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HONORING NATIONS: 2010 HONOREE
Citizen Potawatomi Nation Constitutional Reform
Citizen Potawatomi Nation

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Tribal governments across the United States work tirelessly to provide their citizens with effective systems of governance. After years of failed assimilation attempts, the federal government imposed blanket political systems upon almost all tribes regardless of those systems' effectiveness or cultural suitability. Given such misdirection, it is little wonder that many tribal governments find it difficult to meet the demands of the 21st century now that they have greater business dealings, substantial legal jurisdiction, more control over service delivery to tribal citizens, and increasingly mobile populations. In response to these pressures, the Citizen Potawatomi Nation of Oklahoma began a radical constitutional reform process designed to make its government more responsive, stable, and predictable. The task was daunting. The Dust Bowl of the 1930s and the following decades saw the nation's citizens scatter to all parts of the United States. The desire to reach out to and involve every citizen has now created a unique tribal legislature, with simulcast meetings and participation from across the country. These political changes are vitally linked to strengthening the nation's identity, developing the nation's economy, and celebrating the nation's culture.

The Dream of a Better Government

The Citizen Potawatomi Nation has a long and painful history of relocation and loss of land. Originally from homelands in Indiana and southern Michigan, many Potawatomi were forced onto reservation land in Kansas. Some took American citizenship and purchased new lands in Oklahoma, but even this territory was eventually opened to non-Indian settlement.

By the 1970s, the nation's citizens were spread throughout the U.S., and the tribe's trust land holdings outside of individual allotments totaled just two and one-half acres. The Citizen Potawatomi Nation's political system barely functioned. The tribal constitution vested all governmental authority in a meeting known as the General Council. Limited powers were delegated to a five-person body known as the Business Committee whose members served two-year terms of office and ran the nation from a small surplus Army trailer house with a budget of less than \$1000 per year. With a quorum of only 50 members, annual General Council meetings required in-person voting for elections and resolutions. Opposing factions would then call "Special General Council meetings" with little or no notice to reverse the annual meetings' decisions. Most tribal citizens were not able to vote on tribal matters because they required in-person attendance, effectively disenfranchising those members who lived out of the area. General Council meetings were so often filled with acrimony, and

sometimes violence, that even the 50 person quorum became difficult to achieve. There was no rule of law because the nation lacked codes and ordinances or the means to enforce them through a Tribal Court. Without checks and balances, this political system invited apathy, political turmoil, and abuse of power. When the nation started earning bingo profits, conflict soon erupted over the use of the money. A traumatic take-over of the government offices made it clear that how the nation was governed needed to change if it was to remain viable.

The Citizen Potawatomi thus embarked on a long-term, gradual process of constitutional change. In 1985, a new constitution made absentee voting possible. Still, many tribal citizens remained detached from the nation's affairs and voter turnout was low. At the same time, the nation's business interests were expanding and it began to provide services such as health care and housing to its citizens. In order to grow, the Citizen Potawatomi needed continuity and more capable institutions to ensure the political stability that would allow its businesses and other endeavors to thrive while also meeting the needs of *all* their citizens.

A Virtual Legislature Is Born

In 2002, Citizen Potawatomi's leaders proposed radical changes to the constitution. These included abolishing the current political system, setting up a legislature, and giving a voice to those citizens residing outside of Oklahoma. With funding from the federal Administration for Native Americans program, the nation formed a technical workgroup and drafted the new constitution. Community members provided input on every step of the process via public meetings held in Oklahoma and elsewhere, and by responding to a questionnaire that was mailed to over 12,000 Citizen Potawatomi households across the United States. After many years of consensus-building, the new constitution was put to a vote in 2007. It was approved by 82.8% of the votes. The old five-person Business Committee was disbanded and replaced by a government with well-defined roles for the executive, legislative, and judicial branches.

The centerpiece of the reforms is the new legislature, which brings transparency to debates over the issues facing the nation. The executive representatives — a Chairman, Vice-Chairman, and Secretary Treasurer — are members of the legislature. This structure was designed to smooth the transition between the two governing systems. All meetings of the legislature are video streamed and archived on the Internet. As a result, citizens can follow Citizen Potawatomi politics wherever they live, whenever they can.

