

Constitution Reform

Public Hearing No. 1

Saturday, August 1, 2009

10:00 am to 11:30 am

Wanda Stone, Constitution Chairman, opened the Public Hearing at 10:05 a.m.

The meeting was turned over to Aaron Carlson, Project Coordinator for the Constitution Reform Project.

Aaron mentioned that the grant came from the Administration of Native Americans with the Department of Health and Human Services. The grant ends in 2011. We are supposed to rewrite the Kaw Constitution and update our policies and procedures.

Our Committee is a volunteer committee, and is open to all enrolled members. We post all of our meetings and notices at tribal headquarters and on the reform project's website which is www.kawcrp.com.

Our officers are Wanda Stone, Wes Pappan and Lonnie Burnett.

Other members of the committee that are here: Terri Humble, Patti Kramer, and Bill Kekahbah.

The purpose of the committee is to provide input, guidance, and to facilitate the Constitution Reform Process and completion of the revisions of the Kaw Nation Constitution, Kaw Nation by-laws, ordinances, codes or policies and procedures of Kaw Nation tribal government commissions, boards, and committees. Further, the purpose of the Committee is to ensure proper representation and education of tribal members in the Constitution Reform Process to bring forth sustainable tribal government for future generations of the Kaw Nation.

We've spent time educating ourselves. One of the things that we did was to hire the Falmouth Institute, which was a directive in the grant to assist us in knowing not only what we have done but what other tribes have done. Todd Hembree is here today. He is going to be helping us. He worked on some other constitutional reform projects for different tribes and he is going to help lead us in that direction. We also started to review the governing documents, not only of the Kaw Nation, but of other tribes to figure out what they have done—what worked, and what didn't work.

The grant also calls for meeting with other tribes. We went about a week ago and met with the Citizen Potawatomi Nation in Shawnee to learn about the process they had taken in their reform in the last year, and they provided us with some insight as to what worked and what didn't work. He also told us what they should have done and what they didn't do.

Trying to educate other tribal members that are not on the committee, we have mailed out two newsletters. I have a few copies of each. One is the Constitution, the second one was on blood degrees, knowing that one of the major issues that will come up is the issue of the blood degree requirement to serve on the Executive Council. We are holding Public Hearings. This is the first one, and we will probably hold one in Wichita at some point in the near future. We also have the website which has additional information.

Does anybody have any questions so far?

The Committee is designed to be very transparent. We hold meetings every third Wednesday and are open to the public. Anyone who wants to come in is welcome. We will be holding meetings similar to this one we have requested comments. We have comment sheets if you would like to fill one out and that will allow you to remain anonymous if you choose so. You are welcome to speak up here today. Finally, I have attended the last two General Council Meetings asking for people to come and talk to me. We are starting to get comments from different people in the tribe. I get emails, phone calls, and a letter or two which is pushing us in the right direction as to what is important to the general membership.

The view of the Committee basically is that it is your Constitution. Everything is up for discussion. I got here in early 2009, and previously the committee had talked about 6 or 7 changes to the Constitution that they thought were important. That's a starting point not the end. Obviously, anything that we need to do that you think is important, the committee wants to consider, and wants to look at. We will discuss and will try to find the best option for the tribe to move forward. I need you to speak out and talk to me, and talk to the members of the committee. Give us the information and we will go forward from there.

That's basically what I prepared for today. Additionally, what I have is the entire Constitution on slides. I'm kind of hoping you guys will drive this meeting where you want it to go. I can stand here and try to answer questions, we can try to talk about specific topics, and discuss it amongst all of us. It's really up to you on how you want to progress forward. If you want to flip through it slide by slide, we can talk about what's in it, but its really up to you. I'm open to any kind of comments or suggestions.

Todd Hembree, who is associated with the Falmouth Institute, stepped up and wanted to make an introduction. He informed the attendees that he was a Cherokee Indian, and that he was born and raised in an area called Greasy, Oklahoma. Greasy is very rural and very poor, but he loves it and gets back there as much as he can. He is an attorney and lives in Tahlequah. His specialty is Native American law. For the last ten years, he has represented the Cherokee Nation Tribal Council. They are the largest tribe in the nation. He assisted in helping them establish rules and procedures for the Cherokee Nation Tribal Council that they didn't have before. Literally with a tribe that size they have dealt with just about any issue that one could imagine. Most in particular though, for our purposes, he was the Vice Chairman of the Cherokee Nation Constitutional Convention, and they did the same process that you all are embarking on now in rewriting your Constitution. They did it in a variety of ways, especially like this right here at a public forum. Aaron is right. This is your document. This is going to be the organic law of your tribe, the law of the land. It is so important that tribal citizens like yourself get involved in this process because everybody in this room has good ideas. There is no doubt about it and we need to hear those good ideas and we need to hear what your families know, and what your friends know. Because with that information that's how you all are going to create a document that hopefully lasts for generations. There's no document created by man that's perfect—everything can be better. We are going to take the document you all have right now and hopefully make it better. Not just for you all, but for your children and grandchildren. Any assistance that I can lend, I'm only a phone call or an email away. I'll give out my business cards until they all run out. I'm here and I'm happy to be here for these hours, and thank you very much for inviting me.

