CONSTITUTION OF THE PONCA TRIBE OF NATIVE AMERICANS OF NEBRASKA

PREAMBLE

We, the Ponca Tribe of Native Americans of the State of Nebraska, in order to promote peace, prosperity, happiness, and the general welfare of our people and our posterity, to exercise home rule, to conserve and perpetuate all worthy traditions and cultural elements of our people established by long custom, to improve our social order, to promote our economic welfare, to promote domestic tranquillity, to promote business enterprises both cooperative and individual, to provide educational opportunities for our people, to consolidate our land holdings by purchase, exchange, transfer, gift, or otherwise, to solve the problem of the fragmentation of our lands by inheritance, do ordain and establish this constitution and bylaws in accordance with the act of Congress, dated June 18, 1934 (48 Stat. 984).

ARTICLE I—TERRITORY

Section 1. The territorial jurisdiction of the Ponca Tribe under this constitution and bylaws shall extend to all restricted individual Indian or tribal lands within the Ponca Reservation of Nebraska as described by metes and bounds in the treaties of March 12, 1858 (12 Stat. 997) and March 10, 1865 (14 Stat. 675), and shall cover all future additions within or without said boundary lines acquired by the Ponca Tribe of Native Americans or by the United States and held in trust for said tribe or its members.

ARTICLE II—MEMBERSHIP

Section 1. The membership of the Ponca Tribe of Nebraska shall consist as follows:

(a) All persons of Indian blood whose names appear or are entitled to appear on the official census roll of the Ponca Tribe of Nebraska as of April 1, 1934, with the supplement thereto of January 1, 1935, provided that within two years from the adoption and approval of this constitution and bylaws, additions and eliminations may be made in said roll and supplement by the board of governors subject to the approval of the Secretary of the Interior.

(b) All children born to any member of the Ponca Tribe of Nebraska who is a resident of the Ponca Reservation at the time of the birth of said children.

(c) All children of any member who is not a resident of the reservation at the time of the birth of said children may be admitted to membership by the board of governors under ordinances made by the board of governors and subject to review by the Secretary of
the Interior, provided such children reside on the reservation at the time they make application.

Sec. 2. Continuous absence from the reservation, except for purposes of education, for a period of five years shall operate to terminate membership in the tribe, unless the board of governors shall, upon application from the nonresident member within said five-year period, extend the membership of such individual.

Sec. 3. The board of governors shall have power to promulgate ordinances subject to review by the Secretary of the Interior, governing future membership, including adoptions and the loss of membership.

Sec. 4. Request for adoption of persons of Indian blood, not members of the tribe, may be made by written application to the citizenship committee, who shall upon proper investigation, make their recommendations to the board of governors, who in turn will submit the matter of adoption or rejection of such applicant to a vote of the people at the next annual election.

Sec. 5. Upon the adoption of this constitution and bylaws by the people and the approval thereof by the Secretary of the Interior, notice of such adoption and approval and of this article shall be given by mail or publication to all nonresident members of the Ponca Tribe of Nebraska. All such members, so notified, must evidence by application or letter, within one year, their desire to continue to be members of the tribe and participate in the tribal organization; otherwise they shall forfeit their membership in the tribe under this constitution and bylaws. Such member forfeiting his membership may be adopted into membership as provided in section 4.

Sec. 6. The administration of the foregoing powers, and of all bylaws and ordinances affecting tribal membership, shall be vested in a citizenship committee. The act of such committee shall be subject to review by the board of governors.

Sec. 7. Nothing contained in this article shall be construed to deprive any Ponca Indian of any vested right.

Article III—Governing Body

Section 1. A governing body of nine members, to be known as the board of governors shall be elected by popular vote of the people for a term of three years.

Sec. 2. The first election shall be called and held within thirty days after the adoption and approval of this constitution, and shall be conducted by a provisional committee selected by the present tribal council under such rules and regulations as the tribal council may prescribe.

Sec. 3. The first board of governors shall be elected in the following manner: Three members until the first regular election on the third Tuesday of November 1936, three members until the second regular election on the third Tuesday of November 1937, and three members until the third regular election on the third Tuesday of November 1938. After the election in November 1936 three members shall be elected to the board of governors annually on the third
Tuesday of November for a term of three years. All outgoing elective officers shall be eligible for reelection to succeed themselves.

Sec. 4. The board of governors in their first meeting after election of new members, shall elect from their membership one president, one vice president, one secretary and one treasurer, who shall hold office for a term of one year or until their successors are elected.

Sec. 5. The board of governors shall appoint all necessary subordinate officers, boards, and committees.

