

MEMORANDUM

To: Citizens of the Quapaw Nation
Cc: Constitution Committee, Business Committee, Ethics Commission, Grievance Committee, Election Committee, and the Judiciary
From: Professor Elizabeth Hidalgo Reese and Student Members of the Stanford Law School Policy Lab on Quapaw Nation Constitution Drafting
Re: New Draft Constitution
Date: December 12, 2025

To the People of the Quapaw Nation,

It has been our privilege to get to know your Nation and its system of government. We are honored by the trust that you put in us to undertake this work. You have entrusted us with something precious—the way you exercise your fundamental right to govern yourselves—and we understand the weight of that. We know that your ancestors sacrificed so that you could survive as the Quapaw Nation. And we know that the work of reforming your government is complex, hard, intimate, and can be very emotional.

Our first job was to get to know you, the Quapaw People, to figure out what ideals of government you have and what parts of your current government you want to keep or reform. We were then tasked with translating that into a constitution that works, is easy to understand, and will survive the test of time. Any new ideas, roles, or structures that we suggest in this document reflect our efforts to take the core values and priorities of the Quapaw People and translate them into a system of government—your system of government.

We recognize that this project was big and remain available to answer any questions the Quapaw People or the Nation's leaders may have after reviewing our work.

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I. Introduction: The Challenges Facing Quapaw Nation and How They Informed This Draft

A History of Distrust: The Need for Safeguards

Throughout our conversations, “the John Berry years” came up over and over again. It was abundantly clear to us that the alleged misconduct of the John Berry administration cast a long shadow over the Quapaw People’s relationship with your government. You’ve been burned before. The pervasive fear of misconduct or corruption has led to a strong distrust of your leadership, especially the Business Committee. To root out and discourage misconduct, you’ve created several institutions—like the Ethics and Grievance Committees—and additional policies—like the freedom of information—to ensure transparency.

In working on a draft constitution, we worked hard to protect these reforms and to bolster their effectiveness. As we sat down to think about the Quapaw Nation government structure, we prioritized as one of our guiding principles the idea of creating a government that you could trust. This meant taking what you’ve already built and using our expertise to add additional structures that would prevent misconduct, create checks on government power, encourage transparency, and protect the officers who are supposed to root out corruption from being—or appearing—corrupt themselves. You will see examples of this throughout, including additional protections for government oversight officers.

Different Opinions: A Compromise Document

In our time at Quapaw Nation and in our many conversations with members of the Nation and your government, it was clear to us that many feel the urgent need for government reform but that there are also many different opinions about how the government should be reformed. Not everyone can agree on what exactly is wrong with how things currently operate.

As a result, the constitution we drafted is necessarily a **compromise document**. It has to be.

There is no constitution that would please everyone, because you are not a community that agrees on the fundamental questions about what works and doesn’t work in your government.

The question is not whether you think this document is perfect. The question is **whether you think it is better than what you have right now**. That was our aim.

We think this document will help with many of the challenges the Quapaw Nation is experiencing. While it would be completely inappropriate for us to weigh in or get involved with the Nation’s politics, we have been watching and listening. And we think that several of the conflicts playing out in the Nation could have been avoided by some of the additional processes, structures, or safeguards that we propose in this constitution.

II. Recommendations for Considering, Debating, Amending, and Adopting this Draft Constitution

First and foremost, we give this draft to you to do with as you please. **This is supposed to be your government. Your constitution. And so whether you want it is entirely up to you.**

However, we have a few suggestions for how the Quapaw People could go about considering, debating, amending, and adopting this constitution—should you choose to move forward with it.

A constitution must be a cohesive and comprehensive document that lays out the core rules for how the government works, and the foundational rights of its people, usually framed as limits on what a government can do. With a system of divided government powers and authorities, constitutions are documents that strike a delicate balance.

For that reason, we are delivering a complete and cohesive document that we recommend you read in its entirety and take time to reflect on before forming opinions about it. We hope that the Quapaw Nation will engage in robust discussions about this constitution. However, we recommend thinking about this document as something that should be adopted as a whole, rather than as a set of suggestions that can be individually adopted or rejected. That is because great care and consideration went into balancing the different parts and roles of government we suggest here. Significant alterations could throw off this balance.

We thus recommend that the Constitution Committee create and run a process for soliciting feedback and to only suggest amendments if it is clear that those amendments represent the clear and consistent preference of the Quapaw People as a whole. Some voices can be louder than others and we worry about particularly outspoken members of the community having an outsized influence on your government, even if those opinions are not shared by a majority of the people. We do not think it is a good idea to allow this document to be re-written and amended only by those who are the most outspoken.

If the Constitution Committee compiles this feedback and it seems that an amended document is necessary, we suggest making those alterations before bringing the new document to the floor of the General Council along with our original version. We recommend including written summaries of each so that the Quapaw People understand any additional changes. We also recommend that the Chair of the Constitution Committee be present at the General Council meeting to answer any questions on the Stanford Process and the Draft, or Drafts, presented.

We recommend only presenting cohesive governing documents to the General Council for a simple “yes” or “no” vote on the next July 4th. We do not recommend placing these documents up for live amendments at the General Council meeting. From our experience, trying to think through the consequences of changes to the document as a whole, the accompanying super statutes, or the balance of power in just a few minutes is ill advised and could lead to unforeseen problems.

If the Constitution Committee chooses to adopt amendments, Professor Reese will be available to work with the Constitution Committee to incorporate their revisions on a very limited basis. Should the

Committee want, she could also attend a Business Committee meeting, open forum, or the General Council meeting on July 4th, 2026 to answer questions publicly.

III. General Changes and Recommendations

Style and Length

We heard from many Quapaw Nation citizens that you wanted a more accessible constitution. To that end, we worked hard to make our draft constitution short and free of legal jargon that made it harder to follow. For example, we changed words like “judiciary” to “the Courts,” described authorities rather than relying on legal terms like “jurisdiction,” and removed all instances of “shall” and replaced them with more direct and clear words. Where possible, we also consolidated parts of the document so that it could be as short as possible.

The Governing Resolution is currently 3,455 words. The original draft constitution we received in February 2025 was just over 7,000 words and had very significant omissions and other typing errors. The revised version presented to the General Council on July 4th, 2025 (what we have been calling the “July ‘25 draft”) was significantly improved, but also much longer at about 9,230 words. For context, the U.S. Constitution contains 4,543 words in the original document, with 7,591 words total after including its 27 amendments.

Our draft is just over 5,500 words.

Cutting Details and Introducing Super Statutes

A constitution is an important governing document that reflects the highest legal authority in the land. A constitution should be a short, clear blueprint for how a government works and what the core rights of its people are. A constitution’s contents should be expected to stand the test of time. A constitution should outline the basics of a government, including the fundamental structure, principles, and rules of a nation, as well as who governs, how such power is divided, and what basic rights and responsibilities exist. At its core, a constitution is a broad framework for the government and the rights of its people, setting the foundation for which all other laws should comply.

A statute, on the other hand, is a formal law enacted by a legislative body. A statute’s contents differ from a constitution in that they are usually more detailed, focusing on specific issues to create policies and processes within a constitutional framework. Statutes are very important because they can declare, prohibit, or command specific actions for the purpose of governing society (so long as they do not violate the constitution). But they are not the heart of the government and should thus be easier to amend and have a lower ratification threshold.