Terri Humble asked Todd the following question: I know that the Cherokee's took it out of their Constitution about removing the Secretarial approval, and that they've had some problems with it. Well two years ago we did the same thing, and if it's approved by the BIA, then why are they having problems with their amendments now?

Todd asked whether or not there were any BIA officials at the meeting, and no one responded. Todd went on to say that we took that out and said that Deputy Secretary's of the Interior come and go, policies come and go, and what may have been fine with Mr. Roper is not fine with Mr. Echohawk. We contend that it was eliminated by the vote of our people. Our people approved the Constitution and the Supreme Court has ruled that it is the law of the land. That's it – we're good. The BIA are coy on that matter. As a matter of fact, the previous Secretary has written a letter in which he approved the amendment, and then three months later, wrote another letter saying that someone else had signed the letter on his behalf. That's what you run into and you will run into it. So it is a process that is going to be long, its going to be tedious, and its going to be frustrating. You've got to have perseverance, and it'll get done. We've gotten ours done and we're running under the 1999 Constitution and so far, the BIA hasn't jumped us on it. This is an issue that I've personally been down the road on.

Terri Humble said we did ours on October 13, 2006, and they approved it.

Todd said its been their policy right now to approve those by removing those self-imposed requirements, and we are who we are, we are a nation of people and we shouldn't have to get the Secretary approval on anything.

Aaron asked if anybody needed a copy of the Constitution. I have copies if you want one.

Does anybody else want to offer how we progress forward? Wanda Stone suggested that we mention the 6 or 7 amendments that the Committee has suggested thus far.

The 6 or 7 issues that we have discussed have basically been whatever was strengthening the actions of the Executive Council that designated the Executive Council as the primary legislative body. One of them changed the term of office for members of the Court from 6 years to 4 years. One of them dealt with removing the adoption policy of the tribe. Basically the Constitution currently allows the tribe to adopt in members. One was to remove that provision.

Two other issues that continue to come up is the blood quantum to serve on the Executive Council. The second one that comes up is the idea of separating the Chairman from the CEO. Since I got here, the committee has had in-depth discussions of that but nothing has been approved by the Committee.

Wanda Stone said that some of the issues are very specific to the Constitution, but they're just a matter of interpretation, and we want them clarified.

Aaron said that's one of the issues that as we move forward we will continue to talk about. We had the discussion the other day—What does moral turpitude mean? And its obviously open to discussion and the hope is that we can put in some language that very much clarifies what we're

talking about in these changes. A word here or a word there may substantially change or solidify what we mean or what we're after.

Wanda Stone: We can also add anything to be voted on by the people. We don't have to stick to these things that we've come up with thus far. This Constitution has now been in effect for almost 20 years. It was effective in 1990. The tribe has grown so much, and the laws have changed, and we just need to bring our Constitution up to date.

A tribal member asked the question: How are you tracking the proposed changes that are being made? Aaron said, at this point we have a list of proposed changes but we have not yet started drafting, and so at this point we are just tracking input. I keep all of the emails and letters I have in a file, and so I've made some notes. But we have not come out with a first draft, but we'll use all of the comments that we gain here today, and my assistant Sandy is here and she's taking all the notes, and we've got a recorder so that we can get a good transcript so that we can start to track the changes forward. The first draft will probably incorporate some of the changes that we have.

Patti Kramer added that since we've gotten this grant, there were some things that were required in the grant that were housekeeping things that we had to take care of first before we could get down to the nitty gritty of actually working on what we're there to do, and so a lot of our time has been spent trying to get that stuff taken care of as outlined by the grant, and now we're just getting to the point where we're starting to get ideas, and saying okay this is what we've discussed before, because we've had this Constitution Committee for a long time. Although people have come and gone, and I don't know where all the records are from the other meetings, but I remember attending meetings like on Saturday mornings at the Wellness Center and things like that, and they've been talking about it for a long time, but we've never actually had a group that go together and wrote it down on paper, and say okay now he's going to facilitate what we do, and keep track of everything. In some cases we've kind of backtracked and gone over things we've already talked about and discussed, and now we're just saying okay now we're starting from here. We've taken care of the housekeeping things, and now we're ready to move forward. That's why we want you guys to come to us and say you know these are my concerns with the Constitution, and have you thought about changing this or adding that, or whatever. We really want to get all the tribal members involved, in helping us with this Constitution because we know that not everybody is going to be happy. But the ideas we've come up with are not set in stone. Eventually when we get everything we think is productive to put down on paper, it's the people of the Kaw Nation that are going to vote whether yes we want it or no we don't.

What is the timeline on this? The grant expires in September 2011. So we have approximately two years additionally, and it will probably take all of that.

