

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

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CONSTITUTION AND BYLAWS OF THE  
WINNEBAGO TRIBE *of Nebraska*  
"WINNEBAGO RESERVATION  
IN THE STATE OF NEBRASKA

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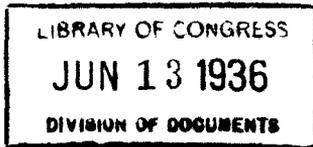
APPROVED APRIL 3, 1936



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1936

*Colby*

Law  
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Winnebago tribe  
of Nebraska  
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# CONSTITUTION OF THE WINNEBAGO TRIBE, WINNEBAGO RESERVATION, IN THE STATE OF NEBRASKA

## PREAMBLE

We, the Winnebago Tribe of the Winnebago Reservation in the State of Nebraska, in order to reestablish our tribal organization; to conserve and develop our natural resources; to form business and other organizations; to enjoy certain rights of home rule; to provide education in schools of higher learning, including vocational, trade, high schools, and colleges for our people, do ordain and establish this constitution and bylaws according to the act of Congress, dated June 18, 1934 (48 Stat. 984).

## ARTICLE I—TERRITORIAL JURISDICTION

SECTION 1. This constitution shall apply to the territory embraced in the Winnebago Reservation in Nebraska, as the same is described by the treaty of March 8, 1865 (14 Stat. 671) and the twenty sections included in the strip purchased in Nebraska for Wisconsin Winnebagos (18 Stat. 170, June 22, 1874), and such lands as may be added thereto by Congress or the tribe or reaffirmation of the title to lands through the courts to the tribe, except as otherwise provided by law.

## ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Winnebago 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 Winnebago Tribe of Nebraska as of April 1, 1934; provided that within five years from the adoption and approval of the constitution and bylaws, additions and eliminations may be made in said roll by the tribal council subject to the approval of the Secretary of the Interior.

(b) All children born to any member of the Winnebago Tribe of Nebraska who is a resident of the Winnebago 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 tribal council under ordinances made by the tribal council and approved by the Secretary of the Interior, provided such children reside on the reservation at the time they make application.

SEC. 2. Within one year after the adoption and approval by the Secretary of the Interior of this constitution and bylaws all non-resident members of the Winnebago Tribe of Nebraska must give

notice by written application directed to the tribal council of their desire to continue to be members and to participate in the tribal organization and benefits, or they shall lose their membership in the tribe. Notice of said adoption, approval, and this time limit shall be given by mail or by publication. Eligible nonresident members who for good reason fail to give notice within the time limit, may be reinstated.

SEC. 3. Request for reinstatement for membership shall be made by written application to a membership committee of the tribal council who shall proceed to make such investigation in the premises as are necessary, and then shall make their findings and duly report same to the tribal council for its approval or disapproval.

SEC. 4. Request for adoption of Indians, not members of the tribe shall be made by written application to the membership committee, who shall upon proper investigation make their recommendations to the tribal council for its consideration and determination. The decision of the tribal council in all membership hearings shall be subject to a popular majority vote, of those voting, of the tribe at the next annual election.

SEC. 5. Nothing contained in this article shall be construed to deprive any Winnebago Indian of any vested property right.

### ARTICLE III—THE GOVERNING BODY

SECTION 1. The governing body of this tribe shall be the tribal council, composed of twelve members, who shall be elected at large by secret ballot at an election hereinafter provided for by the qualified voters of the tribe, such members to be chosen from the membership of the tribe.

SEC. 2. At the first election held under this constitution and by-laws, twelve members of the tribal council shall be chosen, the four receiving the highest number of votes shall be declared elected until the regular election in October 1938; the four receiving the next highest number of votes shall be declared elected until the regular election in October 1937; and the four receiving the next highest number of votes shall be declared elected until the regular election in October 1936; and each year thereafter there shall be elected four members of the said council, whose term of office shall be for three years.