Despite not being a constitution, statutes can still speak to government structure, and even establish a lot of fundamental rules for government structure. Many key details and rules about a government can be found in statutes rather than constitutions. For example, the number of sitting Supreme Court Justices was never detailed in the U.S. constitution and was instead outlined in a federal statute.

The distinction between a constitution and a statute is an important consideration when drafting a new constitution. Given the differences between the two, it can be risky to include specific details in a constitution that would be more appropriate in a statute. Including highly detailed statutory provisions in a constitution can overcomplicate the document, diminish the value of ordinary laws, and limit a government's ability to adapt to changing circumstances. For example, details on how the Quapaw Nation's Committees operate day to day really don't belong in a constitution—instead, a constitution should capture core authorities, structures, or checks on power. To thus ensure clarity and legitimacy, constitutions focus on the “big picture” items and statutes fill in the details.

In our review of the July '25 Constitution Draft and the Governing Resolution, it seems that previous attempts to reform the government occurred through constitutional reform. This pushed many of the things about how the Quapaw Nation government should run into the Governing Resolution/Constitution instead of existing in Quapaw law as statutes.

In our work, we identified several places where the July '25 Constitution Draft is overly specific and detailed, beyond what is a good idea to have in a constitution. We strongly recommend removing these details and instead passing them as statutes—very important laws, but just laws nonetheless. We call this category of laws which do the extra important work structuring the Quapaw Nation government, the “super statutes.” We recommend passing these super statutes along with the constitution to achieve the scope of government reform contemplated by the Constitution Committee's efforts over the last few years.

This is not a totally new or foreign idea to the Quapaw Nation, because you already have a lot of what we would call “super statutes.” Most notably, the Election Ordinance, Ethics Code, and the Resolutions governing the Quapaw Courts. But we think it's important to emphasize that **just because certain details are not in the constitution, it does not mean they are unimportant.**

Such areas have been identified and explained throughout this memo and in more detail in Appendix 1.

IV. Preamble

A preamble is an introductory statement that provides a brief explanation of a constitution's purpose. As the opening section, it summarizes the intentions behind the constitution, outlines the fundamental goals of the government, and emphasizes the Nation's most important concepts.

The revised preamble eliminates repetitiveness, removes negative statements, gets rid of statements with unclear meanings, increases conciseness, and consolidates the assertion of core values of the Quapaw Nation. These changes better align the text with the purpose and function of a preamble.

The revised preamble was written utilizing structural guidance from other tribal constitutions and substantive guidance from the Stanford Team's various meetings with the Quapaw People, such those with the Quapaw Nation Language Department and the Quapaw Nation Director of Culture.

The Osage constitution, for example, begins with a statement about who the Osage are, proceeds with a discussion of fundamental tribal values, notes the purpose of the document, then concludes with a resolution. Similarly, the Kaw constitution preamble is brief, and provides an affirmative statement of Kaw beliefs, values, and goals, followed by a resolution. The Choctaw constitution preamble is also short, highlighting the core values that characterize the Tribe which the government wishes to embody.

The revised text begins with a positive statement about who the Quapaw People are and where they come from. Specifically, it acknowledges the Quapaw People as the Downstream people, an identity which all Quapaw Nation members seem to share, and provides recognition of the diversity of thought regarding the Quapaw creation stories. Next, it provides an affirmative statement of the Quapaw values which appear to be most important. Finally, it details the constitution's purpose, followed by a statement of resolution of the Quapaw People.

V. Government Structure

Reforming, Not Refounding

Many governments have taken the opportunity of drafting a constitution as an opportunity to fundamentally restructure their government and refound it with new governing institutions. Although we heard many criticisms of the current government structure, we were not given the impression that the Quapaw People wanted to get rid of any of the core institutions of the Nation's governance.

The General Council, in particular, seemed especially important to the Quapaw People to keep and protect. Therefore, we viewed it as our job to **reform the existing institutions of the Quapaw Nation government** to make them more functional and prevent conflicts. This makes our draft constitution a reform document that keeps in place the core institutions that the Quapaw Nation government currently has. In sum, it is not a complete "refounding" document.

If it was the will of the Quapaw People to completely overhaul the government and start from scratch with new structures, our priorities and recommendations would be entirely different and we would end up with a very different constitution.

Types of Quapaw Nation Government Officers

In our review of existing Quapaw Law, we were consistently confused by the many different ways the Nation elects or appoints individuals to serve in government, as well as the multiple methods of their removal. It seems that these processes are mostly governed by the laws that create the positions. This was difficult to track, and we believe it can lead to tensions over the potential removal of the Nation's officials.

We strongly suggest adding clarity and consistency to this process to avoid future conflicts about how these processes work. To achieve this, we use the terms "elected" and "appointed" throughout the constitution and explain these categories below. We also found that clarity around these terms helped us better understand and enforce the different safeguards for independence already built into the Nation's

governance structure. For example, the Grievance and Ethics Committees are importantly given independence from the Business Committee by being elected by the General Council, rather than remaining subject to appointment by the Business Committee like other government officials are.

Elected Officials

“Elected” Officials are officials that are elected to serve in an office by either a vote of the General Council or through the annual July Ballot Elections.

Elected Officials					
Office	Elected By	Number	Terms	Term Limits	Quapaw Citizenship Requirement
Business Committee	Ballot Elections	7 Including Chairman, Vice Chairman, and Secretary	3 years	3 consecutive terms (9 years)	Yes
Grievance Committee	General Council*	4	3 years	3 consecutive terms (9 years)	Yes
Ethics Committee	General Council*	5	3 years	3 consecutive terms (9 years)	Yes
Attorney General	General Council*	1	3 years	None	No
General Council Legal Advisor	General Council*	1	3 years	None	No
Any other positions under Quapaw Laws	General Council or Ballot Elections, as specified in Quapaw Laws	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions

* The Constitution does not specify that these officers must be elected at the July 4th General Council Meeting. However, we put that requirement into the Super Statute for General Council procedures since high turnout for these elections seemed important. That makes the law easy to change if electing officers at other General Councils is more practical in the future. This way Quapaw can wait and see how the more frequent General Council meetings will work out.

All Elected Officials are Removable by:

1. Losing the next election (voting them out)
2. Majority Vote of General Council after a Recommendation from the Ethics or Grievance Committees
3. Recall Elections

Appointed Officials

Appointed Officials are all the other officials appointed to serve in a government office, most commonly by the Business Committee.

Appointed Officials						
Office	Appointed/ Removable By	Number	Terms	Term Limits	Removal Protections	Quapaw Citizenship Requirement
Judges and Justices of the Quapaw Courts	Business Committee	Set by Quapaw Laws/Resolutions	3 years	None	Good Cause 5 vote supermajority of Business Committee	No (With Judiciary Development This Could Change)
Election Committee	Business Committee	5	4 years (set in Election Ordinance)	None	Good Cause 5 vote supermajority of Business Committee	Yes
Lower Offices	Attorney General	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions
Lower Offices/ Committees	Business Committee	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions
Lower Offices/ Committees	General Council	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions
Any other positions under Quapaw Laws	General Council or Ballot Elections, as specified in the Quapaw Laws	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions	Set by Quapaw Laws/Resolutions

Appointed Officials are Removable by:

- The government body that appointed them (unless a law says otherwise)
- For any reason (“at will”)
- Majority vote of General Council after a Recommendation from the Ethics or Grievance Committees

We think this system adds clarity to situations where the General Council creates a committee or an office, but leaves the decisions on who to appoint to that committee to the Business Committee. For example, currently, it is unclear who has the authority to fire many committee members. Our constitution thus creates a baseline rule to follow so that these situations are never unclear. So if the Business Committee appoints, it can also fire. That default situation can always be changed, but it must be a clear change in Quapaw Law.

