

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS
OF THE
TONKAWA TRIBE
OF INDIANS OF OKLAHOMA



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CONSTITUTION AND BY-LAWS OF THE TONKAWA TRIBE OF INDIANS OF OKLAHOMA

PREAMBLE

We, the Tonkawa Tribe of Oklahoma, in order to promote our common welfare and to secure to ourselves and our descendants, the rights, powers and privileges offered by the Thomas-Rogers Oklahoma Indian Welfare Act (49 Stat. 1967), approved June 26, 1936, do establish this organization and adopt the following constitution and by-laws pursuant to that Act.

ARTICLE I—NAME

The name of this organization shall be the Tonkawa Tribe of Indians of Oklahoma.

ARTICLE II—MEMBERSHIP OF THE TRIBE

SECTION 1. The membership of the Tonkawa Tribe of Indians of Oklahoma shall consist of the following persons:

(a) All persons enrolled on the official census roll of the tribe as of the date of adoption of this Constitution.

(b) All children born since the date of the adoption of this Constitution, both of whose parents are members of the Tribe.

(c) Any child born of a marriage between a member of the Tonkawa Tribe and a member of any other Indian tribe who chooses to affiliate with the Tonkawa Tribe.

(d) Any child born of a marriage between a member of the Tonkawa Tribe and any other person, if such child is admitted to membership by the Council of the Tonkawa Tribe.

(e) Any Indian, one of whose parents is an enrolled Tonkawa Indian on an official roll of any Indian agency jurisdiction, may be admitted to membership by the Tribal Council.

SEC. 2. The Council shall have power to prescribe rules and regulations, subject to the approval of the Secretary of the Interior, covering future membership including adoptions and the loss of membership.

ARTICLE III—MEMBERSHIP OF COUNCIL

The supreme governing body of the Tribe shall be the Tonkawa Tribal Council. The membership of the Council shall be all members of the Tonkawa Tribe, both males and females 21 years of age or older. All actions of the Council shall be determined by a majority vote of the membership present.

ARTICLE IV—OFFICERS

The officers of the Tribe shall be the President, Vice-President and Secretary-Treasurer. The term of office shall be for two years, except as provided in Section 2 of Article V.

ARTICLE V—TRIBAL COMMITTEE

SECTION 1. There shall be a Tribal Committee which shall consist of the officers as provided in Article IV. This Committee shall have power to appoint subordinate committees and representatives, to transact business and otherwise speak or act on behalf of the Tribe in all matters on which the Tribe is empowered to act. The powers of the Tribe shall be set forth in detail in the Corporate Charter to be requested by the Tribal Committee.

SEC. 2. Within 30 days after the adoption of this Constitution, the present Tonkawa Tribal Committee shall organize for business under this Constitution by selecting from among its membership a President, Vice-President and Secretary-Treasurer. The President, Vice-President and Secretary-Treasurer so selected shall constitute the Tonkawa Tribal Committee, which shall serve until the first Monday in April 1939, or until their successors are elected and installed.

ARTICLE VI—ELECTIONS

SECTION 1. Regular elections of officers shall be held by the Council on the first Monday in April 1939, and on the first Monday in April of each second year thereafter.

SEC. 2. Election shall be by written ballot, a majority vote of the Council members present being necessary to elect. Nominations may be made from the floor. The election of the President, Vice-President and Secretary-Treasurer shall be held separately and in the order named above. The newly elected officers shall be installed immediately upon their election.

ARTICLE VII—VACANCIES

Vacancies in any elective office shall be filled for an unexpired term at any special or regular meeting of the Council.

ARTICLE VIII—REMOVAL OF OFFICERS

Any member of the Council shall have the right to file a complaint against any or all members of the Tribal Committee, and the Council shall select a committee of three of its members, not including a member of the Tribal Committee, to hear and investigate the complaint and report back to the Council at the next regular or special meeting. The Council shall have the power by a majority vote, after giving the accused a hearing, to remove him or her from office and proceed to elect a successor.

ARTICLE IX—BILL OF RIGHTS

SECTION 1. All members of the Tribe shall enjoy without hindrance, freedom of worship, conscience, speech, press, assembly and association.

SEC. 2. This Constitution shall not in any way alter, abridge or otherwise jeopardize the rights and privileges of the members of this Tribe as citizens of the State of Oklahoma or of the United States.

SEC. 3. The individual vested property rights of any member of the Tribe shall not be altered, abridged or otherwise affected by the provisions of this Constitution and By-laws without the consent of such individual member.

