

Constitution Reform  
Public Hearing No. 4  
Saturday, December 5, 2009  
Held at Wichita Holiday Inn in Wichita, KS  
6:00 pm to 8:00 pm

My name is Aaron Carlson and I'm not a tribal member. I came to the tribe in February. My background is in working with the government. I spent a couple of years working for Congress, and am originally from Stillwater, Oklahoma.

The Tribe has a three-year Grant to revise their tribal Constitution. The Grant came from the U.S. Department of Health and Human Services from the Administration for Native Americans. The Grant really got the project moving, which started probably ten years earlier, which was the revision of the Constitution in order to fix some problems that they had foreseen. The Committee was formed I would guess ten years ago. As the committee moved forward, it would gain steam and then the steam would run out, and then it would pick up, and this has continued on for about ten years. Now I think we have the end in sight because of the funding from the Grant which is truly moving in a good direction.

The Committee has gone through two rounds of training on governmental aspects. We've also visited with a number of other tribes mainly from Oklahoma, that have also undergone Constitutional revisions. We can look at the tribes and see that they are moving in a positive direction. So we try to look at what they're doing and then essentially adopting it for the Kaw Nation.

Two years ago, the Committee adopted six different issues that they wanted to change in the Constitution. This was before we got the Grant. (1) These included designating the Executive Council as the primary legislative body. The Constitution currently has two legislative bodies--the Executive Council and the General Council. So they set the Executive Council as the primary. (2) They wanted to provide the General Council with a better guideline as to what they were supposed to undertake. It is to assist the Executive Council and at its discretion issue broad policy directives such as, included but limited to strategic planning goals, in the areas of housing, health care, education, historical preservation and economic development. It kind of gave a better idea to the General Council as to what they have jurisdiction over. The General Council as assembled is tribal members over the age of 18. (3) When they have the quarterly meetings in Washunga at the Powwow Grounds, there is concern about conflicts of interest between the Executive Council members. The constitution states that no EC member shall vote on any matter coming before the Council that benefits themselves or an immediate family member. And they wanted to put in that not only can they vote on that issue but they shouldn't really take part in the debate or discussion. They wanted to put the words participate or vote on any matter coming before them. (4) The fourth thing is they wanted to create a Freedom of Information Act, basically that would be written and adopted by the General Council so that there is clarification as to what information tribal members can acquire, and the process by which they do that. (5) Currently the terms of office for the judicial branch are six years, and they want to shorten that to a four-year term. (6) And the last provision that they put forth was dealing with the issue of tribal

adoption. The current Constitution provides for a mechanism for honorary members. They can't vote and they don't have any benefits, but they can be adopted. The current Constitution says we could have some honorary Kaw members. We've never found any and they don't think any exist, so they are talking about taking that provision out.

That is what the committee voted on about a year and a half ago. Since then, we have looked at almost every issue you could imagine. There are several that have consumed a large amount of our time. The biggest issue is with the blood degree requirements for running for the Executive Council. Currently, if you'd like to serve on the Executive Council, you have to be 25 years of age, a quarter blood, not adjudicated incompetent, and you can't be a convicted felon. Currently, there are approximately 240 people who can run for the Executive Council, and I would guess 40 to 50 of them live outside the state of Oklahoma. And so the pool of people who can run for the leadership of the tribe has shrunk immensely and there's a lot of tribal members that are very interested in changing that. The committee has looked at several different options. We haven't really made a final decision. That's why we're out here today to try to learn from tribal members as to what they think is a good plan or method to move forward.

Tribal Attendee: So you are trying to get feedback whether or not we need to change the blood quantum from a quarter blood?

Aaron: We were asked earlier today if we had a general feeling as to what the blood quantum would be lowered to. The only general feeling we've had is it probably does need to be lowered. What the committee is trying to do is decide how we lower it. There are a couple of topics that we've discussed.

