

Winter Town Hall

Presented by the Seneca-Cayuga
Nation's (SCN) Constitution
Advisory Committee (CAC)

Sge:nq' and Welcome

- Tribal Members, please sign-in if you haven't already
- Paper, crayons, pencils, clipboards are all available for you to take notes
- Tea, water, and coffee are all available at the drink station
- **How this meeting will run today -**
 - Quick Welcome + Introduction of Committee & this work
 - O:nqh, ɛdwadekq:nih ! Now, we will eat !
 - Review topics covered in this Powerpoint
 - Open Forum discussion for all tribal members on any Constitution topic
 - Finishing the meeting and clean up – any volunteer helpers are welcome
- During the Open Forum please feel free to ask for a slide again, if need be

Preamble – History, Function, & Feedback

- When we incorporated in 1937, a Constitution and By-Laws was drafted by the Bureau of Indian Affairs (BIA) to be approved by the tribal government(s) already in place
- A preamble often contains important information such as treaties, historical names and/or events, federal legislation, objectives of a Nation, etcetera
- **We ask tribal members what kind of information would you like to see in our Preamble?**
- **What should our Preamble educate our tribal members on?**

Original and Current Preamble

We, the Seneca-Cayuga Indians of Oklahoma, sometimes designated as the Seneca Tribe, in order to take advantage of the opportunities of economic independence and social advancement offered by the Thomas-Rogers Oklahoma Indian Welfare Act of June 26, 1936, do hereby amend our present Constitution and By-laws and do adopt the following Constitution and By-laws pursuant to this Act

Preamble Drafted by a CAC Member

- We the Seneca-Cayuga Nation of Oklahoma, originating from New York State and descendants of the 1794 Canandaigua Treaty and various other treaties, removed here by the government in the fall of 1831 to Indian Territory now currently known as the State of Oklahoma, and upon the need for economic independence and social advancement offered by the Thomas-Rogers Oklahoma Indian Welfare Act of June 26, 1936, do amend our Constitution and By-Laws pursuant to that Act.

Preambles from Other Native Nations

Hodinhso:nih Preamble Example

Seneca Nation of Indians (New York-based)

- We the people of the Seneca Nation of Indians, residing on the Cattaraugus, Allegany, and Oil Spring Reservations, in the States of New York, grateful to Almighty God of our national preservation, growth and prosperity, for the freedom and manifold blessings heretofore by us enjoyed honoring the traditions of our Nation, trusting in the present, with confidence in the future advancement and better condition of our race and desiring greater enlightenment in order to perpetuate our national relations to provide for ourselves greater safeguards to pursuit of life, liberty and happiness, and to bring ourselves, as a Nation, to as high a plane intellectually, socially, morally as possible, do make, adopt and establish the following resolution

Non-Hodinhso:nih Preambles

Snoqualmie Tribe of Indians (Washington-based)

- We, the Indians of the Snoqualmie Tribe, being the direct descendants of the signatories of the Governor Steven's Point Elliot Treaty of 1855, for the purpose of securing the rights and powers inherent in our sovereign status and guaranteed to us by the Point Elliott Treaty of 1855, structuring our Tribal government, governing our Tribal community, promoting the social and economic well-being of our Tribal people, securing our aboriginal rights and privileges, preserving our culture and traditions, fostering justice and freedom, and advancing our mutual welfare, do hereby approve and adopt this Constitution.

Longer Preambles not included here include the [Osage Nation](#), [Yurok Tribe](#), [Coquille Indian Tribe](#), [The San Juan Southern Paiute Tribe](#), [Yankton Sioux Tribe](#).