Article IV—Powers

Section 1. Enumerated powers.—The board of governors shall exercise the following powers, subject to any limitations imposed by the Constitution or statutes of the United States, and subject further to all express restrictions upon such powers contained in this constitution and the attached bylaws.

(a) To negotiate with the Federal, State, and local Governments on behalf of the tribe and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Ponca Reservation.

(b) To employ counsel for the protection and advancement of the rights of the tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands or other tribal assets, which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other qualified official or agency of government, provided that no reservation lands shall ever be leased for a period exceeding ten years, sold, or encumbered, except for governmental purposes.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To make assignments of tribal land to members of the tribe and to regulate the leasing of assignments in conformity with article VIII of this constitution.

(f) To manage all economic affairs and enterprises of the tribe in accordance with the terms of a charter which may be issued to the tribe by the Secretary of the Interior.

(g) To appropriate for public purposes of the Ponca Tribe of Nebraska available funds within the exclusive control of the tribe, and, subject to review by the Secretary of the Interior, any other available tribal funds.

(h) To levy taxes upon members of the tribe and to require the performance of reservation labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon nonmembers doing business within the reservation; provided, however, that any such assessment upon members of the tribe shall have the approval of the eligible voters of the tribe at a special election, at which thirty per cent of the eligible voters shall vote.

(i) To purchase lands of members of the tribe for public purposes, under condemnation proceedings in courts of competent jurisdiction.
(j) To safeguard and promote the peace, safety, morals, and general welfare of the tribe by regulating the conduct of trade and the use and disposition of property upon the reservation, provided that any ordinance directly affecting nonmembers of the tribe shall be subject to review by the Secretary of the Interior, and provided further that nonrestricted property of members which was obtained outside of any help or assistance of the Government or the tribe may be disposed of without restrictions.

(k) To regulate the inheritance of property, real and personal, other than allotted lands within the territory of the Ponca Reservation, subject to review by the Secretary of the Interior.

(l) To regulate the manner of making nominations for tribal offices and of holding elections.

(m) To adopt resolutions regulating the procedure of the board of governors itself and of other tribal agencies and tribal officials.

(n) To encourage and foster the arts, crafts, traditions, and culture of the Ponca Tribe of Native Americans.

(o) To charter subordinate organizations for economic purposes and to regulate the activities of such cooperative associations of members of the tribe, under ordinances which shall be subject to review by the Secretary of the Interior.

(p) To protect and preserve the property, wildlife, and natural resources of the tribe.

(q) To delegate to subordinate boards, or tribal officials, or to cooperative associations which are open to all members of the tribe, any of the foregoing powers, reserving the right to review any actions taken by virtue of such delegated power.

Sec. 2. Any resolution or ordinance, which, by the terms of this constitution is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall, within ten days thereafter, approve or disapprove the same. If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his indorsement, to the Secretary of the Interior, who may, within ninety days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the board of governors of such decision.

If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days of its enactment, he shall advise the board of governors of his reasons therefor. If these reasons appear to the board of governors insufficient, it may, by a majority vote refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

Sec. 3. Future powers.—The board of governors may exercise such further powers as may in the future be delegated to the tribe by the Secretary of the Interior, or by any duly appointed official or agency of the State or Federal Government.

Sec. 4. Reserved powers.—Any rights and powers heretofore vested in the Ponca Tribe of Native Americans, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Ponca Tribe of Native Americans.
through the adoption of appropriate bylaws and constitutional amendments.

**Article V—Elections**

**Section 1.** All recognized members of the Ponca Tribe of Native Americans, twenty-one years of age and over, and who have maintained residence within the reservation for a period of six months immediately prior to the date of election shall be qualified voters.

**Article VI—Removal**

**Section 1.** The removal from office of a member of the board of governors shall be as follows: In the event of a complaint in writing charging improper conduct or gross neglect of duty from twenty-five members of the tribe against a member of the board of governors, the board of governors shall meet in executive session to consider such complaint and hear testimony of the accused. The board of governors, if satisfied of the truth of the complaint, may remove the accused member from the board of governors by a vote of six of the board members.

**Sec. 2.** Temporary vacancies in the board of governors by reason of death, removal from office, forced absence, or resignation shall be filled by said board until the next annual election when his successor shall be elected for the unexpired term.

**Article VII—Referendum**

**Section 1.** Any exercise of any enumerated powers lodged in the board of governors shall be subject to a referendum vote of the people upon a written petition signed by not less than 25% of the total number of voters in the last annual election, provided that not less than 30% of the eligible voting population shall vote in any such referendum.

