - How will this affect your family?
- There are 26 distinct rights and protections as citizens of the White Earth Nations
 - Which rights are most important to you?
- The listed rights include civil rights, property rights, and due process rights, which all have a significant importance in each citizen's life.
 - Why are these protections necessary?
 - How will these protections be used every day?

Notes:

Theme 3: Form and Process of Governance: Chapters 6, 7, 8, 9, 10, 18, and 20

This group of chapters establishes a form of government for the White Earth Nation that utilizes Anishinaabeg traditions and values, includes the advice of multiple generations and communities, and adopts fundamental aspects of good governance.

Chapter 6: Provides the details of governance structure which are listed below:

- The Legislative Council will consist of:
 - One representative elected from each community.
 - Two representatives elected at large to serve citizens who live outside the Reservation and in Minnesota.
- The communities will be established by petition and ratified by majority of votes in a general referendum.
- The communities will be identified/established by population and historic or totemic associations.
- The President and Secretary/Treasurer will be elected at large.
- All elected positions will serve 4-year terms with a limit of two terms.
- Elections will be every two years.
- Position terms for the Legislative Council will be staggered.
- Provisions for eligibility of candidates is set.
- Succession of the Presidency will be the responsibility of the Legislative Council.
- Limits on campaign expenditures.
- · Requirement to maintain public documents and records.

Chapters 7, 8, and 9: Create Community Councils, a Council of Elders and a Youth Council, which provide opportunities to work with and advise elected leaders. The councils also provide opportunities for citizens to speak with and listen to the ideas and perspectives of other citizens. The Seven Teachings and the philosophy of mino-bimaadiziwin are incorporated into the councils.

- Community Councils are organized as geographically based communities and formed by the communities themselves.
- Youth Council and Council of Elders are nominated by citizens and designated by the Legislative Council.

Chapters 10, 18 and 20: Focus on the separation of powers, impeachment provisions and constitutional amendment provisions.

- Chapter 10 establishes three separate branches of government. Each branch of government shall have no authority over any other branch.
- Chapter 18 has impeachment/removal provisions which require a 2/3 vote of the Legislative Council and by due process of law. This chapter also provides for a recall election of an elected official initiated by petition of at least 2/3 of the eligible voters.
- Chapter 20 allows for amendment of the Constitution and requires an referendum election for that purpose. 2/3 of the votes cast in that election are required to approve the amendment.

Talking Points:

These chapters organize the structure and process of the government. Reflect on the importance of each section as it relates to the Nation and this Constitution.

- Chapter 6 provides the details of government structure with the Legislative Council, the President, and the communities from which representatives will be elected.
 - Communities will be identified to elect representatives to the Legislative Council. How will the communities be established? Can they ever be changed?
 - Candidates for office must adhere to a strict campaign spending limit. What is the consequence of the spending limit?
- Chapter 6, Articles 13-14 and Chapter 18, Articles 1- 5 establish the processes of impeachment.
 - Why are these processes important?
- This Constitution combines multiple generations and communities into the government structure.
 - What is the value of incorporating different generations and communities into the governing body of the Nation?
- Chapter 10 establishes a separation of powers.
 - Separation of powers is a notable change from the current governing structure. What kinds of changes might result from the separation of powers? Why is this separation so critical?
- Chapter 20 provides the way to amend the Constitution
 - Neither the Legislative Council nor the president has the authority to amend the Constitution; only the citizens have that power through a referendum vote. Why it is important reserve this power for citizens only?

Notes:

Theme 4: The Executive Branch of Government: Chapter 11

The Separation of Powers provision (Chapter 10) of the Constitution defines the Executive Branch as: the President, the Board of Elections, the Council of Elders, the Youth Council and other executive designations.

Chapter 11: Defines the authority and limits of the president:

- Responsible for the administration and management of the government and to execute the laws of the legislative Council.
- Official national and international elected representative of the White Earth Nation with authority to negotiate agreements.
- Obligated to promote, protect and defend the cultural and political sovereignty and the Constitution of the White Earth Nation.
- Authority to approve or veto laws.
 - A veto must be returned within five days with a statement of objection. Legislative Council can overturn the veto by 2/3 vote.
- Power to schedule and preside over legislative council sessions but cannot vote except in case of a tie.
- · Obligated to deliver an annual address dedicated to the State of the White Earth Nation.
- Authority to appoint executive branch administrators, nominate ambassadors and establish embassies of the White Earth Nation.
- The president is limited to serving two four year terms.

Talking Points:

The powers and duties of the executive branch of government are defined in Chapters 10 and 11. Reflect on these sections and discuss their importance to the White Earth Nation.

- Chapter 10 defines the Executive Branch as: the President, the Board of Elections, Council
 of Elders, Youth Council, and other executive designations.
- Chapter 11 describes the responsibilities of the President in managing the government and executing the laws passed by the Legislative Council.
 - How are the powers and duties of the President different than the role of the Chairperson under the current governance structure?
- · The President must approve or veto laws passed by the Legislative Council.
 - Is there an advantage in requiring laws to go through two branches of government?
- The President is responsible to promote, protect, and defend the sovereignty of the White Earth Nation.
 - How can the President do this?

Notes:

Theme 5: The Legislative Branch of Government: Chapters 12, 13, 17, and 19

Chapter 12: Defines the purpose of the Legislative Council to promote and protect the welfare and political sovereignty of the citizens of the White Earth Nation. The Constitution gives authority to the Legislative Council to:

- Enact laws.
- Raise revenue; Levy taxes; Establish license and service fees; Borrow money.
- Appropriate funds for the operation of the government; Establish monetary policies.
- Establish and oversee subordinate boards.
- · Ensure the proper management of government programs, resources and enterprises.
- Prohibited from establishing or supporting any covert political, military or intelligence operations against citizens without due process of law.