One is to lower it to a set degree. It has been suggested that we lower it from a quarter blood down to a  $1/8^{\text{th}}$ , or  $1/16^{\text{th}}$  or  $1/32^{\text{nd}}$ , etc. We've never really decided on a number. The concern we have with that is 20 years from now, are we going to be dealing with this same issue again. There is some push to remove the blood degree altogether, and anybody who is a tribal member would have the right to run for office. We've also talked about setting up some type of sliding scale, so that over time, it would adapt with what the citizens look like. One of the ideas is that every election year we rank every member from the most blood degree to the least blood degree, and we'd count them to a specific number like 500 or 1000. Anybody who is the same degree as the 500<sup>th</sup> person could run for office that year. And two years from now, we'd do it again and find the 500<sup>th</sup> person, and that's the blood degree, and then those people get to run for office. There is one idea that the Committee has not discussed or debated is to maybe assign different seats on the Council for 8 different blood degrees. Two of the seats would be set up to be a quarter blood or more, two seats would be a quarter to an  $1/8^{\text{th}}$ , and set them up that way in a mechanism like that so we could open it up to people who are not of a high blood degree. Those are the things we've discussed. Do you have any input on them, or what might be a good idea?

Tribal Attendee: It would be wonderful if we could have the highest blood quantum to be the leaders of the tribe, but it's kind of impractical. And not only that, if you are a member of the tribe I think it somewhat diminishes your worth because you are not a certain blood quantum if you can't serve in some capacity on the Executive Council.

Aaron: That's obviously some of the things we've look at. We've gone and met with the Potawatomi's. They said everyone in their tribe is a full blood. They all have equal rights. But the flip side is do you lose the traditions? And that's kind of what the committee has looked at. We haven't come up with a solid plan or anything.

Carol Clark: We're out here trying to find out what you want to do because the Constitution belongs to the people, not just a certain few. So we're trying to get input from the general public so we can go back and discuss these things and see what you'd like to have done.

Tribal Attendee: What is the tribal enrollment?

Aaron: It's approximately about 3,040. There are about 2200 over the age 18, so there are about 2200 voters. The number of quarter bloods that are under the age of 25 is minimal. Nobody under the age of 25 is more than a quarter blood.

Carol Clark: But for anything in the tribe, everybody is treated the same except for when you run for Council, that's the only time any type of blood quantum is even counted.

Tribal Attendee: I sometimes wonder how much talent we may be missing out on if we eliminate someone because of blood quantum.

Patti Kramer: Another thing that we've discussed is, do we want to put some more restrictions on who can run. Right now you don't even have to be a high school graduate. Do we want to include some type of educational requirement such as a high school diploma or a GED? There are pros and cons to adding these kind of requirements. The school of hard knocks teaches you lots of things if you don't have an education. But then again too we're sending these kids to school and we're paying higher grant monies for them to go to school and we'd like for them to come back and lead our tribe.

Lloyd Pappan: Have we done any checking to see if we have a big number of our members who cannot read, or that are educated enough to read or write their name? Has anyone every looked into that?

Carol Clark: We have a lot that I know of that don't even have a GED.

Wanda: We have a lot of them that can't tell time.

Aaron: To be honest, I don't know if we have any good data or statistics as to tribal members. We don't track whether you have a high school degree, a college degree or a Master's Degree. As far as I know, the tribe has never tried to track that information. One of the questions we had a couple of months ago in one of our Committee Meetings was, what if we put in a college graduation requirement in order to serve on the Council? We don't even know what that does to the pool of applicants or potential people because the data doesn't exist. That is one of the issues we talked about and looked at. Another issue that came up just because I have a degree in underwater basket weaving from Podunk University doesn't mean I have the ability to read the financial statement of a government tribe. All of this plays into the discussions that we've had.

Tribal Attendee: I see two different questions in my mind. The traditions for one. I would love to have a committee of more traditional people that could teach those who weren't raised traditionally.

Patti Kramer: I would like to see an Elder's Committee.