**Article VIII—Land**

**Section 1.** Allotted lands, including heirship lands, within the Ponca Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation by any agency of the State of Nebraska or of the Federal Government or by the tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Ponca Tribe. Likewise, it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to lose his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his
land to the Ponca Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Tribal lands of the Ponca Tribe and all lands which may hereafter be acquired by the Ponca Tribe or by the United States in trust for the Ponca Tribe shall be held as tribal lands, and no part of such lands shall be mortgaged or sold.

SEC. 3. Tribal lands shall not be allotted to individual Indians, but such tribal lands as are not required for school, agency, or other administrative use may be assigned by the board of governors to members of the Ponca Tribe, or may be leased or otherwise used by the tribe as hereinafter provided for.

SEC. 4. Tribal lands may be leased by the board of governors with the approval of the Secretary of the Interior in accordance with law. Preference shall be given, first, to Indian cooperative associations, and, secondly, to individual Indians who are members of the Ponca Tribe. No lease of tribal lands to a nonmember shall be made by the board of governors unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

SEC. 5. In any assignment of tribal lands which are now owned by the tribe or which may hereafter be acquired for the tribe by the United States or purchased by the tribe out of tribal funds, or which may be designated for the use of the tribe, preference shall be given, first, to heads of families which are entirely landless, and secondly, to heads of families which have no allotted lands or interests in allotted lands, but shall have already received assignments consisting of less than an economic unit of agricultural land or other land or interests in land of equal value, such economic unit to be determined by the board of governors in ordinances, which shall be subject to review by the Secretary of the Interior or his designated representative. Assignments under this section shall be known as "standard assignments."

No member of the tribe who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The board of governors may, if it sees fit, charge a fee of $5.00 on approval of an assignment made under this section.

SEC. 6. If any person holding a standard assignment of land shall for a period of two years fail to use the lands so assigned or shall use the land for any unlawful purpose, his assignment may be cancelled by the board of governors after due notice and opportunity to be heard. Such land may then be available for reassignment.

Upon the death of any Indian holding a standard assignment his heirs or other individuals designated by him by written request shall have preference in the reassignment of the land, provided such persons are eligible to receive a standard assignment.

SEC. 7. Any member of the Ponca Tribe who owns an allotment of land or any share in heirship land or any deeded land may, with the approval of the Secretary of the Interior, voluntarily transfer his interest in such land to the tribe and receive therefor an assign-
ment in the same land or other land of equal value or he may receive a proportionate share in a unit of agricultural or other land.

Assignments made under this section shall be known as "exchange assignments."

Sec. 8. Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or if no individual Indian or Indian cooperative association is able and willing to lease the land at a reasonable fee, such assignments may be leased to non-Indians in the same manner as allotted lands.

Sec. 9. Upon the death of a holder of exchange assignment such lands shall be reassigned by the board of governors to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Ponca Tribe, except that a life assignment may be made to the surviving spouse or child of the holder of such assignment.

(b) Such lands may not be reassigned to any heir or devisee who already owns or holds more than an economic unit of land. Such economic unit of land shall be determined by the board of governors.

(c) Such land may not be subdivided into units too small for practical use. The board of governors shall determine the practical subdivision of the land in each case. If the land cannot be properly subdivided, the board of governors may issue to such heir or devisee a proportionate share in other lands or other interests in land of equal value.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment the same as other tribal lands.

Sec. 10. Improvements of any character made upon assigned land may be willed to and inherited by members of the Ponca Tribe. When improvements are not possible of fair division, the board of governors shall dispose of them under such regulations as it may provide for the benefit of such heirs. No permanent improvements may be removed from any tribal or assigned land without the consent of the board of governors.

Sec. 11. No member of the Ponca Tribe may use or occupy tribal lands except under an assignment or lease.

Sec. 12. Unassigned land shall be managed by the board of governors for the benefit of the members of the entire tribe in conformity with the rules and regulations prescribed by the Secretary of the Interior under section 6 of the act of June 18, 1934 (48 Stat. 984).

Sec. 13. Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land for the Ponca Tribe.

Sec. 14. Applications for assignment of land shall be made in writing. Such applications shall be submitted to the board of governors at regular or special sessions. The application will be placed in the hands of a proper committee who will call the matter up for action at the next regular meeting of the board of governors. Any member of the tribe may object in writing to a proposed assignment. In the event of objection, the president of the board of governors shall set a date for a hearing, advising both the applicant and the objector. The action of the board shall be final.
The secretary of the board shall furnish the superintendent or other officer in charge of the agency a complete record of all action taken by the board on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

The board of governors shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

**Article IX—Amendments**

This constitution and bylaws may be amended by a majority vote of the qualified voters of the Ponca Tribe voting at an election called for that purpose by the Secretary of the Interior; provided that at least thirty (30) per cent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a written resolution of the board of governors signed by at least five of the membership of the board of governors.

