

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

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CONSTITUTION AND BY-LAWS OF
THE SAC AND FOX TRIBE OF THE
MISSISSIPPI IN IOWA

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CONSTITUTION AND BY-LAWS OF THE SAC AND FOX TRIBE OF THE MISSISSIPPI IN IOWA

PREAMBLE

We, the Mesquakie Indians, enrolled members of the Sac and Fox Tribe of the Mississippi in Iowa, hereinafter referred to as the Sac and Fox Tribe in Iowa, now living on the Sac and Fox Settlement located near Tama, Tama County, Iowa, in order that we may perpetuate our ancient tribal affairs, transact tribal business, and promote our own and our posterity's social, economic, educational, and general welfare, with the guidance of Providence, do hereby organize ourselves into one body and adopt this Constitution as the basis of our community self-government.

ARTICLE I—TERRITORIAL JURISDICTION

SECTION 1. This Constitution shall apply to the territory embraced in the present holdings of the Sac and Fox Tribe in Iowa, known as the Sac and Fox Settlement, jurisdiction of which was accepted by the United States by the Act of June 10, 1896 (29 Stat. 331), and to such other land as may be added thereto by or for the Tribe.

ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Sac and Fox Tribe in Iowa shall consist of the following persons:

(a) All persons whose names appear on the official census roll of January 1, 1937, of the Sac and Fox Tribe in Iowa except those designated in the said roll as not enrolled members of the Tribe, provided that within one year the Tribal Council may correct this roll subject to the approval of the Secretary of the Interior.

(b) All children born since the completion of said roll whose father is a member of the Tribe and whose parents were residing on the reservation at the time of the birth of said children.

(c) All children born since the completion of said roll whose father is a member of the Tribe but whose parents were not residing on the reservation at the time of the birth of said children may be admitted to membership by a majority vote of the Tribal Council.

SEC. 2. Persons who are descendants of members of this Tribe but not entitled to membership under section 1 may be adopted into the Sac and Fox Tribe by a majority vote of the Tribal Council, providing that such persons have resided on the reservation for a period of five years.

(a) The application for membership into the Tribe shall be made by self, parents, or guardians to the Membership Committee of the Tribal Council, and thereupon the said committee shall investigate for the Tribal Council to determine the desirability of adoption.

(b) Persons adopted under this section shall not be entitled to hold office under this Constitution or participate in the payments resulting from the treaties of the Tribe with the United States, but may enjoy other privileges of tribal members.

SEC. 3. Any member of the Tribe who resides away from the reservation for a period of ten years and who has not within that time signified to the Tribal Council his desire to continue his membership shall lose his membership in the Tribe but may later be adopted into the Tribe under the same membership status as previously enjoyed, by a majority vote of the Tribal Council after residing on the reservation for one year.

SEC. 4. Any person or persons who are intermarried with members of this Tribe shall not be granted membership or adoption into the Tribe under this Constitution.

ARTICLE III—NAME AND OBJECT OF GOVERNING BODY

SECTION 1. The name of the governing body of this organization shall be the Sac and Fox Tribal Council.

SEC. 2. The object of this Sac and Fox Tribal Council is to have authority to represent the Tribe in all matters pertaining to the business of the Tribe.

ARTICLE IV—COMPOSITION AND QUALIFICATIONS OF GOVERNING BODY

SECTION 1. The Tribal Council shall consist of seven members elected at large from those members of the Tribe living within the boundaries of the Sac and Fox Settlement who are entitled to vote and hold office.

SEC. 2. All members of the Tribal Council must be recognized as persons of honor, law abiding, and of good character. The voting members of the Tribe shall be the sole judge of these qualifications.

SEC. 3. All members of the Tribal Council must be at least twenty-five years of age, and must be descendants of parents both of whom are enrolled members of the Sac and Fox Tribe in Iowa.

SEC. 4. No person shall be disqualified on account of sex from holding any office created by this Constitution.

ARTICLE V—ELECTION OF THE GOVERNING BODY

SECTION 1. The first election under this Constitution shall be held within thirty days after the approval of this Constitution by the Secretary of the Interior. At this election seven members of the Tribal Council shall be elected; the three receiving the smallest number of votes shall serve until midnight of the first Monday in November, 1939, and the four receiving the greatest number of votes shall serve until midnight of the first Monday in November, 1941. Thereafter, all members of the Tribal Council shall be elected for a term of four years.

SEC. 2. The general election of the Tribal Council by the Tribe shall be held on the third Tuesday of October of each odd-numbered year, beginning 1939, and the necessary number of candidates receiving the greatest number of votes shall be considered elected.