Tribal Attendee: Just consider a dress for instance. If you're trying to make your granddaughter or someone regalia and you're really not too sure how to do it, who can a person ask? I have Osage friends who are similar, but I see that as two totally different things. I see the Executive Council with business, and land, and contracts, and financial things, and I know traditionally decisions need to be made also. If we could have a traditional committee if nothing else.

Tribal Attendee: When we were at Ponca for the Powwow, they were passing out a paper that gave a fry bread recipe, grape dumplings, and it's entirely different than what's in the Newsletter. I fry bread entirely different than the recipes in the Newsletter.

Carol Clark: One of the other things is talking about the government where it would be changed to a three-tier government which is more legislative than what we have now. I thought we really need somebody really educated to run the tribe. Then I got to thinking about it. The tribe doesn't have any businesses it runs any more. We have KEDA (Kaw Enterprise Development Authority). They handle all the businesses so we don't need a CEO. All we need is a Chairman sitting there because somebody else handles all the business entities.

Patti Kramer: You have to have somebody who understands the grants. The budget still has to be overseen, and that would be the Chairman. There are millions of dollars in budgets.

Tribal Attendee: I worked on the Title V Program in Wichita for 26 years. I met many people who are Kaw that have college degrees. The youth are out there. They are available and some have a Master's Degree. There are a lot of people that I can think of that do have some college degrees. We need to reach out to some of those kids. But they are not quarter bloods.

Lloyd Pappan: I'd like to comment a little bit about the culture of the tribe. We do have a Culture Committee and we are trying to take strides to do what you're saying. It is very difficult because someone will tell you about all they know about culture, and then you'll ask them to write it down. I even proposed that we have a General Council sometime just for people to come in and get a stenographer in there and to record what they do remember about culture.

Carol Clark: We did that once when I was on the Culture Committee. Then a new Cultural Committee comes in and they don't record it.

Tribal Attendee: But it was never transcribed.

Patti Kramer: We need to do it again. We need to find people who know how to do things and teach us.

Carol Clark: We had a lesson on how to make Kaw shirts.

Lloyd Pappan: They put out an ad for everybody in the Kaw Tribe who had a skill to let us know and not one member came forward.

Another culture item, you mentioned is Council Grove. This coming September is the voice of the wind people at Council Grove. If you have never been to that you have to go. Then one more culture thing. On the 27<sup>th</sup> day of March of next year, is a Veteran's Honor Dance, and we are going to hang the pictures of the Kaw veterans. If you have a Kaw veteran in your family, please get me a picture.

Aaron: One of the other discussions that we've had is right now there are lots of conflicts in the tribe between the Chairman and the Council, and there are questions as to whose job is what. Currently the Chairman serves on the Council. And one of the things the committee has discussed is to completely separating out the Chairman from the Council and going to a much better defined three-branch system of government. Currently, we have a three branch system of government except the Chairman serves on the Legislative Branch in addition to the Executive Branch. And so we've looked at separating that out, and in the process of doing that we would probably take the Vice Chairman with him and put those two separate from the others, and we increase the size of the Council to 7 people, so there would be 9 elected officials inside the tribe. One of the things that goes along with this is that we would have to redefine the jobs of the Council, and redefine the jobs of the Chairman and decide who gets to do what. We would probably tell the Council they would need to elect their own leader and leave it at that, and any other positions they potentially want to create. They'd all be elected officials but we would separate the two out.

Wanda: What were we going to call that person?

Aaron: The head of the legislature would probably be called the Speaker. That is one of the things we've discussed and would encourage feedback as to whether or not we think that would help resolve some of the conflicts we're having.

Tribal Attendee: Where is the disagreement of who does what?