Appointed officials account for the vast majority of government positions at the Nation right now—all subcommittee positions and officers are mostly appointed and overseen by the Business Committee. We think it is appropriate for these officials to be fired by the newly elected leadership if that leadership simply wants to go in a different direction. This is common in other governments, including the United States, where a new President gets to appoint new cabinet secretaries to each administration.

However, we think a few appointed officers should have removal protections that make it harder to fire them and promote independence. These positions include the Election Committee and the Judges and Justices of the Quapaw Nation Courts who, once appointed by the Business Committee, we think should be protected so they are able to do things the Business Committee does not like without fear of being immediately fired as a result.

Tribal Employees

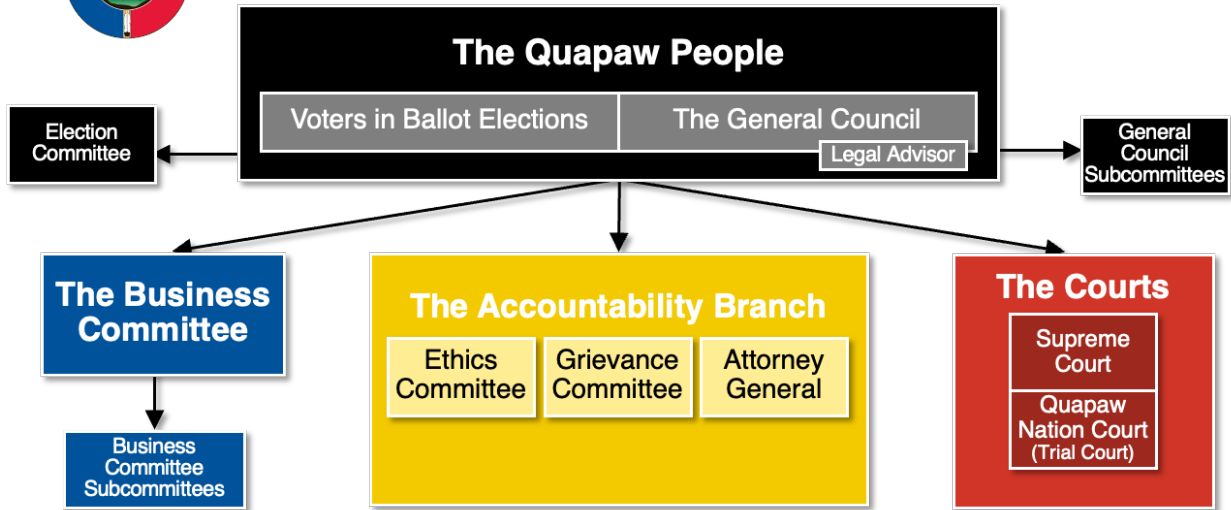
Importantly, Quapaw government employees are not officials at all. Therefore, the ability to remove appointed officials **does not include the right to fire employees of the Quapaw Nation who are not appointed officials**. These are the folks who are hired into jobs—rather than appointed—and who keep the government running with day-to-day work that is not political, just operational.

These employees should not be fireable for political disagreements, and we have made sure to protect employee rights in the Rights of Citizens section of the draft constitution. This was extra important since we heard that a lot of people suspect that elected officials responsible for overseeing government misconduct are not able to independently do their jobs because they work for the Nation and fear being fired by the same government officials they oversee.

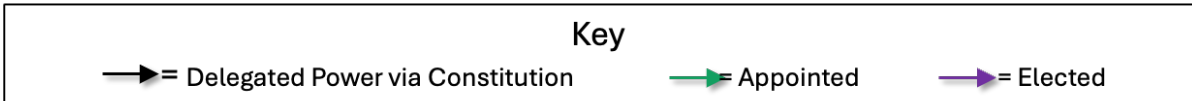
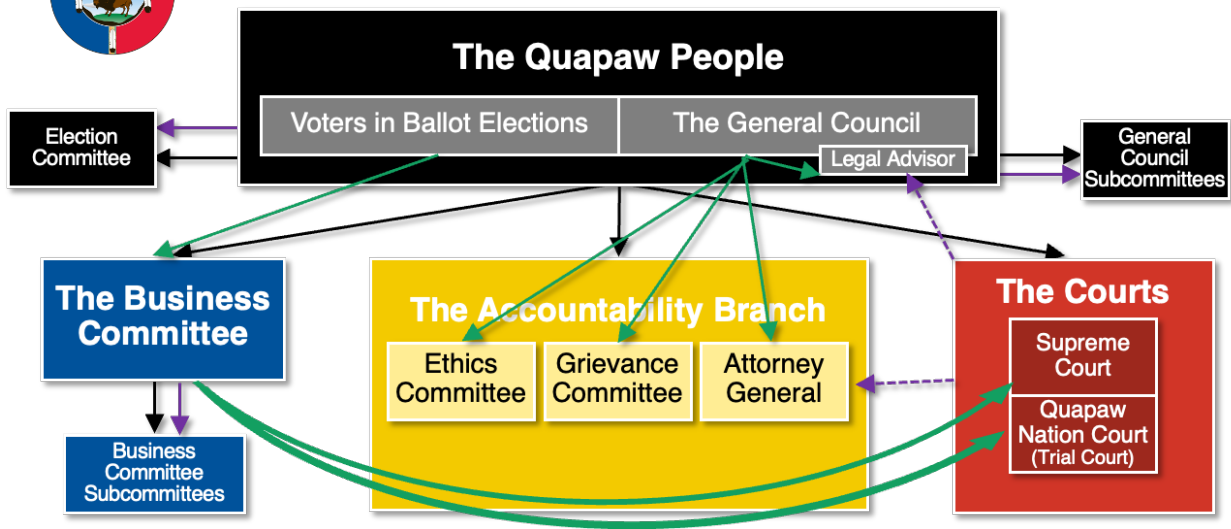
Government Structure Charts



THE GOVERNMENT OF THE QUAPAW NATION



THE GOVERNMENT OF THE QUAPAW NATION *Detailed Chart*



VI. Territory and Jurisdiction

Including a Territory and Jurisdiction Article in the Constitution affirms the Nation’s sovereignty from the state and federal government. The updated territory statement includes the Nation’s geographic reservation boundaries. It also includes the Nation’s natural resources and other kinds of rights, like water or subsurface rights. The text is broad so that nothing limits the Nation’s territory now or in the event of future changes to the Nation’s land holdings and those held by the Quapaw People. For instance, new land purchases, leased lands, trust lands, and allotments are fully covered. And by including a reference to “Indian country,” the Nation’s territory will also be protected under federal law.

The jurisdiction statement protects the Nation’s sovereignty in the territory described above. This sovereignty extends over all people (Quapaw Nation citizens and non-citizens alike), businesses, and activities. The Nation’s ability to exercise its sovereignty outside the territory is also protected to the fullest extent possible. A key change from the previous language includes the removal of specific examples of authority in favor of general language. This supports the Nation’s broad jurisdictional authority, which includes the power to regulate, prosecute, and settle conflicts within its territory and beyond.