Chapter 13: Places the Secretary Treasurer within the Legislative Council as a voting member and is responsible for monetary and financial matters of the Legislative Council. The Secretary Treasurer must:

- · Conduct an annual audit by an independent auditor.
- Publish an annual fiscal report and accounting of the White Earth Nation.
- All government records are to be made available to the public for inspection and review.

Chapter 17: Outlines the function and requirements of the Legislative Council:

- Legislative Council shall meet at least once per month with a quorum established at 51% of elected representatives.
- Establishes rules of transparency that make the sessions and decisions available to the public.
- Citizens shall have the right to attend Legislative Council meetings except for closed executive sessions and those discussions must be reported on and decisions voted on at later public meetings.
- Special sessions may be scheduled by the President, the Legislative Council and by a petition of 30% of eligible voters to the President.
- Emergency sessions may be scheduled by the President without written notice to consider urgent matters.

Chapter 19: Provides for a referendum that allows voters to vote directly on proposed issues. A referendum may be initiated by:

- The Legislative Council by 2/3 vote.
- The citizens by a vote of 30% of eligible voters.
- A referendum vote shall be held within 180 days of receiving of an official petition, unless received within 6 months of a general election then it will be held at the general election.

Talking Points:

The Legislative Branch of government is defined in these chapters. Reflect on the sections and discuss their importance to the White Earth Nation.

- Chapter 10 defines the Legislative Branch as: the Representatives elected to the Legislative Council.
- The Legislative Council is assigned specific responsibilities in Chapter 12.
 - How are these different than the President's responsibilities?
- The Legislative Council members are limited to two four-year terms
 - Currently, there are no term limits. What impact will term limits have?
- Chapter 13 explains the role of the Secretary Treasurer and includes this position as a voting member of the Legislative Council.
- · Chapter 17 ensures transparency and openness in the Legislative Council.
 - Why is this important?
- · Chapter 19 defines the referendum process for citizens of White Earth.
 - A referendum is a process where citizens of the White Earth Nation directly participate in the legislative process.

Notes:

Theme 6: The Judicial Branch of Government: Chapters 14, 15, and 16

Chapter 14: Establishes that the Judicial Branch shall consist of the White Earth Court, the Court of Appeals and other courts established by the Legislative Council. The White Earth Court has the power of original judicial review over any legal matters. The Court of Appeals shall hear case appeals and original cases initiated by the Legislative Council.

Chapter 15: Describes the authority of the Courts as:

- Authority to interpret the laws and regulations of the Legislative Council and the Constitution.
- · Issue legal decisions and other legal orders.
- Establish procedures to accomplish these objectives.
- Ensure the practice of restorative justice in civil cases, minor criminal offences, juvenile cases and family disputes whenever appropriate to resolve complaints and disputes.

Chapter 16: Establishes that the judges of the White Earth Court shall consist of a Chief Judge and Associate Judges. All judges must meet specific qualifications standard with their positions.

- The Chief Judge is elected by citizens of the White Earth Nation.
- The Chief Judge appoints Associate Judges with the consent of the Legislative Council for five-year terms.
- The Chief Judge is not a member of the Court of Appeals.
- Judges of the Court of Appeals are appointed for five-year terms by the Legislative Council
 in consultation with the Chief Judge.
- All judges have an obligation to remove themselves from a case due to a conflict of interest.
- All judges may be removed by the Legislative Council by impeachment for abuses of impartiality, bribery, political impropriety or felony convictions.

Talking Points:

The Judicial Branch of government is defined in these chapters. Reflect on the sections and discuss their importance to the White Earth Nation.

- · The Judicial Branch is made up of the White Earth Courts and the Court of Appeals
- The Courts have authority to interpret the laws and regulations passed by the Legislative Council and Executive Branch
 - Why is it important that the Courts have authority to interpret the laws and actions of the other two branches?
- The Courts will ensure restorative justice whenever appropriate
 - Restorative justice gives priority to the needs of the victim and the community by emphasizing the need for the offender to take responsibility for their actions and repair the harm committed
 - How might this practice impact families and communities?
- All judges are required to be at least 25 years of age, proven moral character, never been convicted of a felony, graduate of an accredited law school, admitted to the bar to practice, and have knowledge of Anishinaabe culture, traditions, and general history
 - Why are these requirements important?
- Judges can be impeached/removed by the Legislative Council
 - How does this protect impartiality?

Notes:

3. The Proposed Constitution of the White Earth Nation

Gichi-manidoo-giizis midaasogonagizi ashi ningodwaaswi Niizho-midaaswaak ashi zhaagaswi Gaa-aanike-ozhibii'igaadeg Waa-apenimoyang Ogimaawiwin Enaakonigaadeg Gaa-waababiganikaag OGIMAAWIWIN ENAAKONIGAADEG GAA-WAABABIGANIKAAG NAAGAANIBII'IGAADEG

Gaa-waababiganikaag dazhi-anishinaabeg obimiwiidoonaawaa gaa-izichigenid ogitiziimiwaan ishkweyaaang ji-giitaashkaagoosigwaa bimaadiziwaad, odinawemaaganiwaan, odoodemiwaan. Geyaabi odibaadodaanaawaa anishinaabeg keyaa enendamowaad, zoongide'ewaad, baapinendamowaad, zhaabwiiwaad, wiidookawaawaad wiijanisginaabemiwaan, miinawaa go anishinaabe-ogimaawiwaad.