Aaron Carlson said I would hope that we would have a draft that could be submitted to the population of the tribe in the next two or three months, based on if we can get good comments from things like that. Some of the changes that we will make are technically legal changes or things to help protect our sovereignty. I have not followed up completely with the legal aspects, but when we met with the Citizen Potawatomi's last week, here in the Preamble they talk about to protect, and secure ourselves and our children under the benefit of OIWA. They said that we should also consider adding in the Indian Reorganization Act basically there are certain things that come out of the IRA (Indian Reorganization Act) which is not in the Oklahoma Indian Welfare Act. He says that if you can claim both of them, you can gain a greater benefit. Does that make a difference to

anybody in the room except for Ken Bellmard and to Todd—probably not. It is a minor tweak that will help us in the future, but I have not had time to completely research out where that goes. And that's another thing that I am to do and the Committee is to do. If you come up with an idea, we have to research who else has done this, and when we talked with the Potawatomi's, he basically said our entire Constitution was plagiarized from somebody else. They took a paragraph here and a line here, and a line there, and put the puzzle back together.

Sandy said the CPN basically printed out 30 different Native American constitutions and took the best of each and incorporated it into theirs. They had neither a facilitator nor an attorney helping them. They did it all by themselves. The question was asked to the CP Chairman: Did you have a facilitator? And he said no, but we probably should have.

Aaron Carlson then introduced the Project Assistant, Sandy Marckesoni, to the attendees. She worked at ConocoPhillips in the Legal Department for 30 plus years and has some Osage blood. She keeps me on track, and really has been helpful to me in meeting the technical requirements of the grant. My background is in government and governmental systems, so she makes sure we get the requirements for the grant done, and I work on the big picture. I'm sure she's going to tell me before too much longer to make sure everybody signed in today so that we can record this for the granting agency. So please be sure you sign in on the way out if you haven't already done so.

Bill Kekahbah said that it seems like a long period of time when we talk about it being over in 2011, but you've got to remember that one of the things that happens, when you change something in the Constitution is that all of the policies and procedures of the tribe and the day-to-day operations are based on the Constitutional laws that we have today. So when we make a change on the Constitution, we also have to research that point of view of the people who work for our tribe on a daily basis. This will filter down into basically policies and procedures that everyone from the Executive Council through the janitorial staff, whoever is working for our tribe, and we have to make sure that we keep these things legal, and not just the fact that that's the way they've done it for years. We are going to have to have a whole new set of policies or procedures, or at least look at them. Once you start in, I'm on the Executive Council, and when I first got there its like how do you do this? Do you have something I can read? Well it's not written down, here's the way we've done it forever. So we have these policies and procedures and but they aren't documented—it's word of mouth. And if everybody understands it, it's like the old game, you start something out here and you tell it around the room, and not very much of how it is like it was when it was started. And that's how the procedures have been. Because there's nothing documented. If you talk to one person on the council, they give you one way to do your expense reports, and then you talk to someone else on the council, and they say to do it this way because its easier.

Aaron said that along that line I think that one of things that we've started to do is pull the policies and procedures that do exist and we have a pretty good list in the office that talks about who has one, and who we know doesn't have one. We also have the date it was last updated, and those are things we are going to do in the third year or the later half of the second year. The grant will have us pull all these in, review them, make those changes and those under the current Constitution will all have to run through the Executive Council. So I am sure that I will be moving into the Executive Council Meetings to help facilitate pushing those through once we get a draft of the Constitution, and hopefully a final edition of the Constitution. The other thing that needs to be stated is that there are requirements. If we drafted a new Constitution today, we can't get it into effect for probably six months because of the reporting period, and the process by which we have to adopt it by the tribe.

There are very specific requirements both in our Constitution and from the BIA as to how the tribe adopts it. It will have to be voted on by the tribe. As we move forward, everybody will get to vote on this.

Todd Hembree stated that if your Constitution says that the Executive Council should have their own rules and procedures, then they should develop them. I would want to reiterate that if the Constitution mentions it, it's important. Every word in this Constitution is extremely important, and needs to be followed.

The question was raised: When you receive proposed changes or comments, who makes the decision as to what goes out to the tribal membership for voting? Will it be all or nothing? Aaron replied by saying that we have not made a final decision on that. Some of that will come down to what the Executive Council decides. The Executive Council has to adopt it and then send it to the tribal membership. It will have to filter down from the Executive Council to the General Council. Or it can be compiled by the Constitution Committee, as their recommendations, and then it will go to the Executive Council. Then the Executive Council will either approve or disapprove, and then we'll have the election.

One of the thoughts that Aaron has had and has not pushed it through with the council would be, we may make a draft of the non-controversial stuff, and then vote separately on the highly controversial issues so that it's not an all or nothing version. The Committee hasn't gotten the process completely settled.

Where does it say that an amendment has to go to the Executive Council for their approval? Amendment one, which was passed in 2006, said it can be amended by qualified voters of 30% of the members of the General Council or by a majority vote of the Executive Council.