Oath of Office – History & Feedback

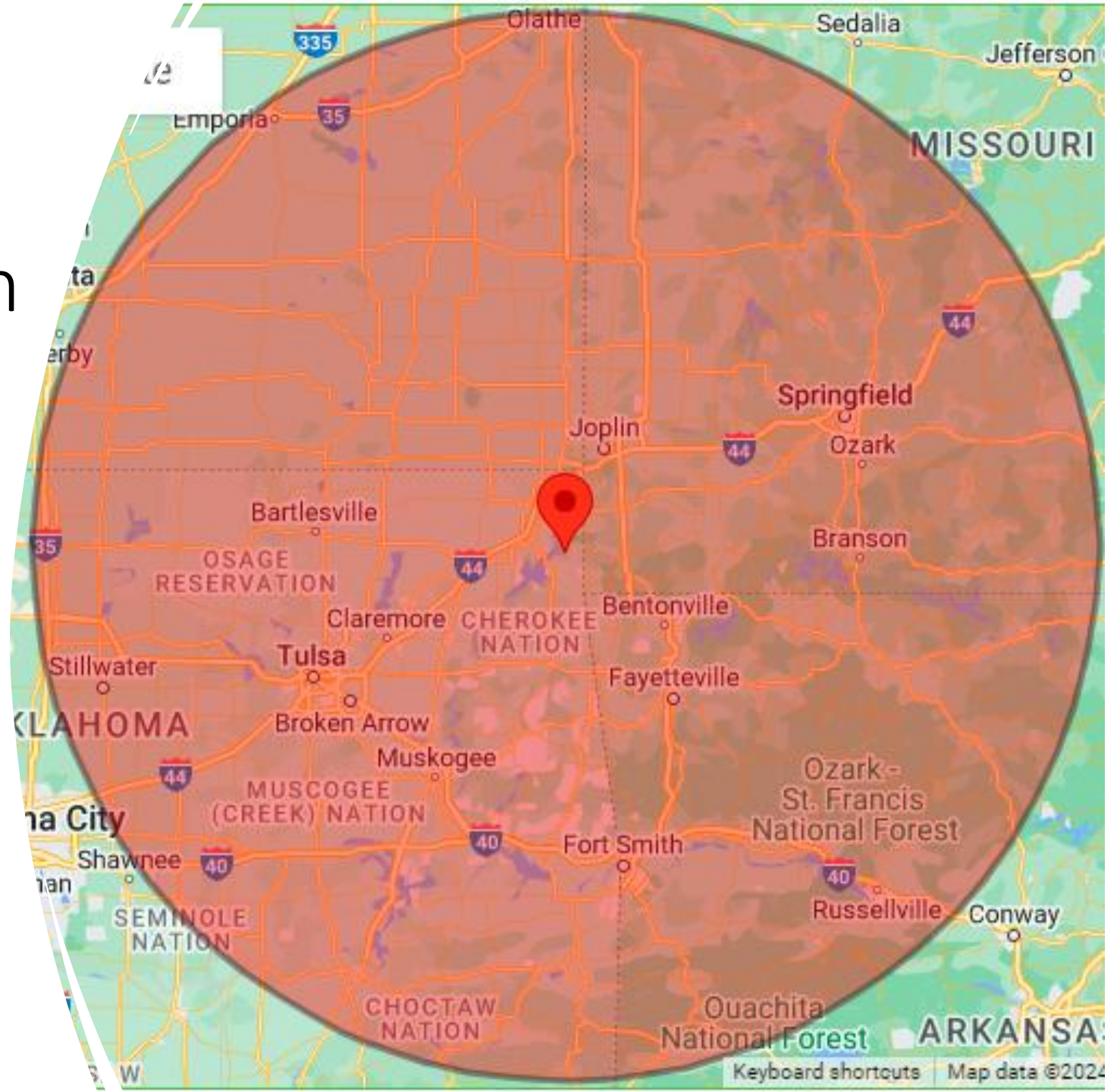
- No Oath of Office has been established or required in our Constitution or By-Laws since our incorporation in 1937
 - During this work, we received testimony from the Grievance Committee who were not able to include in our meeting an elected but not-yet-sworn-in Grievance Committee member, despite it having been several months since their election (October 02, 2023 minutes)
 - This shows us that it is necessary to include an Oath of Office for all elected officials, along with the necessary provisions relating to it being put through.
 - The Oath of Office can be an appropriate place to include the expected values and/or behaviors for our elected officials – **What values would you like to see our elected officials pledge to uphold? What do you think of the Chief, 2nd Chief, or seated Faithkeepers being able to administer the Oath of Office? What else should be included in our Oath of Office?**
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Committee- Proposed Oath of Office

- Adapted from the Sac and Fox Nation's Tribal Court Oath of Office by a CAC member
 - I, _____ solemnly swear, I will uphold the Constitution, codes, rules, Resolutions, and Ordinances of the Seneca-Cayuga Nation of Oklahoma; I will respect and honor the Seneca-Cayuga Nation's tradition, culture, and beliefs; I will practice with honesty and integrity, not misleading by a false statement of fact or law; I will conduct my duties in a manner that is to the highest degree of ethical and moral standards; and I will be guided at all times by the quest for truth and justice.
- **What do you think of this as a possible Oath of Office?**