Aaron: One of the issues that we've had recently relates to the Chairman/CEO. We had a court case a number of years ago that said the Chairman and the CEO was one and the same. The CEO runs the day-to-day operations of the tribe, and the Chairman is the elected official, but they're the same person. There is a question as to how the CEO can get a pay raise and whether or not the Council has the authority to and under what circumstances to give him a job evaluation. The tribe for a number of years has basically said all employees get a raise on a yearly basis after an evaluation. I think traditionally a couple of percentage points, and what happened and what brought on the first lawsuit was, I believe the Council declined to give the Chairman/CEO a pay raise. The Chairman gave himself a pay raise, and this caused conflict and there was a lawsuit based on that. That lawsuit was settled in mediation and then sometime later, they were giving the Chairman another evaluation, and somehow based upon that evaluation, the Chairman has sued the council. And it is still pending in the Kaw court system. There are a

number of questions in regard to what are the powers of the General Council. The General Council (basically if you read our current Constitution) can do five things. And they can only do those five things based upon action of the Executive Council. What the Constitution says is that no action of the Executive Council shall have any merit in the following areas until they've been also approved by the General Council. This is changing the election law, electing judges, deals with land issues, deals with eminent domain, and pay raises.

Carol Clark: And recently the Executive Council voted themselves a raise, and then brought it to the General Council to get our blessing so that it would pass. They didn't get the General Council's blessing so they're vote is basically null and void. But then they broke the Constitution by voting on something they profited on personally by voting on the issue. There are a lot of different conflicts there that we've got to look into the future and fix so that it doesn't happen again.

Tribal Attendee: I don't even agree with our U.S. House and U.S. Senate now who can vote themselves a raise.

Tribal Attendee: How many years did the first conflict happen? I remember calling you Wanda a long time ago because I was out of the know and didn't know who else to call, and you were the Chairperson then.

Patti Kramer: That's why we're hoping to change the Constitution so that maybe we can cut down on some of the conflict, and because everybody reads the Constitution a different way. Now I can read it and that's how I interpret it, and you read it and you interpret it differently. We were hoping to go in there and put a glossary in and actually put footnotes as to what we actually meant when we made that change and kind of clear up some of the language and clarify.

Aaron: And one of the things that comes up too that's kind of a concern that if there's not a good provision currently to allow for a member of the council to raise an issue. What happens essentially is you have to go out and hire your own private attorney. And there's a question if the members of the council are suing the Chairman or suing each other, how do you pay those attorney fees? Right now it's all dependent upon the individual person bringing the lawsuit and what that basically means is a lot of times the thought is out there that "well I don't have the money to hire an attorney and I don't think what they are doing is legal, but I'm not going to pay for it." The Constitution allows for you to be reimbursed by the General Council. If you hire an attorney and if you win, but the problem associated with that is you can never know what the General Council may or may not do. One of the things that is a concern of the committee along these lines is, that when we adopted this Constitution in 1990, it says the Executive Council shall write their own policies and procedures. Nineteen years later they've never done it. For me personally as a staff member, it's difficult because I don't know how to get things done. Because they haven't really provided a reasonable method or any documentation as to how to get things accomplished (in cases where we need their approval). So we've talked about putting in a timeframe that says they have to do this within six months or something like that to try to force their hand on certain issues.

If we redefine into a three-branch system, one of the things we would do is to redefine who does every single job. And if we have to move those jobs around, who should be in charge of different aspects of the tribe. One of the issues that's easy would be enrollment. Who keeps the list of tribal members? Should that be a function of the Chairman or should that be the function of the legislature? And so if you look at the three or four pages that I have out there, it lists all the duties of the Constitution and it tells you who currently has that power. And what we're looking at as we move forward is who do we think we should give that duty to? I don't expect you to digest that in the next hour or so, but if you want to look at it over the next couple of days and make some contact or some comments, we would be happy to have those. There's a ton of different duties that are passed out to the elected officials of the tribe. The "x's" is who has it now.

Tribal Attendee: Who would you like us to email with our comments?

Aaron: You can email me. We have a website which is [www.kawcrp.com](http://www.kawcrp.com). There's a link there with my phone number and my website. If you contact us, it shows up on my email. You can email it or mail it to me, either way. That's one of the things that we've spent a lot of time discussing is how do we decide who should carry out this or that task.