Thirty percent of the General Council or a majority vote of the Executive Council have to send it out for ratification. In theory, we could avoid the General Council and have the membership push it out with 30%, but I think it's probably assumed that it's easier to run it through the Executive Council if that can be done. Someone from the audience says "depending on who the Executive Council is".

Todd Hembree said that one of the things that can be food for thought is calling a Convention. You have a Constitutional Reform Committee and they go about the process of getting public input, they get the ideas, they put all these ideas down, and then prior to providing it to the populous, you hold a Convention. You come up with a plan or method of choosing delegates, and those delegates discuss all the suggested amendments that have been made in a public forum like this, and whatever that product is that comes out of that Convention, is what goes to the populous for a vote. We can't all do the same thing. The Indian Reorganization Act actually tried to do that back in the 30's. What may work for the Kaws may not necessarily work for the Pawnee, what works for the Cherokee may not necessarily work for the Creek, etc. The Cherokee did a Constitutional Convention that may or may not work for you all, but it's an idea, and we're at the stages here where we can share these ideas, and it may be the best to go through the Executive Council, and it may be best to be discussed at the General Council, or maybe a Constitutional Convention. But these are all ideas that you all need to think through like Aaron said, nothing's off the table.

Wanda Stone said this Constitution Committee has been in effect forever. In years past, we have sent out surveys to people, and we've gotten the information back. The results of the survey were not a very high percentage to the amount that was sent out. At one time, we did a Resolution for the then Executive Council and asked them to allow us to send it to the people. They refused to it. But it was an Executive Council that wasn't working at the time. You run into those kind of obstacles.

There were 6 or 7 different amendments that were sent to the Executive Council in 2004, and we've tried that method before. We may try it again, and we may try and go to the General Council as a method.

Ken Bellmard said "if the Executive Council doesn't push it forward, then we can do a referendum from tribal members, we can promote it if the changes the Executive Council didn't agree to do what the people decided to. I think in our existing Constitution we have in that referendum section, so basically the voters would be the legislative body that could inquire why that amendment didn't go through."

Patti Kramer said that one more thing that has helped this time is the fact that we do have the grant. Because before when we had the Executive Council that wasn't working well together, we didn't have the funds. It takes a lot of money to mail out the stuff to the people to get their input. We previously didn't have the money, but now that we have the grant, it is providing us with a way to send out these newsletters, and to hold these public meetings, and things like that and that's really helped us along than it did before.

Patti said she had one more thing I'd like to put out there. We know the blood quantum will be a big thing for the eligibility to run for office, and we want you guys to know that we're not saying that I think it should be quarter, and she thinks it should be an 1/8. We have had Aaron crunching numbers like crazy--like how many quarter bloods do we have within a 150-mile radius? If we increase it to 1/8th, how many is that going to bring into the pot that's over 25 years old? We've had him look at all those figures and put it down on paper for us, and in the newsletter, he sent out graphs and things that we thought would help people to understand why we're looking at different things, like how many people it would bring in that would be eligible to run for Executive Council and different things like that. We are actually asking Aaron to provide us this documentation so that we'll know how it will affect us.

Aaron provided some data which basically said how many tribal members that we have, and every state is listed. It tells how many are of what blood quantum. The stuff in yellow are the states in or surrounding Oklahoma, so that we can look at who actually has the ability to get to Executive Council Meetings. There are 189 quarter bloods or more in the surrounding states of Kansas, Texas, New Mexico, Arkansas, Colorado, Missouri and Oklahoma. We talked about the total number of quarter bloods in the tribe that we have addresses for. Its 229. I believe Freda will be available to tell me if I'm right. There are 243 quarter bloods or more. We don't have addresses for approximately 14 or 15 of these people. So we don't know where they live. There is just over 3,000 tribal members and we have addresses for about 2600. So we are missing 15 percent of the tribe because we don't know where they live. But we have the data as to pulling all of these things together, trying to (a) provide the information to you or to anybody who wants it, and (b) so that we know and that we can make logical decisions of when we look at changing the issue of blood quantum.

A question was raised: I see where we have 139 quarter bloods in Oklahoma. Do you have any information as to the ages of those people? In our last newsletter at the bottom on page 5, has a graph of quarter bloods or more by age. Four percent of those are over the age of 80, 11% are 70 to 80, 22% are 60 to 70, 28% are 50 to 60, and so on. My recollection is there are 7 under the age of 20 to give you a general idea and where they specifically live. It's hard for me to lay where they live, their blood degree, and age all on top of each other.

Lloyd Pappan: I'm obviously a person that thinks if you're a member of the tribe, you ought to be able to run for office. I have no intention of running for anything, but the educated members of our tribe are not in this bunch, for the most part, 50 and older.

We need young blood, intelligent blood, to help us run the tribe.

Wanda Stone said you need common sense too.

Lloyd Pappan said, if you look at these numbers, and take those people who are 50, we who are older than 50 are not going to be the great beneficiary of what comes out of this Constitution.