ARTICLE X—AMENDMENTS

Amendments to this Constitution and the attached By-laws may be proposed by a majority vote of the Tribal Committee or by a petition signed by 30 per cent of the adult members of the Tribe, and if approved by the Secretary of the Interior, shall be submitted to a referendum vote of the adult members of the Tribe, and shall be effective if approved by a majority vote.

BY-LAWS OF THE TONKAWA TRIBE OF INDIANS OF OKLAHOMA

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. The President shall preside at all meetings of the Council and of the Tribal Committee. He shall have general supervision of the affairs of the Council and of the Tribal Committee and shall perform all duties appertaining to the office of President.

SEC. 2. In the absence of the President, or during proceedings to remove him, the Vice-President shall perform the duties of that office. In case of vacancy, the Vice-President shall succeed at once to the office of President until the next special or regular election for the office of President.

SEC. 3. The Secretary-Treasurer shall correctly record the proceedings of all meetings. He shall make out the order of the business for the President, shall notify all committees of their appointments, shall have custody of the records and all papers of the Council, which records and papers shall be open to inspection at any time, in his presence, by any member of the Council desiring to read them. He shall keep a correct list of all members of the Council, shall authenticate all accounts or orders of the Council. He shall render a written report at the annual meeting, and at the expiration of his term of office the records and all papers in his possession shall be turned over to his successor. He shall issue notices of all meetings and conduct all general correspondence, as directed by the Council or the Tribal Committee. He shall receive all moneys of the Council and keep an accurate account of all receipts and disbursements.

The Secretary-Treasurer shall keep all Tribal moneys intrusted to his care in a special account and all disbursements therefrom should be made by check. At any time that such account shall amount to more than \$50.00, he shall file a bond satisfactory to the Tribal Committee and the Commissioner of Indian Affairs. The cost of such bond shall be paid out of Tribal moneys.

ARTICLE II—QUALIFICATION OF OFFICERS

Any person elected to membership on the Tribal Committee shall be not less than 21 years of age and a member of the Tonkawa Tribe of Indians of Oklahoma. At the time of his election, he shall be an actual resident of the State of Oklahoma. Any person holding an elective office who moves from the State of Oklahoma shall automatically lose office.

ARTICLE III—MEETINGS

SECTION 1. Annual meetings of the Council shall be held on the first Monday of December for the purpose of receiving reports and

transacting any other business which may come regularly before the Council.

SEC. 2. Special meetings of the Council may be called at the discretion of the President, and shall be called by him upon the written request of a majority of the Tribal Committee or upon the written request of ten members of the Tribe: *Provided*, That at least five days' notice shall be given in each instance.

SEC. 3. The regular meetings of the Tribal Committee shall be held on the first Monday in each month unless otherwise provided by resolution.

SEC. 4. Special meetings of the Tribal Committee may be called by the President at his discretion, and shall be called by him upon the written request of two members of the Tribal Committee.

SEC. 5. Unless some other point under the Pawnee Agency jurisdiction is designated in the call or notice, all meetings of the Council and of the Tribal Committee shall be held at the Tonkawa Community House.

ARTICLE IV—QUORUM

SECTION 1. Twelve members of the Council shall constitute a quorum to transact business at any meeting.

SEC. 2. Two members of the Tribal Committee shall constitute a quorum to transact business at any meeting.

ARTICLE V—ADOPTION

This Constitution and By-laws shall be effective when approved by the Secretary of the Interior and ratified by a majority of the members of the Tonkawa Tribe of Oklahoma voting at an election called by the Secretary of the Interior under rules and regulations which he may prescribe pursuant to Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936.

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 Tonkawa Tribe of Oklahoma, subject to ratification by the Tribe in the manner therein provided.

Upon ratification of this constitution 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 declared inapplicable to the Tonkawa Tribe of Oklahoma.

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

Approval recommended March 10, 1938.

WILLIAM ZIMMERMAN, JR.,

Assistant Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,

Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., March 16, 1938.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved March 16, 1938 by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Tonkawa Tribe of Indians of Oklahoma and was on April 21, 1938 duly approved by a vote of 9 for, and 7 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, pursuant to section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967).

THE TONKAWA ELECTION COMMITTEE,
By JOHN RUSH BUFFALO,
PAUL ALLEN,
WALTER JEFFERSON.

LEM A. TOWERS,
Superintendent, Pawnee Indian Agency.

