

## EXECUTIVE SUMMARY

- The Constitutional Study Group (“CCSG”) was comprised to meet and review through the current Constitution of the Absentee Shawnee Tribe and address the issues, problems, and correct mistakes that were in the current constitution.
- First and foremost, the CCSG wanted to ensure to keep the historical language of the constitution, but expanded, enriched and incorporated new and broader language more representative of the people of the Absentee Shawnee Tribe into the Preamble recognizing our “inherent sovereignty has existed since time immemorial,” to protect the “rights, culture, and traditions” of the Tribe, and to “preserve and enrich our tribal culture, heritage and religion; to protect and maintain our reserved, allotted, and other lands . . .,” etc. It is a Preamble that is one to be proud of and best describes the direction and purpose of the Tribe. *See Page 3.*
- Next, the current AST Constitution was difficult to follow and understand. It was discussed, compared with other tribes, the State of Oklahoma (and other States), and the United States Constitution, and researched, on how to make the AST Constitution more “user-friendly.” It was decided that it should be generally framed in similar manner that follows other constitutions such as the U.S. Constitution. For example, the powers of the “Executive” (i.e. the President and the Governor) are in Article I. *See page 3-7.* The Legislative powers are in Article II (page 8) and the Judicial Powers are in Article III.
- The Terms of Office for the Governor, Lieutenant Governor, and the Legislature (six members) will be four years (page 3). Both the Governor and Lieutenant Governor cannot serve more than two consecutive terms (page 3). Among other qualifications, eligibility must be at least one-fourth (1/4<sup>th</sup>) blood quantum (page 4).
- Upon passage of this Constitution, a Special Election will be called for all offices within 60 days (page 29).
- The current Constitution did not address how to remove or impeach a Governor or Lieutenant Governor. This Constitution will address it (page 24-25).
- The members of the AST General Council can recall the Governor, the Attorney General, the Tribal Legislature by recall petition (page 24-25).
- The current Constitution does not address an Attorney General, the duties of, how to hire or remove, or who he/she actually represents (page 22-23).
- The Governor must recommend three attorneys to the Legislature for the position of Attorney General. The Legislature will approve of one to serve one four-year term. Page 23.
- The Attorney General represents only the interests of the Absentee Shawnee Tribe – and is not the personal attorney of any official of the tribe. *See page 22-23.*

- The Governor will recommend to the Legislators a Tribal Administrator to work with all of the Program Directors as to a general state of affairs annually. *See* page 5.
- The CCSG found that there was not a true “checks and balances” of power between the branches. The CCSG proposed a balance of who would nominate, who would approve, who would remove, who would supervise, who would handle finances, etc. This balancing of powers mirrors that of the federal constitution.
- The CCSG recommends separating the current legislative and executive powers into a tribal legislature of six members to allow for a greater distribution of power with increased number of legislators with a greater “checks and balances” of powers, as well as a means of each branch to hold the other accountable. Both the current “executive” and “legislative” branch of the AST to possess too much power for such limited number of individuals and provided no representation for AST members outside of the service areas. Page 8-12.
- The CCSG recommends separating the current executive and legislative powers into a tribal legislature of six members with two “legislators” representing a designated “Area” consisting of (A) A Shawnee Area, (B) Little Axe Area, and (C) an At-Large Area. Page 8-12.
- The Little Axe and Shawnee Areas would be consisting of the nine (9) historical service area counties. *See* page 8.
- The At-Large Area candidate must reside anywhere within the state of Oklahoma and represent the interests of AST members outside of the service areas (to include outside of the state of Oklahoma). *See* page 8.
- The Tribal Legislature shall appoint/hire a qualified Chief Financial Officer (CFO), either full time or on a temporary basis – no requirement to be a tribal member – to work with the Governor and Lieutenant Governor to put together a budget.
- The Tribal Legislature shall appoint a single Election Commissioner who shall be responsible for organizing a committee, procedures, regulations, and oversee elections – and will serve at the pleasure of the Legislature. Cannot be hired or fired by the Governor or the Lieutenant Governor. *See* page 8.
- There would be three (3) Supreme Court Justices serving four-year terms. *See* page 20.