Finally, the savings clause has been updated. The clause prevents unintentional harm to the Nation’s sovereignty or jurisdictional authority. This means that the Nation will not be limited in the future by how its territory and jurisdiction are described today. The language is more general than what was included in the July ‘25 Constitution Draft to cover all unforeseen future circumstances, like changes in Quapaw territory, Quapaw Law, or federal law.

VII. Citizenship

The revised Citizenship Article is less detailed than the July ‘25 Constitution Draft since much of that content is appropriately covered in the Membership Ordinance, Resolution No. 122113-B. This streamlines the Article while ensuring that future adjustments to citizenship procedures can be made more easily through amendments to a statute rather than to the constitution itself.

Aside from eliminating one historically outdated provision, the revisions do not alter citizenship eligibility requirements or the Nation’s authority to enroll qualified citizens or revoke citizenship if required. The process for having the General Council verify membership was moved out of the constitution, though it appeared in the July ‘25 Constitution Draft. This process—which we also find onerous and would recommend getting rid of, though we did not make that change—best belongs in the citizenship super statute.

The July ‘25 Constitution Draft also included a process for revoking citizenship that was different from the one outlined in Quapaw Law. This process was confusing since it seemed to no longer permit the enrollment committee to revoke citizenship that was wrongly admitted, and to instead create a process for disenrolling treasonous persons from the Nation. We think a process allowing persons to be not only disenrolled, but banished, for treason is something that the Nation could accomplish via statute. We thus put in place a citizenship revocation limit that allows for both cases to proceed.

We included a detailed citizenship revocation and punishment process in our recommendations for super statutes. Though we were not left with the impression that this was a general priority of the Quapaw People.

VIII. Rights

The July '25 Constitution Draft's Rights Article focused on the inherent sovereignty of the Nation as a government, discussed collective tribal rights rooted in federal Indian law, and asserted certain reserved powers for the Quapaw People. It also focused on the constitutional boundaries of government by utilizing general statements about big-picture legal protections.

To better secure the rights of individuals, the revised Article provides greater detail on what people are entitled to and the government actions they are protected from. The Article now details to the Quapaw People the rights they possess and what responsibilities they have to others, as well as the overall freedoms that protect everyone.

Rights of Citizens

We expanded the July '25 Constitution Draft's individual rights provisions and cut duplicative or unnecessary language. We also added in rights that seemed important to the Nation based on our conversations with members of the community about the need to ward off past examples of government harm. For example, we included the right to work for the Nation without fear of retaliation, the right to religious freedom, the right to learn Quapaw language and traditions, and the right to a healthy environment.

Though many of these rights are similar to those provided by states or other tribal nations, the right to a healthy environment is less common. But after learning about the consequences of resource extraction and mining on the Quapaw People, we thought it would be helpful to make the health of the people and land a priority during government decisionmaking. Should the Nation break that promise, the constitution ensures that individuals have a way to sue the Nation and influence change.

Rights of Persons

To comply with existing Quapaw Law that implements expanded criminal sentencing authority and jurisdiction under the federal Tribal Law and Order and Violence Against Women Acts, the Nation also needed a separate section detailing the rights of persons, not just Quapaw Nation citizens. Our revisions in this section guarantee that all persons, including Quapaw Nation citizens, who appear before Quapaw Nation Courts under these expanded authorities possess important rights.

Duty of Citizens

Though we believe a duty of citizens section is unenforceable in a Quapaw Nation Court or other tribunal, we kept it in the constitution to convey shared expectations for what makes a good citizen. These duties reflect conversations we had with community members about the need for greater voting turnout and participation in governmental affairs, among other things.

Freedom of Information

The Governing Resolution and July '25 Constitution Draft contain a highly detailed freedom of information right. While this demonstrates a commitment to the right, a constitution is ill suited for establishing procedures like the number of days required for a response, as it restricts the Nation's ability to amend such procedures to keep pace with technological innovation or to address novel problems. Including such information also made the constitution lengthier, which we sought to avoid, and did not reflect fundamental attributes of Quapaw Nation sovereignty.

To preserve this value, we recommend adding an enumerated right that reflects government accountability and transparency. We have also included in Appendix 1 an example of how this right could be expanded and further detailed in a super statute on the topic. By outlining freedom of information procedures in a statute, the Nation can more easily troubleshoot issues that arise in the process and promote greater clarity.

IX. General Council

At the town hall, we heard clearly how important the General Council is to the Nation and how deeply citizens value their ability to engage directly in the Nation's governance. At the same time, community members raised significant concerns about the current process, ranging from the difficulty of reviewing ordinances before a vote, to challenges in meeting quorum when many citizens are unable to attend meetings in person, to the excessive length and complexity of annual sessions. These concerns guided our work as we drafted the proposed constitutional reforms. Our goal was to preserve the power and voice of the General Council while adding reasonable guardrails and procedures that strengthen the institution, protect the Nation's sovereignty, and ensure compliance with federal law.

In developing these proposals, we examined how other tribal nations structure their General Councils. What we found is that no other tribal nation with a similar population size vests as much direct authority in its General Council as the Nation currently does. For instance, the Ho-Chunk Nation's General Council is limited to setting policy agendas rather than wielding broad legislative power. Meanwhile, the tribal nations whose General Councils do exercise comparable authority, such as the California Rancherias or the Shakopee Mdewakanton Sioux Community, have significantly smaller populations, making it far easier for them to manage a similar governance structure.

To address the community's concerns, we included a set of reforms that strengthen the General Council while making its processes more efficient.

More Frequent General Council Meetings

We recommend increasing the number of General Council meetings from one to four per year. The Quapaw People repeatedly emphasized that meeting only once annually leads to marathon sessions with limited time for thoughtful discussion. Quarterly meetings will make important policy discussions more manageable and create expanded opportunities for citizens to participate and stay informed. In the updated draft, the Business Committee remains in charge of planning and providing notice of these meetings.

Quorum Requirements and Virtual Participation

We heard about a common interest in securing the ability to participate and vote virtually at General Council, especially for those who live far from the reservation. While the Nation already offers some options for remote participation, such as viewing the meetings online, it does not give people the ability to vote. This also affects those who travel to General Council but also have other obligations around the annual powwow, which is held at the same time as the July 4th General Council meeting. Online voting and viewing will ensure that they, too, can participate despite having to leave early to cook or prepare for powwow.

Online voting will further help solve the problem of meeting the quorum requirement that we established for votes on all significant motions. We propose setting this via statute at 150. This change guarantees that all the Nation's citizens, regardless of where they live, can participate in the General Council, while also providing an important safeguard to ensure that motions and major decisions reflect the will of the Nation as a whole, not just a small group of attendees.

Significant Motions

We included new procedural safeguards for "significant" motions. We suggest passing a law to give more detail to this category and define it as any motion that makes significant changes to the Nation's governance, land purchases, actions with a budgetary impact over \$20,000, the creation of new standing committees, or any measure that could substantially affect the Nation's welfare, health, sovereignty, or economic wellbeing. We suggest putting these details in the General Council procedures super statute, since numbers like \$20,000 might prove too low or too high, or need to be changed with inflation.

Significant motions must be submitted to the General Council Legal Advisor at least 7 days before a meeting, meet the new quorum requirement, and pass with at least 60% of the General Council's approval. These steps ensure that major decisions receive adequate notice, review, and support. However, non-significant motions and minor amendments to significant motions may still be introduced directly from the General Council floor, preserving the spontaneous and participatory nature of current General Council meetings.

