

# Initial Advisory Report

Of the Constitution Advisory Committee of the Seneca-Cayuga Nation

**To Be** Released to the Business Committee on April 15, 2024

**To Be** Released to the Nation's citizens at our Town Hall on May 04, 2024

**To Be** Released to the General Council of the Nation on June 01, 2024

## Executive Summary

This is the Initial Advisory Report of the Constitution Advisory Committee (“CAC”) prepared for the April 2023 request of the Business Committee of the Seneca-Cayuga Nation of Oklahoma (“the Nation”) working on behalf of the members of the General Council. The duty of the CAC is to advise the Business Committee (“BC”) on our existing Constitution and By-Laws for possible amendment. Our first meeting was in May 2023. This initial report is preliminary and is intended solely to provide an update to the Business Committee and General Council pursuant to the BC request for a report by April 15, 2024, the Constitution Advisory Committee's (CAC) original conclusion date. This conclusion date was extended to May 31, 2024 by the Business Committee at their public meeting on July 11, 2023, and later reaffirmed via email on January 10-11, 2024.

A large part of this work was informed by a number of meetings with various Committees in our tribal government who provided the knowledge, experiences, and functions of their respective Committees. We are grateful to have had the opportunity to meet with them, as they endured numerous questions that provided invaluable insight which is instrumental to strengthening our Constitution. Through the work of everyone involved, we are paving the way for future generations to come.

This Initial Advisory Report includes the CAC's preliminary recommendations for structuring future Tribal Governing Documents, including the Constitution and/or By-Laws, for the benefit of the Seneca-Cayuga Nation and its citizens. Tribal administrative policies may need to change to accommodate these recommendations, so administrative policy changes are noted where relevant to a Constitutional recommendation. This advice is not final or binding, and is subject to change as this work continues.

On May 4, 2024 we invite all of our tribal citizens to our Community Building at the Stomp Grounds for their feedback and input on this report and our Tribal Governing Documents. As a Committee, we have requested to present this report to reach more tribal citizens at our June 1, 2024 Annual Meeting of the General Council, but as of the first date on this report, the Business Committee has not confirmed us to speak on that date.

The Constitution Advisory Committee of the Seneca-Cayuga Nation is humbled and thankful to be able to do this work for all our people. We have come together collectively with a good mind, and passion and love for what our ancestors have gifted us, with the intention to keep a good present going for all of our futures.

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## Background Information

**History of the Nation:** In 1831, there was a treaty signed by a community of Native Americans, known as the Senecas of Sandusky in what is now known as the state of Ohio. This removal treaty was followed by another 1831 treaty for a community known as the Mixed Band of Senecas and Shawnees of Lewistown. These two groups confederated via treaty in 1832 and became one after their removals to Indian Territory, now known as Oklahoma. In 1867, there was a final treaty that separated this gathered community into a group of Shawnee who became the Eastern Shawnee Tribe of Oklahoma, and those Senecas who had been part of the Mixed

Band were now considered a part of the community that later became the Seneca-Cayuga Tribe. **More research is needed for a complete and concise history of the Nation.**

Our incorporation under a Constitution and By-Laws happened with the influence of the Bureau of Indian Affairs, after the Oklahoma Indian Welfare Act was passed in 1936, granting the “right” to Native communities in Oklahoma to formally incorporate as a federally-recognized entity to receive access to US government funding. Originally known as the Seneca-Cayuga Tribe, we changed our name to the Seneca-Cayuga Nation via Constitutional amendment in 2014.

**Formation of this Committee:** The Constitution Advisory Committee had their first meeting on May 24, 2023. Prior to that, tribal citizen volunteers who had requested to participate in public callouts for a “Constitution Committee” voted amongst themselves to select Committee members, resulting in two ties and 8 top candidates on May 10, 2023. The original membership was increased from 7 to 9 members, and the Business Committee appointed Scott Goode as a voting member and its intermediary. Dennis Sisco, Executive Director, was also designated as an advisor. The original end date for this Committee was set for April 15, 2024, less than a year in length, though this end date was removed by the Business Committee in their meeting minutes on July 11, 2023, and later on changed to May 31, 2024 and confirmed via email with them on January 10-11, 2024. See this link for those meeting minutes - <https://sctribe.com/sites/default/files/2024-02/07.11.2023BCMonthlyMeetingMinutes.pdf>

In the December 19, 2023 Business Committee minutes, the letter that set the terms of our Committee is referred to as an Ordinance, but to date we have not seen any Resolutions regarding our Committee or approval for said Ordinance. No Resolution from the General Council regarding the creation of any Constitutional Committees has been found either. It is the request of the CAC that the General Council and Business Committees both consent and formalize this work through Resolution, at the end of this document we have provided both a Business Committee Resolution and General Council Resolution for both parties to review, debate, and vote on their own Resolutions. We envision that any actual rewrite of our Constitution and By-Laws begins and ends with our General Council’s consent.

## How This Report Is Structured

This Initial Advisory Report is written with the current Constitution and By-Laws that govern the Seneca-Cayuga Nation in place. This format was chosen for easier comprehension and comparison to the document that governs us today. All provisions that are not in our present Constitution or By-Laws are included under the “New Provisions” header. Sometimes we refer to these as Tribal Governing Documents, which can also include the Corporate Charter, passed just over a month after our Constitution and By-Laws in May 1937.

Because this is an interim informational document only, and is not made for Constitutional rewriting purposes, we have not outlined certain time-based matters such as staggered terms of office. We have focused on how our government works in documentation and in reality.

Any sentence that has an “underlined quotation” shows it is from our present day Tribal Governing Documents. Any sentence that has an “*italic underlined quotation*” is from a former Tribal Governing Document. References to our meeting minutes will be (placed in parentheses like this.) Further citations of meeting minutes can be viewed in the Table of Authorities released alongside this document. Any mistakes of spelling, grammar, or otherwise, are unintentional.

## Present Day Review

**Recommendations:** The CAC’s findings and general recommendations regarding the Constitution and By-Laws are as follows:

- There is a need for a rewrite based on the number of changes deemed important by the CAC at our second meeting. (June 05, 2023)
- The broad and vague language currently in place results in issues in CFR Court that directly impact the rights of the General Council as the “supreme governing body of the Nation” which means there needs to be more specific language and intentions written into our Constitution and By-Laws. (October 30, 2023)
  - The formal legal language used in our Tribal Governing Documents needs to match-up and be made gender neutral, such as changing “Councilmen” to “Councilpeople” and “Seneca-Cayuga Council” to “General Council.” (September 25, 2023 & November 20, 2023)
- Any change in language needs to be vague enough to allow for business to be conducted, but still protect the rights of the General Council and the health of the Nation against political intrigue or bad-faith actors. (October 30, 2023)

## Present Day Constitution

### Preamble

**Recommendations:** The CAC has made the following recommendations regarding the preamble. We have included an example drafted preamble in order to illustrate the concepts we have recommended:

- The preamble is an important place for references to language and culture. (June 05, 2023)

- The preamble as it stands does need more information, and can include references to our treaties, history, and names including “Hodinᑏhsᑏ:nih.” (January 29, 2024)
- General Council members provided the following input for our preamble at our February 2024 Town Hall Meeting. (February 12, 2024)
  - Include the word “sovereign”
  - Include more history
  - Include the word “Creator” if referenced
- The preamble should contain subsections that would allow for more foundation for Resolutions, specific subsections can be referenced. (March 04, 2024)
- Example Preamble originally drafted and provided to the General Council for discussion at our February 2024 Town Hall meeting, updated since then:
  - We, the members of the Seneca-Cayuga Nation (Onᑏdowá’ga:’ - Gayogᑏhó:nᑏ’ Gᑏhwejo’dᑏ:’), the original inhabitants of this country now called the United States, originating from what is now the state of New York, descendants of the 1794-1795 Treaty of Canandaigua and various other treaties, removed from the Ohio Sandusky River area to the present-day State of Oklahoma, formerly called Indian Territory, pursuant to the Treaty with the Senecas of the Sandusky of February 28, 1831 and the Treaty with the Mixed Band of Seneca, Shawnee of July 20, 1831, and separated by the Treaty with the United States and the Seneca, Mixed Seneca and Shawnee, Quapaw, Etc. of February 23, 1867, acknowledge the powers of inherent and aboriginal tribal sovereignty, and exercise the right of self-determination, and upon the need for economic independence and social advancement offered by the Thomas-Rogers Oklahoma Indian Welfare Act of June 26, 1936, desire to organize pursuant to that act, do hereby adopt this Constitution and Bylaws pursuant to the Act and our Tribal Government in order to:
    - Continue forever, with the help of Shᑏᑏwayadihs’ᑏh, our Creator, our unique identity as members of the Seneca-Cayuga Nation and protect that identity from forces that threaten to alter or diminish it;
    - Protect our inherent rights as citizens of a sovereign Native American Nation;
    - Promote and perpetuate our cultural and religious beliefs and pass them in our own way to our children, grandchildren, and grandchildren's children forever;
    - Help our members achieve their highest potential in education, physical and mental health, and economic development;
    - As being trilateral citizens, we shall maintain good relations with other Native American Nations, the United States, State and local governments;

- Acquire, develop, and conserve resources to achieve economic and social self-sufficiency for our Nation; and
- Ensure that our people shall live in peace and harmony among ourselves and with all other people.