Aaron said, when we talk about changing the blood quantum, everything is open to discussion. One of the concerns that I have heard facilitating the data is that if we open it up totally, we lose the traditional aspects of the tribe. In one of the discussions that we had talked about numbering the seats in legislature, and saying that in order to serve in seats 1 and 3, you had to maintain a quarter blood. If you served in seats 2 or 4, or as the Vice Chairman, it was open to anybody to strike a balance. Another thing that the Committee discussed was what if we decide every July 1st that we have an election we go in and take the top 500 people based upon blood quantum and take all the ties with it, and those are the people who can run so that we're not in this same place ten years from now rearguing what we dropped the blood degree to. We could have it built into the Constitution at this sliding scale based upon a minimum number of people to run.

Additionally, Lloyd we talked about putting in a requirement for some type of educational requirement to serve on the Executive Council or to serve as the Chairman. The problem with that is we simply don't have the data. We don't know how many members of the tribe have a college degree. We talked about setting up some type of educational requirement. The problem that we get into or that we continue to look at is, if I have a degree, like in underwater basket weaving, what does a degree in underwater basket weaving have to do with running a government similar to the tribe.

Todd Hembree said he had heard this discussion before, and he said you want the best people to run your nation. Just because I have an underwater basket weaving degree from Rainbow State University, just because you have some sheet of paper, does that make you smart? Some of the dumbest people I know are college graduates, and some of the smartest people I know only went to the 8th Grade. It's really who has a vision for your people and who has the ability to get out there and be active in your tribe. I'm an outsider from the Eastern part of the state, but I've been all over the nation helping tribal constitutions with enrollment statues. And we can sit here all day long and I can go to this side, and I can tell you how blood quantum is the best thing in the world. I can go to the other side of the room and say how blood quantum is basically genocide in slow motion. There are good arguments both ways. But what you all have to do is choose the path on which way you want to go. We can argue that all day long blood quantum versus no blood quantum. But at the end

of the day the people are going to decide. It is important for you all to have the discussion and to put it out there. There is one thing that we do know about blood quantum is that pool gets smaller every year. And it's because we live in a mobile society and we have interaction with all types of dominant society, like the Osage, the Creek, or the Cherokee. The Kaw Nation will not keep marrying just among themselves. That's something that is food for thought. One thing that is historically correct, there has not been an Indian tribe whose blood quantum has increased. It has always, always, always gone down.

Robert Baldwin asked the question: Why do we allow blood quantum to become such an issue? Why do we make it important to have common sense? Common sense for one culture group is different in another culture group.

People I associate with, art and crafts people, have a lot of common sense in that area, but when it comes to computers, they don't have any common sense. So my point is, when we're looking at the criteria that determines whether somebody is usable or not to our people, why do we keep putting requirements out there that limits the group of people that we can pull from. If you say education level, you're going to eliminate whole groups of people. If you say blood quantum, you're going to eliminate a whole group of people. Who invented blood quantum? Would somebody answer that for me?

(Baldwin continues) I would like just the short answer. Todd Hembree said the Dawes Commission invented blood quantum.

Robert Baldwin: So are we adopting that? That wasn't a good thing for us. So why do we want to carry that plagued amongst our people? You know I was raised on reservations all over this country. Some of you people don't know me, but I was raised on reservations all over the United States. I was treated poorly because I was one tribe and not the other. I was treated poorly because I was white. I was treated poorly because I was a reservation rat. Public school, boarding school, government school—I've been to them all. And I've been treated poorly not by just other tribes, but by my own people. We even start treating poorly because of where we choose to live. We don't live within a 70-mile radius, we're off the map. And we've got such a disorganized business problem amongst our people, that when you try to find something out or get something done, if you don't live here or camp out here for six months, as soon as the sun comes up it's a brand new day and you have to start all over again. So why do we choose to cut off our arms and legs? Why don't we keep the gene pool wide open and let common sense from a whole different group of people come in and help us. I just never have understood that. I've seen it with Shoshone, Bannock, Umatilla, Siletz, Nez Perce, several varieties of Lakota, and we all get caught up in the same thing. If there's one thing that I've seen that Indian people are consistent about, whether they live on the East or West coast, we're the most discriminating group of people I've ever seen on the planet. It's not the white people that discriminate, it's ourselves. How many in this room had a choice of what parents they wanted to have when they were born? But yet we carry the sins of the father for how many generations amongst our families? I face it with two tribes, not just this one, but the Osage as well. I think it's time to stop penalizing ourselves for a choice that maybe our children didn't have. I've got an education program that's nationally recognized that I can't get into the public school from one of my tribes, and the Osage won't let me have it in because I won't just teach the Indian children. Well what am I? If you're less than 1/32 or less than a quarter, are you Indian or white? Or are you non-Indian? I don't carry a tribal card that tells me I'm part Scotch or I'm part Irish, but I carry one that tells me I'm part Indian. That's the one I keep to identify with. I choose to live a

