

# Dealing with the feds and constitution reform



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Our most pressing issue right now is our governmental budgets. Congress is not the only government entity that has a budgetary deadline. We have one, too. We are operating with uncertainty as to how much funding is going to be awarded by IHS, BIA, DOJ, BIE, etc. And, unlike Congress, we don't get to raise taxes, print more money or borrow ourselves out of the hole.

We have passed two continuing resolutions (CRs) since August in order to keep functioning. But that is a dangerous approach since we'll have fewer months in the year to absorb whatever the budget cuts Congress eventually decides on. As I write this report, Congress is in the second week of a government shutdown. These "mini CRs" that Congress keeps

funding decreases the incentive for Congress to pass the entire federal budget. It leaves us more vulnerable to a long protracted standoff.

Contrary to what you may have heard elsewhere, we asked our departments to prepare preliminary budgets based on "worse-case scenarios" of 5, 10 and 14 percent funding cuts. This is part of the budget formulation process—so we can put together a plan to reallocate tribal support dollars (the only money we have real control over how it gets spent). We are doing this in order to NOT disrupt services. The budget formulation process takes time and we are running out of that. Two critical workshops were cancelled in the final weeks of September. That is unacceptable. At this juncture, it is time for the administration to present their budget recommendations, so we can move forward.

It's important to remember that the federal funds that we rely on, are NOT entitlement programs (though Congress administers them as such). They are prepaid treaty obligations. They should be exempt from the budgetary process. We are a self-governance tribe and we contract with the federal government to provide the programs and services they are obligated to. But unlike other government contractors, the "contracts" are consistently underfunded. This requires us to subsidize

treaty obligated funds with our own tribal support dollars (revenue from casinos and enterprises). We currently draw profits (corporate tax) at \$17 million. We have remained diligent and aggressive in paying down debt. In 3.5 years, the debt will be retired. That will make available an additional \$8 million a year in tribal support.

I will not support refinancing the debt over a longer term. It's imperative that we live within our means and get ourselves free from long lingering debt. I want to let you know that I reduced my stipend a long time ago (10 percent). And I will reduce it some more if necessary. Lead by example. The chairman has informed the members that he has not cut his wages (Twice the chairman/Half the pay). He has concluded that he would rather donate half his pay where he sees fit. A little misleading in my opinion, but I know the beneficiaries of his generosity are grateful. Board members who have cut their pay assist the general fund.

## **THE DRAFT CONSTITUTION**

The following is my consistent position on the Constitution. And for the record: I have voted in support of moving the constitution forward every step of the way.

In 2008, the Constitutional Convention Committee presented to the tribal government a draft constitution with a request to

accept no further changes. No action was taken regarding the draft until the board of directors meeting held on Sugar Island in September 2012. At this meeting, the Elders Advisory Committee requested that the board of directors adopt the drafted document "as written" and send it to the Department of Interior for a Secretarial Election.

Instead, the board passed a motion to formally review the draft document via an "Ad Hoc Implementation Review Committee" comprised of individuals from the original Constitutional Convention, Elder Advisory Committee delegates and the tribal governing board. The committee was tasked with reviewing the proposed draft constitution, to make remarks and recommendations for revision. The review process concluded on Saturday, March 6. I stated my position in my April Unit Report, "Please let's honor and show respect for all the heart, soul, time and resource invested in this effort and vote this document 'as written' up or down. I don't want to see it be used as a political football any longer. It's time for us to act as the legislators we were elected to be."

In April, the chairman switched gears and started talking about a "series of amendments." It's hard not to look at this as a "bait and

switch" tactic. If you don't support the draft constitution, get it off the table once and for all. The document was proving more useful as a political billy-club (just read the chairman's last six unit reports). Well, that finally happened at the Oct. 1 board meeting. I and Director Causley voted to send it out to a "vote by the people." The remainder of the board (including the chairman) voted 'no.' Majority rules in a democracy. So be it. Although I agreed with the rest of the board that the document was too flawed to enact, I felt strongly that after so many years of investment, it should be the people who had the ultimate decision to decide. It's over now and contrary to what the chairman says, I am still committed to constitutional reform. As soon as this budgetary crisis is over, we can get down to passing a "series of amendments" as the chairman has proposed.

We will have a dedication ceremony of the Wequayoc Cemetery on Sat., Oct 19, at noon. Flyers and invitations are going out now. I am so grateful that we have this sacred land in our care. Let me just conclude by saying, we are a strong people. We will survive the turmoil.

Please continue to call me with your questions, concerns and input.

In love and service, Miigwech.