## ARTICLE I – NAME

**History:** In 1937 we became known formally as the Seneca-Cayuga Tribe. In 2014 during a series of Constitutional amendments we changed our name to the Seneca-Cayuga Nation, as well as added a paragraph on the wording used to refer to the Nation, formerly Tribe.

**Recommendations:** The CAC does not have any current recommendations regarding this Article at this time, the subject matter is too complex to address with our time restraints. (February 26, 2024)

## ARTICLE II – OBJECT

**History:** The Article reads “The object shall be to promote the general welfare of the Seneca-Cayuga Nation.”

**Recommendations:** At the February 2024 Town Hall meeting, a General Council member suggested adding the words “and its members.” to the end of the Object as it is currently written. (February 26, 2024) The CAC agrees and recommends this suggestion with the language of “and its citizens.” No other recommendations regarding this article have been presently identified.

## ARTICLE III – MEMBERSHIP OF THE NATION

**History:** When initially adopted, the 1937 Constitution considered four situations where a child might become a citizen of the Seneca-Cayuga Nation. Due to the specific situations outlined within those paragraphs, there has been a significant amount of internal turmoil in our community through the violations of the inherent rights of tribal citizens through enrollment. In 2023 a Constitutional amendment was passed by the General Council, originally made by the Business Committee, that specified membership consisting of “all persons of Indian blood whose names appear on the official census roll of the Nation as of January 1, 1937, and their lineal descendants.”

**Recommendations:** The CAC finds and recommends:

- Dual Enrollment protections need to be put in place in this article. (December 18, 2023)

- The word “biological” should be included to read “and their biological descendants.” (February 26, 2024)

## ARTICLE IV – MEMBERSHIP OF THE COUNCIL

**History:** The original Constitution of 1937 created the “supreme governing body” language of the General Council. It also included “all Seneca-Cayuga Indians residing in Oklahoma; males, 21 years of age; and females, 18 years of age.” The age for both sexes became 18 in 1973 through Constitutional amendment.

The original geographical limits of General Council membership were those “residing in Oklahoma” in 1937, “within a radius of 150 miles in any direction from Bassett Grove Stomp Grounds” in 1973, and in 1990 it was amended to its present-day “all members of the Seneca-Cayuga Nation eighteen (18) years of age and older.”

**Recommendations:** The CAC finds and recommends:

- An issue that was identified at the August 2023 Town Hall is that the General Council tribal citizens who cannot make the elections at the Annual Meeting of the General Council in Constitution Article VIII are deprived of voting rights. This is also called disenfranchisement. (August 14, 2023)
- There are General Council Resolutions that note the Business Committee is subordinate to the General Council, and their Resolutions cannot be overridden or discarded. (December 04, 2023)
- CAC agrees that no significant changes to the current General Council government structure are needed. (February 26, 2024)
- The CAC recommends these powers be outlined in future Tribal Governing Documents for the Nation to ensure the continuing sovereignty of the General Council: (March 18, 2024)
  - Power to set and implement pay and pay changes for all elected officials
  - Power to petition the Business Committee
  - Power to file Grievances
  - Power to ratify Ordinances for all Committees
  - Power to remove elected officials through proper Grievance procedure
  - Power to sanction members of the General Council
  - Power to make motions that if carried will be made into General Council Resolutions
  - Power to access all non-confidential papers and documents held by the Nation



- Power to allocate tribal funds and profits
- Only the General Council may fill a vacant office, all vacancies will be filled pursuant to the current Election Ordinance and Article IX - Vacancies
- All other traditional rights pursuant to sovereign authority not specifically delineated herein

## ARTICLE V – OFFICERS

**History:** In 1937 the officers were the “the chief, second chief, secretary-treasurer, interpreter, and three councilmen.” The interpreter was an office held by a speaker of one of our languages who acted as a cultural counterbalance to the Business Committee, despite having no specifically outlined duties in Tribal Governing Documents. (November 06, 2023)

At present the CAC does not have the text for all Tribal Governing Document amendments. Amendments were finalized in 1973, 1985, 1990, 2014, and 2023. A CAC member present at the time of this amendment remembers that this change (likely in 1985) was due to the intersection of culture and politics. It is clear that the interpreter position became another Councilperson seat.

**Recommendations:** The CAC finds and recommends:

- After testimony from the current Secretary-Treasurer, in front of the Enrollment Committee which included 4 former Secretary-Treasurers, those present agreed with her assessment that the splitting of the Secretary-Treasurer into two positions would be beneficial to the Nation. Reasons include the fact of the Nation being akin to a multimillion dollar corporation overseeing multiple businesses, the amount of work in place for a Secretary-Treasurer has grown significantly since 1937 and now having financial knowledge is essential to the position. (December 18, 2023)
- The CAC agrees that the Secretary-Treasurer position should be split and absorb a current Councilperson seat. (February 26, 2024)

## ARTICLE VI – BUSINESS COMMITTEES

**History:** In 1937, the Business Committee article included this sentence: “The powers of the Tribe shall be set forth in detail in the corporate charter to be requested by the Business Committee.” This Corporate Charter is also a Tribal Governing Document that creates the structure of all of the businesses formally organized, or chartered, under it. It grants certain powers to the Business Committee in place to act similar to a Board of Directors for all tribal businesses. The purposes of the Corporate Charter as listed include:

- “To define and safeguard the rights and powers of the Seneca-Cayuga Tribe of Oklahoma and its members;
- To advance the standard of living of the Tribe through the development of tribal resources, the acquisition of new tribal land, the preservation of existing land holding, the better utilization of land and the development of a credit program for the Tribe;
- To promote in any other way the general welfare of the Indians of the Seneca-Cayuga Tribe of Oklahoma.”

This Article was amended in 1990, dropping the reference to the Corporate Charter.

**Recommendations:** The CAC finds and recommends:

- One of the purposes of the Business Committee is to carry out the will of the General Council and its Resolutions. (March 25, 2024)
  - Language to the effect of “No actions by the BC in facilitating the day-to-day business of the Nation will be in contradiction of any General Council Resolutions” should be outlined under the Business Committee article. (March 18, 2024)
- Currently there are no known Ordinances specific to the Business Committee. (October 23, 2023)
- The Business Committee should have the following subcommittee power outlined, informed in part by the CAC’s experience as a subcommittee of the Business Committee in the absence of General Council or Business Committee Resolutions that create our Committee. (February 26, 2024)
  - BC should have the power to create subcommittees with limited powers and limited purposes.
  - The membership pool should be General Council members who have expertise, knowledge, or other relevant experiences regarding the subject matter of a subcommittee.
  - There should be a non-voting BC liaison who will champion the subject matter of this subcommittee.
  - All subcommittees should be created by Business Committee Resolutions which will state the purpose(s,) procedure, and beginning & end dates
  - No Business Committee member should be a voting member of a subcommittee. (Motion #17 on March 04, 2024)

## ARTICLE VII – STANDING COMMITTEES

**History:** The original Standing Committees, as outlined in 1937, include the Grievance, Credit, Welfare, and Education Committees; only the Grievance Committee was created separately from the supervision and participation of the Business Committee.

