

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BYLAWS FOR THE
FLANDREAU SANTEE SIOUX TRIBE
SOUTH DAKOTA



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CONSTITUTION AND BYLAWS FOR THE FLANDREAU SANTEE SIOUX TRIBE OF SOUTH DAKOTA

PREAMBLE

We, the people of the Flandreau Santee Sioux Tribe, in order to exercise the right of local self-government, promote the general welfare, acquire and develop lands, to have the right to form business and other organizations, and to rehabilitate the local Indians and assist them to become self-supporting, do establish this constitution and bylaws.

ARTICLE I.—TERRITORY

The jurisdiction of the Flandreau Santee Sioux Tribe of Indians shall extend to such territory as may be now held or hereafter acquired by or for the Flandreau Santee Sioux Tribe under any law of the United States, except as otherwise provided by law.

ARTICLE II.—MEMBERSHIP

SECTION 1. The membership of the Flandreau Santee Sioux Tribe of Indians shall consist of:

(a) All persons of Indian blood whose names appear on the official census roll of the tribe as of April 1, 1935, provided that within 1 year from adoption and approval of this constitution and bylaws, correction may be made in the said roll by the general business council subject to approval of the Secretary of the Interior.

(b) All children born to any member of the Flandreau Santee Sioux Tribe who is a resident of any territory of the tribe or of Moody County in South Dakota at the time of the birth of said children.

SEC. 2. The general business council shall have the power to promulgate ordinances subject to review by the Secretary of the Interior covering future membership and the adoption of new members.

ARTICLE III.—GOVERNING BODY

SECTION 1. The governing body of the Flandreau Santee Sioux Tribe of Indians shall be the general business council which shall be composed of all the qualified voters of the Flandreau Santee Sioux Tribe.

SEC. 2. All enrolled members of the Flandreau Santee Sioux Tribe who are 21 years of age or over shall be qualified voters at each election.

SEC. 3. The general business council shall elect from its own members by secret ballot, (a) a president, (b) a vice president, (c) a secretary, (d) a treasurer, and (e) two trustees who shall serve on the executive committee as provided in section 5 of this article.

SEC. 4. The general business council shall meet on the first Monday of January and July. Within 30 days after the ratification and approval of this constitution and bylaws, a general business council shall be called by the present business council for the purpose of electing the officers named herein, and it shall transact such other business as may be necessary. The officers elected at this meeting shall serve until the July meeting at which time their successors shall be chosen. Thereafter, officials shall be chosen at the July meeting. The president or 25 percent of the qualified voters may by written notice call special meetings of the general business council.

One-third of the qualified voters of the tribe shall constitute a quorum at any special or regular meeting.

SEC. 5. There shall be an executive committee consisting of the president, vice president, secretary, and treasurer of the general business council, and the two trustees named in section 3 of article III, which shall perform such duties as may be authorized by that council.

SEC. 6. The executive committee shall appoint such other boards or officers as may be deemed necessary.

ARTICLE IV. POWERS OF THE GENERAL BUSINESS COUNCIL

SECTION 1. *Enumerated powers.*—The general business council of the Flandreau Santee Sioux Tribe shall exercise the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States:

- (a) To negotiate with the Federal, State, and local Government.
- (b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.
- (c) To veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets of the tribe.
- (d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Flandreau Santee Sioux Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.
- (e) To manage all economic affairs and enterprises of the Flandreau Santee Sioux Tribe in accordance with the terms of a charter that may be issued to the tribe by the Secretary of the Interior.
- (f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Flandreau Santee Sioux Tribe on the reservation, providing for the manner of making, holding, and revoking assignments of tribal land or interests therein, providing for the levying of taxes, and the appropriation of available funds for public purposes, providing for the licensing of nonmembers coming upon the territory of the tribe for purposes of hunting, trading, or other business, and for the exclusion from the territory of the tribe of persons not so licensed, and establishing proper agencies for law enforcement among the members of the Flandreau Santee Sioux Tribe.
- (g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

(h) To adopt resolutions not inconsistent with this constitution and the attached bylaws, regulating the procedure of the council itself and of other tribal agencies, tribal officials, or tribal organizations of the Flandreau Santee Sioux Tribe.

SEC. 2. *Future powers.*—The general business council may exercise such further powers as may in the future be delegated to the council by members of the tribe or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. *Reserved powers.*—Any rights and powers heretofore vested in the Flandreau Santee Sioux 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 Flandreau Santee Sioux Tribe through the adoption of appropriate bylaws and constitutional amendments.

SEC. 4. *Manner of review.*—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 jurisdiction who shall, within 10 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 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the general business council of such decision.

If the superintendent shall refuse to approve any ordinance or resolution submitted to him, within 10 days after its enactment, he shall advise the council of his reasons therefor. If these reasons appear to the council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE V—AMENDMENTS

This constitution and bylaws may be amended by the majority vote of the qualified voters of the tribe at an election called for that purpose by the Secretary of the Interior, providing that at least 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 petition signed by one-third of the qualified voters, members of the tribe.

BYLAWS OF THE FLANDREAU SANTEE SIOUX TRIBE OF SOUTH DAKOTA

ARTICLE I.—DUTIES OF OFFICERS

SECTION 1. *President.*—It shall be the duty of the president to preside at all meetings of the general business council and of the executive committee, and at all tribal elections, and to sign all com-

missions, licenses, and permits granted by order of the executive committee and all orders drawn on the treasurer by order of the executive committee for the disbursement of money. He shall maintain peace and good order, and see that the ordinances, rules, and regulations of the tribe are faithfully executed and observed, and perform such other duties as shall be required of him from time to time by the executive committee or the general business council in carrying out the provisions of this constitution and bylaws. He shall vote only in the case of a tie.