SEC. 3. The tribal council in their first meeting after election, shall elect from their membership a chairman, a vice chairman, a secretary, and a treasurer, who shall hold office for a term of one year or until their successors are elected.

SEC. 4. The tribal council shall appoint all necessary subordinate officers, boards, and committees.

### ARTICLE IV—POWERS

SECTION 1. *Enumerated powers.*—The tribal council shall exercise the following powers, subject to any limitations imposed by the Constitution or statutes of the United States or the State of Nebraska, 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 Winnebago 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, interest 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 Winnebago Tribe of Nebraska, available funds within the exclusive control of the tribal council, 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.

(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 tribes 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 restricted property, real and personal, other than allotted lands within the territory of the Winnebago Reservation, subject to review by the Secretary of the Interior.

(l) To provide for the appointment of guardians for minors, aged persons and mental incompetents by ordinance or resolution, subject to review by the Secretary of the Interior.

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

(n) To adopt resolutions regulating the procedure of the tribal council, tribal officials, and other tribal agencies.

(o) To encourage and foster the arts, crafts, traditions, and culture of the Winnebago Tribe of Nebraska.

(p) To encourage the commerce of the community and discover markets for the sale of all productions of the tribal members.

(q) To charter subordinate organizations for economic purposes and to regulate the activities of cooperative associations of members of the Winnebago Tribe, through ordinances which shall be subject to review by the Secretary of the Interior.

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

(s) 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 powers.

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 tribal council of such decision.

If the superintendent shall refuse to approve any resolution or ordinances submitted to him, within ten days of its enactment, he shall advise the tribal council of his reasons therefor. If these reasons appear to the tribal council 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 tribal council 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 authorized official or agency of the State or Federal Government or by members of the tribe.

SEC. 4. *Reserved powers.*—Any rights and powers heretofore vested in the Winnebago Tribe of Nebraska, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Winnebago Tribe of Nebraska, through the adoption of appropriate bylaws and constitutional amendment.

## ARTICLE V.—ELECTIONS AND QUALIFICATIONS FOR VOTING

SECTION 1. The first election under this constitution shall be called, held, and conducted within thirty days after the ratification and approval of this constitution by a provisional committee, selected by the tribal council in power, under such rules and regulations as the said tribal council may prescribe. The provisional committee shall cause the votes cast at said election to be duly canvassed and shall duly and officially certify such results to the tribal council;

said committee shall certify to each member of the council elected a certificate of his or her election. It shall be the duty of the newly elected council to meet at the Winnebago Agency, Nebraska, within ten days of the receipt of such certificate and proceed to organize as hereinbefore provided.

SEC. 2. All elections held under and by virtue of this constitution shall be held under the supervision of the tribal council, who shall provide all necessary equipment, appoint election officials, and furnish police protection and all other necessary things that pertain to an election.

SEC. 3. All regular elections shall be held on the first Tuesday after the first Monday in October of each year, at such place or places as may be determined by the tribal council.

SEC. 4. All elections shall be by secret ballot.

SEC. 5. Any recognized member of the Winnebago Tribe twenty-one years of age and over, and who has maintained residence within the reservation or within Thurston County, Nebr., for a period of six months prior to the date of election shall be a qualified voter.

#### ARTICLE VI.—REMOVAL

SECTION 1. The tribal council may by a two-thirds affirmative vote expel any member for neglect of duty or gross misconduct. Before any vote for expulsion is taken on the matter, such member shall be given an opportunity to answer any and all charges at a designated council meeting, the decision of the tribal council shall be final.

SEC. 2. The tribal council shall have power to fill all vacancies caused by death, removal, resignation, or otherwise, such appointment to be in force and effect until the next general election.

#### ARTICLE VII.—REFERENDUM

SECTION 1. Any exercise of the enumerated powers lodged in the tribal council 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 voters shall vote in any such referendum.