The Credit Committee was established so that in the event the Nation were to receive significant monies, it would have a named Committee to oversee the borrowing of funding for tribal member businesses, similar to what is quoted from the Corporate Charter in this Report's Article VI - Business Committee under the History paragraph. To the CAC's knowledge, there has been no formally implemented Credit Committee in the history of the Nation.

The Welfare and Education Committees are combined in function into the Claims Committee that is presently in place. The Claims Committee was created at a Special Meeting of the General Council in December 1985 after the disbursement of settlement funds from multiple claims.

### All Standing Committees

**Recommendations:** The CAC finds and recommends the following provisions for All Standing Committees unless otherwise noted:

- All Standing Committees have the right to request and receive information relevant to their work from the tribal administration and the Business Committee.
- All Standing Committees need to create and approve their own Ordinances that will outline their specific policies and procedures, and be approved by the General Council. (August 28, 2023)
- All Standing Committees should be elected by and from the General Council. (February 26, 2024)
  - Except for the Enrollment Committee, who should continue to submit the names of tribal citizens for appointment by the General Council to the Enrollment Committee. (March 04, 2024)
- No Business Committee member (liaison) should be a voting member of a Standing Committee. (Motion #17 on March 04, 2024)
- All Committee secretaries should turn in all their minutes and records into the Secretary of the Nation. (April 01, 2024)
- All Standing Committees should have 5 members, except for the Enrollment Committee. (April 09, 2024)
- No Standing Committee, Business Committee, or subcommittee should have immediate family members on the same committee. (April 09, 2024)

- The General Council will govern all Standing Committees. (April 09, 2024)

## Section 1 – Grievance Committee

**Recommendations:** The CAC finds and recommends:

- The Grievance Committee should be independent of the Business Committee. (July 31, 2023)
  - The Grievance Committee should be funded by the Nation without needing the approval of the BC, as they currently do. (September 11, 2023)
- The following language should be used in any rewrites:
  - Designation as a “tribunal.” (August 14, 2023)
  - Considered a “quasi-judicial” system to aid in CFR Court. (January 29, 2024)
  - To use the terminology “primary management official” currently in use in NIGC and CFR Court to refer to elected officials and tribal administrative employees who would be subject to Grievances. (January 29, 2024)
- Nepotism should be defined as a grounds for Grievances. (September 11, 2023)
- Grievance Committee members should only serve on the Grievance Committee and no other Committees at the same time. (October 02, 2023)
- No tribal funding or property will be used to defend against a Grievance, the accused will use their personal funds for this matter. (April 9, 2024)
- There is a need to outline the powers of the Grievance Committee. (October 02, 2023)
  - The Grievance Committee be in charge of drafting and submitting for approval its own Grievance Ordinance to the General Council. (August 28, 2023)
  - The Grievance Committee should have the power to call and preside over Special Meetings of the General Council for the Removal of Officers according to Constitution Article X. (September 11, 2023)
  - The Grievance Committee oversight, authority, and Grievance procedures should be extended to all elected officials, tribal management employees, and contractors. (January 29, 2024)
  - The Grievance Committee should have the power and funding to retain their own independent attorney. (March 25, 2024)

## Section 2 - Credit Committee

**Recommendations:** The CAC finds and recommends that the Credit Committee should be removed from Tribal Governing Documents, as there is no known implementation of a Committee for the loaning of monies to tribal citizens on credit as discussed in our meeting and as outlined in the Corporate Charter. (August 14, 2023 & November 06, 2023)

## Sections 3 & 4 – Claims Committee (Welfare + Education Committees)

**Recommendations:** The CAC finds and recommends:

- The Claims Committee is the combination of the Welfare and Education Committees outlined in the Standing Committees, this current model works well and any future rewrites should include the words “welfare” and “education” under the Claims Committee section. (August 14, 2023 & November 06, 2023)
- The Claims Committee was originally established with 5 members by the General Council in 1985, but currently has 3 members and 2 non-tribal employees in the Benefits Department, in addition to 2 more who are tribal citizens. These 4 employees are unelected, but unknowingly in effect a part of the Claims Committee. (March 04, 2024 & November 06, 2023)
  - The Benefits/Education Department has denied a Claims application for a reason other than incomplete paperwork and without the knowledge of the Claims Committee, the original Claims application was from a CAC member and the Claims Committee confirmed they did not review it. (November 06, 2023)
  - There should be 5 elected tribal citizens of the Claims Committee, appropriately compensated, who will do the work currently done by those 4 government employees per the original 1985 Claims Ordinance.
- The CAC finds that the Claims Committee should be separated from the Business Committee. (November 06, 2023)
  - Historically, the Claims Committee was elected, now they are appointed by the Business Committee.
  - The original Ordinance for the Claims Committee was drafted by said Committee and then ratified by the General Council, but since then these policies and procedures have been modified by the Business Committee without General Council approval.
  - There is currently a BC liaison on the Claims Committee.
- The CAC recommends the following powers be outlined for the Claims Committee: (March 18, 2024)
  - Claims Committee shall have the power to access, review, and maintain all relevant confidential and financial information regarding tribal citizens necessary to process Claims
    - Presently, the Claims Committee has reported that neither the Business Committee liaison nor the head of the Benefits Department will provide the access to Claims files, Resolutions, or financial information, despite multiple requests. (November 06, 2023)

- Claims Committee shall have the power to draft their own Claims/Benefits Ordinance
  - Including an appellate process for denied claims (April 09, 2024)
- Claims Committee shall have the sole power and authority to approve or deny all Claims applications

### Additional Section – Election Committee

**History:** The Election Committee was originally created in the mid-1980s to run our elections. Since the 2014 Constitutional amendments, the Business Committee has the authority to write the Election Ordinance of the Nation, this is currently what empowers the Election Committee.

**Recommendations:** The CAC finds and recommends:

- The Election Committee should be added to the Constitution. (November 06, 2023)
- Our elections should be independent from the Business Committee.
  - Current Election Committee members were appointed by the BC. (August 28, 2023)
  - The Election Committee is only referenced in the Election Ordinance which is written by the BC per the Constitution, they are not referenced in any other Tribal Governing Document. (August 28, 2023)
  - The BC decides and hires the 3rd Party Election Administrator, not the Election Committee, per the Election Ordinance. (August 28, 2023)
- There should be 5 members of the Election Committee instead of the current 3 and an alternate, they should be elected by and from the General Council, and they should have staggered terms to allow for experienced Committee members to help train newly-elected members. (August 28, 2023)
- The duties of the Election Committee at present include the following: (August 28, 2023)
  - Registering candidates for office and receiving their filing fees payments
  - Confirming a candidate’s eligibility for officer under By-Laws Article II - Qualifications of Officers
  - Certifying the results of an Election
- The Election Committee should have the following outlined powers:
  - The power to receive electoral disputes (March 11, 2024)
  - The power to call and preside over a Special Meeting of the General Council to fill vacant officer positions (March 11, 2024)
  - The power to hear and decide all electoral disputes (March 18, 2024)
  - The power to hire a 3rd Party Election Administrator (March 18, 2024)

- The power to vet and approve applicants who file for candidacy based on the By-Laws Article II - Qualifications of Officers (March 18, 2024)
  - Tribal citizenship cannot be redetermined at the time of application
- The power to certify the results of tribal elections (March 18, 2024)
- The power to call to order and preside over a Special Meeting of the General Council called to fill a vacancy (March 18, 2024)
- The power to draft their own Election Ordinance to be approved by the General Council (March 18, 2024)
- The Election Committee should have the power and funding to retain their own independent attorney. (March 25, 2024)

### Additional Section – Enrollment Committee

**History:** The Enrollment Committee was created in the mid to late 1980s to relieve the burden of keeping up with the influx of new enrollees on the Election Committee. Today, they track new enrollees and their lineal descent to the Nation's tribal community according to Constitution Article III - Membership of the Nation. The present-day membership pool of the Enrollment Committee includes past Secretary-Treasurers as well as knowledgeable tribal members suggested by the Enrollment Committee and confirmed by the General Council. The current Secretary-Treasurer is the Chairperson and a voting member, related to their duties of office maintaining the Membership rolls of the Nation.