Niinawind sa anishinaabewiyaang Gaa-waababiganikaag wii-kanawendamaang keyaa bimiwidooyaang indoogimaawiwininaan, ji-biitaakoshkaagoosiwaang, ji-mino-doodaagooyaang, ji-bizaani-bimaadiziyaang, ji-ganawendamaang indakiiminaan, miinawaa ji-ganawendamaang keyaa ina'oonigooyaang ji-ogimaawiyaang, indinaakonigemin miinawaa indoozitoomin o'ow Ogimaawiwin Enaakonigaadeg Gaa-waababiganikaag.

THE CONSTITUTION OF THE WHITE EARTH NATION

PREAMBLE

The Anishinaabeg of the White Earth Nation are the successors of a great tradition of continental liberty, a native constitution of families, totemic associations. The Anishinaabeg create stories of natural reason, of courage, loyalty, humor, spiritual inspiration, survivance, reciprocal altruism, and native cultural sovereignty.

We the Anishinaabeg of the White Earth Nation in order to secure an inherent and essential sovereignty, to promote traditions of liberty, justice, and peace, and reserve common resources, and to ensure the inalienable rights of native governance for our posterity, do constitute, ordain and establish this Constitution of the White Earth Nation.

CHAPTER 1: TERRITORY AND JURISDICTION

The White Earth Nation shall have jurisdiction over citizens, residents, visitors, altruistic relations, and the whole of the land, including transfers, conferrals, and acquisitions of land in futurity, water, wild rice, public and private property, right of way, airspace, minerals, natural resources, parks, and any other environmental estates or territories designated by and located within the boundaries of the White Earth Reservation, as established and described in the Treaty of March 19, 1867, and over the reserved rights within the ceded waterways and territories of the Treaty of 1855.

CHAPTER 2: CITIZENS OF THE WHITE EARTH NATION

Article 1

Citizens of the White Earth Nation shall be descendants of Anishinaabeg families and related by linear descent to enrolled members of the White Earth Reservation and Nation, according to genealogical documents, treaties and other agreements with the government of the United States.

Services and entitlements provided by government agencies to citizens, otherwise designated members of the White Earth Nation, shall be defined according to treaties, trusts, and diplomatic agreements, state and federal laws, rules and regulations, and in policies and procedures established by the government of the White Earth Nation.

Article 3

The Anishinaabeg and their descendants shall have the right to appeal to the President and to the White Earth Court any decisions that deny citizenship in the White Earth Nation.

Article 4

No person or government has the privilege or power to diminish the sovereignty of the White Earth Nation.

CHAPTER 3: RIGHTS AND DUTIES

Article 1

The White Earth Nation shall make no laws that would establish a religion, or laws that would deny the free expression of religion, speech, or of the press and electronic communication.

Article 2

The White Earth Nation shall make no laws that deny the right of the people to peaceably gather or assemble for any reason, and shall make no laws that prohibit the right to petition the government for restitution, amendments, or redress of grievances, and no person shall be discriminated against for initiating or espousing an untimely or contrary petition about governance.

Article 3

The people shall not be denied the fundamental human rights of citizenship in the White Earth Nation.

Article 4

The people are equal under the law and no law, government policy, or agency practice shall discriminate in political, economic, social or cultural associations because of race, creed, sex, gender, disability, or social status.

Article 5

The freedom of thought and conscience, academic, artistic irony, and literary expression, shall not be denied, violated or controverted by the government.

Article 6

The secrecy of personal communication shall not be violated, and no censorship shall be practiced or maintained by the government.

Article 7

The right to own and transfer of private property is inviolable. The rights of property shall be protected, and private property expropriated for public use shall be according to due process of law and just compensation.

No person shall be denied or deprived of life or liberty, except certain serious misdemeanors and felony convictions, and no criminal penalties shall be imposed without due process of law and judicial procedures.

Article 9

No person shall be apprehended by law enforcement officers without probable cause and due process of law or by warrant duly issued by a court.

Article 10

The people shall have the right to possess firearms except for convicted felons in accordance with state and federal laws.

Article 11

The people shall be secure in their homes, personal papers and documents, against entries, electronic and material searches, without a specific, descriptive warrant for adequate cause issued by a court. Each search and seizure shall require a separate, specific warrant issued by a court, except in cases of probable threats or potential emergencies.

Article 12

No person shall be obligated to testify or provide evidence in a court against himself or herself, and any confessions obtained under compulsion, torture, or threats, or after arrest and excessive detention, may not be admissible as evidence in court. No person shall be convicted or punished for a crime when the only evidence against him or her is a confession, except in cases of crimes that can be proven by other evidence.

Article 13

No person shall be subject to trial twice for the same criminal indictment or offence.

Article 14

No person shall be denied the right to be duly informed of the nature and cause of a warrant, indictment, or criminal proceeding, and shall not be denied the right to be represented by legal counsel.

Article 15

The people shall have the right to confront and challenge witnesses in a criminal court, and the legal option of a speedy court hearing or public jury trial shall not be refused or contradicted.

Article 16

Citizens shall never be banished from the White Earth Nation.

Article 17

The Constitution of the White Earth Nation is inspired by inherent and traditional sovereignty, and contains, embodies, and promotes the rights and provisions provided in the articles and amendments of the Indian Civil Rights Act of 1968, and the United States Constitution.

CHAPTER 4: SOVEREIGN IMMUNITY

The White Earth Nation declares sovereign territorial, political and cultural rights and powers as an independent government and immunity to civil law suits. The Legislative Council by certain formal policies and procedures shall have the right to waive the sovereign immunity of the government in the best interests of the White Earth Nation.

CHAPTER 5: BOARD OF ELECTIONS

Article 1

Citizens must be at least eighteen years old to vote in government referenda and elections.

Article 2

Election and voting procedures shall be established by an Election Code and managed by an independent Board of Elections appointed by the Legislative Council.

