

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS OF THE  
SAC AND FOX TRIBE OF MISSOURI  
OF THE SAC AND FOX RESERVATION IN  
KANSAS AND NEBRASKA



APPROVED MARCH 2, 1937



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1937

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# CONSTITUTION AND BY-LAWS OF THE SAC AND FOX TRIBE OF MISSOURI OF THE SAC AND FOX RESERVATION IN KANSAS AND NEBRASKA

## PREAMBLE

We, the people of the Sac and Fox tribe of Missouri, in order to promote a better knowledge among the members of the tribe of the Federal Laws under which it is governed, of its status thereunder, and to facilitate matters for the tribe, individually, and as a whole, in transacting its affairs on a practical basis with the government of the United States, do hereby establish this Constitution and By-laws.

## ARTICLE I—TERRITORY

The jurisdiction of the Sac and Fox Tribe shall extend to the territory within the confines of the Sac and Fox Reservation located in the States of Kansas and Nebraska as defined in the Treaty of March 6, 1861, and to such other lands as may be hereafter added thereto under any law of the United States.

## ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Sac and Fox Tribe shall consist of:

(a) All persons of Indian blood whose names appear on the official annuity roll of the tribe as of November 23, 1935: *Provided*, That within one year from adoption and approval of this Constitution and By-laws correction may be made in the said roll by the Tribal Council subject to approval of the Secretary of the Interior;

(b) All children born to any member of the Sac and Fox Tribe who is a resident of the Sac and Fox, Kickapoo, Potawatomi, or Iowa Reservations in Kansas and Nebraska at the time of the birth of said children, provided that any such member married to a non-member chooses to enroll such children in the tribe.

SEC. 2. The Tribal Council shall have the power to make 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 Sac and Fox Tribe shall be the Tribal Council which shall be composed of seven members of the

tribe elected at a general tribal meeting on the third Friday in September at a place designated by the Tribal Council and conducted under regulations of the Tribal Council.

SEC. 2. Within 30 days after the adoption and approval of this Constitution and By-laws, the present Tribal Council shall call, hold, and supervise the election of the members to the new Tribal Council.

SEC. 3. The four candidates receiving the highest number of votes shall serve until their successors are elected at the second annual election in September, 1938, and the three candidates receiving the next highest number of votes shall serve until their successors are elected at the first annual election in September, 1937. After the first election called by the present Tribal Council the Councilmen elected at each annual election shall serve for two years.

SEC. 4. After each election of Councilmen the Tribal Council shall meet immediately and organize for business by electing from among its members a Chairman, a Vice-chairman, a Secretary, and a Treasurer and shall appoint from among its own members or outside its own members such other officers, boards, or committees as it may deem necessary.

#### ARTICLE IV—VACANCIES AND REMOVAL

SECTION 1. Upon a petition signed by one-third of the qualified voters of the tribe stating a complaint against a member of the Tribal Council and asking for his recall, the Tribal Council shall call a meeting of the tribe to vote on whether or not the Councilman shall be recalled. The accused Councilman shall be given full opportunity to appear and speak in his own defense before such meeting. If such Councilman is recalled, the tribe shall proceed to elect a person to fill the unexpired term.

SEC. 2. The Tribal Council may by a vote of five of its members remove a Councilman for neglect of duty or misconduct in office, after giving such Councilman due notice of the charge and an opportunity to be heard.

SEC. 3. Vacancies in the Tribal Council caused by removal, death or resignation shall be filled by the Tribal Council by appointment of a qualified member of the tribe to serve as Councilman until the next annual election.

#### ARTICLE V—POWERS OF THE TRIBAL COUNCIL

SECTION 1. *Enumerated powers.*—The Tribal Council of the Sac and Fox 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 governments;

(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 land, tribal funds, or other tribal assets;

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

(e) To make and enforce ordinances, which shall be subject to review by the Secretary of the Interior, providing for the manner of making, holding, and revoking assignments of tribal land or interests therein and to make leases of tribal land in accordance with law;

(f) To provide for the levying of taxes and the appropriation of available tribal funds for public purposes of the Sac and Fox Tribe;

(g) To regulate the procedure of the Council itself, other tribal agencies, tribal meetings and elections.

(h) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards, committees, or officials of the tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. *Future powers.*—The Tribal Council may exercise such further powers as may in the future be delegated to the Council by any member 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 Sac and Fox Tribe of Missouri but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Sac and Fox Tribe of Missouri through the adoption of appropriate by-laws 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 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 endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, annul the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten days after 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 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

#### ARTICLE VI—AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior: *Provided*, That at least 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 request from the Tribal Council or a petition signed by one-third of the qualified voters of the tribe.

#### BY-LAWS OF THE SAC AND FOX TRIBE OF MISSOURI OF THE SAC AND FOX RESERVATION IN KANSAS AND NEBRASKA

#### ARTICLE I—DUTIES OF OFFICERS

**SECTION 1.** *Chairman of the Tribal Council.*—The Chairman shall preside over all meetings of the Tribal Council and general meetings of the tribe, shall perform the usual duties of a Chairman, and exercise any authority delegated to him by the Council.

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

**SEC. 3.** *Secretary of the Tribal Council.*—The Secretary shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at Council meetings. 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 Tribal Council.

**SEC. 4.** *Treasurer of the Tribal Council.*—The Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council. He shall deposit all funds in such depository as the Tribal Council shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and

expenditures and the amount and nature of all funds in his possession and custody, at such times as requested by the Tribal Council.

He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Council. The Treasurer shall be required to give a bond satisfactory to the Tribal Council and to the Commissioner of Indian Affairs when in the opinion of the said Council or Commissioner there are sufficient funds in the Tribal Council treasury to make such bonding advisable.

## ARTICLE II—MEETINGS AND QUALIFICATIONS OF VOTERS

**SECTION 1.** The Tribal Council shall hold regular meetings on the last Friday of each month at such hour and place as may be designated by the Chairman. Special meetings of the Tribal Council or of the tribe may be called by the Chairman.

**SEC. 2.** There shall be at least five members of the Tribal Council present at its regular and special meetings in order to do business.

**SEC. 3.** A general tribal meeting shall be held once each year at the time of the election of Councilmen and at this meeting the Tribal Council shall make a report of its work during the preceding 12 months and shall take up any other matters of general tribal interest.

**SEC. 4.** One-third of the qualified voters of the tribe shall make up a quorum at any special or regular tribal meeting.

**SEC. 5.** In order for a member of the Sac and Fox Tribe to be a qualified voter he must be 21 years of age or over and be a resident of the Kickapoo, Sac and Fox, Iowa or Potawatomi Reservations in Kansas and Nebraska.

## ARTICLE III—RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and these By-laws, when adopted by a majority vote of the voters of the Sac and Fox Tribe voting at a special election called by the Secretary of the Interior, in which at least 30 per cent 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 December 18, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the Sac and Fox Tribe of Missouri and was on January 23, 1937, duly ratified by a vote of 22 for, and 2 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, (49 Stat. 378).

CHARLES W. ROBIDOUX,  
*Chairman of Election Board.*  
FRED GREEN,  
*Secretary of Election Board.*

H. E. BRUCE,  
*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 By-laws of the Sac and Fox Tribe of Missouri.

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 By-laws are hereby inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended February 18, 1937.

WILLIAM ZIMMERMAN, JR.,  
*Assistant Commissioner of Indian Affairs.*

HAROLD L. ICKES,  
*Secretary of the Interior.*

[SEAL]

WASHINGTON, D. C., *March 2, 1937.*

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