**Recommendations:** The CAC finds and recommends:

- The Enrollment Committee be added to the Constitution. (November 06, 2023)
- The Enrollment Committee was created by General Council Resolution, this sets the membership of said Committee as all former Secretary-Treasurers. (September 11, 2023)
  - The Enrollment Committee of just Secretary-Treasurers found they had limited knowledge of community families, so several names were proposed to the General Council, who then voted to appoint these suggested members to the Enrollment Committee; this system works well. (December 18, 2023)
  - Currently there are 9 regular members. (August 14, 2023)
  - In a Secretary-Treasurer split, the Secretary would be the Business Committee liaison for the Enrollment Committee and be a non-voting member. (April 09, 2024)
- The duties of the Enrollment Committee presently include: (December 18, 2023)
  - To verify submitted tribal citizenship application paperwork and information
  - To maintain and review an authentic listing of all tribal citizens
  - To ensure the tribal roll is accurate

- To review and confirm accuracy of a list of General Council membership otherwise known as the Voter List, prior to elections
- The following powers should be outlined for the Enrollment Committee:
  - The Enrollment Committee will process all enrollment applications and citizenship decisions, including the final determination of eligibility which can be appealed only to the General Council. (April 09, 2024)

### Additional Section - Ethics Committees

**History:** The Ethics Committee is a proposed addition to the current Grievance process that would include a Code of Ethics, created to bolster both due process and the abilities of the General Council to hold accountable our elected leaders and the tribal management employees & contractors they delegate to.

**Recommendations:** The CAC finds and recommends:

- An Ethics Committee be created in the Constitution, acting similar to a prosecutor in a quasi-judicial system that includes the Grievance Committee acting as a judge, separating the investigators from the final decision makers to ensure due process for the accused. (January 29, 2024 & February 26, 2024 & April 01, 2024)

### Additional Section - Housing Committees

**History:** The Housing Committee currently exists as a subcommittee of the Business Committee. There is no known Ordinance relating to the Housing Committee. The CAC did not meet with them. We believe the current Housing Committee is made up of a few tribal citizens, the Housing Director, and at least one Business Committee member.

**Recommendations:** The CAC finds and recommends:

- The CAC recommends the formation of a Housing Authority to establish adequate housing for tribal citizens.
- The Housing Committee should be added as a Standing Committee to the Constitution. (Motion #18 on March 04, 2024)
- The powers of the Housing Committee should include the approval of rental lease agreements and rent prices not under HUD. (April 12, 2024)



## Additional Section - Tax Commissions

**History:** The Tax Commission is a branch of our government that is created by a Tax Ordinance, approved by the General Council in 1985 and quoted in this paragraph. The Tax Commission is an agency of the Nation “subordinate to the Business Committee.” The members of the Tax Commission are the 2nd Chief who serves as the Chairperson, the Secretary-Treasurer, the Executive Director or “Business Manager,” and 2 additional members appointed by the Business Committee.

**Recommendations:** The CAC finds and recommends:

- The Tax Commission should be added to the Constitution as a Standing Committee. (March 04, 2024)
- The Tax Commission is an important part of our government. (October 16, 2023)
  - The Tax Commission provides funding for the Nation through the collection of taxes on all businesses, enterprises, and individuals within our jurisdiction, including through tribal tags, a manufacturing tax on tobacco, sales tax in the casino and lodge, and a liquor tax. This money is moved out of the Tax Commission account at the discretion of the Business Committee.
  - By helping maintain government relations with other Native Nations through Oklahoma Indian Tax Association membership.
- The Tax Commission has a regulatory function. (October 16, 2023)
  - The Tax Ordinance empowers the Tax Commission to audit Tobacco, similar to how the Gaming Commission is empowered to audit the casino through federal regulations
  - The Tax Commission also has the authority to retrieve tribal property.
    - An example includes the recent notice to Tobacco as to the potential confiscation of a Ford Bronco in order to force the sharing of production numbers that were only shared with ATF up to that point.
  - The CAC finds that the current powers of the Tax Commission are appropriate. (April 12, 2024)
- There is a need for more accountability in the usage of Tax Commissions monies. (October 16, 2023)
  - A Tax Commission member expressed concern that they have no accounting of how Tax Commission monies are spent in Tax Commission records, and lack access to the relevant Business Committee Resolutions related to that funding.
  - All monies moved from the Tax Commission account should be done via Resolution with specific language as to the purpose and intention for said monies. (April 12, 2024)

- The Tax Commission should be in charge of the Tax Commission account and not allow funds to be moved without a duly authorized Resolution. (April 12, 2024)
- Tax Commission members should be subject to Grievances. (April 12, 2024)

## ARTICLE VIII – ANNUAL MEETINGS

**History:** In 1937, this article established the Annual Meetings of the General Council, its purposes, and determined much of the election process, including for tie breaking and swearing in elected officers. It has been amended several times, beginning in 1985, then 1990, 2014, and 2023 most recently. The present-day Article was completely amended in 2014 to include references to the Election Ordinance of the Nation, which stands today, and the 2023 amendment included a legal expiration date of sixty (60) days after an officer’s four (4) year term. Unfortunately, the CAC does not have the full text of all Constitutional amendments and cannot speak to the 1985 or 1990 amendments to this Article.

**Recommendations:** The CAC finds and recommends:

- Scheduled meetings of the General Council are established here and in the By-Laws Article III - Regular and Special Meetings, Section 1.
- There should be an additional Regular Meeting of the General Council in December, making them Semi-Annual Meetings of the General Council. (March 25, 2024)
- Any Ordinances should be written and drafted by their own Committee.
- The CAC respectfully and humbly requests that the General Council consider the timing of the Annual Meeting of the General Council to be moved to the Saturday prior to the first full week of August. The reasoning behind this request is that in the event of significant government reform, there is a need for more General Council participation. (April 12, 2024)
  - There was a Special Meeting of the General Council on the Saturday before the first full week of August in 2022 for a new membership vote that was very well attended.
  - Our August 2023 Town Hall meeting included testimony from General Council members who appreciated the timing of the Town Hall meeting and ability to participate in tribal matters when they were already in town.
  - With the addition of 20+ potential Committee positions recommended by the CAC, it is necessary to bolster General Council participation however possible.
  - This bulletpoint was added to the Initial Advisory Report via Motion #25, passing with 5 yeas and 3 nos, with 1 CAC member absent. The 5 yeas votes were Carrie, Yvonne, Scott, Natalie, and Jo Lynn, and the 3 no votes were Kristi, Roberta, and

Earlyne. Angela was absent for this vote. Those who voted no did not want the Annual Meeting of the General Council to be moved to August. (April 14, 2024)

## ARTICLE IX – VACANCIES

**History:** This Article has been the same since our incorporation in 1937, and ensures that elections will happen at any Regular or Special Meeting of the General Council, written as “the Seneca-Cayuga Council.”