little bit farther away for my tribal land, but in truth, it isn't our tribal land anyway. If we want to hang onto traditions, where's our tribal land? Is it Council Grove? I don't think so. Let's follow our history back and let's go up the Ohio River and find out where we really came from. If we really want to hang onto tradition, this Constitution changes our traditions anyway. We're having to take on a more non-indian form of government to survive and I understand that. Other tribes have had to do the same thing. Many of us have to live in two worlds and I look around this room and so many of us could pass. I had a whole group of my family that chose to pass for years and years, so that they wouldn't be bombed, or harmed, or burned or shot, and I understand that. I spent a great number of years being able to pass too. I tried to save myself from harm. But we need to not hand that down to our children, and that's what we do with the blood quantum thing. We just hand it down one more time, and we limit the possibility for our pride to really flower in centuries to come. It's not these children's fault, it's not our fault, and I don't even blame my parents. But we need to stop this. It's not good rationale. That's all I'll say.

Another tribal member said: "If we're going to sit there and talk about why we need this, and why we need that. We have to look at it in this way. My kids are going to be half of what I am. So why should we leave it where it is? This will disable my kids in the future, and the second generation will have to adapt. The future is all we've got left. I've been around this area for 20 years and I've seen a lot of things change. With each generation, the blood quantum is going to drop, so we need to adapt to accommodate them, not us."

Aaron said I don't think there is any discussion amongst the committee of leaving it alone. I think we know that we have to change it, and to lower it. I think the biggest discussion is where or how far that the change takes place. I think it was in 2004 that they tried to put through the Executive Council of dropping to 1/8th. At this point, we've not made a decision, that's why were holding these hearings and listening the views of the people of the tribe so that we can provide the people of the tribe with the best information, and then come up with a solution.

How long ago was the survey done? The last survey was done in 2000 or 2002.

Was there a question such as educational level and all those types of things? No there was no question about that.

It would be nice to have the next survey be put online, and be available to people to go online since we now have new technology available. I live in Maryland and I can't be here all the time. If I lived here, I would. It would be nice to have it in paper form and online. You might get more responses if you do. These types of things are critical to what we're doing.

Aaron said we have planned to do another survey. Some of the purpose of this and other similar meetings is to figure out which questions we need to ask or topics we need to cover. And the idea to going both online and in paper form is something that we can try to incorporate. Unfortunately, the bad side of that is we've got a control factor because statistically if you can answer it either way, you could potentially answer it twice which causes problems when you look at the accuracy of the sample, which gets into technical stuff that I let the statistics people deal with but I do think we will do a survey, and we need to make it as easy as possible. It is for the membership to get a response in, and so we probably will have to cook up some method. Another thing that I think is very important in statistical surveys is anonymity. We don't need to know who wanted what, we'd rather leave as basically an anonymous survey, and you run into some problems as we move

forward. But it is things that we will work on and try to come up. I will guarantee that there will be a survey but the exact form and process has not been established.

A tribal member had mentioned that she had once worked at a place that they had developed a survey and they kept the survey results from everyone else and I think there is a way you can do it without just laying it out for everybody here. Because it's not important. If you have somebody that can keep those results confidential, that is what is important.

We also talked about providing some type of a reward like a \$100 Wal Mart Card to encourage people to respond to the survey. The key is you've got to figure out how to keep people from responding twice. With regard to the survey that they turned out in 2000, I don't know how many they mailed. I think they had somewhere in the range of 120 come back in, which at the time was about 5 percent of the tribe or less. Obviously, there are less than 50 people here today, and 3000 members in the tribe.

A tribal member spoke up and said they'd like to see a graph that shows how many actual tribal members work for the tribe. We don't even give our tribal members consideration for employment anymore. They should be giving our tribal members preference. I know that's a comment that people say to me all the time.

Aaron said that that issue has come up in the last couple of weeks, and I have talked to the Personnel Director of the tribe. I can't speak for the Enterprises, and I have some of that information, and I'd be happy to look at that. He told me that since the first of the year, anybody who was a tribal member who applied for a job was hired except there were three tribal members that applied for a job, and we ended up not filling the position. And so those were three that applied and didn't get a job. He said there was a fourth person since the first of the year that applied and they couldn't come to terms. But they attempted to hire the tribal member but that they couldn't come to employment terms. That's for the tribe itself, and I can't speak for the KEDA arm as they have a different personnel department. I will talk with the Chairman and the Personnel Director and see if we can't put some of those numbers out because it's a continual question that comes up.

Aaron was informed that Gena Warren tracks the hiring data for the Enterprises.

Aaron said if Gena tracks it for the Enterprises, he has not spoken with her.

Gary Springer said that on the business deal at the General Council every three months it comes out, there is a section that tells how many people are employed by the Enterprises. I don't know if the tribe shows up or not, but the Enterprises data is in that thing every three months.

So do we track it and put it in our Kanza Newspaper?

Jennie Baker is here from the Kanza News, and she works across the hall from Aaron and she and I can get together in the next couple of days and see if we can't gather that information, and get it out, and I'll work with the Chairman to do that.