**Bylaws of the Ponca Tribe of Native Americans of Nebraska**

**Article I—Duties of Officers**

Section 1. The president of the board of governors shall preside at all meetings of the board. He shall also be the presiding officer at any general council meeting. He shall at all times have general supervision of the affairs of the board of governors and such matters as naturally pertain to the general welfare of the community. It shall also be the duty of the president to countersign all checks against funds of the organization by the treasurer. He shall vote only in case of a tie.

Sec. 2. The vice president shall preside at all meetings of the board of governors in the absence of the president and shall act in his stead in all matters pertaining to the office of president.

Sec. 3. The secretary shall keep an accurate record of all proceedings of the board of governors and furnish copies thereof to the Superintendent and the Commissioner of Indian Affairs. He shall attend to the keeping of the official records of the board of governors and shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the board of governors and the tribe. All official records of the tribal secretary shall be open to inspection by the members of the tribe at all times.

Sec. 4. The treasurer shall be the custodian of all funds in possession of the tribe from any source. He shall be under bond with a surety company of recognized standing in an amount to be determined by the board of governors, such surety company and bond to be approved by the Commissioner of Indian Affairs. He shall keep an accurate record of all such funds and shall disburse the same in accordance with the vote of the board of governors and as desig-
nated by this constitution and bylaws. The books of the treasurer containing the financial status of the tribe shall be open to audit and examination by the duly authorized officers of the Secretary of the Interior at all times.

The records of the treasurer shall be open to inspection by members of the board of governors and its officers.

Sec. 5. The subordinate officers, boards, and committees of the board of governors shall perform such duties as the board of governors shall, by resolution, from time to time provide.

ARTICLE II—QUALIFICATIONS OF OFFICE

SECTION 1. Any person elected to membership in the board of governors shall be not less than twenty-five (25) years of age, a member of the Ponca Tribe of Native Americans, and a bona fide resident of the territory of the tribe for at least one year prior to election.

ARTICLE III—OATH OF OFFICE

SECTION 1. All officers when elected shall be duly installed and subscribe to an oath of office to support the Constitution of the United States and this constitution. Such officers may be sworn in by any officer qualified to administer an oath.

ARTICLE IV—SALARIES

SECTION 1. Salaries of tribal officials shall not be paid from tribal funds nor changed in amount unless approved by the tribe at an election.

Sec. 2. The members of the board of governors, boards, and committees shall be paid for expenses incurred in the interest of the community out of any available tribal funds when previously authorized by the board of governors.

ARTICLE V—MEETINGS

SECTION 1. Stated meetings of the board of governors shall be held the first Friday in January, April, July, and October. Called meetings shall be held at the discretion of the president or upon request of three members of the board of governors. Three days' written notice shall be given to all board members.

Sec. 2. Five members shall constitute a quorum.

Sec. 3. The board of governors shall prescribe such rules of order for their meetings as it desires.

Sec. 4. The meetings of the board of governors shall be public to the tribe except all executive sessions.

ARTICLE VI—COOPERATION

SECTION 1. The board of governors shall work in very close cooperation with the Indian Service and various departments of the State of Nebraska in matters of charity, education, recreation, social work, and public health, and in land assignments with the superintendent of the jurisdiction.
ARTICLE VII—ADOPTION OF CONSTITUTION AND BYLAWS

This constitution and bylaws, when ratified by a majority of the qualified voters of the Ponca Tribe of Native Americans, voting at a special election called for the purpose by the Secretary of the Interior, provided that at least (30) per cent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and if approved, shall be effective from the date of approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved January 16, 1936, by the Secretary of the Interior, the attached constitution and bylaws was submitted for ratification to the members of the Ponca Tribe of Nebraska and was on February 29, 1936, duly ratified by a vote of 68 for, and 13 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Pub., No. 147, 74th Cong.)

JOSEPH J. PENISKA,
Chairman of Election Board.
PETER LECLAIR,
Secretary of Election Board.

GABE E. PARKER,
Superintendent in Charge of the Reservation.

By virtue of the authority granted the Secretary of the Interior by the act of June 18, 1934 (48 Stat. 984), as amended, I do hereby approve the attached constitution and bylaws of the Ponca Tribe of Nebraska.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or bylaws are hereby declared inapplicable to the Ponca Tribe of Nebraska.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

Approval recommended March 27, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.
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WASHINGTON, D. C., April 3, 1936.