

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BYLAWS OF THE
OMAHA TRIBE OF NEBRASKA



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CONSTITUTION AND BYLAWS OF OMAHA TRIBE OF NEBRASKA

PREAMBLE

We, the Omaha Tribe of Nebraska, in order to organize for the common welfare of ourselves and our posterity and to insure domestic tranquillity; 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 according to the act of Congress, dated June 18, 1934, known as the Indian Reorganization Act (48 Stat. 984).

ARTICLE I.—TERRITORY

This constitution shall apply to the territory within the present confines of the Omaha Reservation, and to any and all future additions of land acquired within or without said boundary lines by the Secretary of the Interior for the tribe or by the tribe, except as otherwise provided by law.

ARTICLE II.—MEMBERSHIP

SECTION 1.—The membership of the Omaha Tribe of Nebraska shall consist of:

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

(b) All children born to any member of the Omaha Tribe of Nebraska who is a resident of the Omaha 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 subject to review 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 of this constitution and bylaws by the Secretary of the Interior, all non-resident members of the Omaha Tribe must give notice, by application or letter, of their desire to continue to be members of the tribe and participate in the tribal organization, or they shall lose their

membership in the tribe. Notice of said adoption, approval, and this time limit shall be given by mail or publication. Eligible non-resident members who for good and sufficient reason fail to give notice within the limit of time prescribed may be reinstated.

SEC. 3. *Reinstatement.*—Reinstatement of members by written application shall be vested in a membership committee whose decision shall be subject to the approval of the tribal council.

SEC. 4. *Adoption.*—Request for adoption of Indians into the membership of the tribe shall be made by written application to the membership committee who shall make recommendation to the tribal council. The decision of the tribal council shall be subject to popular vote at the next annual election.

SEC. 5. Continuous absence from the jurisdictional boundaries of the Omaha Tribe of Nebraska for a period of five years shall operate to terminate membership in the tribe, unless the tribal council shall, upon notification and application from the non-resident member within said five-year period, extend the membership of such individual.

SEC. 6. The tribal council 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. 7. Nothing contained in this article shall be construed to deprive any Omaha Indian of any vested property right.

ARTICLE III.—GOVERNING BODY

SECTION 1. The governing body under this constitution and by-laws shall be known as the tribal council, and shall be composed of seven members to be elected by the people.

SEC. 2. The councilmen shall be elected by the people for a period of three years, and all councilmen shall be eligible for reelection at the end of each term of office. The procedure of election shall be decided by the qualified voters in public assembly. At each election assembly a temporary election chairman and secretary shall be selected by the tribal council in power, under such rules and regulations as the tribal council may prescribe.

SEC. 3. The officers of the tribal council shall be the chairman, the vice chairman, the secretary, and the treasurer, who shall be selected by the tribal council from its own membership at the first meeting of the newly elected council. The officers shall serve until the next regular election.

SEC. 4. The tribal council shall be elected on the first Monday of November every three years. The tribal council elected on the first Monday of November 1935, with the understanding of the qualified voters that it was elected according to the terms of this constitution and was to serve for three years, shall serve until their successors are elected on the first Monday of November 1938. Thirty days' notice of every regular election of councilmen, beginning in 1938, shall be given by the tribal council. Each tribal council elected under this constitution shall take office immediately after its election.

SEC. 5. The tribal council shall have authority to appoint 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, 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 Omaha Tribe.

(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, providing that no reservation lands shall ever be leased for a period exceeding ten (10) 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 such 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 Omaha 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 assessments upon members of the tribe and to require the performance of reservation labor in lieu thereof, and to levy assessments or license fees, subject to review by the Secretary of the Interior, upon non-members doing business with 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, provided that thirty per cent of the eligible voters shall vote at such election.

(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 non-members of the tribe shall be subject to review by the Secretary of the Interior, and provided further that non-restricted 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 Omaha 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 tribal council itself and of other tribal agencies and tribal officials.

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

(o) To charter subordinate organizations for economic purposes and to regulate the activities of 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, wild life, 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 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 Omaha Tribe, 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 endorsement, 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 ordinance 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 Omaha Tribe, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Omaha Tribe, through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE V.—ELECTIONS

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

SEC. 2. Any person elected to office shall be not less than twenty-one years of age, a member of the Omaha Tribe and a bona fide resident of the Omaha Reservation for not less than one year preceding the date of election; provided, however, the requirement of residence as to any particular candidate may be voided by consent of a majority of the qualified voters of the Omaha Tribe at any election assembly.

SEC. 3. No Federal Government employee under civil service shall be eligible to hold office in the Tribal Council.

ARTICLE VI.—REMOVAL

SECTION 1. The tribal council may by an affirmative vote of five members 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 vacancies by reason of death, removal from office, resignation, or otherwise until the next regular election.

ARTICLE VII.—REFERENDUM

SECTION 1. Any action of the tribal council under any of the enumerated powers lodged in the tribal council by this constitution and bylaws shall be subject to a referendum vote of the people upon a written petition signed by not less than twenty-five per cent of the total number of votes cast in the last election.

ARTICLE VIII.—LAND

SECTION 1. Allotted lands, including heirship lands, within the Omaha 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 Omaha 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 this 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 Omaha 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 Omaha Tribe and all lands which may hereafter be acquired by the Omaha Tribe or by the United States in

trust for the Omaha Tribe shall be held as tribal lands, and no part of such lands shall be mortgaged or sold.

SEC. 3. The tribal council may consolidate inherited land holdings by purchase, exchange, transfer, gift, or voluntary relinquishment; including the power to reassign such land in the public interest.