Article 3

The Board of Elections shall consist of five eligible citizen voters of the White Earth Nation. The Chief Judge of the Board of Elections shall administer and supervise election regulations and procedures according to provisions of the Election Code. The Chief Judge shall not vote as a member of the Board of Elections.

Article 4

Members of the Board of Elections shall ensure fair and impartial elections according to the Election Code and the Constitution of the White Earth Nation.

Article 5

The Legislative Council shall resolve any challenges or allegations of impropriety of election laws or procedures.

Article 6

Citizens who become candidates for elected positions in the government shall not be members of the Board of Elections. The Legislative Council shall appoint the Chief Judge and replacements to the Board of Elections.

CHAPTER 6: GOVERNANCE

Article 1

The White Earth Nation shall be governed by a representative and elected Legislative Council.

Article 2

The Legislative Council shall consist of a President, or White Earth Chief, the Secretary Treasurer, and elected Representatives of acknowledged communities of the White Earth Nation.

Article 3

The respective communities shall be entitled to one elected Representative to serve on the Legislative Council.

Article 4

Communities shall be established or changed by petition, by population, historic or totemic associations, and ratified by a simple majority of eligible citizen voters in a general referendum.

Article 5

The President and the Secretary Treasurer shall be elected at large by eligible citizen voters of the White Earth Nation.

The President, Secretary Treasurer, and Representatives of the Legislative Council shall be elected for no more than two four year terms, and staggered elections shall be ordered every two years.

Article 7

Two citizens of the White Earth Nation shall be elected at large to serve constituencies outside the White Earth Reservation in the State of Minnesota.

Article 8

The Legislative Council shall have the authority to propose changes in the count of elected Representatives based on changes in population or the number of acknowledged communities. Proposals to change the count of Representatives shall be subject to a majority vote of citizens in a referendum.

Article 9

Candidates for elected government offices shall be citizens who reside within the treaty boundaries according to the Treaty of March 19, 1867, of the White Earth Nation, except two citizen members of the Legislative Council who shall be elected at large in the State of Minnesota.

Article 10

Citizens who have been convicted of a felony may vote in elections and referenda but shall not be eligible to hold elected offices in the White Earth Nation.

Article 11

Candidates for elected government office shall be at least twenty-five years of age at the time of the election.

Article 12

The Legislative Council shall appoint a new President in the event of the death, resignation, incapacity, or removal of the duly elected President. The appointed President shall serve the remainder of the elected term of the office.

Article 13

The Legislative Council has the power to initiate impeachment proceedings of elected representatives of the government for specific allegations of misconduct, criminal indictments, or felony convictions. To initiate impeachment procedures requires at least a two-thirds vote of the Legislative Council.

Article 14

There shall be two distinct procedures of impeachment. The first is admonition of misconduct but no other action or decree, and the second procedure is impeachment and removal from elected office.

Article 15

The White Earth Nation shall obligate candidates for elected offices not to disburse in campaign services, promotion and advertising more than three times the amount of the annual national family poverty guidelines, for one person in the Contiguous States, established and published in the Federal Register by the United States Department of Human Services.

Candidates for elected office shall file a formal report no later than thirty days after the election with the Chief Judge of the Board of Elections. The report shall be an affirmation of total election contributions and disbursements of the candidate.

Article 17

The President and Legislative Council of the White Earth Nation shall maintain public records and documents for posterity. The President shall nominate an archive to secure the public records and documents.

CHAPTER 7: COMMUNITY COUNCILS

The Community Councils shall be initiated and established in geographically based communities by citizens of the White Earth Nation. The Community Councils shall provide communal information, guidance, and recommendations to both the Legislative Council and the President on matters of concern to the citizens. The Community Councils shall promote, advance and strengthen the philosophy of mino-bimaadiziwin, to live a good life, and in good health, through the creation and formation of associations, events and activities that demonstrate, teach and encourage respect, love, bravery, humility, wisdom, honesty and truth for citizens.

CHAPTER 8: COUNCIL OF ELDERS

The Council of Elders shall be nominated by citizens and designated by the Legislative Council. The Council of Elders shall provide ideas and thoughts on totemic associations, traditional knowledge, cultural and spiritual practices, native survivance, and considerations of resource management, and advice the Legislative Council. The Council of Elders shall consist of twenty citizens of the White Earth Nation who are at least fifty-five years of age at the time of appointment.

CHAPTER 9: YOUTH COUNCIL

The Youth Council shall be nominated by citizens and designated by the Legislative Council. The Youth Council shall provide information about matters that affect young people and advise the President and Legislative Council. The Youth Council shall consist of twenty citizens who are between the ages of twelve and eighteen, and who are residents of the White Earth Nation.

CHAPTER 10: SEPARATION OF POWERS

The White Earth Nation shall be divided into three separate branches of government. The Executive branch is the elected President, the Board of Elections, Council of Elders, Youth Council, and other executive designations. The Legislative branch includes the Representatives elected to the Legislative Council. The Judicial branch of government is the Judiciary and White Earth Courts. The three respective branches of government shall have no authority over any other branch, except for certain nominations and other provisions specified in the Constitution of the White Earth Nation.

CHAPTER 11: THE PRESIDENT

Article 1

The President, or White Earth Chief, shall be the official national and international elected representative of the White Earth Nation.

The President shall have the authority to secure and accept grants, negotiate agreements with associations, foundations, organizations, institutions, corporations, municipal, state, federal, and local governments, and other states and nations in the world with the ratification of the Legislative Council.

Article 3

The President shall be responsible for the administration and management of the government, and shall implement and execute the laws, ordinances, resolutions, and other enactments of the Legislative Council.