SEC. 3. The primary election by all voters of the Tribe shall be held at the usual voting place of the Tribe on the second Tuesday in October in each odd-numbered year.

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

SEC. 5. Special elections authorized by this Constitution may be held at the time designated by the Tribal Council which is authorized to order such elections.

ARTICLE VI—TERM OF OFFICE

SECTION 1. Except as otherwise provided in section 1, Article V, the term of office of Tribal Council members, chosen at each general election, shall be four years, commencing on Tuesday, next after the first Monday in November, following each general election and will expire at midnight of the first Monday in November.

ARTICLE VII—NOMINATIONS FOR COUNCIL MEMBERS

SECTION 1. Nominations for members of the Tribal Council shall be made at a general meeting of the Tribe to be held on the first Tuesday in October. Each voter present shall be entitled to write down the names of his candidates for all positions to be filled. The candidates named shall be eliminated according to those who receive the least number of votes, in as many ballotings as are necessary, until there remain not more than three times as many candidates as there are positions to be filled. The names of these remaining candidates shall be posted in public places on the reservation, and a primary election shall be held at which time the eligible voters of the Tribe shall vote on the remaining candidates selected at the first general meeting. The two-thirds receiving the greatest number of votes shall be considered candidates for the general election.

SEC. 2. If the attendance is less than thirty per cent of the eligible voters of the Tribe at the general meeting for nominations, a special general meeting shall be called not later than Friday of the same week and eligible voters of any number who attend shall be authorized by this Constitution to make the required number of nominations.

SEC. 3. The present Tribal Council, with the assistance of the Constitution Committee, shall call and supervise the election of the first Tribal Council under this Constitution. Thereafter, the elected Tribal Council shall conduct and supervise tribal elections and make and post necessary regulations for its procedure.

SEC. 4. Any tie votes resulting from any election shall be decided by eligible voters by special election as provided in Article V, section 5, of this Constitution.

ARTICLE VIII—OFFICERS

SECTION 1. The officers of the Tribe shall consist of a Chief of the Council, an Assistant Chief of the Council, a Secretary of the Council, and a Treasurer of the Council, all of whom shall be elected by a majority vote of the Tribal Council from its own members, except that the Secretary may be elected by the Council from outside its membership if none of the members of the Council has sufficient training for that position, in which case the Secretary shall have no vote.

SEC. 2. Any member of the Tribal Council who wilfully fails to attend four consecutive meetings of the Tribal Council may be removed from office by a majority vote of the Tribal Council only after such accused member has been given an opportunity to appear before the Tribal Council in his own defense.

ARTICLE IX—VACANCIES

SECTION 1. Should a vacancy occur in the Tribal Council from any cause before the expiration of the term for which the member was elected, such a vacancy shall be filled for the remainder of the term by a special election called by the Tribal Council, unless the vacancy occurs within thirty days of a general election, and the person elected shall commence to serve as soon as he has qualified.

ARTICLE X—POWERS OF THE TRIBAL COUNCIL

SECTION 1. Enumerated Powers.—The Tribal Council shall exercise the following rights and powers, subject to any limitations imposed by the constitution and statutes of the United States and to all express limitations upon such rights and powers contained in this Constitution and By-laws.

(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 Sac and Fox 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.

(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 protect and preserve the property and natural resources of the Tribe.

(f) To encourage the agriculture and trade of the community, and to foster the arts, crafts, tradition and culture of the Sac and Fox tribe.

(g) To lease tribal land in accordance with law and to make assignments of tribal land to members of the Tribe in accordance with Article XI of this Constitution.

(h) To impose license fees on nonmembers of the Tribe or associations of nonmembers coming upon the reservation to do business or to reside, subject to review by the Secretary of the Interior.

(i) To levy and collect funds for the payment of state taxes.

(j) To receive, appropriate and expend for public purposes funds coming within the control of the Tribal Council, but no salaries shall be paid to Council members or other tribal officers without the approval of the Tribe.

(k) To regulate the use and disposition of property of members or associations of members of the Tribe in so far as necessary to protect the peace, safety, and general welfare of the Tribe. Any such regulation which directly affects nonmembers of the Tribe shall be subject to review by the Secretary of the Interior.

(l) To charter associations of members of the Tribe which may request such charter.

(m) To settle disputes among members of the Tribe which are not submitted to any State or Federal Court and which are brought before the Tribal Council by any member of the Tribe, after notice and an opportunity to be heard has been given to all parties concerned, and to impose fines to enforce its decisions which may be executed by attachment.