Importantly, this provision does not limit the power of the General Council, but instead ensures that the Quapaw People have adequate time to fully understand and consider important matters before passing them into law. This proposal thus slows down *and* speeds up the work that the General Council can accomplish. For example, significant motions proposed from the General Council floor will be automatically tabled for the next General Council meeting, and so that no further time has to be spent on them during the initial meeting. This leaves the process of consideration, refinement, and understanding the implications of that proposal to the time between General Council meetings, followed by a shorter and more informed debate at the next meeting, which should be only months in time in light of the increased frequency of meetings.

General Council Legal Advisor

We also created an important new role—a law-trained Legal Advisor elected by General Council. This Legal Advisor will help General Council meetings run smoothly, fairly, and in accordance with established procedures. Their responsibilities will include assisting individuals in drafting motions, providing relevant legal context, identifying potential financial or governmental consequences, and determining whether a motion introduced from the floor qualifies as “significant” under the new rules. The Legal Advisor will also be available to meet with citizens prior to General Council meetings, helping ensure that proposals are well-framed and legally sound before they are brought forward.

We recommend using the expertise of the Quapaw Nation Courts to help recommend attorneys who are qualified to serve the Nation, and then holding a General Council vote to formally elect a Legal Advisor. Doing so addresses existing dissatisfaction with the attorneys hired by the Business Committee, another concern we heard about. To us, the solution was simple: the General Council needs its own Attorney or law trained advocate who has the ability to bring on temporary staff on General Council days. And while not spelled out in the constitution, we recommend for this role to be a full-time position.

General Council Elections

While the General Council will continue to elect members of the Ethics and Grievance Committees, we are also proposing an expansion of its democratic authority through the power to elect the newly created Attorney General. Having the General Council elect the Nation’s Attorney General enhances transparency and reinforces the principle that key government officials should remain accountable to the Quapaw People.

Fewer Special Council Opportunities

Our draft also contains fewer provisions that allow for the calling of a Special Council meeting. In accordance with our recommendation to increase the frequency of General Council meetings, we think Special Council meetings should be reserved for urgent matters or discussions that would exceed the time allotted for regular meetings.

Together, these changes uphold the General Council’s critical role as the primary way the Quapaw People exercise their power directly, while ensuring that this power is exercised efficiently. By adopting clearer procedural rules, increasing accessibility, and strengthening legal and structural support, our proposals seek to honor the Nation’s traditions, reflect its growing population, and allow citizens to continue to shape the government.

X. Elections

From our conversations, we learned that the 2004 Election Ordinance has helped the Nation navigate many challenging moments of political turmoil. We also learned that those responsible for running elections felt particularly strongly that the July ‘25 Constitution Draft did too much to change the operation of elections in the Nation, and did not adequately account for the Election Ordinance’s vital role in elections.

We think that, like the Governing Resolution, the most vital parts of Quapaw Election Structure should be in the constitution, and that the constitution should explicitly leave all other aspects of election to a super statute—in this case, the Election Ordinance. So we moved pieces of the current 2004 Election Ordinance to our draft constitution in a new Election Article.

This Article is not a simple copy-paste, since we reworked the language and structure to clarify and streamline many of the overlapping election procedures that currently govern. We made as few changes as possible, while *explicitly* leaving most questions that govern election procedures and rules to be answered in the Election Ordinance. We also suggested some minor changes to the Election Ordinance, which are discussed in Appendix 1. In addition, however, we caught certain election rules in both the July '25 Constitution Draft and Election Ordinance which were either confusing, inconsistent, or seemed like a poor fit for the Nation. We've recommended changes accordingly and explain them below.

Ballot Elections vs. General Council Elections

We first noticed in our review of Quapaw Law that there is some uncertainty about what counts as a “Quapaw election” since you have both traditional ballot elections in July for the Business Committee, and most other elections held at General Council. This is confusing, and leads to a lack of clarity in your law.

It took us a while to figure out that the 2004 Election Ordinance only covers procedures for ballot elections, and not for General Council elections. To resolve this confusion, we started using the terms “Ballot Elections” and “General Council Elections” to distinguish between the two and used “Elections” only when we meant to include both. We recommend doing this consistently in any future Quapaw Laws as well.

Registered Voters and Citizenship

We realized that, under the 2004 Election Ordinance, someone can be a registered voter even though they are not a Quapaw Nation citizen. We likewise observed that non-citizens can participate in General Council elections. The right to vote is limited to citizens in every other government that we are aware of and is commonly thought to encourage the civic duties of citizens, like participating in governmental affairs. Not following this is confusing and can create civic issues for the Nation. As a result, we recommend changing the right to vote in all elections to cover only citizens.

We understand that the current Quapaw voting structure intends to include people who are eligible for Quapaw citizenship, but who are not able to become citizens because another tribal nation to which they belong bans dual citizenship. However, other tribal nations enact these bans because they want to limit their enrollment to those who are dedicated to political participation and the other benefits of citizenship in their Nation, making the current Quapaw voting structure a run-around of the will of other tribal nations. More importantly, it is anti-democratic to allow persons who do not enjoy the benefits of citizenship, or have to live under the full will of Quapaw Law, to have a voice in important tribal affairs like elections.

If the Nation wanted to expand the definition of citizenship to make more persons (say, persons who marry into the community and who live on the reservation full-time) eligible, that would be the more appropriate recourse. However, allowing people to double-dip against the will of other tribal sovereigns

seems problematic and creates more complicated rules and procedures for the Nation’s elections. It is far more direct and clear to only allow citizens of the Nation to vote.

And if the General Council thinks it is appropriate, we agree that allowing non-citizens the opportunity to speak and be heard at General Council meetings is absolutely appropriate.

Felonies and Eligibility for Elected Office

Another change we recommend regards felon eligibility for the Nation’s elected positions. The 2004 Election Ordinance banned anyone convicted of a felony involving moral turpitude in the past seven years from running for office. The July ‘25 Constitution Draft expanded that ban to within the last ten years. It can be difficult to determine what counts as a felony of “moral turpitude” and in most cases, courts are left making that decision. We took the time-limited ban as a way of accounting for folks changing their ways after making mistakes in their past. However, some kinds of crimes may warrant a lifetime ban from office, while others may be the result of unique circumstances that can be easily explained.

We instead recommend a process where someone who has a felony on their record—of any kind—has the opportunity to petition the General Council to run for office by explaining their conviction. Only with General Council approval can they then run for office.

Recall Petitions for Elected Officials

We also wavered extensively on what to do with the recall petition process. Given that there was an active recall petition being circulated at the time we were working, we heard a lot of very passionate and different opinions about whether the number of signatures required was too large or too small. In the end, given this difference of opinion, we recommend keeping the number about the same, but re-formatting it to be a percentage of the Nation’s registered voters to allow the process to grow with the Nation.

The Election Committee estimated that there are approximately 4,200 eligible voters, and 1,780 registered voters as of 2025. Our initial instinct was to set the number at 10% of all eligible voters. However, that would put the number at around 420, which seemed too high given the low turnout at most of the Nation’s elections. 10% of registered voters, however, would put the number at 178 signatures, which seemed too small for a Nation with approximately 4,200 people eligible to vote at this time. As a result, 250 (about 15%) seemed like a nice compromise between the two.

We therefore made this small change, requiring recall petitions to collect the signatures of 15% of the Nation’s registered voters, or 267 people as of 2025. We did, however, add a new six-month requirement for the collection of signatures to ensure that pending recall petitions cannot hang over elected officials for extended periods. Once recalled, our Election Article also calls for the constitutional vacancy procedures to kick in so that a General Council meeting or a special election can fill the position.