Article 4

The President shall approve by signature the laws, ordinances, measures, resolutions and appropriations of the Legislative Council.

Article 5

The President shall have the power to veto proposed laws, ordinances, measures, and resolutions initiated by the Legislative Council.

Article 6

The President shall return within five days vetoed or rejected proposed laws, ordinances and measures with a required statement of objection.

Article 7

The Legislative Council may overcome any veto of proposed laws, ordinances and resolutions by a two-thirds vote of the elected Representatives.

Article 8

The President shall have the authority to appoint executive branch administrators and other officials to serve the White Earth Nation.

Article 9

The President shall have the power to schedule and preside over sessions of the Legislative Council.

Article 10

The President shall not vote except in the case of a tie vote of the Legislative Council.

Article 11

The President shall deliver an annual address dedicated to the State of the White Earth Nation.

Article 12

The President shall be bonded as an elected official.

Article 13

The President may serve no more than two four year elected terms.

Article 14

The President shall promote, protect, and defend cultural and political sovereignty and the Constitution of the White Earth Nation.

The President shall have the authority to nominate honorary ambassadors, consuls, citizens, and to initiate and establish embassies of the White Earth Nation to serve the national and international concerns of native survivance and moral equity.

CHAPTER 12: THE LEGISLATIVE COUNCIL

Article 1

Representatives of the Legislative Council shall propose and enact laws, codes, ordinances, resolutions, and statutes of the White Earth Nation.

Article 2

The Legislative Council shall have the authority to raise general revenue, levy and collect taxes for government services and operations, establish license and service fees, and initiate other specific levies and taxes for the welfare of the citizens of the White Earth Nation.

Article 3

The Legislative Council shall have the authority to borrow money, issue public bonds, appropriate funds for the operation of the government, and to initiate other monetary policies in the interests of the White Earth Nation.

Article 4

The Legislative Council shall promote and protect the health, public welfare, safety, education, and the cultural and political sovereignty of the citizens of the White Earth Nation.

Article 5

The Legislative Council shall establish subordinate and secondary boards, appoint delegates, and reserves the right to review the initiatives and actions of the delegates and boards.

Article 6

The Legislative Council shall be responsible for the proper management of government programs, land, waterways, resources, commerce, public housing, transportation, casino operations, business enterprises, and other assets of the White Earth Nation.

Article 7

The Legislative Council shall have the authority to control the distribution and sale of alcoholic beverages within the treaty boundaries of the White Earth Nation.

Article 8

The Legislative Council shall not establish, support, or embody any covert political, military, or intelligence operations, without due process of law and legal warrants, against peaceable citizens of the White Earth Nation.

Article 9

The Legislative Council shall have residual powers, and the powers of governance provided, specified and entrusted in the Constitution shall not be construed as the limitation of legislative power or authority. The powers of the government not specifically expressed or entrusted to the Legislative Council shall be reserved to the citizens of the White Earth Nation.

CHAPTER 13: THE SECRETARY TREASURER

Article 1

The Secretary Treasurer shall be bonded and responsible for monetary and financial matters, resources, documents and records of the Legislative Council. Government records shall be available for public inspection and review.

Article 2

The Secretary Treasurer shall schedule an annual audit of funds, monetary transactions and records, deposits and expenditures by a duly certified independent auditor.

Article 3

The Secretary Treasurer shall carry through official duties and responsibilities of the President and the Representatives of the Legislative Council.

Article 4

The Secretary Treasurer shall be a voting member of the Legislative Council.

Article 5

The Secretary Treasure shall provide and publish an annual fiscal report and accounting of the White Earth Nation.

CHAPTER 14: THE JUDICIARY

Article 1

The Judiciary shall consist of the White Earth Court, Court of Appeals, and other courts established by the Legislative Council.

Article 2

The White Earth Court shall have the power of judicial review and jurisdiction over any legal matters, disputes, civil procedures and criminal laws, ordinances, regulations, codes and customs of family relations, protection, and dissolution, adoption, domestic violence, juvenile justice, and probate, housing and property, conservation, taxation, governance, the corporate code, election disputes, and constitutional issues of the White Earth Nation.

Article 3

The Court of Appeals shall have original and appellate jurisdiction. The Court of Appeals shall hear case appeals and issues initiated by the Legislative Council. Decisions of the Court of Appeals are conclusive.

CHAPTER 15: POWERS OF THE WHITE EARTH COURTS

Article 1

The Courts shall have the authority to interpret and construe the laws, ordinances, and regulations of the Legislative Council and the Constitution of the White Earth Nation.

Article 2

The Courts shall issue legal decisions, injunctions, reviews, writs of mandamus, extradition, certiorari, writs of habeas corpus, and other legal orders, instruments and documents.

The Courts shall establish procedures, rules, legal forms, and review by formal requests of citizens the specific and comprehensive constitutional validity of laws, ordinances and codes initiated and passed by the Legislative Council.

Article 4

The Courts shall ensure and practice restorative justice in civil actions, minor criminal offences, juvenile and family matters, whenever appropriate to resolve complaints and disputes of the White Earth Nation.

Article 5

The Courts shall establish and publish a code of judicial ethics.

CHAPTER 16: THE WHITE EARTH JUDGES

Article 1

The White Earth Court shall consist of a Chief Judge and Associate Judges. The Chief Judge shall be elected by a majority plus one of the eligible votes in a duly called election.

Article 2

The Chief Judge shall appoint the necessary number of Associate Judges for five-year terms with the consent of the Legislative Council.

Article 3

The Court of Appeals shall consist of three judges and shall be appointed by the Legislative Council in consultation with the Chief Judge.

Article 4

The Chief Judge shall not be a member of the Court of Appeals.