150mi Radius & At-Large Representation

- Visual representation of 150mi from ezlocal.com
 - 52% of our General Council live inside of the red circle, and the rest of the 28% live outside of it
- Questions at hand
 - **How do we ensure that all our tribal members have appropriate representation in tribal government?**
 - **How can we strike the right balance for these topics, both now and in the future as we grow?**



Total by State	
Row Labels	Count of Name
USA	4565
AK	23
AL	13
AR	84
AZ	90
CA	433
CO	84
CT	4
DE	4
FL	44
GA	20
HI	6
IA	24
ID	40
IL	35
IN	22
KS	255
KY	4
LA	12
MA	2
MD	7
ME	2
MI	13
MN	6
MO	334
MS	18
MT	18

Total by Country	
Row Labels	Count of Name
Germany	1
PHILLIPINES	2
Army Post	1
AUSTRALIA	1
Canada	2
USA	4565
Grand Total	4572

NC	30
ND	4
NE	18
NJ	7
NM	78
NV	20
NY	13
OH	13
OK	2138
ON	1
OR	220
PA	14
SC	11
SD	9
TN	23
TX	194
UT	11
VA	37
WA	104
WI	9
WV	3
WY	10
DC	1
Grand Total	4565

Total by 4 State, 150mi ZIP	
Row Labels	Count of Name
AR	76
KS	188
MO	238
OK	1887
Grand Total	2389

Population Group Numbers as of 12/29/2023	
Total Population	6300
General Council	4572
GC in 150mi radius	2389
GC outside 150mi radius	2175
GC in whole 4 state Area	2811

Percentages of Population Groups	
Population Groups	Percentage of Pop
General Council	73%
Under 18 Years Old	27%
GC inside 150mi radius	52%
GC outside 150mi radius	48%
GC in whole 4 state area	61%
GC w/in 4 state but not 150	9%

General Council Distribution

Tribal Government, Representation, and Quorum

- **Possible Methods of At-Large Representation**
 - Absentee balloting for all Business and Standing Committee Elections
 - Business Committee (BC) Council people duties could include the responsibility of at-large representation
 - Naming a designated At-Large Representative from one of our current BC Council people to be the designated At-Large point of contact
- **Quorum is 150 for all General Council Meetings currently, whether Special or Regular**
 - When the Grievance Committee says there has been a proper showing of evidence, we will need at least 150 General Council members to vote on removal in order to actually remove an Officer