Referenda

The July ‘25 Constitution Draft had a provision where the Quapaw People reserved the right to pass laws via referendum in the form of a balloted vote. However this provision did not specify how and at what points referenda could occur. We found this provision confusing, and also thought that the ability to

propose and pass referenda was duplicative of the General Council’s purpose—a forum for the Quapaw People to develop, debate, and pass laws when desired. We thus removed the provision and recommend permitting a referendum only when the Business Council submits a matter to the people directly.

Ban on Joint Service

To reinforce the independence of all elected officials and avoid conflicts of interest, as elected officials, Ethics Committee members, Grievance Committee members, Business Committee Members, the Attorney General, and the General Council Legal Advisor are all prohibited from simultaneous service on any other committee, or in any other government role—only *employees* of the Nation are exempted from this ban.

XI. Accountability Branch

During our visit to the Nation, we heard from many about the importance of accountability and transparency throughout the government. We took this concern to heart throughout the draft constitution, but especially in the Accountability Branch Article, where we established the Accountability Branch as a third branch of government. This Article strengthens the Nation’s separation of powers and ensures that ethical standards, investigations of government misconduct, and legal enforcement remain insulated from undue influence or political pressure from another branch.

In addition to creating the Office of the Attorney General, this Article elevates the Ethics and Grievance Committees from subordinate bodies in the July ‘25 Constitution Draft to fully independent, co-equal entities. Although independent, the Attorney General, members of the Ethics Committee, and members of the Grievance Committee are subject to removal by the General Council in accordance with our recommended constitutional procedures. This structure supports government accountability, keeps oversight fair and impartial, and guarantees that no official is beyond the reach of public review.

Ethics Complaints v. Grievances

In our initial review of the Nation’s government structure, we were confused about the roles of the Grievance and Ethics Committees and what made the two distinct. Mainly, the two bodies seemed to have overlapping power to investigate government misconduct, and it was unclear to us why there was a need for both. In our conversations with the community and members of both bodies, we learned that while the Grievance and Ethics Committees share overlapping authority under Quapaw Law, in practice, the work is divided. The current Grievance Committee handles allegations of misconduct against the Business Committee, while the Ethics Committee handles complaints filed against everyone else in the government. To account for this on-the-ground reality, we clarified the duties and powers of both bodies, detailed below.

Ethics Committee

We first changed the name of the “Ethics Commission” to the “Ethics Committee,” since we could not find a reason why the word Commission was used instead of Committee. For context, commissions tend to be composed of external experts rather than internal government bodies tasked with specific authorities, which are usually called committees.

The Ethics Committee section otherwise maintains the Committee's core purpose and authority, reorganizes its powers and procedures into a clearer structure, clarifies ambiguous language, and provides additional detail to vague provisions. We recommend three-year staggered terms to promote continuity and give Ethics Committee members sufficient time to learn and carry out their responsibilities effectively. We further provided more detail on the investigatory powers and protections that are consistent with those held by the Grievance Committee.

Grievance Committee

The revised Grievance Committee section also maintains the Committee's core functions, reorganizes its powers and procedures into a clearer structure, clarifies ambiguous language, and provides additional detail to vague provisions.

Because our draft constitution does not include an Executive Council, the Grievance Committee's jurisdiction is solely over the Business Committee. This section likewise adopts three-year staggered terms. As with the Ethics Committee, we also detailed the Grievance Committee's specific investigatory powers and protections. Finally, this section now includes a subsection on Filing and Determination of Grievances, which clarifies complaint requirements, establishes a three-year statute of limitations to promote timely and reliable fact-finding, and authorizes the Grievance Committee to refer knowingly false or malicious complaints to the Nation's Attorney General for appropriate action.

Attorney General

Finally, we established the Office of the Attorney General. The Attorney General is intended to take the place of the current Tribal Prosecutor, but with additional authority and independence from the political branches. This new section establishes the Attorney General as an independent office to avoid political influence in legal decision-making and to ensure that the Attorney General's role is carried out impartially. To further ensure the position's independence, the Attorney General is nominated by the Quapaw Nation Courts, and is elected by the General Council. Because the pool of qualified candidates may be limited, the Attorney General serves three-year terms but is not term limited.

The Attorney General has the power to appoint and oversee lower officers, such as Tribal Prosecutors as needed. In addition to representing the Nation in criminal cases like the current Tribal Prosecutor, the Attorney General may also represent the Nation in civil matters where the Nation is a party and issue advisory opinions to elected and appointed officials. By creating a non-political, independent position insulated from interference, the Office of the Attorney General will provide the Nation with a more stable and impartial system for enforcing its laws and protecting the rights and interests of the Quapaw People. This independence is particularly important given what we heard while visiting the Nation, since many want to be confident that corrupt members of the government are not only removed from office but also criminally prosecuted if they break the law in their roles.

XII. Business Committee

The Business Committee Article outlines the structure, composition, responsibilities, and limitations of the Quapaw Nation Business Committee. It is focused on establishing the Business Committee as an accountable and transparent law-making body responsible for representing the best interests of the Quapaw People. Our revisions sought to prevent corruption within the Business Committee and ensure that the Business Committee can be held accountable by members of the public.

The revised Article is shorter than the July '25 Constitution Draft because we aimed to establish a broad framework for the operations of the Business Committee focused on law-making, transparency, and accountability. The more specific elements of the July '25 Constitution Draft, such as the enumerated duties of the different Business Committee members, were moved to our recommendations below for super statutes. This was done to ensure that the constitution deals more narrowly with the structure and composition of the Business Committee, as well as its role and checks on power.

Terms and Term Limits

During our visit to the Nation, we observed that the Quapaw People seem split between recognizing that two-year terms are barely enough time to learn the job after being elected, and being able to hold people accountable by voting them out if they aren't doing a good job. We thus established three-year term limits for Business Committee members and limited such members to three consecutive terms in office. This is a change from the July '25 Constitution Draft, which had four-year term limits and did not specify the number of consecutive terms that could be served.

Secretary Treasurer Changes

We think the role of Secretary Treasurer should be split into two positions and that the existing role be curbed back into the Secretary. Again, we learned that transparency is of the utmost importance to the Quapaw People, and the current role that supports that mission takes the form of the Secretary Treasurer. But given the amount of labor required to ensure that Business Committee meetings and materials are recorded, organized, and made available to the Quapaw People, it is necessary to remove the Treasurer responsibilities from the role. That way, the Quapaw People will be assured that the Secretary can devote their full attention to providing records to the public.

And to account for both positions, we suggest instead hiring a full-time professional accountant with adequate training who will be in charge of managing the Nation's finances, tracking accounts, and whose work is overseen by the Business Committee.

Additional Transparency Measures

In the same spirit of transparency, we built in additional recordkeeping requirements that the Business Committee must adhere to. Similar to our updates to the General Council Article, we used a new term—"significant actions"—to indicate actions that include, but are not limited to, purchases or sales of land, acquisitions of significant debt, decisions to take land into trust, approvals of new major economic development opportunities, and any other action which may significantly impact the health, welfare, sovereignty, or economic success of the Nation and the Quapaw People. This section requires Business

Committee members to present all significant actions to the General Council and record their votes. Any negative votes may also be explained before the General Council.