**Recommendations:** The CAC finds and recommends the following:

- This, along with Constitution Articles V, VIII, and X as well as By-Laws Articles I and II all contain references to elections in some manner, and there is no central place to read about elections. (March 11, 2024)
- There is a general sense of apathy and/or distrust noted among the General Council, resulting in low voter turnout. (October 16, 2023)
  - May be related to barriers to candidacy such as current high filing fees as of (November 06, 2023)
- A need was established for clear Committee terms outlined in the Constitution. (October 02, 2023)
- This Article should be made into an Elections Article. (February 26, 2024)
  - An example Elections Article was drafted with a 3 step electoral dispute process; the Election Committee should have final decision-making authority on all electoral disputes. (March 18, 2024)
    - Said draft included the current provision from Article VIII - Annual Meetings setting the legal end of a Business Committee member’s term either as soon as someone new is elected and sworn in, or sixty (60) days after their 4-year term, whichever comes sooner.
    - Step 1 is to announce their intention to dispute losing their election at the Annual Meeting of the General Council, Step 2 is to file the paperwork and any related evidence for the dispute with the Election Committee, and Step 3 is to wait up to one (1) week for the determination of the Election Committee
    - If no announcement is made at the Annual Meeting or no dispute paperwork is filed by the following Tuesday at 5pm, the elected candidate can be immediately sworn in.
- A need was established to include an Oath of Office and the procedure to swear in elected officials in the Constitution. (October 02, 2023)

- The lack of process for swearing in officers impacts all Committees. (November 06, 2023)
- CAC agrees that the Oath of Office can be administered by the Chief, 2nd Chief, or a seated Faithkeeper. (October 30, 2023)
- Two sample Oaths of Office were drafted and revised into one by the CAC, provided as an example below. (December 18, 2023 & January 01, 2024)
  - I, \_\_\_\_\_ solemnly swear, I will uphold the Constitution, codes, By-Laws, rules, Resolutions, and Ordinances of the Seneca-Cayuga Nation; I will respect and honor the Seneca-Cayuga Nation's traditions, culture, beliefs, and its citizens; I will practice with honesty and integrity, not misleading by a false statement of fact or law; I will conduct my duties in a manner that is to the highest degree of integrity, dignity, propriety and fiduciary duties; and I will be guided at all times by the quest for truth and justice.
- The Oath of Office should be signed by tribal employees when they are hired by the Nation. (April 01, 2024)
- Vacancies in Committee offices may be filled on an interim basis by majority vote of the voters present at a Special Meeting of the General Council called by the Election Committee. The seat(s) will then be filled at the next regularly scheduled election. (March 18, 2024)

## ARTICLE X – REMOVAL OF OFFICERS

**History:** This Article has been the same since our incorporation in 1937, it creates the process by which members of the Business Committee are removed from office after the investigation and proper showing by the Grievance Committee, who can then call a Special Meeting of the General Council, quoted as the “Seneca-Cayuga Council” who has the power to remove someone from office and elect their successor.

**Recommendations:** The CAC finds and recommends the following:

- Several suggestions were provided by our Grievance Committee after their review of multiple Tribal Governing Documents of different Native Nations and their Grievance procedures. These ideas were only debated, and not adopted. (October 02, 2023)
  - A recall petition for an elected official, often requiring 30-100 signatures.
  - Some Native Nations have an automatic removal process depending on the severity of a situation.
  - Missing 3 consecutive meetings is grounds for removal in other communities.

- Sometimes included in Grievance procedures is the prohibition of serving in an elected office if someone is found unfit for office and summarily removed.
- Constitution Article X - Removal of Officers is an appropriate place for sanctioning and punitive measures, but such a topic cannot be rushed and cannot be fully addressed by the CAC at this time. (April 01, 2024)
- We have discussed absentee balloting for the at-large population when officers are removed, however, we have not had enough time to fully vet such an idea. (October 02, 2023 & April 12, 2024)

## ARTICLE XI – AMENDMENTS

**History:** The Constitutional amendment process has not changed since 1937, and has been used for multiple amendments that were finalized in the years 1973, 1985, 1990, 2014, and 2023. The Business Committee and/or 30 percent of the General Council are those who can propose an amendment.

**Recommendations:** The CAC has not yet addressed this Article of the Constitution, as there is not enough time. (February 26, 2024)

## ARTICLE XII – BILL OF RIGHTS

**History:** This provision is an amendment to the Constitution, passed in 1973, and focuses on the individual rights of tribal citizens and is similar to the US Constitution’s Bill of Rights.

**Recommendations:** The CAC finds and recommends the following:

- The right to open records and the right to privacy belong in the Bill of Rights. (February 26, 2024)

## Present Day By-Laws

### ARTICLE I – DUTIES OF OFFICERS

**History:** This Article appears to be the same as it was when we incorporated in 1937. It is the first Article in the By-Laws, which generally By-Laws regulate the operations of a government or community.

**Recommendations:** The CAC finds and recommends:

- An Oath of Office taken by all elected officials will also hold all elected officers to the standard contained therein.

## Section 1 - Chief

**Recommendations:** The CAC finds and recommends:

- The CAC reviewed and discussed potential duties for the Chief such as: (March 11, 2024)
  - Calling to order and presiding over regular and special Business Committee meetings
  - Calling to order and presiding over any petitioned or regular meetings of the General Council
  - Lobby for funding for our Nation
  - Set reasonable goals and track tribal progress during their term
  - Negotiate and approve contracts, also review policies and procedures
  - Oversee the Secretary and Treasurer
  - Build and maintain relationships with governmental agencies and businesses
  - To act as the principal spokesperson and representative for the Nation in its dealings with all other governmental and non-governmental entities; or to delegate such duties to other elected officers or tribal officials as authorized by the Business Committee
  - To vote only in the case of a tie
- To call to order and preside over a Special Meeting of the Business Committee when either: (March 25, 2024)
  - (1) as needed at the discretion of the Chief or
  - (2) at the written request of three (3) members of the Business Committee

## Section 2 - 2nd Chief

**Recommendations:** The CAC finds and recommends:

- The CAC reviewed and discussed potential duties for the 2nd Chief such as: (March 11, 2024)
  - Undertaking the duties of the office of Chief in the event of their absence
  - Assuming the office of Chief immediately upon the vacancy of the office of Chief, until the next regular or special election for office
  - Any other duties as delegated
- The 2nd Chief's duties should include being the liaison for the Tax Commission. (April 12, 2024)

## Section 3 - Secretary

**Recommendations:** The CAC finds and recommends:

- The CAC reviewed and discussed potential duties for a stand-alone Secretary after a Secretary-Treasurer split: (March 11, 2024)
  - Correctly record the proceedings of all Business Committee and General Council meetings that include detailed minutes released within ten (10) days to the General Council of the Nation
  - Making the order of business (agenda) for the Chief
  - Notifying Committees and Committee members of their election
  - Maintain custody and safeguard records and papers/documents of the General Council and Business Committee; Secretary shall allow the inspection of any non-confidential records at any time by members of the General Council who desire to read them
  - Shall keep a correct list of all citizens of the General Council, shall authenticate all accounts or orders of the General Council, and in the absence of Chief and 2nd Chief shall create the agenda and call meetings to order until a Chair pro tem is elected
  - Maintain and update the list of tribal citizens while maintaining their right to privacy
  - Oversee the handling of correspondence
  - All other duties as assigned by the General Council and/or Chief
- The Secretary will serve as the Business Committee liaison for the Enrollment Committee. (April 12, 2024)
- The Secretary will be responsible for becoming a notary public. (April 12, 2024)

## Additional Section 4 - Treasurer

**Recommendations:** The CAC finds and recommends:

- The CAC reviewed and discussed potential duties for a stand-alone Treasurer after a Secretary-Treasurer split: (March 11, 2024)
  - Log or provide bills and expenditures as necessary
  - Oversee the income and expenses of the Nation, including for any entities organized by the Nation
  - Safeguard the financial wellbeing of the Nation
  - Compile monthly financial reports for the public Business Committee meetings
  - Enforce financial policy and procedural compliance within the Nation and its government, including best practices

- Handling the receipts, bookkeeping, and protections of the Nation's funds and securities
- Make yearly budget appropriations
- Monitor and ensure proper adherence to financial tax regulations
- To prepare and present to the General Council for approval, no later than 120 days prior to the beginning of each fiscal year, a proposed annual tribal financial plan that sets forth in detail the then current assets of the nation, the sources and amounts of all anticipated tribal revenues for the year, as well as the tribal budget for said year
- File a bond as is presently provided for in By-Laws Article I Section 3
  - More discussion regarding the threshold amount for a bond is needed. (April 12, 2024)
- Ensure the collection of all monies due to the Nation
- Ensure the payment of all monies owed by the Nation
- It may be beneficial to have the Treasurer as a non-voting liaison for the Claims Committee to provide relevant financial information to Claims monthly and as needed. (March 18, 2024)
- A Treasurer will be responsible for providing an annual audit of the Nation to the General Council. (April 12, 2024)

## Additional Section 5 - Councilpeople Duties

**Recommendations:** The CAC finds and recommends:

- The following duties and responsibilities apply to all Business Committee members (April 12, 2024)
  - To faithfully implement and enforce the legislative enactments and policies of the Nation
  - To consult with administrative staff and Committee members
  - To build relationships with tribal citizens
  - To learn and understand government documents, contracts, and financials
  - To create viable ideas and champion the same for the benefit and best interests of tribal citizens and/or the Nation



## ARTICLE II – QUALIFICATIONS OF OFFICERS

**History:** The original 1937 Article laid out several Qualifications for Officers elected to the Business Committee. This included being 25 years old, being a citizen of the Nation, and being a resident of Delaware or Ottawa Counties in Oklahoma. It also read that “Any member of the Business Committee removing from such territory shall automatically lose his office.” This Article was amended in 1973, changing the residency requirement to within 150 miles of the Bassett Grove Stomp Grounds, in any direction.