Robert Baldwin stated he works with an Indian government organization under the mayor's office in Tulsa, and it's been brought to their attention that the Cherokee and Creek's both are discriminating against each other when it comes to hiring with either tribe within their casinos. You

can get tied up into that issue as well if you start working for the tribe. The Cherokees are claiming that the Creeks won't hire any Cherokees, and the Creeks are claiming that the Cherokees won't hire any Creeks.

Ken Bellmard: Just a couple of things I want to mention for the record, so you can think about in the future is districting. You now are having wider representation. I know the Citizen Potawatomi have done that, and they made a representative map of the United States. They have different districts, and I know they have council meetings, legislative meetings, and you'd have people from Maryland and people from Washington. He mentioned that people who don't live in the area don't always get to participate in the General Council Meetings.

The other thing is related to jobs. We have to function well in a more committed market or there's not going to be jobs for anybody. And I think that's one of the underlying reasons I think we need to fix this so we stay competitive. The economy is getting ready to get worse. We have a lot of advantages now in the next two or three years and we need to take advantage of that because they're not going to be there forever. So that's one thing we need to think of—how these changes affect us in the future. I also suggest that we have a better jurisdictional statement that talks about the jurisdiction over minerals, over wind, water, and air. We could put a bunch of things like that in there because what happens when we get in one of these lawsuits. We have a lot of treaties and that's another thing we want to put in our Constitution. We might want to mention of our treaty relationships and what those treaties were. If you would just put those down for the record.

Aaron said he and Ken had discussed several of those before. On your original comment about the districts, when we went and met with the Potawatomi's we talked about what they had done and how they had gotten there. One of the things that they had done was, over the last 20 years they had regional offices spread out so they didn't go instantly into these districts designed. They did it over time. They had spent 20 years having traveling council meetings, or traveling public hearings in different parts of the country. The Committee has not met since several of us saw the Potawatomi's, so it's something that I will provide information back on, and appreciate those comments.

Bill Kekahbah: The Executive Council will be having a Town Hall Meeting after this meeting, and one of the topics that we wanted to discuss was ways to communicate from tribal government out to the general council members, whether you're on the East Coast, West Coast, or wherever, and right now the website doesn't convey a lot of information. The Newsletter when it was taken over, it was very sporadic about when it went out. It's gotten better the last year or so, but so much of that information is delayed. So we're looking to discuss ways whether it be videoconferencing, whether it be teleconferencing, whether it be typecast, whatever days the Executive Council Meetings meet. We might just have it where you log into the web and sit there and be interactive with that. That also costs money to do that, so if that's what the General Council wants, then the Executive Council will have to figure out how to allocate the funds to purchase that equipment and technology then to have it. I can tell you from my standpoint, as an Executive Council Member, I'm here to serve you all and will do whatever you all want me to. So if you all want to be able to see this on the web, be able to pull it up however, get a better website or whatever, then we'll do it. I can tell you that I live in Tulsa, and like the gentlemen over here said, if you live outside that boundary area, the service area, what you get from this tribe is pretty much nothing. One of the other topics is what services are available or can be available, and do we want to make them available in the future? So amending the Constitution is where the people are going to be able to figure out how they want this

tribe to run. So if you can go through the Constitution over the last 6, 8, or 12 years or however many years you want to go back, and think about all the little hiccups that were happening in the tribe, if we had just been working then, well we could have fixed it or it would have never happened.

Wanda Stone mentioned that it's not a tribal decision of who gets served a lot of the time, it's the grant that says where the service area is and that's all we can serve.

How do we go about calling a convention? Aaron asked Todd Hembree to respond to this question. There are many number of ways to call a convention. You can do it by districting, or you can do it like the Cherokees did it. They have three branches of government. The Executive Branch Chief can pick five delegates for the Cherokee Convention. The Council, the Legislative Branch, and the Judicial Branch could also pick five delegates to the Convention. We also in having meetings like this, whoever showed up, we put your name and address in there too. Number one you are tribal citizens and two, you obviously interested in the political process in the Constitution. We put hundreds of names that we collected when we had a meeting, and we drew by lot. The vast majority of the delegates were chosen by lot. Because we didn't want just the Chief to have all his people there, we didn't want just the Council to have their people there. We wanted it to be a true representation of the Cherokee people, and we found that that was a great way to do it. Because of this lot system, we got the best views from diverse ages, to diverse locations, and we had people from all over the nation.

Where did you hold it? Tahlequah, Oklahoma. Fortunately, we had the resources so we paid for people to come in or at least their airline tickets. We did have these types of meetings in California, and Texas and obviously all over the Cherokee Nation. But that's a good objective way to choose delegates.

How many people did you have? We had 77 delegates. That's why you needed to have a really good Chairman, who has great knowledge of parliamentary procedure.