SEC. 4. 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 Omaha Tribe, or may be leased or otherwise used by the tribe as hereinafter provided for.

SEC. 5. Tribal lands may be leased by the tribal council with the approval of the Secretary of the Interior or his authorized agent in accordance with law. Preference shall be given, first, to Indian cooperative associations, and secondly, to individual Indians who are members of the Omaha Tribe. No lease of tribal lands to a non-member 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. 6. 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 made 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 an assignee a fee according to a scale adopted by the council but not to exceed \$5.00, on approval of an assignment made under this section.

SEC. 7. If any person holding a standard assignment of land shall for a period of two (2) years 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 written request shall have preference in the reassignment of the land, provided such persons are eligible to receive a standard assignment.

SEC. 8. Any member of the Omaha 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, receiving in return therefor a certificate of interest representing its present market value, or 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 grazing or other land.

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

SEC. 9. 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. 10. 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 Omaha 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 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 the 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. 11. Improvements of any character made upon assigned land may be willed to and inherited by members of the Omaha Tribe. When improvements are not possible of fair division, the tribal council 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 tribal council.

SEC. 12. No member of the Omaha Tribe may use or occupy tribal lands except under an assignment or lease.

SEC. 13. Unassigned land shall be managed by the tribal council for the benefit of the members of the entire tribe, subject to regulations of the Secretary of the Interior issued in accordance with section six of the act of June 18, 1934 (48 Stat. 984).

SEC. 14. Available tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land for the Omaha Tribe.

SEC. 15. The right to determine the amount of land and make assignment to each lawful assignee shall vest in the tribal council, whose decision shall be subject to the final approval of a board of review, consisting of the superintendent of the Winnebago Agency as chairman, and two members of the Omaha Tribe at large to be selected by the tribal council. The economic needs of the individual, with due regard to land availability and limitation, together with the principles of justice and equity shall be the basic factors affecting the decision in land assignments of both the tribal council and the board of review. The decision of the board of review, as heretofore outlined, shall be final.

ARTICLE IX.—AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the Omaha Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent 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 tribal council, signed by at least a majority of the membership of the tribal council.

BYLAWS OF THE OMAHA TRIBE OF NEBRASKA

ARTICLE I.—DUTIES OF OFFICERS

SECTION 1. The duties of the officers of the tribal council 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 at any public assembly meeting which may be duly called in accordance with the constitution. 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. It shall also be the duty of the chairman to countersign all checks drawn against funds of the organization by the treasurer.

(b) The vice chairman shall preside at all meetings of the tribal council in the absence of the chairman and shall act in his stead in all matters pertaining to the office of chairman.

(c) The secretary shall keep an accurate record of all proceedings of the tribal council and furnish copies thereof to the superintendent and the Commissioner of Indian Affairs. He shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the tribal council and the tribal corporation. All official records of the tribal secretary shall be open to inspection of the tribe at all times.

(d) The treasurer shall be the custodian of all funds in possession from any source. He shall be under bond to a surety company of recognized standing in an amount to be determined by the tribal council, 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 tribal council and as designated by this constitution and bylaws. The books of the treasurer shall be open to audit and examination by the duly authorized officers of the Secretary of the Interior at all times and shall be open to inspection by members of the tribal council and its officers.

SEC. 2. The subordinate officers, boards, and committees of the tribal council shall perform such duties as the tribal council shall, by resolution from time to time provide.

ARTICLE II.—OATH

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 III.—SALARIES AND EXPENDITURES OF TRIBAL FUNDS

SECTION 1. The expenditure of funds belonging to the tribe must first be approved by a majority vote of the tribal council at a regular stated meeting.

SEC. 2. The members of the tribal council, boards, and committees shall be paid for services rendered in the interest of the community welfare from funds within the exclusive control of the tribe when previously authorized by the tribal council.

SEC. 3. All salaries proposed by the tribal council for tribal officials to be paid from funds within the exclusive control of the tribe must be approved by the tribe at a popular referendum.

ARTICLE IV.—MEETINGS

SECTION 1. Stated meetings shall be held the first Friday of January, April, July, and October. Called meetings shall be held at the discretion of the chairman or upon request of three members of the council. Three days' written notice shall be given to all council members, provided however, that emergency meetings may be called at any time.

SEC. 2. Five members shall constitute a quorum.

SEC. 3. The tribal council shall set forth such rules of order for its meetings as it desires.

SEC. 4. Council meetings shall be public to the tribe except all executive sessions.

ARTICLE V.—COOPERATION

SECTION 1. The tribal council shall work in very close cooperation with the Indian Service Bureau and various departments of the State of Nebraska in matters of charity, education, recreation, social work, and public health.

ARTICLE VI.—ADOPTION OF CONSTITUTION AND BYLAWS

This constitution and bylaws, when ratified by a majority of the qualified voters of the Omaha Tribe, 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.

CERTIFICATE 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 Omaha Tribe of Nebraska and was on February 15, 1936, duly ratified by a vote of 311 for, and 27 against, in an election in which over 30 percent 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.)

ELWOOD HARLAN,
Chairman of Election Board.

MARION WALKER,
Secretary of Election Board.

HENRY SHERIDAN,
CHARLES J. SPRINGER,
CHARLES A. WALKER,
GEORGE WOODHULL,
GEORGE BLACKBIRD.

GABE E. PARKER,
Superintendent in charge of the reservation.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and bylaws of the Omaha 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 Omaha 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 23, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., March 30, 1936.