**Recommendations:** The CAC finds and recommends:

- The CAC did discuss disqualification for office for having been convicted of a felony, but decided that any tribal citizen who would be disqualified by a felony conviction should have the opportunity to respond and own up to their situation if wanting to run for office. No felony disqualification is recommended at this time, unless otherwise indicated in this Report. (November 06, 2023)
- 52% of the General Council population (tribal citizens aged 18 and older) live within 150 miles of the Stomp Grounds, the majority of those ~2300 being eligible for office (18-24 year olds are not.) (January 01, 2024)
- A split in the Secretary-Treasurer means there should be more specific qualifications for the office of Treasurer, including having significant accounting experience and no prior criminal record of financial crimes. (March 11, 2024)
- Candidates should be prohibited from office if they have a criminal background that includes crimes of moral turpitude, understood as crimes that grossly violate community standards such as murder, rape, kidnapping, etc. (March 11, 2024)

## ARTICLE III – REGULAR AND SPECIAL MEETINGS

**History:** In 1937 this Article established the following Sections and procedures: in Section 1 the location and date of the Annual Meetings of the General Council, in Section 2 the ways that a Special Meeting of the General Council can be called, in Section 3 the further clarification on the conduct and purposes of those Special Meetings, in Section 4 the Regular Meetings of the Business Committee are established “unless otherwise provided by resolution,” and Section 5 covers the ways in which a Special Meeting of the Business Committee can be called.

In 1985, Section 1 was amended presumably to change the weekday for Annual Meetings of the General Council from Tuesday to Saturday. In 2014 and 2023 there were amendments to Section 2 regarding the number of petitioners from the General Council required to call a Special Meeting of the General Council. Section 6 covers meeting procedures (specifically instituting Robert’s Rules of Order) and was added via amendment in 2023.

**Recommendations:** The CAC finds and recommends:

- There is a need to further enumerate the abilities of the General Council, Business Committee, Grievance Committee, and Election Committee in calling Regular and/or Special Meetings of the General Council or the Business Committee. (October 02, 2023)

### Section 1 - Regular Meetings of the General Council

**Recommendations:** The CAC finds and recommends:

- There has been a previous General Council Resolution (#15-111007) that called for Quarterly Meetings of the General Council on the first Saturdays of March, June, September, and December for 1 year.
- There should be an additional Regular Meeting of the General Council in December, making them Semi-Annual Meetings of the General Council. (March 25, 2024)

### Section 2 - Special Meetings of the General Council

**Recommendations:** The CAC finds and recommends:

- There is a need to outline the powers of the Grievance and Election Committees to include the ability to call and preside over Special Meetings of the General Council for purposes specific to each Committee. (March 25, 2024)
- The current petition language should remain. (April 12, 2024)
- The quorum will remain the same as for Regular Meetings of the General Council. (April 12, 2024)

### Section 3 - Special Meeting Purposes

**Recommendations:** The CAC finds and recommends:

- Special Meetings of the General Council that are called by the Grievance and/or Election Committees will be for the purposes as outlined in their powers, with no other business being transacted. (March 25, 2024)
- Special Meetings of the General Council called by the Business Committee will be for the purposes stated in the Notice for meeting, and may contain an Open Forum for Old Business. (March 25, 2024)

## Section 4 - Regular Meetings of the Business Committee

**Recommendations:** The CAC finds and recommends:

- The text of this Section should read “The regular meetings of the Business Committee shall be held publicly the first Tuesday in each month after standard work hours.” (April 12, 2024)

## Section 5 - Special Meetings of the Business Committee

**Recommendations:** The CAC has no recommendations for changes to the Special Meeting of the Business Committee.

## Section 6 - Meeting Procedure

**Recommendations:** The CAC finds and recommends:

- Robert’s Rules of Order can be replaced by the following potential meeting procedure reviewed by the CAC (March 25, 2024)
  - Meeting Leadership - includes the Chief or Committee Chair who creates an agenda, makes sure everyone is able to respectfully participate, provides impartiality, and lets the majority vote of the group have the final decision making authority
  - Main Motions are the process by which to begin a discussion during a meeting on a particular topic, a movant will make a motion and a second individual has to second the motion to move the discussion forward to a group.
    - Order - the order of speakers in a Motion is a movant, second, and then all first-time speaking participants, debate will be limited to two rounds with up to 5 minutes for each participant’s speech in each round, only one Main Motion may be on the floor at a time
  - Amendments - can change a motion under discussion, must also have a movant and second
  - Point of Order - used to return to meeting procedure, not used for commentary
  - Point of Privilege - used to guarantee the rights of meeting participants including accessibility or correcting or addressing mis-quotes, misinterpretations, or personal insults, the Point’s validity is determined by the Chair
    - If a Point of Order or Privilege is thought to be unfairly ruled upon by the Chair, there can be a challenge and the Chair will ask for a motion from the floor to uphold their decision which if made will be put to a vote

- Point of Information - a question or comment raised when another person has the floor, can be refused by the speaker
- Table - if a motion needs to be delayed as there is a more urgent matter at hand then a motion can be tabled for a specific amount of time through majority vote
- Move for the Vote - can end debate if no objection, otherwise goes to vote with two thirds ( $\frac{2}{3}$ ) majority ruling
- Rescind - for Motions passed at another meeting or another day, requires a two thirds ( $\frac{2}{3}$ ) majority vote
- Reconsider - for Motions passed at the same meeting, requires a two thirds ( $\frac{2}{3}$ ) majority vote
- Motion to Suspend Meeting Procedure - must have a two thirds ( $\frac{2}{3}$ ) majority vote to succeed, no debate allowed, cannot be amended or reconsidered
- Motion to Refer or Commit - used to send a particular question to a Committee for further investigation of questions raised, this Motion requires a second and debate is only on the commitment of the Motion to said Committee
- Adjourn - takes precedence over all other Motions but cannot be made when another is speaking or during a vote, cannot be debated, amended, or reconsidered

## ARTICLE IV – QUORUM

**History:** In 1937, our Business Committee quorum was 4 members, and our General Council or “Seneca-Cayuga Council” quorum was 30 citizens. In 2014, this General Council quorum was amended to 225 citizens, and in 2023 it was lowered down to 150 citizens.

**Recommendations:** The CAC finds that any change to Quorum of the General Council may cause issue. The CAC recommends that the quorum of one hundred fifty (150) for the General Council remain at this time. (November 20, 2023)

## ARTICLE V – ADOPTION

**History:** In 1936 the Oklahoma Indian Welfare Act permitted tribal governments to register as a formal political entity under federal law, related to the Indian Reorganization Act of 1934; one requirement for continued federal support is the approval of certain Tribal Governing Documents by the Secretary of the Interior of the Bureau of Indian Affairs. This paragraph is our consent for this process to take place.

**Recommendations:** Due to current sociopolitical concerns, the CAC does not recommend any changes in the formalized government-to-government relationship presently in place with the US Government.

## New Provisions

### At-Large Representation

**History:** In 1937, Constitution Article IV - Membership of the Council created the General Council as “all Seneca-Cayuga Indians residing in Oklahoma; males, 21 years of age; and females, 18 years of age.” In 1973 the age of the General Council membership for men was made equal to that of women, 18 years. In 1973 the geographical standards for General Council membership were further restricted, to “all Seneca-Cayuga Indians residing within a radius of 150 miles in any direction from Bassett Grove Stomp Grounds;” This appears to have been changed in 1990 to its present day “membership of the General Council shall be all members of the Seneca-Cayuga Nation eighteen (18) years of age and older.”