Business Committee Name

In the July '25 Constitution Draft, the "Business Committee" was renamed the "Business Council." We assumed the rationale for this was to create a clean slate for the body since there appear to be many trust issues with the Business Committee after the John Berry administration. However, we think the terms are so similar that it would not advance this purpose, and that the functions of the two bodies are too similar to justify a full re-branding in any event. We thus changed the name back to the "Business Committee" in our draft constitution.

But if the Quapaw People believe a complete re-branding of the body is appropriate, a more significant name change would more effectively accomplish this. For example, nearly all other tribal nations use the term "Tribal Council" to describe the body that is now the Business Committee, so that term could be easily substituted in.

Balanced Budget Requirement

We also removed the balanced budget requirement contained in the July '25 Constitution Draft because it was unclear how the requirement would apply in practice. While many state governments have adopted balanced budget requirements, our research on the topic found that, in practice, there are many ways around these requirements based on how a budget's terms are defined. Our review of the Nation's financial audits confirmed our concern that this requirement would be complicated and confusing to implement without further specificity.

More importantly, we believe these requirements are uniquely complicated for tribal nations, perhaps prohibitively so. We were only able to find one example of a tribal nation that has this requirement, but it is enumerated in the Tribal Code and not in the constitution. And unlike federal and state government revenue that comes from reliable annual sources—such as income, corporate, and property taxes—tribal government revenues disproportionately come from grants, economic enterprises, and sales taxes, all of which are far more volatile and unreliable. For that reason, a balanced budget requirement is harder to implement since tribal income is a much less reliable amount year-to-year.

It was also not clear to us what effect this provision would have on any of the Nation's existing debts, or the need for the Nation or its gaming entities to take on debt as part of economic development enterprises. If the Nation is interested in enacting balanced budget law, we recommend that attorneys and tribal budget employees sit down to carefully parse how to effectively enact such a law.

Business Committee Processes

Finally, the July '25 Constitution Draft had additional requirements that the Business Committee publish all potential resolutions five days before consideration. However, in practice, this requirement could very well prevent the Business Committee from doing its job effectively or create issues where the administrative failure to publish amendments to a resolution could be a reason for its complete invalidity.

We thus removed this provision since it should at the very least be located in a statute so that the five-day deadline is easy to revise if it becomes unworkable. We likewise cut the requirement that government officials conduct their business on official devices since that level of detail is also more appropriate for a statute. However, we retained this requirement in our recommendation for a Freedom of Information Act since we agree that it is necessary to preserve government records.

XIII. The Courts

Adding the Courts to the Constitution

The current Governing Resolution does not create a court system, and the existing Quapaw Nation Courts have been created and amended through resolutions passed by the Business Committee over the years. We agree with the July '25 Constitution Draft's decision to move the Nation's courts to the constitution.

By placing the Nation's courts in the constitution rather than in a statute, the courts are guaranteed to be a permanent and co-equal branch of government that the Business Committee can't abolish or strip of power on a whim. For instance, in other tribal nations, there have been conflicts where the tribal courts do something that the Tribal Council does not like—often, deciding a case against the Tribal Council and concluding that it exceeded its authority—and the Tribal Council responds by amending the laws to abolish the courts, remove the justices, or strip the court of their ability to hear cases. Placing the Nation's courts in the constitution prevents this from happening and ensures the Judges and Justices are protected from retaliation for unpopular decisions.

Structure and Room to Grow

The structure we provided for the Quapaw Nation Courts in this Article tracks the existing structure under Quapaw Law: a Supreme Court and a lower trial court. Our additional power to establish “any other lower courts” provides flexibility to the General Council to create additional necessary courts (like family courts, peacemaking courts, intermediate appeals courts, etc.) without having to amend the constitution. This allows the Nation to grow or change its court system over time, but ensures that the Supreme Court remains the highest legal authority no matter what.

Jurisdiction and Sovereign Immunity

The Quapaw Nation Courts have also been given the power to resolve disputes about the constitution or between the different branches of government to ensure impartial conflict resolution. Providing a final legal authority for the Nation also promotes long-term stability.

Additionally, while the Quapaw Nation itself (i.e., the government) cannot ordinarily be sued in its own courts unless it provides otherwise, the constitution permits suits by Quapaw Nation citizens who allege that the government violated their rights or that they have been or will be harmed by its actions. As a protection for the Nation's government, these suits cannot involve damages (money awards). And while all state governments and the federal government share this common protection, the General Council or Business Committee can pass statutes which allow for specific damages suits if they so choose.

Appointment, Terms, and Judicial Compensation

We believe this updated section balances judicial independence with accountability. Quapaw Nation Judges are still chosen by the Business Committee, but they are insulated from political retaliation once appointed since they serve fixed three-year terms and cannot be removed during their terms except for serious misconduct.

New Protections for Judges and Justices

On this topic, we have added new removal protections for Judges that protect judicial independence (by preventing their removal for political reasons) but still allow action to be taken when a Judge seriously violates the Quapaw People's trust. Judges can now be removed only for serious misconduct, and must receive formal notice and a hearing before the Business Committee before they are removed. This maintains fairness and prevents politically-motivated removals to support the Judges as they carry out their roles. The supermajority vote requirement also ensures that broad consensus exists before taking the serious action to remove a sitting Judge.

In addition, we added judicial compensation protections. That way, if the Business Committee disagrees with a Judge's decision, the Business Committee cannot arbitrarily punish the Judge by cutting their salary or lowering fees.

Qualifications for Judges and Justices

We heard extensively that the goal of having only Quapaw Nation citizens serving as Judges and Justices was laudable, but also difficult to achieve. To help accomplish this goal for the Nation, we liked the idea of a Judiciary Development effort that encourages citizens to pursue law-related paths. However, we think this is best accomplished in a statute, and recommend one that we—as lawyers—think will effectively encourage the development of future Quapaw Judges below.

However, we also know that the Nation implements expanded criminal jurisdiction and sentencing authority under the federal Tribal Law and Order and Violence Against Women Acts. Under the terms of these laws, the Nation must have Judges available for these enhanced sentencing and non-Indian cases that comply with the training and licensing requirements under the federal Indian Civil Rights Act.

The provision we drafted thus complies with these requirements, but only to the bare minimum. For example, a strict reading of these federal requirements still allows for a non-lawyer to serve as a Quapaw Nation Judge if they have adequate legal training and are licensed to practice law in a tribal court. This is not unheard of, and it is something Professor Reese is very familiar with navigating. To that end, we also included provisions in the recommended Judiciary Development Act that establish legal training for non-lawyers who are interested in developing enough expertise to serve as a Quapaw Nation Judge.

Other Updates and Notes

We finally consolidated and reworked the jurisdiction sections to be both broader and more accurate in this Article. The concept of original jurisdiction was misused in the July '25 Constitution Draft and the listing of jurisdiction was also unnecessarily granular, which could create a negative inference that makes

the jurisdiction of the Nation's courts narrower than intended. We recommend keeping these jurisdictional provisions short and very general, with broad constructions, to avoid this problem.

XIV. Adoption of the Constitution

The revised Adoption Article has been streamlined to improve readability and requires that the constitution be approved by a majority of the General Council in addition to a majority of the registered Quapaw Nation voters participating in the subsequent ballot election. This strengthens the constitution's democratic legitimacy and ensures that broad support is required for the Nation's foundational governing document. This Article also mandates that the Quapaw People receive a copy of the proposed constitution with adequate notice so they can fully read and understand the document before voting.