#### ARTICLE VIII.—LAND

SECTION 1. Allotted lands, including heirship lands, within the Winnebago 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 Winnebago 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 sale for nonpayment of 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 Winnebago 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 Winnebago Tribe and all lands which may hereafter be acquired by the Winnebago Tribe or by the United States in trust for the Winnebago 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 tribal council to members of the Winnebago Tribe, or may be leased or otherwise used by the tribe as hereinafter provided for.

SEC. 4. Tribal lands may be leased by the tribal council 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 Winnebago Tribe. No lease of tribal lands to a nonmember shall be made by the tribal council 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 tribal council 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 tribal council 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 one year fail to use the land so assigned or shall use the land for any unlawful purpose, his assignment may be canceled by the tribal council 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 will or 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 Winnebago 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 assignment 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 rent 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 an exchange assignment such lands shall be reassigned by the tribal council 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 Winnebago 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 agricultural or grazing land. Such economic unit shall be determined by the tribal council.

(c) Such land may not be subdivided into units too small for practical use. The tribal council shall determine the practical subdivision of the land in each case. If such land cannot be properly subdivided the tribal council 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 Winnebago Tribe. When improvements are not possible of fair division, the tribal council shall dispose of them under such regulations as it may provide. No permanent improvements may be removed from any tribal or assigned land without the consent of the tribal council.

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

SEC. 12. Unassigned land shall be managed by the tribal council for the benefit of the members of the entire tribe subject to such rules and regulations as the Secretary of the Interior may prescribe under section 6 of the act of June 18, 1934 (48 Stat. 984). The tribal council may participate in the management of grazing, the control of erosion, prospecting and mining, and in the abatement of nuisances, to such extent as the rules and regulations of the Secretary shall permit.

SEC. 13. Available tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land for the Winnebago Tribe.

SEC. 14. Applications for assignment of land shall be made in writing to the tribal council 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 tribal council. Any member of the tribe may object in writing to a proposed assignment. In the event of objection the chairman of the tribal council shall set a date for a hearing, advising both the applicant and the objector.

The land assignments shall further be governed as follows: The right of appeal of a member of the Winnebago Tribe in the matter of land assignments shall not be denied according to this constitution and bylaws. The procedure shall be as follows: The tribal council shall allow each Winnebago eligible and entitled thereto to have the right to appeal the decision of the tribal council in the case of land assignment to him or her to a board of review, which shall consist of two members of the Winnebago Tribe at large, appointed by the tribal council, the superintendent of the Winnebago jurisdiction, the home economics agent, the social welfare agent, and the extension agent or farmer. The action of the board of review shall be final.

The tribal council 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.

SEC. 15. The tribal council may purchase, so far as its resources shall extend, all lands which are now in heirship status and which cannot be conveniently apportioned among the lawful heirs; all lands of aged or incapacitated Indians; all excess lands of members owning more than the maximum unit of land ownership fixed by the tribal council; and all lands needed for public purposes. The tribal council may, in addition, acquire, by voluntary surrender in exchange for tribal interests, lands which may be incorporated into tribal ownership.

SEC. 16. The tribal council may protect and develop for the benefit of the tribe all mineral resources to which the tribe now has or may acquire equitable title.

## ARTICLE IX—AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the Winnebago 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 council signed by at least seven members of the tribal council.

## BYLAWS OF THE WINNEBAGO TRIBE, WINNEBAGO RESERVATION, IN THE STATE OF NEBRASKA

### ARTICLE I—DUTIES OF OFFICERS

SECTION 1. The duties of the tribal officers shall be as follows:

(a) The chairman of the tribal council shall preside at all meetings of the council. He shall also be the presiding officer of any gen-

eral council meeting. He shall at all times have general supervision of the affairs of the tribal council and such matters as naturally pertain to the general welfare of the community. He shall execute all the rules, regulations, and orders of the council, and shall have power to call to his assistance any official or member of this tribe whenever he deems it necessary for the proper enforcement of any orders of the tribal council, and shall perform all other duties that may be provided by the council and such other duties that pertain to the presiding officer of a tribe.