**Recommendations:** The CAC finds and recommends:

- There are a number of at-large General Council members who do not have the same voting rights as more local General Council members who are able to attend the Annual Meeting and its elections, as provided by Constitution Article VIII.
  - In-person and absentee voting is necessary in an Elections Article. (March 18, 2024)
- 48% of General Council members (about 2300 tribal citizens) live outside of the 150 mile radius established by By-Laws Article II - Qualifications of Officers. Not all of those members can run for office, but all of them can vote since they are 18 and older. This radius can be considered the geographical limit for an at-large population. (January 1, 2024)
- Methods of at-large representation discussed by the CAC:
  - Districting, representative forms of government (August 28, 2023)
  - Having an At-Large Representative on the Business Committee (October 23, 2023 & November 20, 2023)
- General Council geographical statistics were reviewed by the CAC, we continued the discussion of at-large representation in our tribal government at our February 2024 Town Hall meeting, but to the date of this report, do not have a specific agreed-upon recommendation for making sure General Council members are fully represented in our tribal government. (January 01, 2024)

## A Code of Ethics

**History:** Currently, the Grievance Ordinance Article XII contains the current grounds under which an individual member of the General Council may file a Grievance against an individual member of the Business Committee. Not many Grievances have seen a Special Meeting in our history, it was discussed with the current Grievance Committee that an expanded Constitutional foundation for Grievances may be beneficial to the procedure. (September 11, 2023) A Code of Ethics that would help provide this sort of foundation was first mentioned on June 05, 2023, at the second meeting of the CAC.

**Recommendations:** The CAC finds and recommends:

- That “going against the will of the General Council” or similar language should be grounds for Grievances. (October 16, 2023)
- There should be a prohibition on nepotism included in a Code of Ethics. (January 15, 2024)
- A Constitution-based Code of Ethics that covers all elected officials, Primary Management Officials and/or key tribal employees, and contractors would provide structure, standardization, and due process across personnel and elected officials in our tribal administration. (March 04, 2024)
- Electoral candidates should file a Conflict of Interest with the Election Committee at the time of candidacy, and all tribal leadership including tribal government and tribal businesses and tribal administrative directors and all Committee and subcommittee members should file a Conflict of Interest and Financial Disclosure to either the Ethics Committee or the Grievance Committee to allow for the proper investigation of Grievances. (April 01, 2024)
- A Code of Ethics (or Ethics Ordinance) needs to be malleable, the Constitution should contain the types of unethical behavior within and be further elaborated on by an Ethics Ordinance created by an Ethics Committee. (April 01, 2024)
- An Ethics Committee should be created and they should draft a Code of Ethics to be adopted. (Motion #21 on April 01, 2024)
- An Oath of Office should be on tribal administration job applications to be signed when hired by the Nation. (April 01, 2024)

## Language and/or Culture

**History:** Historically, our cultural beliefs and practices have been distinct from our political and economic government. However, beginning in 1937, an interpreter position was established for speakers of our languages by the new Constitution - see this Report’s Constitution Article V -

Officers for more information on the history of this position. Also, originally, the 2nd Chief position was filled by the Nation’s ceremonial chief.

In 1973, while the interpreter position was still active, one more amendment indirectly relating to our culture was introduced, specifically that our Bassett Grove Stomp Grounds were made the central point, 150 miles from which Officers could be elected per By-Laws Article II - Qualifications of Officers.

**Recommendations:** The CAC finds and recommends:

- A seated Faithkeeper is an appropriate person to administer an Oath of Office to an elected candidate being sworn in to office. (October 30, 2023)
- The words “protect, preserve and perpetuate” should be used in any future rewrites when referencing our language and culture. (April 14, 2024)

## Open Records Policy

**History:** Under the duties of the Secretary-Treasurer, they “have custody of the records and all papers of the [General] Council, which records and papers shall be open to inspection at any time, in his presence, by any members of the [General] Council desiring to read them.”

**Recommendations:** The CAC finds and recommends:

- There is realistically no guaranteed access to General Council and Business Committee Resolutions except through 1 elected official who is required to provide that access “at any time” by the By-Laws Article I - Duties of Officers Section 3 - Secretary-Treasurer. (December 04, 2023)
  - The following Committees have reported needing access and/or having issues with access to Resolutions:
    - Election Committee (August 28, 2023)
    - Grievance Committee (September 11, 2023)
    - Tax Commission and Constitution Advisory Committee (October 16, 2023)
    - Claims Committee (November 06, 2023)
- The Enrollment Committee and Election Committee work together on Voter Lists, there is a need to make sure that tribal citizen data is protected by the right to privacy when said list is distributed to electoral candidates. (August 28, 2023)
- There is a need for more open records, balanced with the right to privacy for tribal citizens. (September 11, 2023)
- CAC agrees that the right to open records belongs in the Bill of Rights, alongside the right to privacy. (February 26, 2024)

## Sanctioning and Due Process

**History:** There are 3 known historical examples of sanctioning and/or banishment found in our Resolutions. (January 15, 2024) Constitution Article XII - Bill of Rights references the right to “due process of law” as a fundamental right of tribal citizens.

**Recommendations:** The CAC finds and recommends:

- Sanctioning can mean anything from a verbal reprimand up to the withholding of tribal benefits and/or disqualification for office. (January 29, 2024)
- Due process looks like but is not limited to: (January 29, 2024)
  - Standards for violations
  - The right to your own attorney
  - The right to call witnesses
  - Proper notice for all parties
  - Transparency for all people
  - Right to records (April 01, 2024)
  - Right to a hearing (April 01, 2024)
  - Right to a fair and impartial finder of fact (April 14, 2024)
- An appellate process for sanctioning needs to be established. (January 29, 2024)
- A Constitution-based Code of Ethics that covers all elected officials, key employees, primary management officials, and contractors would provide structure, standardization, and due process across personnel and elected officials in our tribal administration. (March 04, 2024)
- A “quasi-judicial process” that ensures a level of due process is apparent in the following procedure: (1) a Complaint (aka Grievance) is made, (2) probable cause to move forward is found, (3) notice is given to the respondent, and (4) a Special Meeting of the General Council similar to a trial is held (April 01, 2024)
  - Punitive actions require due process in the form of proper notice, the right to counsel, the right to records, and the right to a hearing in front of those who have final decision making authority
- Constitution Article X - Removal of Officers is an appropriate place for sanctioning and punitive measures, but such a topic cannot be rushed and cannot be properly addressed by the CAC at this time. (April 01, 2024)

## Treaties

**Recommendations:** Due to the encompassing nature of government-to-government treaties, the CAC has not fully addressed the subject. However, based on the responses to our Constitution surveys both in-person and online, there is a desire to include treaties in our Tribal



Governing Documents. This knowledge is essential to the continuation of our Nation as a Native sovereign. More time is necessary to fully research, discuss, and pursue this topic.

## Tribal Legislation

**History:** In Constitution Article IV - Membership of the Council, the General Council is created as the “supreme governing body of the Nation” and in the following Article VI - Business Committees are created, having the “power to transact business and otherwise speak or act on behalf of the Seneca-Cayuga Nation in all matters on which the Nation is empowered to act.”

These two provisions lead to misinterpretations that allow the will of the General Council to be disregarded by Business Committees knowingly and unknowingly in their official capacity as the elected leaders of our Nation.