Patti Kramer: Another thing that we thought you should know is, when this is all said and done and the Constitution has been revised, and it's ready to go out to the people, how do you want to vote on it? Do you want to vote item by item of the changes, or do you want to vote on it as winner takes all? One of the things we have to think about if you change let's say Section 2, it may reflect back on Section 6. And if they say okay we'll accept Section 2, but we're not going to accept Section 6, then how's that going to work with the Constitution? So that's another thing we want to know, do you want to change it section by section, or do you want to do it just as an all in one? That's something else we want you to think about.

Aaron: If we do a constitution in the form of a substitute, take away the old one and this is the new one. A couple of other tribes have gone through and provided a side-by-side comparison. And I envision that when we start to get close to a list of changes or a draft, we'll send it out to all the tribal members and again solicit input. We'll probably not travel like we have the first time. This is your constitution. I think the committee feels that they're just trying to drive it forward.

I think that's something that we've talked about is calling up a family meeting. One of the things that was mentioned earlier was that I called Wanda because I didn't know who to call. And one of the things that we have kind of kicked around and not fully discussed yet is the idea of assigning delegated council members to certain areas. Now you get to elect them all but your point of contact because you live in the state of Kansas is Counselor 2, and that might provide you with a specific point of contact or somebody to hold accountable as opposed to today you could technically call any one of the seven members of the Council. So that was another topic that has come up in our discussions.

Tribal Attendee: Are the members of the Kaw Supreme Court appointed by the Chairperson?

Aaron: Members of the Supreme Court are appointed by the Executive Council, and confirmed by the General Council.

Carol Clark: You don't even get to meet the judges. Most of the time, for example, recently some names was brought in there and here's these guys who are going to set up your court, and we need to get them in there today. Then we asked, what can you tell us about them?

Patti Kramer: Maybe that could be something we put it in the policies of the Executive Council that they provide the General Council Members with bios of the judges prior to when they want to appoint them that could go out to everybody so that we'd know more about the judges. Maybe that's something we could give to them as one of their duties.

Aaron: We have to set up some checks and balances. When you look at the sheets in front of you, what we need and what we're going to have to develop is, who does the Treasurer report to, and who provides the check? Obviously because of the sporadic nature of the court and the fact that they're not there every single day to look at and deal with any issues that come up in the tribe, that's something else that we have to look at. You can't just hire the judges to be full time for us.

Patti Kramer: Right now the tribe doesn't have an appeal process for its employees, and that was something else we talked about putting into the Constitution.

Carol Clark: They used to but they changed it in their procedures.

Aaron: It was changed by the Executive Council. What happens is, me being an employee, the Chairman cannot fire me without the approval of the Executive Council. At the same time, the Council cannot fire me without the Chairman saying okay. There is a two-step process to get me fired. The problem as you go past that, let's say I get fired and I don't think it is right. I have no mechanism to argue that I was wrongfully terminated. One of the things we've talked about is, there used to be a grievance policy, and that's been taken out. We discussed that we need to talk to an attorney to figure out how this might work, and any following ramifications, that is, if we want to open the court up for deciding employee/employer conflicts to non-tribal employees. Can I as a non-tribal member sue in the Kaw Court if I've been wrongfully terminated?

Carol Clark: Right now there is a court case in the tribal court from a non-tribal person. It is still in the court system. They still haven't settled the case.

Patti Kramer: He is a Native American, he's just not Kaw.

Aaron: It is an issue that if I'm white, how do I have my case heard? One of the other things that's come up is that sometimes the Council changes the policies and procedures. How that moves forward is something we'll have to continue to look at.

Tribal Attendee: Why did they change it so that you wouldn't have an appeal?