Todd mentioned that they started on Friday, and by Sunday, they weren't one quarter the way done. So they had to make a decision. Do we recess this convention and come back a few months later? It was the desire of the delegates to press forward. We know we all have obligations, and some people left, and some people came back and said they would stay as long as they had to just as long as we had a quorum. Nine days later they had a Constitution that they were willing to submit to the people. That is one way to do it, but I'm not saying this is the best way to do it. With the Committee Process you are going to start making drafts, and it might be that you go through the General Council, and it might be you go through the Executive Council, and it might be that you just do it on a straight referendum which requires a 30% member approval. These are all good ways to do it.

Who made the decision to use the Convention Method for the Cherokees? The Constitutional Committee made the choice to use the Convention by selecting the lot system.

The question arose: If you're old you're not going to live to get the benefit of this Constitution, if you're uneducated you're not going to be much use because you aren't going to be marketable, if you're Kaw blood quantum is this much, you're probably not going to get to do anything anyway except you can serve on a committee. My question is Wanda, you used to carry all your native

American blood into your tribal membership. In other words, if you used to be Kaw-Potawatomi and you brought that blood quantum to our tribe, because we chose to become Kaw members. Why was that changed, and when that you could not carry your Native American blood and not just Kaw blood. As you said, Kaw blood is getting less and less and less at the Kaw Tribe. So, if you're Kaw and Osage, why can you not carry if you have proof of that Indian blood? Indian people are a particular people, and Kaws first in our tribe. But Native Americans are still a particular people, and if you can have Native American people in your governing body, what's wrong with that?

Aaron said I can't answer question based upon – I just don't know.

Wanda do you know? No, I don't.

What good does it do you to have another blood quantum if it doesn't count.

Aaron said that one of the things that the Committee has discussed is counting your total Indian blood, which is what you are describing. That is one of the possibilities that we have looked at and will continue to look at.

Ken Bellard: It's a difference between a Tribal Membership Card and a CDIB. That you could have a CDIB that totals all your Indian blood. The reason they came up with a CDIB was for services, and that type of thing. So whatever we decide for membership and the main criteria is CDIB, being a descendant or you've got to be all Kaw. So the idea of totaling your other blood, I don't know how that would fit in with Kaw membership.

It might be a benefit for someone who could add all of their Indian blood to equal a quarter, and so that person could be able to run for Executive Council, or Chairman.

Ken Bellard: There's nothing that says we have to replicate the American Governmental System. One thing I see in my professional life is sometimes we have too much democracy, and maybe not with us, but with some of the other tribes. What I see happening with some of the big tribes, they weigh themselves down with bureaucracy that look like the American Government that those guys can't do anything. The reason they set us up the Constitution Government back in the 30's because they didn't think we'd still be here. And they put the removal things in there so that we'd be fighting each other all the time. So we need to think about that when we go forward.

Robert Baldwin: If you want to truthfully admit what we're doing and what the United States Government did with blood quantum, its racism. Like it or not, we were divided and set apart because we were a different race of people. Just like Ken illustrated, it wasn't so much your blood quantum then, but who you chose for an identity, and so many of us are so diluted and mixed, it's who we chose. Sometimes we don't get to choose how we're treated, even though we choose to identify with one group or other. So we have to realize what we set ourselves apart in reality. Why don't we make blood quantum a non-issue, as long as you carry a CDIB card, the blood quantum could be a non-issue. For the rest of history, for the rest of our children and grandchildren, it will never ever have to be revisited again. That's all.

Aaron said he appreciated everyone's comments and obviously we're going to run out of time and I know we could discuss this all day.

A couple of things: I have a comment box over on the desk and I will move that up to the Pow Wow Grounds this evening. If you want to come see me, I will be here all day long. I will be here to solicit your input. I will give you my business card if you want it.

If you did not sign in today, please do so. That is important not only for me but also for the grant, so that I can track input.

Lloyd Pappan: I see people here who haven't been around for a long time, and I am glad to see that, and the lady from Maryland, and would ask that they become more involved in the future and not just for today.

Aaron said the reason we had the meeting today was knowing that people would be in from around the country, and that was the specific purpose, and please don't lose contact with us. Please continue to tell me what you think, and I will take it to the Committee, and can't promise that we're going to make anybody's specific changes, but I will make sure they are considered.

Todd Hembree said he looked forward to working with Kaw Nation on this long journey. It is going to be exhilarating, and your document should stand the test of time. Email is a great way to get in touch with me and thank you for the invitation.

Wanda Stone adjourned the meeting at 11:30 p.m.

People Who Attended the Meeting:

Terri Humble	Clarence Joseph
Robert Baldwin	Ed Pepper
Todd Hembree (Falmouth Attorney)	Bill Mehojah
Aaron Carlson	Ken Bellmard
Sandy Marckesoni	Tamara Fry
Kyle Albee	Rima Bellmard-Matthews
Patti Kramer	Cheri Dunn
Wanda Stone	Pat Gentry
H. Joe Gaston	Freda Lane
Lloyd Pappan	Jim Gates
Lonnie Burnett	Gary Springer
Ericka Joseph	Bill Kekahbah
Frederica Joseph	