(n) To take action to preserve order among members of the Tribe which action shall be supplementary to and not in conflict with the activities of the federal and state authorities.

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

(p) To regulate the procedure of the Tribal Council, tribal officers and tribal meetings.

(q) To appoint tribal committees and agencies and to delegate to them the execution of any of the foregoing powers, reserving the right to review any action taken.

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 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 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 Sac and Fox Tribe in Iowa, 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 in Iowa, through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE XI—LAND ASSIGNMENTS

SECTION 1. It is hereby recognized that all the land within the Sac and Fox Reservation is tribal land, having been bought by the Tribe with its common funds, and is now held in trust for the Sac and Fox Tribe in Iowa by the Secretary of the Interior.

SEC. 2. The present assignments of tribal agricultural land now recognized by the Tribe are hereby confirmed, subject to the following conditions:

(a) Any disputes as to extent or possession of assignments of agricultural land shall be settled by the Tribal Council.

(b) If the present assignee fails to use the land for a period of two years, or leases, rents, or grants the use of the land in any way, or fails to make proper use of the land, the Tribal Council may cancel the assignment or so much thereof as is not used or is improperly used, after giving notice to the assignee and an opportunity to present his defense.

(c) When the present assignee dies, the Tribal Council shall reassign the land, subject to the same conditions, to an heir or person designated by the assignee in writing, provided that such heir or devisee needs the land for his own use and is able and willing to use it.

(d) No person not a member of the Tribe may hold or inherit an assignment of tribal land. Any male member of the Tribe, who marries some other person than a member of the Sac and Fox Tribe in Iowa may hold, inherit, and use an assignment of the tribal land; but any female member of the Tribe, who marries some other person than a member of the Sac and Fox Tribe in Iowa, shall not hold, inherit, nor use any assignment of tribal land, however the children of such female members, when adopted into the Sac and Fox Tribe in Iowa, may hold, inherit, and use an assignment of the tribal land.

(e) Improvements made upon assigned land by the assignee shall belong to him and if the land containing such improvements is reassigned by the Tribal Council during the life of the assignee to any person, or after the death of the assignee to a person who is not a relative nor heir nor devisee of the assignee, the assignee or his heirs may sell or remove such improvements under the supervision of the Tribal Council.

SEC. 3. The present homesites of members of the Tribe not situated on assignments of agricultural land are hereby confirmed, subject to the following conditions:

(a) Any disputes as to extent or possession of the homesites shall be settled by the Tribal Council.

(b) If a homesite is vacated by the occupants, the Tribal Council may reassign it to a member of the Tribe, or if any of the garden or timber land recognized as part of a homesite is not used for a period of two years or is improperly used, the Tribal Council may reassign the part not used or misused.

(c) Homesites may be transferred among, inherited by, and willed to members of the Tribe under the supervision of the Tribal Council.

(d) Improvements made upon a homesite by the assignee shall belong to him and if the land containing such improvements is reassigned by the Tribal Council during the life of the assignee to any

person, or after the death of the assignee to a person who is not a relative nor heir nor devisee of the assignee, the assignee, or his heirs may sell or remove such improvements under the supervision of the Tribal Council.

SEC. 4. The Tribal Council may make new agricultural or homesite assignments on any unassigned tribal land subject to the conditions set forth in sections 2 and 3 and to such other conditions as the Tribal Council and assignee may agree upon.

SEC. 5. The Tribal Council shall manage all unassigned tribal land for the benefit of the Tribe.

SEC. 6. No person or association may use assigned or unassigned tribal land for agricultural or business purposes unless he or it has an assignment confirmed or granted under this Constitution, or a lease, permit or license from the Tribal Council.

SEC. 7. The Tribal Council may make all necessary regulations and forms to carry out the provisions of this article.

ARTICLE XII—REFERENDUM AND RECALL

SECTION 1. Upon a petition signed by not less than thirty per cent of the eligible voters of the Tribe, enumerated at the last general election, the Tribal Council shall call a special election to ratify or reject any action by the Tribal Council or to recall any member of the Tribal Council.

BY-LAWS OF THE SAC AND FOX TRIBE OF THE MISSISSIPPI IN IOWA

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. The Chief of the Council shall conduct all meetings of the Tribal Council and of the Tribe and perform the usual duties of a Chairman. In his absence the Assistant Chief shall act in his stead.

SEC. 2. The Secretary shall keep permanent records of all meetings of the Tribal Council and of the Tribe, copies of which shall be provided the Superintendent of the reservation and the Commissioner of Indian Affairs. He shall also keep records of all transactions of the Tribal Council and handle the correspondence and notices of the Tribe. In his absence, his post shall be filled pro tem.