Finally, the revised Article omits transitional details that are best addressed through statute rather than codified in the constitution itself. Importantly, we did not propose the text of a government transition process since we think that it is best developed by the Business Committee and Constitution Committee utilizing their understanding of the on-the-ground workings of the Nation.

XV. Amendment Process

The Amendment Process Article describes how the constitution can be amended. There are four new major steps in this process. First, amendments can be proposed annually at the July General Council meeting. Once an amendment has passed a majority vote at the July General Council meeting, it will be placed on the July election ballot. Then, after an amendment has been approved by two-thirds of the Nation's registered voters (a supermajority), it will be formally adopted. And finally, every fifteen years, a Special Council Meeting will be held with the sole purpose of considering new amendments. At this Special Council Meeting, the Quapaw People will have the opportunity to reconsider how the Nation is governed.

The Article incorporates existing Quapaw voting procedures, like public notice and circulation prior to a vote. But it also addresses the concern for accessibility to government affairs that we heard about during our visit to the Nation by providing further protections so that voters can understand what they are voting for. For example, before each vote, proposed amendments must be explained in plain terms. This section also includes a two-part voting process for proposed amendments and a higher voting threshold for adoption. Under both, amendments will be harder to pass than other legislative measures, ensuring the constitution remains stable until a supermajority of registered Quapaw Nation voters acts.

Finally, the July '25 Constitution Draft's Special Council Meeting timing (every fifteen years) was updated to align with the proposed three-year terms for the Business Committee. That way, the Special Council Meeting won't be held in the middle of a Business Committee term and contribute to political turmoil.

Appendix 1: Super Statutes and Their Explanations

Freedom of Information Act

We moved the details outlining the freedom of right's process from the Governing Resolution and the July '25 Constitution Draft into a statute. Our recommended draft also includes the requirement that officers use official Quapaw Nation email addresses and devices so that government records are preserved.

Election Ordinance

We have updated the numbering in the Election Ordinance to reflect the content that we moved to the draft constitution, and made other edits to ensure there are consistent terms across both documents. In our conversation with the Election Committee, we were also encouraged to fix other errors or typos we found, and update all dates to "calendar days," as opposed to business days, so we have done so. We also caught some errors and confusing aspects of the Election Ordinance's procedures, and added clarifying language that we think is helpful.

The updated Elected Ordinance supplements the constitution and acts as supplemental law providing instructions for ballot elections. All foundational election provisions in the 2004 Election Ordinance were moved to the draft constitution. These include, but are not limited to:

- Purpose of authority provisions;
- Candidate requirement provisions;
- Requirements that only registered voters may participate in ballot elections;
- Installation procedures;
- Vacancy procedures; and
- Recall procedures.

In addition, the updated Election Ordinance expands several provisions to improve clarity and ensure constitutional alignment. Key updates and clarifications include:

- **Definitions Section.** Unclear or unnecessary terms have been eliminated and revised to bring them in conformity with the constitution.
- **Section 3 – The Election Committee.** The role of the Alternate(s) is clarified. The Chairman of the Election Committee appoints two Alternates, who may serve when a Regular Member is unable to perform his duties. Alternates must meet the same qualifications required of Regular Members.
- **Section 4 - Election.** Election locations, notice requirements, and publication procedures are standardized to meet constitutional requirements. It also makes clear that balloted offices and petitions are the elections which are governed by the ordinance.
- **Section 14 – Installation.** Procedures for filling vacancies are filled per the constitution and Special Elections will be called for vacancies in balloted positions to ensure alignment with constitutional requirements.

Ethics Act

The July '25 Constitution Draft contained Articles for both the Ethics and Grievance Committees that were overly specific and detailed. In the draft constitution, we retained the core functions and duties of both bodies and placed the nitty gritty procedural provisions into two statutes.

The Ethics Act is an adaptation of the Quapaw Nation Code of Ethics and the Ethics Committee provisions specified in the Governing Resolution. The Act reflects an overall clean-up of grammar, spelling, and language across both documents. Furthermore, it brings all Ethics Committee procedures and practices into conformity with the draft constitution.

The Ethics Act made the following changes to the Ethics Code:

- The definitions section was altered to ensure all terms are consistent with those used and created in the constitution.
- All important core provisions were moved to the constitution, including:
 - The creation and composition of the Ethics Committee;
 - The removal process and procedures applicable to the Ethics Committee members; and
 - The vacancy procedures applicable to the Ethics Committee.

Since the Ethics Code was a supplementary law to the Governing Resolution, not many substantive changes were required beyond those to ensure conformity with the constitution.

Grievance Act

As with the Ethics Act above, we moved most of the procedural provisions related to the Grievance Committee into a statute, which is now the Grievance Act. To create a clear Grievance Committee policies, the Act was drafted according to the current Quapaw Nation Grievance Committee Policies & Procedures document and the Grievance Committee provisions in the Governing Resolution. The foundational information from both documents was sorted by us into formal statutory sections and the language of the provisions was brought into conformity with the draft constitution.

The Grievance Act is organized in the following manner:

- Purpose
- Grievances Generally
 - Section 1. Grievance Filings
- Grievance Committee Duties
 - Section 2. Review and Recusal Process
- Investigation procedures
 - Section 3. General principles
 - Investigation timeline
- Determinations and Outcomes
 - Section 5. Determinations of Grievances
 - Section 6. Grievance Remedies
 - Section 7. Malicious or Frivolous Grievances
- Confidentiality

- Section 8. Confidentiality Requirements

Each section in the Act details the Grievance Committee’s procedures under the constitution's proposed governance structure, clarifying that the Grievance Committee’s primary role is to review and address Grievance submissions.

Citizenship Act

This Act reflects existing Quapaw Law, just updating the law to consistently use the word “citizenship” instead of member. The July ‘25 Constitution Draft proposed adding a process to remove citizenship as a punishment. The procedures for that are here in the citizenship act.

Business Committee Procedures Act

This law covers some of the additional details for Business Committee procedures that we think are better left in a statute, so they are easier to amend.

General Council Procedures Act

This law covers some of the additional details for General Council procedures that we think are better left in a statute, so they are easier to amend. These are all things that the constitution outlines, like that there shall be advanced notice, but given details like the specific number of days required so that number can be changed if needed. It specifies the details of the role of the Legal Advisor, and of what counts as a significant motion. One concern people might have is whether the Business Committee could make it harder for the General Council to do things by expanding the definition of “significant motion” to something like “anything impacting the budget by more than just \$1.” This would be unconstitutional, and Quapaw citizens could challenge any action like that in Quapaw Nation Courts. The Courts ought to strike down that Business Committee effort as exceeding the scope of what the word “significant” means.

Appendix 2: Additional Recommended Laws

Judiciary Development Act

As detailed above, we moved the Judiciary Development Provisions from the July '25 Constitution Draft into a Judiciary Development Act with revisions that we think are more likely to effectively incentivize Quapaw Nation citizens to serve in the Quapaw Nation Courts.

Transition Act

We also recommend that the Business Committee and Constitution Committee work together to develop and adopt a Transition Act which includes a detailed plan for the election of new Quapaw Nation officers (both those elected by ballot and at General Council) and officers with newly expanded three year terms. Such an Act will also need to include provisions authorizing the hiring and pay of new positions like the Attorney General, General Council Legal Advisor, and the position that captures the reassignment of Treasurer Duties to an existing employee (or hiring of a new tribal administrator to do that work).

Since we believe our role in this process would be inappropriate, we did not include draft text of this Act in our materials.