Article 5

Judges of the Court of Appeals shall serve for five-years, and may otherwise practice law or be associated with a law firm.

Article 6

The judges of the courts shall be at least twenty-five years of age, of proven moral character, and who have not been convicted of a felony.

Article 7

The judges shall be graduates of a law school accredited by the American Bar Association.

Article 8

The judges shall be admitted to the bar to practice law in native communities, state, or federal courts.

Article 9

The judges shall be experienced lawyers, magistrates, or judges.

Article 10

The judges shall have knowledge of Anishinaabe culture, traditions, and general history.

The judges shall recuse themselves, an assertion of judicial disqualification, as unsuitable to perform legal duties where there are possible conflicts of interest, or the appearance of personal interests, or potential challenges of partiality.

Article 12

The judges shall be impeached by the Legislative Council and removed from judicial practice for abuses of impartiality, bribery, political impropriety, or felony conviction.

CHAPTER 17: LEGISLATIVE COUNCIL MEETINGS

Article 1

The Legislative Council shall meet at least once each month to conduct government business. The time and place of each session shall be posted in advance.

Article 2

Citizens of the White Earth Nation have the right to attend sessions of the Legislative Council.

Article 3

The President has the authority to schedule special and emergency sessions of the Legislative Council.

Article 4

The Legislative Council by a majority vote and written request shall have the authority to schedule a special session.

Article 5

The President shall be obligated to schedule a special session of the Legislative Council by an official petition of thirty percent of eligible citizen voters of the White Earth Nation.

Article 6

The President may schedule an emergency session of the Legislative Council without written notice to consider urgent matters, services, protection of the health, welfare and safety of the citizens and communities of the White Earth Nation.

Article 7

The Legislative Council shall conduct no other business than the specific stated purpose of an emergency session.

Article 8

The Legislative Council shall have the authority to meet in closed executive sessions with the President to discuss matters of litigation, proposed and discreet negotiations, and other concerns of confidentiality.

Article 9

The Legislative Council shall not decide actions on matters of litigation or confidentiality in closed executive sessions except when the outcome of the session has been fully reported in subsequent public sessions of the Legislative Council. The results of executive sessions shall be decided by vote at a public meeting.

Legislative Council motions, votes, resolutions and decisions shall be noted and preserved in the official minutes of the sessions.

Article 11

Legislative Council actions, decisions, and enactments of record shall be available for inspection by citizens during normal business hours of the government.

Article 12

The Legislative Council shall date and number each and every resolution, ordinance, law and statute, and cite the appropriate authority of the Constitution of the White Earth Nation.

Article 13

The Legislative Council shall prepare a certificate for each resolution, ordinance, and statute that confirms the presence of a quorum and indicates the number of members voting for or against each enactment.

Article 14

The Legislative Council shall constitute a quorum by a simple majority of fifty-one percent of the elected members at a duly schedule session.

CHAPTER 18: ETHICS AND IMPEACHMENT

Article 1

Elected members of the government may be impeached or removed from office by a recorded two-thirds vote of the entire Legislative Council.

Article 2

The Legislative Council may impeach or remove from office an elected member of government for a felony conviction in a court of competent jurisdiction.

Article 3

The Legislative Council may impeach or remove from office an elected member of the government for two misdemeanor convictions, including driving while intoxicated, but not including ordinary traffic violations.

Article 4

Elected officials of the government may not be suspended or removed from office without due process of law.

Article 5

The Legislative Council may impeach for cause an elected member of the government. The impeachment may be a form of admonition, a warning or legal statement of charges, or the impeachment may be based on an indictment or conviction for a felony, and the forcible removal of an official of the government.

The White Earth Nation shall provide for a recall election of an elected official of the government. Citizens have the right to initiate a petition to recall an elected official. The petition shall secure at least two-thirds of the eligible voters for a recall election. The petition may be political and may include allegations, grievances, complaints and assertions of misconduct, nonfeasance, or mismanagement by an elected official of the government.

CHAPTER 19: PETITIONS AND REFERENDA

Article 1

The Legislative Council may initiate a referendum by a vote of two-thirds of the elected Representatives.

Article 2

Citizens of the White Earth Nation may initiate a referendum by evidence of a vote of thirty percent of the eligible citizen voters.

Article 3

The Legislative Council and eligible citizens may present proposed laws, ordinances, and initiatives to a referendum vote of the electorate, according to certified evidence of the constitutional process.

Article 4

The referendum vote shall be held within one hundred and eighty days from the official receipt of the petition, unless the scheduled date of the referendum is within six months of a general election, in that event the referendum would be presented to the eligible voters in the general election.

Article 5

Scheduled referenda shall be conducted according to the rules and regulations of the Board of Elections and the Election Code.

CHAPTER 20: AMENDMENTS TO THE CONSTITUTION

The Constitution of the White Earth Nation may be amended by two-thirds of the recorded eligible votes in a duly called election or referendum to amend the Constitution. Eligible voters must be formally informed by written and published notices of the proposed amendment to the Constitution of the White Earth Nation.

RATIFICATION OF THE CONSTITUTION

The sworn delegates to the White Earth Constitutional Convention hereby duly ratify for a citizen referendum the Constitution of the White Earth Nation. The Constitution of the White Earth Nation was duly ratified on April 4, 2009, at the Shooting Star Casino Hotel, Mahnomen, Minnesota. The ratification was by secret ballots of twenty-four delegates present. Sixteen delegates voted for ratification, and eight delegates votes against ratification.

Gerald Vizenor, Distinguished Professor of American Studies at the University of New Mexico, was a delegate to the Constitutional Convention and the Principal Writer of the proposed Constitution of the White Earth Nation.