SEC. 3. The Treasurer of the Tribal Council shall receive, receipt for, deposit, and account for all funds handled through the Tribal Council. No money shall be disbursed without the consent of the Tribal Council and without the signature of the Chief and the Treasurer. The books of the Treasurer shall be open to inspection by members of the Tribe and by the Commissioner of Indian Affairs at all reasonable hours. An audit of accounts shall be made once a year and at such other times as the Tribal Council or Commissioner may require.

When sufficient funds have accumulated in the tribal treasury in the opinion of the Tribal Council or of the Commissioner of Indian Affairs to warrant it, the Treasurer shall give a bond satisfactory to the Tribal Council and the said Commissioner.

SEC. 4. The Tribal Council shall select and qualify an official interpreter, from the Tribe who shall perform the usual duties of an interpreter.

SEC. 5. Each member of the Tribal Council except the Chief shall constitute a special committee on the following matters of interest to the Tribe: (a) agriculture, (b) employment, (c) local, State and Federal projects, (d) education, (e) homes and health, (f) membership and taxation.

Service on these committees shall be assigned by the Tribal Council which may redesignate the committees and reassign the duties thereof and assign such other duties as may require committee attention.

SEC. 6. Each member of the Tribal Council shall be required to take an oath of office on the day he enters his office, pledging faithful performance of his duty and support of this Constitution. The oath shall be administered by the Superintendent of the reservation or by the Chief of the Tribal Council in office.

SEC. 7. The Tribal Council is hereby required to make complete reports of its business transactions at least once a year to the members of the Tribe, one copy of the report to be filed with the agency office and the original copy of the report to be kept by the Secretary of the Tribal Council.

ARTICLE II—MEETINGS OF TRIBAL COUNCIL

SECTION 1. The Tribal Council shall meet any time before the fifteenth of each month, and at such other times as the Tribal Council may designate or the Chief appoint.

SEC. 2. Five members of the Tribal Council shall constitute a quorum at any meeting.

SEC. 3. The order of business shall be as follows:

Call to order.

Roll call.

Ascertainment of quorum.

Reports.

Unfinished business.

New business.

ARTICLE III—MEETINGS OF THE TRIBE

SECTION 1. In addition to meetings in connection with tribal elections, the Tribal Council shall have the authority to call the Tribe for general meetings. Upon a petition signed by at least 30 per cent of the eligible voters of the Tribe it shall be the duty of the Tribal Council to call a meeting of the Tribe.

SEC. 2. Thirty per cent of the total number of the eligible voters, enumerated at the last general election of the Tribe shall constitute a tribal quorum.

SEC. 3. Written notice of all meetings shall be posted in public places at least five days in advance.

ARTICLE IV—QUALIFICATIONS FOR VOTING

SECTION 1. Every member of the Tribe who is twenty-one years of age or over and who has been residing on the reservation for at least

six months preceding any election, shall be entitled to vote in all tribal elections except that in any election on an amendment to this Constitution and By-laws all adult members of the Tribe shall be entitled to vote.

SEC. 2. Qualified members who are temporarily living away from the reservation may vote by absentee ballot upon request to the Tribal Council fifteen days prior to any election; provided, that no ballot received after the polls have closed shall be counted; provided, further, that said ballot must be cast before a Notary Public, or other qualified official authorized to administer oaths.

ARTICLE V—AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the adult members of the Sac and Fox Tribe in Iowa voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty 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 Tribal Council and signed by at least five members of the Tribal Council.

ARTICLE VI—ADOPTION

This Constitution and By-laws, when ratified by a majority of the adult members of the Sac and Fox Tribe in Iowa, voting at a special election called for the purpose by the Secretary of the Interior, provided that at least thirty 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.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved October 15, 1937 by the Acting Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Sac and Fox Tribe of Mississippi in Iowa, and was on November 13, 1937 duly ratified by a vote of 80 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, (49 Stat. 378).

YOUNG BEAR,

Chief, Sac and Fox Tribal Council.

IRA D. NELSON,

Superintendent, Sac and Fox Sanatorium.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 26, 1936 (49 Stat. 1967), do hereby approve the attached Constitution and By-laws of the Sac and Fox Tribe of the Mississippi in Iowa.

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 by-laws, are hereby declared inapplicable to the Sac and Fox Tribe of the Mississippi in Iowa.

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

Approval recommended December 13, 1937.

WILLIAM ZIMMERMAN, Jr.,
Assistant Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *December 20, 1937.*

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