Carol Clark: I sued them for wrongful termination when the Council changed over. At one point they had enough votes, which we called the EC4, and they fired me and some other people without any reason. And I took them to court because they like to hide behind their sovereignty. And just basically to prove a point, that you can't treat people like that. So I sued them individually and the Kaw Tribe. That was when they had the Grievance Policy, but I had to follow every step of that grievance, piece by piece by piece, before I could take them to court. Now you don't have it, you have an "at will" tribe. Because we were suing them for firing us, they fixed it because we were suing and winning for wrongful termination.

Tribal Attendee: So in essence if they don't like the way things are going, they just change the policy?

Carol Clark: And that's another problem with the Executive Council. Whichever ones that are in there, if they don't like how's its being run, they just change the rules.

Tribal Attendee: And that's not right.

Carol Clark: We know we've got all these problems, now we need solutions and that's why we're coming to you.

Patti Kramer: If an employee got terminated, and they didn't think they were fairly terminated, why couldn't they go to the Elder Council, and let them look at the situation?

Tribal Attendee: I hate to say it, if you stay with the same body, everyone has an opinion, favorites, relations, etc. It seems like you need a mediator in there to help us. A mediator is going to cost you, but not as much as court costs.

Tribal Attendee: We have a personnel professional that we hired, and that's the person who should be handling personnel issues. Not the Executive Council. You don't go to Boeing and get their Board of Directors firing people who don't do their job. The Executive Council will do that if they don't like you.

Aaron: Along this same line, another thing that has come up and has been discussed, was when we get to the General Council Meeting, if you watch the employees they are reluctant to say anything. Because if I vote against the Council, and I'm up for an evaluation in a month, and I want a pay raise, I don't want to irritate those people.

Tribal Attendee: If they weren't in the personnel business, that wouldn't be an issue.

Aaron: We've got to decide how do we want to do that. The flip side of the discussions we have had in the past, so if we give power to solely to the Chairman, someone could be pulling the wool over the eyes of the Chairman.

Carol Clark: You also have to put something in your policies and procedures or somewhere that Kaw's should get first preference. If they're qualified, they should get first preference. Next would be all other Indians, and then non-Indians.

Tribal Attendee: They need to be qualified more than in their skills. They also need to be qualified in their character. That's also part of qualifications.

Tribal Attendee: Character does not play into it.

Tribal Attendee: Do you want the town drunk to be your Treasurer just because he's a Kaw Indian? Character is a part of qualifications, along with a background check is how you get the best hires regardless of who they might be.

Tribal Attendee: If they are skilled, they ought to be able to feed their family. If they aren't doing their job, then get rid of them.

Tribal Attendee: If I am the world's best financial wizard during the day, and I am a child molester at night, do you want me running your tribe?

Aaron: For example, I got a drug test when I got here, if I'm a Kaw tribal member and I flunk the drug test, I'm not going to work there anymore.

Patti Kramer: What I'd like to see is to have the Executive Council be required to have a drug test.

Carol Clark: I'd like to go back to the culture and the tradition that we spoke about earlier. What is your definition of a tribe? The tribe takes care of its people first. They should be taking care of their tribal members first because that's what a tribe is, and that's what traditions are. It's not how you dress or who is your friend. It's that you need to take care of your people. Do you see any senator out there taking care of a tribe? No, I don't but that's what the traditions of the tribe are.

Patti Kramer: I think one of the interesting things that came up when we met with some other tribes in the area, was that the Cherokees have changed their tribal members to tribal citizens. They say that you are a member of a club, but were a nation, so you should be citizens and not members. We even thought about changing that in our Constitution.

Carol Clark: I'd like to see shorter term limits for those people, and if they've been sitting in there for four years and they haven't done anything in the last three, or the last two, they don't need to be sitting in there any longer. Also, if they miss three meetings in a row, you're not supposed to be there. But everybody has an excuse. It's okay if you have a good excuse. Who are they making the excuses to, they're not making excuses to me?

Aaron: Maybe we need to look at the policies and procedures of the Executive Council define what an acceptable excuse for missing a meeting is. In my opinion it needs to go into the policies and procedures of the Executive Council rather than in the actual Constitution.