The Constitution Proposal Team included Erma Vizenor, President of the White Earth Nation, Jill May Doerfler, Assistant Professor, Department of Indian Studies, University of Minnesota, Duluth, Jo Anne E. Stately, Vice President of Development for the Indian Land Tenure Foundation, and Anita Fineday, Chief Tribal Court Judge, White Earth Nation.

David E. Wilkins, Professor of American Indian Studies, University of Minnesota, was a Special Consultant to the Constitutional Convention and the Proposal Team.

Anton Treuer, Professor, American Indian Resource Center, Languages and Ethnic Studies, Bemidji State University, was the translator of the Preamble to the Constitution.

4. Frequently Asked Questions

1. Why is this constitution important to the White Earth Nation?

Constitutional reform has been an important issue on White Earth since the 1980s. The governmental crisis in 1996 showed that the Minnesota Chippewa Tribe (MCT) constitution does not provide governmental checks and balances and does not protect the civil rights of White Earth citizens. Remember the history of MCT. The organization was proposed by BIA staff in the Minnesota Regional BIA office in 1934 with the goal of making communication, management and control easier for the BIA. Consequently, the current Revised Constitution of MCT has at least 17 sections where BIA approval is required before actions of the tribe are valid. More importantly, the current MCT constitution does not provide for a good government structure, does not provide for citizens rights, and does not provide a base for the cultural, economic and democratic well being of White Earth citizens. Simply put, the MCT constitution does not meet the needs of White Earth citizens; the White Earth Nation needs its own constitution.

2. What happened to the earlier constitution that we worked on?

White Earth citizens came together as delegates and drafted a constitution in February 1998, two years after the White Earth government crisis showed the need for a new White Earth constitution. This proposed constitution was discussed in the communities that summer of 1998. The communities were deeply divided at that time. The consensus was that it was too early to move forward with that draft constitution, but that it would be revived and accomplished at a later time.

3. How was the constitution reform process started and how was it written?

This constitutional process started in 2007. Each of the ten Community Councils appointed two delegates to attend the constitutional convention. White Earth citizens at large were also invited to apply to become Constitutional Delegates; all who applied and who were at least 18 years of age were accepted as a delegate. Forty (40) delegates were sworn in by the Honorable Judge Anita Fineday at the opening of the constitutional convention. Between 2007 and 2009, the Delegates convened four constitution conventions, which were all open to the public. After the 3rd convention in October 2008 a drafting team was formed to create a draft based on conversations and decisions in the first three conventions. Gerald Vizenor was the principal writer. They presented this draft at the 4th convention in April 2009. Delegates made final changes and the current draft was approved by a vote of 16 in favor and 8 opposed.

4. What will happen to our relationship with MCT if we approve a new constitution?

The policy of the White Earth Council and the Chairperson is to remain as part of the Minnesota Chippewa Tribe (MCT). There is no intent to do harm to MCT or for White Earth to withdraw from MCT. The elected leaders of White Earth believe that this constitution will strengthen MCT as it strengthens the White Earth Nation. Consistent with this belief, Chairperson Erma Vizenor has proposed that every Band of MCT should have the opportunity to develop its own constitution.

5. When is the vote going to be?

The exact date for the referendum is not set yet, but we expect the referendum to be held at the end of September or beginning of October, 2013.

- 6. Who gets to vote?

 Current enrolled members of the White Earth Nation 18 and older will be able to vote.
- 7. Are we risking our relationship with the US government if we adopt a new constitution?

Not at all; if anything, the new constitution will strengthen our relationship with the US government because we will be able to work with them more directly in order to protect the needs of the White Earth Nation.

8. Have other tribes written their own constitutions? Other MCT tribes? There are 562 federally recognized tribes and approximately 230 have adopted written constitutions. Over 60 tribes had written constitutions before the Indian Reorganization Act was passed in 1934. Approximately half of the tribes with written constitutions are working to remove the colonial legacies imposed in the IRA constitutions and are embracing the opportunity to remake constitutions into documents that reflect the culture, values, and beliefs of their citizens. Within MCT the Mille Lacs Band of Ojibwe are in the middle of a process of drafting and reviewing its own constitution. In Minnesota the Red Lake Nation has begun a process of updating their constitution as well.

5. Glossary: Terms and Definitions for the White Earth Nation Constitution

Amendment: a formal change to the White Earth Constitution. **Chapter 20** established the process for amending the Constitution, which calls for a referendum vote and requires 2/3 majority of votes cast in that referendum to approve the amendment.

Artistic Irony: Literature, stories, academic and historical narratives, and creative, literary art, painting, sculpture, and other forms of art may be critical and demonstrate or express mockery, satire, and humor, in a way that may not please some citizens, politicians, teachers, and others. The nature of irony, or the political and creative practice of expressing one thing to mean another, and to be critical of others by irony is protected by the Constitution. The protection of artistic irony is an extension of the right of free speech.

Banishment: Some native governments allow banishment from reservations for various reasons, felonies and other crimes. The Constitution of the White Earth Nation protects citizens from banishment.

Certiorari: The word means a legal writ or written order by one court to review the decisions of another court, or a lower court, in other words, an appeal of a court decision.

Citizenship Eligibility: Chapter 2, Article 1 establishes that citizens of the White Earth Nation shall be descendants of Anishinaabeg families and related by linear descent to enrolled members of the White Earth Nation.

Citizens Rights and Duties (White Earth Bill of Rights): Chapters 2 and 3 of the White Earth Constitution. These are the basic rights that all White Earth citizens have and its purpose is to protect the people from the government. Chapters 2 and 3 contain 21 articles with over 26 distinct rights that protect the citizens of the White Earth Nation.