(b) The vice chairman shall preside over the tribal council meeting when the chairman is absent. He shall also perform any other duties that the council shall determine that he shall perform in conformity with the constitution and bylaws of this tribe.

(c) The secretary shall be the custodian of the official records, books, papers, and documents of the tribe; he shall keep a minute record of all the proceedings, resolutions, and of all the activities of the council, shall handle all correspondence, and shall provide copies of all regular and special meetings for the council and for the Superintendent and the Commissioner of Indian Affairs, and shall perform all other duties required of his office by the tribal council.

(d) The treasurer shall be the custodian of the funds of the tribe, received from any source whatever. He shall give bond with some corporate surety bonding company in such amount as the tribal council shall fix, such surety bonding company and the bond thus given to be subject to the approval of the Secretary of the Interior. He shall keep an accurate record of all funds received and disbursed by him; he shall make a monthly report to the tribal council of all such receipts and disbursements, such report to be made under oath, and copies of all such reports shall be provided for the council, Superintendent, and Commissioner of Indian Affairs. His records shall be open to inspection at any and all times by the council and any member of this tribe. And he shall perform any additional duties provided by the council that pertain to the office of treasurer.

SEC. 2. The tribal council may call to its aid any member of this tribe in the carrying out of any of the provisions of this constitution and bylaws at any time that the said council shall deem it necessary and conditions warrant.

SEC. 3. The tribal council may cause the records and books of the treasurer and other officials to be audited by a competent auditing committee whenever the tribal council deems it necessary, such committee to make their report under oath, and the same shall comprise an itemized statement of all receipts and disbursements, and for what purposes, and they shall be compensated for such service in such amount as the tribal council shall by resolution provide, subject to the approval of the Secretary of the Interior.

## ARTICLE II—QUALIFICATION OF OFFICERS

SECTION 1. Members of the council must be twenty-five years of age, bona fide residents of this reservation or of Thurston County, Nebraska; and it is further provided that the tribal council shall be the judge of the qualifications of its own members.

### 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 AND EXPENDITURES OF TRIBAL MONEY

SECTION 1. No salaries shall be paid to tribal officials from tribal funds unless approved by a popular vote of the tribe.

SEC. 2. The members of the tribal council, boards, and committees shall be paid for expenses incurred in the interest of the community from tribal funds when previously authorized by the tribal council.

SEC. 3. The expenditure of funds belonging to the tribe must first be approved by a majority vote of the tribal council at a regular meeting.

### ARTICLE V—MEETINGS

SECTION 1. The tribal council shall meet on the first Monday of each month.

SEC. 2. The meetings of the council shall be public, except all executive sessions, and the tribal council shall provide rules of order for their meetings.

SEC. 3. Special meetings of the council may be called by the chairman when deemed necessary, or by a petition signed by a majority of the council upon three days' notice thereof, giving the reason for such meeting and the nature of the business to be transacted thereat.

SEC. 4. A majority of the tribal council shall constitute a quorum to do business at all regular and special meetings.

### ARTICLE VI—COOPERATION

SECTION 1. The tribal council 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 on 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 Winnebago Tribe of Native Americans, voting at a special election called for the purpose by the Secretary of the Interior, provided that at least 30 percent 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 15, 1936, by the Secretary of the Interior, the attached constitution and bylaws was submitted for ratification to the Winnebago Tribe of the Winnebago

Reservation and was on February 29, 1936, duly ratified by a vote 277 for, and 78 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.).

FRANK BEAVER,  
*Chairman of Election Board.*

LUCY H. KENNEDY,  
*Secretary of the 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 Winnebago Tribe of the Winnebago Reservation.

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 Winnebago Tribe of the Winnebago Reservation.

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.*  
[SEAL]

WASHINGTON, D. C., April 3, 1936.

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