The Executive Council is going to have to approve their policies and procedures. If it's in the policies and procedures of the Executive Council, which is written and adopted by the General

Council, what mechanism does the General Council have to call out a member of the Executive Council? Currently there is no mechanism to do that. Another thing there is no mechanism for the Executive Council to reprimand each other.

Carol Clark: Maybe that needs to be the Chairman's job or the Speaker's job.

Aaron: I think that if we put in what is a reasonable excuse and I know for a fact Carol that your opinion is different on this topic, and I'm going to agree to disagree with you. You have stated before that the only reason that somebody should miss an Executive Council Meeting is if that member is on their death bed.

Carol Clark: But soccer games, and baseball games, and basketball games, and working cattle, and other jobs shouldn't count.

Aaron: That's something that we have to look at. I take a stand that is a little more like I think people should have lives outside their job at the tribe. Another thing that was brought up was, if the Chairman leaves, who's in charge of the tribe? We have to really discuss and debate that and try to gather input.

Tribal Attendee: I noticed something just now, and we talked about culture in the old days in our tribe and it was male dominated, and its seven women to one male in this room. I think it's more who you are, and not how much you are. I think we ought to be interested in taking care of our elders, and our youngsters. Seeing that they get educated and do the best we can to teach them something that we weren't taught when we were young.

Wanda Stone: We've got to get the General Council Members interested. Half of the people who come to the General Council Meetings, they come there just to eat lunch. They don't really know what's going on, and they don't care.

Aaron: Patti, let me go and look at the Elder's Council you've described. I think those exist in the Navajo Constitution, and also in Alaska.

We've also talked about the concern that the members of the General Council don't have an attorney, and they don't have anybody looking out for them. There is a tribal attorney but that person at this current point mainly responds to the Council and/or to the Chairman. Maybe what we can do is create an Elder's Council and if you have an issue of the General Council, you could take it to the Elder's Council. The Elder's Council could then decide whether or not it's relevant and potentially then go to an attorney. And another thing that the Elder's Council could do is that they could be mediators and what they do is they mediate problems within the tribe, not only between the tribal groups, but also some criminal. If you are a kid and out of line, you could potentially deal with the Elder's Council. The bad part of this is how do we decide who serves on the Elder's Council?

Carol Clark: And what makes you qualified to serve? Why couldn't we have a Grievance Committee?

Patti Kramer: Anyone who is interested could be on the Elder's Council. You could put your name in and let the General Council decide who would serve.

Aaron: If you create an Elder's Council, you have to very carefully define what authorities they have and don't have. And you have to decide how many members are there, and look at things like that. And very carefully script that together and another side of it that I've looked at would be do these people serve for free, or do we pay them, and how do we entice people to do it?

Patti Kramer: We pay all of our other committee members. To me you would have to reimburse them for their time.

Carol Clark: To me I'm not sure that I'm onboard with the Elder's Council. On the Elder's Council how many of them would have dealt with drugs, computer crimes, or just using one? Do you see what I'm saying. There's new stuff out there that these elders may not be equipped to handle.

Wanda Stone: I think our elders are little more educated than some of the other tribes. I think Kaw's as a whole has always tried to educate their kids.

Carol Clark: When I was talking to my folks, they didn't always understand what was going on. I think they would faint if we told them what sex offenders do.

Patti Kramer: Right now we're not giving them the drugs.

Carol Clark: But would they be able to do anything about it?

Aaron: We've got to set up some type of Grievance Committee, and if we take the Council out of the personnel decisions, we've got to have checks on the Chairman as to how we deal with personnel issues. Whether that's a Grievance Committee that's set up or whether or not we give tribal employees regardless of their race some rights to the court, and/or an Elder Council. We know what the root issue is, but we don't have a solution yet.

Carol Clark: Don't you think that this should be issues the Executive Council should resolve, or even to cross their minds?

Lloyd Pappan: It is my opinion that no Executive Council Member ought to be on any appointed committees. None of them. They should not be able to sit on them and I think that ought to be part of the Constitution.