Checks and balances: a system set by the White Earth Constitution in which the executive, legislative, and judicial branches of government have the power to check each other to maintain a "balance" of power. This includes the impeachment authority of the Legislative Council, the veto authority of the President, and the power of the White Earth Courts to review the constitutionality of actions by the legislative and executive branches.

Communities Represented in the Legislative Council: each community will have one representative in the Legislative Council. (Chapter 6, Article 3) These communities will be established according to population and "historic or totemic associations." (Chapter 6, Article 4) Establishing or changing these communities shall be done by petition and ratified by a simple majority of eligible citizen voters in a general referendum. (Chapter 6, Article 4)

Double Jeopardy: Double jeopardy is forbidden by the White Earth Constitution at *Chapter 3*, *Article 13*. Double jeopardy is what would happen if someone were to be charged with a crime and be found innocent, and then be charged with that crime a second time.

Executive Branch: one of the three branches of government with the duty of implementing and enforcing laws. The structure and authority of the executive branch are established in *Chapters 10* and 11 of the White Earth Constitution. The President is the head of the executive branch, is elected at large by voters of the White Earth Nation (*Chapter 6, Article 5*), and is the official elected representative of the White Earth Nation (*Chapter 11, Article 1*).

Habeas Corpus: The practice of habeas corpus is a legal action by which a person is allowed to petition a court for the protection of rights, a review by the court, a mandate, in other words, a writ or an order to bring a person to a court to determine the cause and authority of detention or incarceration. Impeachment: a Constitutional "check" the Legislative Council has on all elected officials of the executive and legislative branches and all judges of the judicial branch. It involves an accusation against that official and may result in removal from office. Impeachment authority and procedures are defined in *Chapter 6, Articles 13 and 14; Chapter 16, Articles 1 and 12; and Chapter 18, Articles 1 - 5*.

Inalienable Rights: rights that cannot be taken away, and no one can give these rights away. Examples are human rights and the freedom of religion.

Judicial Branch: one of the three branches of the White Earth government with the purpose of interpreting laws and resolving disputes. The form and authority of the judicial branch is established in **Chapters 10, 14, 15 and 16**.

Judicial Review: a power the White Earth Courts to review the constitutionality of acts passed by the Legislative Council or actions by the president. This authority is found at **Chapter 14**, **Article 2 and Chapter 15**.

Legislative Branch: one of the three branches of government with the purpose of proposing and passing laws, codes, ordinances, resolutions and statutes of the White Earth Nation. This authority is found in *Chapter 10 and Chapter 12, Article 1*.

Linear Descent: direct descent. A linear or straight line of genealogy: the children, grandchildren, great-grandchildren, etc of a person. Anyone who is a linear descendant of an enrollee is eligible for citizenship within the White Earth Nation. *Chapter 2, Article 1*.

Override: means to "overrule" and refers to the aspect of the "checks and balances" system at **Chapter 11, Article 7**, in which the Legislative Council can override a presidential veto by a two-thirds vote.

Quorum: the number of members required to be present for business to be legally conducted. **Chapter 17**, **Article 14** establishes a quorum for the legislative Council at a simple majority of 51% of the elected members.

Reciprocal Altruism: These two words mean to return or give back as a mutual, humanitarian act, for the benefit of others, and in the unselfish compassionate interests of others. Reciprocal is to share a mutual obligation, and altruistic is to be unselfish, benevolent, and compassionate.

Referendum: the procedure that allows voters to vote directly on issues instead of going through the "indirect" process of having legislators vote for those issues. *Chapter 19* of the White Earth Constitution establishes the process for referendum.

Representative Government: also known as an "indirect democracy" or a republic. This is when the people elect "representatives" to make laws for their benefit. *Chapter 6, Article 1* of the White Earth Constitution establishes this representative form of government for the White Earth Nation.

Representatives of the Legislative Council: shall come from the communities of the White Earth Nation. Each community will have one representative elected from that community to serve on the Legislative Council. White Earth citizens living outside the reservation will have two representatives to serve on the Legislative Council. These representatives will be elected at large. Chapter 6, Articles 3 and 7.

Reserved Power: powers that are "reserved" for the citizens are identified in *Chapter 12, Article 9* of the White Earth Constitution as, "The powers of government not specifically expressed or entrusted to the Legislative Council shall be reserved to the citizens of the White Earth Nation."

Separation of Powers: the philosophy of a balanced government in which each of the three branches (executive, legislative and judicial) have their own powers. *Chapter 10* of the White Earth Constitution gives the legislative branch the sole power to make the law, the executive branch the sole power to implement the law, and the judicial the sole power to judge the law.

Survivance: Survivance means more than the ordinary act of survival. Survivance is an active sense of native presence over absence, or a sense of presence in native stories over an absence of natives in histories. Survivance is a renunciation, or rejection, of political and cultural dominance, and the unbearable sentiments of tragedy and victimry. Survivance is native courage, spirit, and native traditions.

Totemic Associations: The Anishinaabeg and many other native cultures created a tradition of totems or clans, the names of animals, birds, and other creatures, as sources of wisdom, personal values, inspiration, and the union of native families, or traditional totemic associations.

Veto: to reject a bill from the Legislative Council. This is the "check" that the president has on the powers of the legislative branch of government and is defined in **Chapter 11**, **Articles 5** and **6**.

Writ of Mandamus: A writ or formal legal written order in the name of a court issued to order a person or another court to carry out a statutory duty.

6. Resources list / website information

Visit *http://www.whiteearth.com* to view the general information of the referendum process as well as to view the proposed Constitution.

The White Earth Facebook page *https://www.facebook.com/WhiteEarthNation* will also be kept up to date on the current issues of the referendum process.