

Constitutional assembly carries on with work



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The constitutional review assembly is up and under way. Thanks go first to Chairperson Aaron Payment, who — through the Elders Advisory Committee — brought the completed draft document off the shelf and onto the table for review. It was long overdue.

The hard work and effort of the original Constitutional Committee deserves to be acknowledged. Much thought and heartfelt effort was invested by the original drafters of the document. It is apparent that they strove to perfect a document that would provide constitutional protections for tribal citizens, a separation of powers between the respective branches of government and honor to our traditional ways of governing. A belated miigwech for the fruits of your labor.

And now, for the first time ever, we have begun a formal, open and transparent review of the draft. Again, miigwech to

our Elder Advisory Committee, Elder Sub-Committee, original Constitution Committee and tribal public citizens who have devoted considerable time to comb through the document, line by line, and offer comment.

No “actions” have taken place, other than a “consent of the assembly” to “move on” from one section to the next, after all input has been recorded. It has been a very productive and open dialog. Very refreshing. The process is moving slower than some would like, but it’s necessary in order to be thorough and to allow all voices to be heard. It gives me hope that a good outcome will unfold.

And, a special “thank you” to staff facilitator Angeline Boulley and transcriber Cheri Goetz. Both have done an outstanding job of keeping the discourse respectful, meaningful and productive. Tribal member Tom Biron has lent his media production talents to the process and has live streamed every meeting for real time viewing on the Internet (you can find a link to his site TOSSABCS2 on our website: saulttribe.com). The assembly will reconvene on Jan. 7, 8 and 9, 2013.

An unfortunate incident

I don’t enjoy having to report on a recent incident that occurred at the tribal board level. However, the chairperson used his large mailing list to engage tribal citizens in a “call for input.” Therefore, I feel compelled to address the situa-

tion:

One of the board’s “rights and responsibilities” per Tribal Code, is to confirm the selection of key executive employment positions. At the Nov. 20 meeting held in Marquette, the board, on a 10-2 vote, did not confirm a particular candidate for a key position. Various reasons were expressed for not confirming this candidate, but the vote speaks for itself.

The chairperson took exception with the board’s decision not to confirm this candidate and promptly (Nov. 21) called for a “special board meeting” with one item on the special meeting agenda: “Rescind Delegated Authority to the Chairperson.”

Let me say right here — no one, not one board member, expressed any such idea of rescinding the authority we conveyed to the chairperson at the commencement of his administration. There is no truth to that idea even being talked about. The “special meeting” to consider rescinding the authority of the chairperson was simply a poorly conceived over-reaction of the chairperson, in response to the board’s decision not to confirm the candidate he desired for a key executive position. And the chairperson admitted as much (and apologized) and issued an order to cancel the special meeting (Nov. 24). He also informed us he would not be available to attend.

Herein was the problem with cancelling the meeting: We have

written tribal law that specifies how we enact and conduct duly noticed special board meetings. The question posed: Within tribal law, under what authority can a “special meeting” be canceled or postponed? The long and short answer is: 1.) In the event of extreme emergency (weather, fire, etc.) “If the Chair believes that proceeding with the meeting would be dangerous to those present,” or, 2.) The authority of the chairperson to cancel a meeting if there is an absence of a quorum (though this is accomplished at the meeting itself by the chair calling for a motion after determining that a quorum is not present). So now we had a conundrum.

If the chairperson had seen fit to show up at the special meeting he called for, he could have dispensed of the whole mess he created: by cancelling for lack of quorum (only a handful of board members attended at the duly noticed time). That way, we could have respected the “rule of law” and been done with it. The chairperson argued that there was “precedence” for cancelling the meeting (“It’s been done before”). In the time I have served on the board of directors, no such thing has been done. Nor were any concrete instances brought forward to support that statement. Nor do I plan to “set precedence” by disregarding the “rule of law.”

And, I wouldn’t spend time reporting on this unfortunate

incident except for the way the chairperson did see fit to spend his time by sending a message to his vast tribal email list, implying some eminent threat to his delegated authorities. The message was a call to action offering a false choice between “Cancel the Meeting — or — Revoke Chairperson Authority !?” Needless to say, over 100 tribal members were alarmed enough to respond in writing, urging the board not to take away the chairperson’s authorities. Now that’s what I call the height of manipulation.

The real irony is this whole incident occurred in the shadow of the ongoing constitutional review assembly. So maybe it’s a good reminder to all of us that neither the current Constitution nor the draft Constitution are worth the paper they are written on if we are willing to disregard and ignore the rule of law when it’s inconvenient.

I want to end by wishing everyone a blessed holiday season to you and your families, our workforce, communities and our tribal nation. I am hopeful that 2013 will bring us many blessings. We have a bright and able chairperson and, although he may not realize it, he has a board that supports him to get good things done (with a healthy respect for checks and balances).

This is the season to pray and celebrate good tidings and remember to show our love to one another. Merry Christmas, everyone!