Aaron: Wanda is the Chairman of the Constitution Committee officially, Wes Pappan is the Vice Chairman, and Lonnie Burnett is the Secretary.

Patti Kramer: The problem we had in the past with Executive Council members being on the Constitution Committee, we would build momentum, and when the EC4 were in there, then we took to them the changes we wanted to send out to the people, and they said no. No we're not going to let you send it out. And we didn't because they shot us down. So my problem with

them sitting on this Constitution Committee, I didn't want to have to take it to them again, and have them shoot it down. But we have found out that we do not have to have their approval to take it to the people.

Aaron: Basically there are two provisions to send amendments of the Constitution to the Kaw citizens. The first provision is a majority vote of the Executive Council. If we don't get a majority vote of the Executive Council, we can do it through the General Council. And it is not as difficult as we originally believed based upon a longstanding discussion I've had with the tribal attorney.

Carol Clark: We don't get paid and this is a volunteer committee and has been for 11 years. And look how many of us who have shown up.

Patti Kramer: If the Executive Council would work as hard together as they do against each other, there's no telling where we would be.

Aaron: I've said this before to the Committee, you can't legislate people getting along.

Lloyd Pappan: But there needs to be a means to deliver the message in such force that the General Council is not pleased that they would even get along or side up or go do something else.

Tribal Attendee: I would hope we would have some means in which we could provide checks and balances, whether it's Carol's group who is on the General Council. We all have our favorite groups that we share the same beliefs, or the things we want. And to me I'm looking at this and there's not a whole lot of checks and balances for the Council. So if Carol's group is on the Executive Council, what can I do other than when it comes time to vote your little group out, and then we'll go through all this conflict again, and vote in another little group that doesn't always act on behalf of the tribe.

Aaron: I think what we have to look at historically is if you go back and look at shortening the terms of office, it has not been beneficial to the tribes that have one or two year terms of office. You have to have people in there long enough to know what they're doing, and to get things accomplished. There are massive studies in regards to that. What I think we might consider doing is finding a way to unseat them.

Carol Clark: It takes guts to do that, and nobody has any guts.

Patti Kramer: But if it was written in the right way.

Aaron: I think we have to very carefully look at how we are going to do that. I'm looking at a scenario where Carol is on the Executive Council, and if it takes thirty people to get her removed, I can get thirty signatures tomorrow. So you have to have a provision that is hard enough that it's hard to get, but easy enough that it can be done, in the case that it needs to be done.

Carol Clark: You can't even get ten signatures to remove or recall them.

Aaron: Its 150.

Carol Clark: A lot of the people won't sign those petitions because if they sign it wrong, and it's not consistent, then it's not any good. If they sign it, then they stand to be sued by the person that they are signing against.

Aaron: I think we can clean that up as to the process for that to take place, so that we can in some ways protect the tribal members who sign on the dotted line.

Lloyd Pappan: I think the problem here is, if you're going to insert yourself in the business of the tribe, then you ought to know the business of the tribe and how it works. And that's what they're doing. They are inserting themselves into things that other people ought to be doing, and if you don't know what you're doing, you need to stay out of it.

Aaron: These are some of the issues and debates that we are trying to work through. That's why we have come to visit with other tribal members to get their opinions.

Patti Kramer: We want you guys to go home and look at the stuff we gave you, and then contact Aaron. If you would like to have minutes of our Constitution Meetings, Aaron said he would be willing to send them to you, and then you could see what we discussed in the meetings, and maybe it will spark an idea from you guys.

Carol Clark: One thing that I ask of you is to go home and talk to your cousins, your uncles, your aunts, your brothers, your kids, and see if they have any ideas.

Aaron: One of the things that I've tried to be careful about is, we can't look at the current individuals themselves, we have to look at the big picture. The current Chairman, and the current members of the Executive Council are not going to be there forever. The constitution that we develop needs to be multigenerational as we move forward.