

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS OF  
THE KICKAPOO TRIBE OF INDIANS  
OF THE KICKAPOO RESERVATION  
IN KANSAS



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# CONSTITUTION AND BY-LAWS OF THE KICKAPOO TRIBE OF INDIANS OF THE KICKAPOO RESERVATION IN KANSAS

## PREAMBLE

We, the people of the Kickapoo Tribe in Kansas in order to form a recognized representative council to handle our tribal affairs; in order to take advantage of the benefits of the Indian Reorganization Act of June 18, 1934, and in order to improve the economic condition of members of the tribe, do establish this Constitution and By-laws.

## ARTICLE I—TERRITORY

The jurisdiction of the Kickapoo Tribe shall extend to the territory within the confines of the Kickapoo Reservation as defined under the Treaty of May 18, 1854, 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 Kickapoo Tribe shall consist of:

(a) All persons of Indian blood whose names appear on the official census roll of the Kickapoo Tribe as of January 1, 1937, provided that within one year from the adoption and approval of this Constitution and By-laws correction may be made in the 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 Kickapoo Tribe who is a resident of the reservation at the time of the birth of said children.

SEC. 2. The Tribal Council shall have the power to adopt persons of Indian blood who are residing on the reservation and who are inter-married with members of the tribe, subject to the approval of the Secretary of the Interior, provided that such persons relinquish their membership in any other tribe.

SEC. 3. The Tribal Council shall have power to make ordinances, subject to review by the Secretary of the Interior, governing the adoption of other persons of Indian blood, and governing future membership.

## ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Kickapoo Tribe shall be the Tribal Council which shall be composed of seven members elected by the tribe.

SEC. 2. The election shall be held annually on the first Monday in October. Within 30 days after the adoption and approval of this Constitution and By-laws the present Business Committee shall call,

hold and supervise an election for members of the Tribal Council. The four persons receiving the highest number of votes shall serve until their successors are elected at the second annual election and the three receiving the next highest number of votes shall serve until their successors are elected at the first annual election which shall be held on the first Monday in October following the approval of this Constitution and By-laws. After this first election called by the Business Committee, the Councilmen elected at each annual election shall serve for two years.

SEC. 3. After each election of Councilmen the Tribal Council shall meet and organize for business by electing from its own number a Chairman, a Vice-Chairman, a Secretary and a Treasurer, and by appointing from the members of the Council or the tribe such other officials, committees or boards as may be deemed necessary.

SEC. 4. All members of the tribe who are 21 years of age or over and who have resided on the reservation for at least six months preceding any election shall be qualified voters in tribal elections.

SEC. 5. In order for a person to be qualified to hold office as Councilman he must be a member of the tribe, 21 years of age or over and have resided on the reservation at least one year prior to the date of his election.

#### ARTICLE IV—VACANCIES AND REMOVAL OF COUNCILMEN

SECTION 1. Upon a petition signed by 30 per cent 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. At such meeting the accused Councilman shall be given an opportunity to speak in his own defense. 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 notice of the charge and an opportunity to be heard.

SEC. 3. Vacancies in the Tribal Council caused by removal, death or resignation may be filled by the Tribal Council by appointment of a member of the tribe to serve as Councilman for the unexpired term.

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

SECTION 1. *Enumerated powers.*—The Tribal Council of the Kickapoo 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 lands, or other 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

Kickapoo 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;

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

(g) To lease tribal land in accordance with law;

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

(i) 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 Kickapoo 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 Kickapoo Tribe through the adoption of appropriate by-laws and constitutional amendment.

**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—REFERENDUM

**SECTION 1.** Upon petition by 30 percent of the qualified voters of the tribe protesting any action of the Tribal Council, the Tribal Council shall call a special meeting of the tribe to vote on whether the action of the Council shall be vetoed or upheld. The action of the tribe shall be final.

## ARTICLE VII—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.

## BY-LAWS OF THE KICKAPOO TRIBE OF INDIANS OF THE KICKAPOO RESERVATION IN KANSAS

### ARTICLE I—DUTIES OF OFFICERS

**SECTION 1. *Chairman of the Tribal Council.***—The Chairman shall preside over all meetings of the Council and of the tribe, and 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 tribal council meetings, which record shall be available to the Superintendent of the jurisdiction and the Commissioner of Indian Affairs, upon their request.

**SEC. 4. *Treasurer of the Tribal Council.***—The Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the care 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 are requested by the Tribal Council. He shall not pay out or otherwise disburse any funds in his possession or care except in accordance with a resolution duly passed by the Tribal Council. When in the opinion of the Tribal Council or the Commissioner of Indian Affairs, sufficient funds have accumulated in the Tribal Council Treasury to make it advisable to bond the Treasurer, he shall be required to give a bond satisfactory to the Tribal Council and Commissioner of Indian Affairs.

### ARTICLE II—MEETINGS

**SECTION 1.** Regular meetings of the Tribal Council shall be held in October, January, April, and July on such date and at such place as may be designated by the Tribal Council, and at such other regular times as the Council may decide. Special meetings of the Council may be called by the Chairman at any time.

**SEC. 2.** Five members of the Tribal Council shall constitute a quorum.

SEC. 3. The Tribal Council shall call a regular meeting of the tribe in January and June of every year at which meeting the Council shall report its activities in the preceding six months and take up matters of general tribal interest. Special meetings of the tribe in addition to those required under the Constitution may be called in the discretion of the Tribal Council.

SEC. 4. One-third of the qualified voters of the tribe shall constitute a quorum at any tribal meeting.

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

This Constitution and By-laws, when adopted by a majority vote of the voters of the Kickapoo 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 Kickapoo Tribe of the Kickapoo Reservation in Kansas, and was on January 23, 1937, duly ratified by a vote of 70 for, and 8 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).

ALEX ALLEN,

*Chairman of Election Board.*

ROBERT MASQUAT,

*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 Kickapoo Tribe in Kansas.

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 declared 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., February 26, 1937.