

# Memo

**To:** Sault Tribe Citizens

**From:** Board of Directors, Legal Department

**Date:** February 6, 2026

**Re:** Summary of the Constitutional Amendment

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The intent of these amendments to our Constitution is to create a balanced system of self-governance divided into three co-equal branches of government. This provides for a balance of power, protects citizens' rights, honors tribal traditions, protects and promotes the Tribe's sovereignty and sets rules for fair and balanced leadership. Below is a summary of each branch and article of the Constitution, followed by a summary of the next steps that will be taken.

## **Summary of the Proposed Constitution Amendments**

### **Preamble**

The Constitution begins with a statement of purpose. This Constitution is created to protect our way of life and to care for the well-being and future of our people. The Constitution is meant to be a living document that can evolve over time as our needs change. It follows the teachings of the Seven Grandfathers and affirms the Tribe's inherent sovereignty and right to govern itself.

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### **Article I – Sovereignty**

This article explains that all governing power comes from the citizens of the Tribe. The Constitution is the highest law of the Tribe, and all tribal laws, treaties and actions must follow it. The government can only use the powers that the citizens give it in the Constitution.

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### **Article II – Territory and Jurisdiction**

The Tribe's territory includes all land owned by the Tribe or held in trust for it by the United States and Tribal authority applies to these lands. The Tribe also has authority over fishing, hunting, trapping and other traditional rights in lands and waters described in past treaties, including the Treaty of 1836.

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## **Article III – Citizenship**

This article explains who is considered a citizen of the Tribe. Citizens must have Indian blood, must not be enrolled in another tribe and must be United States citizens. Citizenship includes descendants of the Tribe's historical bands, people already enrolled at the time the Constitution is approved and their descendants. The Tribal Council has the power to pass laws about future citizenship, adoption and loss of citizenship as long as it is consistent with this article.

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## **Article IV – Bill of Rights**

The Bill of Rights protects the basic freedoms of tribal citizens. These include freedom of religion, speech, press, assembly, and petition. Citizens have the right to privacy and protection from unfair searches, arrests, and punishments. People accused of crimes have the right to a fair trial, a lawyer, and a jury. The government must treat all people equally and follow due process. Citizens also have the right to fair treatment at work and to whistleblower protections.

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## **Article V – Separation of Powers**

The government is divided into **three equal branches**: legislative, executive, and judicial. Each branch has its own duties and powers. No branch is allowed to take over the powers of another or to act outside their designated powers in the Constitution. This system creates checks and balances so that no one part of the government becomes too powerful.

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## **Article VI – Judicial Branch**

The judicial branch includes a **Trial Court and a Supreme Court**. The Trial Court handles civil and criminal cases first, and the Supreme Court hears appeals. Judges and Justices usually must be tribal citizens and licensed attorneys, though exceptions are allowed if no qualified citizens apply. Judges serve six-year terms and must meet strict rules about conflicts of interest. The courts can interpret the Tribe's Constitution, laws and actions, and declare them invalid if they violate the Constitution.

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## **Article VII – Legislative Branch**

The legislative branch is the **Tribal Council**, made up of twelve members from the existing five voting units. Council members serve four-year terms and are elected by the people in their units. The Tribal Council makes laws, approves budgets, sets taxes and fees, and creates tribal departments and authorities. The Council can approve contracts, hire legal counsel, and waive sovereign immunity.

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## **Article VIII – Executive Branch**

The executive branch is led by the **Tribal Ogemaa**, who is elected by the people to a four-year term. The Ogemaa enforces tribal laws, manages the government, represents the Tribe, and negotiates agreements. The Ogemaa can appoint judges and key officials of the government with Council approval and can veto laws passed by the Council. The Council may override a veto with a three-fourths vote. The Ogemaa does not manage the authorities of the Tribe, but can appoint members to its governing boards.

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## **Article IX – Resignation, Recall, Removal, and Vacancies**

Tribal officials may resign at any time. Citizens also have the right to recall elected officials through a petition and special election. Officials may also be removed for serious misconduct or criminal convictions. If an office becomes vacant, a special election is usually held unless the term is almost over. Temporary replacements are named until elections are completed.

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## **Article X – Nominations and Elections**

The Tribe has five voting units. Citizens who are at least 18 years old may vote. Elections are held according to tribal law. This article explains how the first elections under this Constitution are conducted and how staggered terms will be set for judges and Council members. The Tribal Council is responsible for passing election laws consistent with this article.

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## **Article XI – Sovereign Immunity**

The Tribe has sovereign immunity, which means it cannot be sued unless it clearly agrees to it by law. Tribal officials and employees are protected from lawsuits when acting in their official roles. Judges are also protected for actions taken in their official duties. Citizens may bring cases in tribal court to enforce the Constitution when their rights are violated by the government's actions.

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## **Article XII – Right of Referendum**

Citizens may vote to uphold or overturn a proposed or enacted action of the Tribal Council through a referendum. A referendum can be called by the Council or by a petition signed by at least 5% of the total voters in the last Ogemaa general election. Based on 2024 election results this would be 320 signatures. The results are binding if the voter turnout is equal or greater to the last Tribal Ogemaa election. Based on the 2024 General Election this would be 18%.

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## **Article XIII – Amendments**

The Constitution can be changed through a special election. Amendments may be proposed by the Tribal Council or by citizens through a petition. Approval requires a majority vote, a minimum voter turnout, and support from a majority of voting units. The minimum voter turn out is 20% of eligible voters. Based on current voter rolls this would be equal to 7,800 votes.

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## **Article XIV – Adoption**

The Constitution becomes effective immediately after an election held by the Secretary of the Interior if a majority of the voters in that election approve the amendments. The Tribal Council must update existing laws to match the new Constitution within 18 months of the amendments passing and must update the law that allows for the removal of elected and appointed officials within 6 months.

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## **Bylaws**

The bylaws explain how the Tribal Council operates. They cover meeting schedules; regular, special and emergency meetings; open meetings; quorum rules; conflicts of interest; committee duties; record keeping; and officer responsibilities. Tribal records belong to the Tribe and must be protected and made available to citizens under reasonable rules.

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## **Next Steps**

The legal department will send the draft amendments to the Bureau of Indian Affairs (BIA) to initiate the informal review process so we can start addressing any concerns that the federal government might have. There will also be information about this process posted on our website, Facebook, and newspaper throughout the next couple months.

Legal will deliver an Implementation and Timeline Plan to the Board no later than March 6, 2026. Feedback from the tribal citizenship will be collected throughout the remainder of the process and can be sent to [constitution@saulttribe.net](mailto:constitution@saulttribe.net). May 6, 2026, is the deadline set by the Board to vote on starting the secretarial election process, as long as the BIA review is complete. If the BIA review is not complete, the vote to start an election will occur within 30 days of the BIA review being completed.