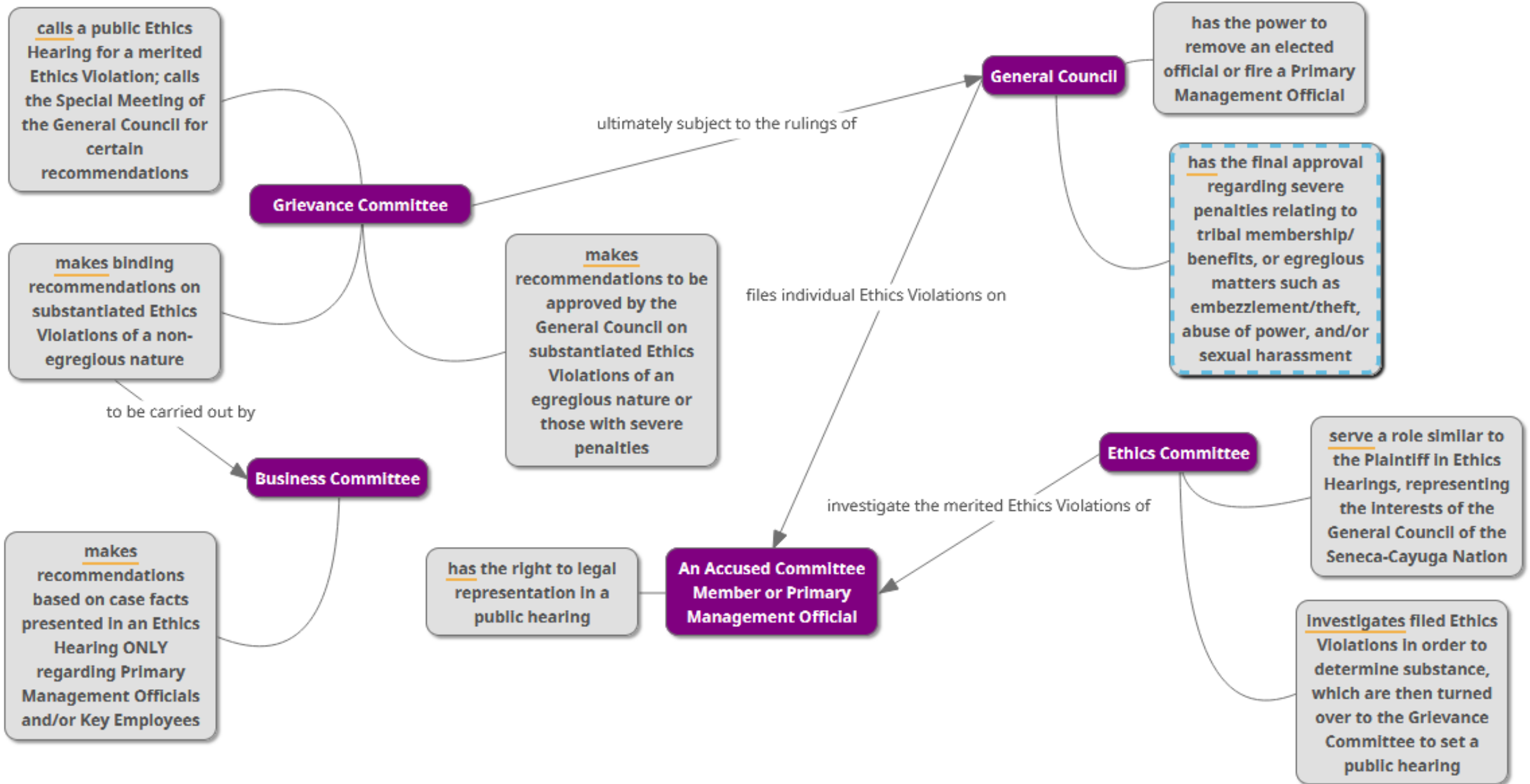
Current Grievance Procedures & Ethics

- **Article XII of the Grievance Ordinance contains the current bases for filed Grievances** – A Proper Showing of Misconduct in Office – only General Council has the power to hear evidence and determine whether there is a cause for removal for a Business Committee member. The Grievance Committee currently investigates and determines whether there has been a proper showing in the Grievance Process, defined as;
 - **MALFEASANCE**– unlawful acts done in an official capacity, affects the performance of official duties, or any wrongful act that a BC member has no legal right to do, or failure to perform an act that the Business Committee member is required to do, all as commanded by the Constituion and By-Laws or any other law of the tribe
 - **NEGLECT OF DUTY** – accepting bribes on contracts or neglecting official duties, gross negligence equivalent to fraud, careless or intentional failure to exercise due diligence in the performance of official duty, or habitual drunkenness in office, or gross immorality or misconduct in office amounting to neglect of duty
 - **COERCION**– improper use of authority or economic power; agreements entered into under coercion are considered illegal and invalid
 - **CONVICTION OF A FELONY** – being convicted during the term of office, included suspended sentences (but not defered) made in a tribal, federal, or state court
- **Due Process looks like many things, including but not limited to;** Standardized processes for violations, the ability to engage legal counsel in a proceeding, the ability for parties to call witnesses, proper notice for all proceedings for all parties, transparency throughout the procedure(s)

Proposed Quasi-Judicial Proceeding(s)

- No currently established judicial branch of our government – the vagueness of our Constitution on this has been in an issue in CFR Court and impacted rulings in it (September 25, 2023 Minutes)
 - May be necessary to create a quasi-judicial proceeding for all complaints filed on Tribal Government Officials and/or Key Management Officials (term used by National Indian Gaming Commission) which would be so defined for us as;
 - (a) any administrator, any executive director of Tribal government, an authority, or a Committee, any Tribal attorney, any procurement officer, any president, vice-president, chief executive officer, chief financial officer, or general manager, or
 - (b) other member of senior management of a Tribal entity who has decision-making authority regarding Tribal funds or property and who has been designated as a key employee by the hiring authority or the Seneca Cayuga Nation Business Committee.
- To protect the due process rights of an accused member, it is necessary to separate the investigators from those who make the final recommendations of a filed Grievance
- In the following these terms are considered equal as we use them today; Grievance=Ethics Violation and Proper Showing Hearing=Ethics Hearing
 - Ethics Violation bases would rely on a Code of Ethics, similar to what we already have in the Grievance Ordinance, except it would have its own Article in the Constitution

A "Quasi-Judicial" Grievance Procedure Drafted with Due Process In Mind



To inform General Council on the information gathered, the work done, and help create awareness of this work

To listen carefully to the comments and concerns of the General Council on all topics we will discuss today

To answer the questions of "Would such changes work for our community? What do you think?"

Goals for this
Town Hall
Conversation