**Recommendations:** The CAC finds and recommends:

- It is important to the CAC to reinforce the standing of the General Council as the supreme governing body of the Nation. (November 20, 2023)
- A defined hierarchy of tribal legislation such as the one provided below would allow for the proper interpretation of the will of the General Council in CFR Court and would make sure that any given Business Committee cannot act contrary to the will of the General Council. (March 18, 2024)
  - There have been past issues in CFR Court with the interpretation of the interactions and authorities of the Business Committee with the General Council. (September 25, 2023)
- Example of a drafted hierarchy. (March 18, 2024)
  - 1. Tribal Governing Documents - including Constitution, By-Laws, Corporate Charter, Resolutions codified into law, a Code of Ethics if adopted
  - 2. General Council Resolutions - here, these Resolutions represent the power of the General Council in approving Ordinances as well as being the “supreme governing body of the Nation.” They would only be subordinate to the Tribal Governing Documents.
  - 3. Ordinances - once approved, or ratified, by General Council Resolution, Ordinances would cover the General Council, Business Committees, and other Committees with policies and procedures. It is important for the General Council to give their consent to the documents that will govern them, as currently there is no standard procedure for changes made to Ordinances. Ordinances would be subordinate only to the Tribal Governing Documents and General Council

Resolutions. (Examples include but are not limited to, the Grievance Ordinance, Election Ordinance, Tax Ordinance, Enrollment Ordinance, Ethics Ordinance)

- 4. Business Committee Resolutions would be subordinate to the Tribal Governing Documents, General Council Resolutions, and Ordinances.
- Such an article should be placed after Constitution Article IV - Membership of the Council. (March 18, 2024)

## Glossary

Term	Definition and/or Context in Use
<b>Board:</b>	Boards have ultimate decision making authority in a business organization, Committees typically advise and make recommendations
<b>Business Committee:</b>	Created by Constitution Article VI, they can <u>“speak or act on behalf of the Seneca-Cayuga Nation in all matters on which the Nation is empowered to act.”</u>
<b>Bylaws:</b>	A set of rules that govern how an organization or community regulates itself, often added to a constitution. Our By-Laws Articles use the same numbering system as the Constitution.
<b>Claims Committee:</b>	A 5 member committee created by General Council Resolution whose purpose is to check and approve the paperwork of the submitted welfare and education Claim applications of tribal citizens. Currently there are 3 appointed members, but including the Benefits Department there are 7 in effect.
<b>Commission:</b>	An external review process established for an entity, often for a particular industry or

	important subject.
<b>Committee:</b>	A subgroup of an original body that is typically formed for a specific purpose, focused on internal regulation, and/or administration for a given entity, often having legislative power.
<b>Constitution:</b>	The set of guidelines or principles (often written) that create and/or empower a government or organization outlined therein.
<b>Corporate Charter:</b>	In our case, this is a Tribal Governing Document that empowers the Business Committee to do business via the creation of corporations.
<b>Credit Committee:</b>	A committee created by Constitution Article VII. It was planned for the possibility of significant tribal revenue that would allow credit to be extended to tribal members starting their own businesses. There are no known Credit Committee implementations.
<b>Education Committee:</b>	A committee created by Constitution Article VII, it was eventually combined with the Welfare Committee into the Claims Committee.
<b>Election Board:</b>	Created by the Bureau of Indian Affairs (BIA) from tribal leadership for BIA purposes including Secretarial Referendum on Constitutional changes.
<b>Election Committee:</b>	A committee created by Resolution that used to administer elections, but is now solely responsible for all duties as set in the Election Ordinance written by the Business Committee.
<b>Enrollment Committee:</b>	A committee created by the General Council that vets and either approves or denies eligible tribal applicants. Currently members consist of past Secretary-Treasurers and

	knowledgeable tribal citizens appointed by the Enrollment Committee and voted upon by General Council.
<b>General Council:</b>	Created by Constitution Article IV, it is " <u>the supreme governing body of the Nation [...] all members of the Seneca-Cayuga Nation eighteen (18) years of age and older.</u> "
<b>Grievance Committee:</b>	A committee created by Constitution Article VII that according to Constitution Article X " <u>shall investigate complaints of misconduct or other acts of the members of the Business Committee and upon a proper showing shall call a special meeting of the Seneca-Cayuga Council to act upon such complaints.</u> " Also governed by the Grievance Ordinance.
<b>Ordinance:</b>	A document that specifically outlines the relevant policies and procedures of a particular subject or political entity.
<b>Ratification:</b>	The process for getting official approval by a governing body, regarding official legal or government documents and actions
<b>Resolution:</b>	The resulting paperwork that outlines a motion that is approved by the Business Committee or a General Council. This is technically a legal document for the Nation.
<b>Sovereignty:</b>	A legal word for the authority of self-governance. A Constitution is a form of written sovereignty.
<b>Standing Committees:</b>	These include the Grievance, Credit, Welfare, and Education Committees that are created by Article VII of our Constitution. In our vocabulary, the Election Committee among others is created by resolution and not technically a Standing Committee although it is often included in the reference to "Standing Committees."
<b>Trust responsibility:</b>	This is a term applied to the relationships

	between Native Nations and the US Government based on many years of Supreme Court cases. Essentially the Federal Government assumes responsibility for “domestic dependent nations” (or Native Nations) that give up a piece of their sovereignty in exchange for this caretaking relationship.
<b>Welfare Committee:</b>	A committee created by Constitution Article VII, it was eventually combined with Education into the Claims Committee.

## Work Remaining

There are many subjects which the CAC has not had the opportunity to fully address. Those subjects include matters such as our complete treaty history, naming conventions, sanctioning, the object of the Nation, proper at-large representation, a Constitutionally-defined process for Grievances, and Constitutional amendments. Each of these matters is incredibly important to our Nation, and each requires careful thought and consideration over time.

## Research Summary

Much of this work was informed through: 1. asking the General Council for their input via different methods, 2. reviewing the documentation of our government, and 3. discussion with the relevant arms of government.

Within only one week of our first meeting, the CAC was able to put together a comprehensive survey for the 2023 Annual Meeting of the General Council that asked the General Council to rate how they viewed the Constitution and asked for additional written feedback. The initial results were reviewed on June 05, 2023, and since then new responses have been reviewed at different times during CAC meetings. These initial results were also shared at our August 2023 Town Hall, a quarterly meeting established by the CAC to continue to get General Council input on topics presented to the General Council. Additional Town Hall meetings were held in November 2023, February 2024, and this report will be the subject of our scheduled May 4th, 2024 Town Hall. Due to low turnout at Town Hall meetings, we also began a Facebook Group called “Seneca-Cayuga Constitution Committee” that was used to post questions and get more tribal citizen input on different Constitutional topics.

In addition to all the Seneca-Cayuga Nation's Tribal Governing Documents and Ordinances reviewed as a group, we also referred to Tribal Governing Documents from many other Native Nations, including:

- The Osage Nation, Poarch Band of Creek Indians, Little River Band of Ottawa Indians, Seneca Nation of Indians, Saint Regis Mohawk Tribe, Yankton Sioux Tribe of South Dakota, the Yurok Tribe, the Wyandotte Nation, the Quapaw Nation, Kiowa Indian Tribe of Oklahoma, Agua Caliente Band of Mission Indians, the Mashantucket Pequot Indian Tribe, the Eastern Shawnee Tribe of Oklahoma, the Oneida Nation of Wisconsin, Prairie Band Potawatomi Nation, the Washoe Tribe of Nevada and California, the Cherokee Nation, the Sac and Fox Nation, and the Fallon Paiute-Shoshone Tribe.

Literature that was personally reviewed by CAC members includes:

- The Great Law, Rethinking Rewriting: Tribal Constitutional Amendment and Reform by Hipp, Developing Effective Process of American Indian Constitutional and Governmental Reform by Lemont, Peace Power Righteousness: An Indigenous Manifesto by Taiaiake Alfred, A Tribal Constitution Handbook by Mark C. Tilden, Iroquois Struggle for Survival by Hauptmann.

The CAC met with the following Committees on the following days:

- Election Committee - August 28, 2023
- Grievance Committee - September 11, 2023 and October 02, 2023
- Tax Commission - October 16, 2023
- Business Committee - October 24, 2023
- Claims Committee - November 06, 2023
- Enrollment Committee - December 06, 2023

In addition to these meetings, we are grateful to have met with the tribal citizens of other Native Nations who shared their experiences in tribal government matters. Nya:wəhgó:wah to Jim Gray (Osage) and the Quapaw Nation Constitution Committee both for meeting with us and sharing their knowledge and time on June 26, 2023 and February 12, 2024, respectively. At the invitation of the Quapaw Nation Constitution Committee, several CAC members also attended a "Constitution Seminar" hosted by the Quapaw Nation which was led by the University of Arizona Native Nations Institute over the weekend of April 6th and 7th, 2024.