SEC. 2. *Vice president.*—The vice president shall assist the president when called upon to do so and in the absence of the president he shall preside. When so presiding, he shall have all the rights, privileges, and duties as well as the responsibilities of the president.

SEC. 3. *Secretary of the council.*—It shall be the duty of the secretary to keep an accurate account of all the actions of the executive committee and the general business council, especially of the passing of all the bylaws, ordinances, rules, regulations, and resolutions, and also a faithful record of all the votes and actions of the members of said tribe at their regular and other council meetings, and to keep on file all papers which may be ordered by the executive committee or the general business council. The records kept by the secretary shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from his records as such secretary, duly certified by him, shall be evidence in all of the contents of the same. He shall keep a full and accurate account of all orders drawn on the treasurer in a book provided for that purpose, and shall keep a record of all accounts of the tribe with individuals, and shall keep an account with the treasurer and charge him with all moneys paid into the treasury; and all receipts of the payment of moneys or property to the treasurer shall be countersigned by the secretary. The secretary shall also act as secretary in all regular and special elections and meetings of the members of the tribe. The secretary shall also have power to administer oaths; and before he shall enter upon the duties of his office, he shall execute to the tribe a bond, in such sum as the general business council shall direct, with sureties to be approved by the council, conditioned for the faithful performance of all the duties of his office, which bond, after being so approved, shall be filed with the treasurer of the council. It shall be his duty to submit promptly to the superintendent of the jurisdiction and the Commissioner of Indian Affairs copies of all minutes of regular and special meetings of the general business council.

SEC. 4. *Treasurer of council.*—The treasurer of the council shall perform such duties and exercise such powers as may be lawfully required of him by ordinance, rules, regulations, or bylaws of the tribe. All money raised, received, recovered, and collected by means of loans, fines, forfeiture, or otherwise under this constitution and bylaws or which belong to the tribe shall be paid to and received by him, and shall not be paid out or drawn therefrom, except upon a printed or written order signed by the president and countersigned by the secretary, by order of the executive committee. Such order shall specify the amount of money to be drawn, to whom payable, and its object. He shall keep a just and accurate account of all moneys and other things coming into his hands as such treasurer in a book to be provided by the executive committee for that purpose,

which book shall remain the property of the tribe. In this book he shall note the time when, the person from whom, the amount of the several sums received, and the sources from which the said sums arose also the several sums paid out by him, to whom paid, and the objects for which it was so paid, which book at all reasonable hours shall be open to the inspection of the electors of the tribe, and authorized agents of the Department of the Interior. He shall, as often as the executive committee or general business council shall require, render the committee or council a minute account of his receipts and payments, and if required exhibit his vouchers therefor, and at the expiration of his term of office he shall pay over and deliver to his successor all moneys, books, vouchers, and other property or things in his possession belonging to the tribe. Before he enters upon the duties of his office he shall execute to the tribe a bond in such sum as the general business council shall determine, with sureties to be approved by the council and the Commissioner of Indian Affairs, conditioned for the faithful performance of all the duties of his office, which bond, after being so approved, shall be filed with the secretary of the council.

SEC. 5. Trustees.—It shall be the duty of the two trustees to serve on the executive committee.

SEC. 6. Executive committee.—It shall be the duty of the executive committee, consisting of the president, vice president, secretary, and treasurer of the general business council, and the two trustees, to act on behalf of the general business council at such times as the council is not in session and to have charge of all routine matters which shall arise during such recess, including the administration of ordinances concerning land under this constitution, and such other matters as may be delegated to it by the general business council.

It shall name the time and places of its meetings, and it shall determine the rules of its proceedings, and keep a journal thereof, which shall be open to members of the tribe at reasonable hours, and have power to preserve order and enforce regulations for its government, as are not inconsistent with this constitution and bylaws, and shall have power to compel the attendance of its members.

The committee shall make a report at each regular and special session of the council.

SEC. 7. Appointive officers.—The duties of all appointive boards or officers of the tribe shall be clearly defined by resolutions of the executive committee at the time of their creation or appointment. Such boards and officers shall report, from time to time as required, to the executive committee, and their activities and decisions shall be subject to review by the general business council upon the petition of any person aggrieved.

SEC. 8. Every officer elected or appointed under this constitution and bylaws before he enters upon the duties of his office, and within 10 days after his election or appointment, shall take and subscribe to an oath before some proper officer and file the same with the secretary in the following form, viz: "I ----- do solemnly swear that I will support the Constitution and the laws of the United States and the constitution and bylaws of this tribe; that I will faithfully discharge the duties of the office of ----- to the best of my ability; so help me God."

ARTICLE II.—RATIFICATION OF CONSTITUTION AND BYLAWS

This constitution and bylaws when adopted by a majority vote of the voters of the Flandreau Santee Sioux Tribe voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved March 13, 1936, by the Secretary of the Interior, the attached constitution and bylaws was submitted for ratification to the members of the Flandreau Santee Sioux Tribe and was on April 4, 1936, duly accepted by a vote of 83 for and 6 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 (49 Stat. 376).

GEORGE EASTMAN, Sr.,
Chairman of Election Board.

GEORGE EASTMAN, Sr.,
Chairman of the Tribal Council.

GEORGE EASTMAN, Jr.,
Secretary.

BYRON J. BROPHY,
Superintendent.

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 Flandreau Santee Sioux Tribe.

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 and bylaws are hereby declared inapplicable of the Flandreau Santee Sioux Tribe.

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

Approval recommended April 20, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., April 24, 1936.