Unlike many tribal nations, every Citizen Potawatomi citizen living within the United States is represented in the new legislature. The legislature is deliberately balanced between sixteen elected representatives, eight who live inside and eight who live outside Oklahoma. All Citizen Potawatomi citizens can vote for the three members of the executive who must be Oklahoma residents. Voters living in Oklahoma elect five representatives at-large for their state. The rest of the country is divided into eight districts, each with about 2000 Citizen Potawatomi who elect one regional legislator. A citizen living in Phoenix, for example, votes for the nation's executive branch and for an elected representative in District 5, which covers Utah, Colorado, Arizona, New Mexico and parts of Texas. Since the legislators live all over the country, the nation has set up an innovative "virtual legislature." Sessions are held through video conferencing with a special split screen that allows representatives to see one another during their meetings.

Recognizing that the creation of a new government would be a work in progress, the 2007 Constitution removed the need for federally-supervised constitutional elections and Bureau of Indian Affairs approval of any future constitutional amendments. The Citizen Potawatomi Election Committee, already in place to supervise tribal elections, is now empowered

to supervise constitutional elections. This change strengthens the nation's autonomy and allows Citizen Potawatomi to use its own election procedures. This avoids the high cost, low voter turn-out, and delays caused by holding separate constitutional elections under antiquated federal rules.

A Government for All Citizens

At the heart of self-determination is the ability to govern oneself. A nation that creates new political institutions to better fit its needs carries out the most basic act of sovereignty. By moving to a legislative system of its own design, Citizen Potawatomi has left behind the dysfunctional government it inherited under federal domination. This potentially difficult transition was successful because leaders took the time and employed the methods needed to build consensus within the community. The end result is a political system that is reflective of its citizens. As one person involved in the process observed, "there is no shortcut for getting tribal member understanding and acceptance of such significant constitutional changes." Clearly, the new government is engaging citizens in a way that the previous system did not. In the three years before the reform, only five candidates ran for office. In the first three years after the new constitution came into effect, forty-eight candidates put their names forward.

Given the Citizen Potawatomi Nation's history of dispersal, connecting citizens to their roots is an overarching concern. The push to involve citizens living outside Oklahoma by giving them a voice in the nation's government is a truly remarkable feature of the latest constitutional reforms. Over 60% of the nation's 28,000 citizens live outside Oklahoma; enabling them to elect representatives in the legislature is a ground-breaking acknowledgment that non-residents are valuable members of the Citizen Potawatomi Nation and their voices matter. Although some citizens living in Oklahoma were initially nervous about giving "outsiders" an equal say in the nation's affairs, the new system benefits everyone and harnesses the skills of all citizens no matter where they choose to live. It means that a tribal citizen can pursue graduate degree studies at UCLA or take a fantastic job in Wisconsin but still be an integral and important part of the nation.

Interestingly, one of the biggest effects of the political changes at Citizen Potawatomi has been an upswing of interest in cultural activities. Citizens, both within Oklahoma and from outside the state, have been requesting eagle feathers, holding naming ceremonies, and wanting to participate in language programs and cultural teachings. The Citizen Potawatomi Court has even had requests for rulings from citizens who live far away, but who want to honor their cultural and citizenship ties in divorce and child custody cases. For citizens living outside Oklahoma, the regional legislators have become a key point of contact for cultural activities, indicating that the changes to the government are helping to build the nation's distinct identity. One Citizen Potawatomi leader observes, "When we come into a place talking about government, the people want to talk about our culture and the stories. We tell them that paying attention to how we set up our government is the foundation for that."

Bringing the Lessons Home

No matter how ineffective a political system is, change is possible. Many Native nations are looking to discard boilerplate governments not of their own making for self-designed systems that meet the particular needs of their own citizens and their responsibilities in the 21st century. The Citizen Potawatomi Nation has blazed a trail for other nations through a major constitutional reform process. With a new legislature that includes non-resident representation, all citizens can contribute their energy and knowledge to the nation no matter where they live. The nation's reforms and innovations make citizenship real for all Citizen Potawatomi.

Lessons

1 The opportunity to design and choose the tools of self-government is fundamental to sovereignty.

2 Where the forces of history have scattered a tribe, a tribal constitution that represents all citizens, regardless of where they live, can strengthen a nation.

3 Constitutional reform that yields legitimate and effective tribal government can be critical to cultural and economic sustainability.

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