

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS OF THE  
MISSISSIPPI BAND OF CHOCTAW  
INDIANS



RATIFIED APRIL 20, 1945



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
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# CONSTITUTION AND BY-LAWS OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS

## PREAMBLE

We, the Choctaw Indians, resident in Mississippi, desiring to establish an organization for our common welfare and benefit, do hereby adopt and proclaim the following Constitution and By-laws.

## ARTICLE I—NAME

The name of this organization shall be the Mississippi Band of Choctaw Indians.

## ARTICLE II—TERRITORY

The jurisdiction of the Mississippi Band of Choctaw Indians shall extend to all lands as may be now held or hereafter acquired by or for the Mississippi Band of Choctaw Indians.

## ARTICLE III—MEMBERSHIP

SECTION 1. The membership of the Mississippi Band of Choctaw Indians shall consist of:

(a) All Choctaw Indians of one-half ( $\frac{1}{2}$ ) or more Indian blood, resident in Mississippi, January 1, 1940, as shown by the census rolls at the Choctaw Indian Agency, Mississippi: *Provided*, That the Tribal Council shall have the power to revise said rolls, with the approval of the Secretary of the Interior at any time within three years from the date of the approval of this Constitution.

(b) Any child of one-half ( $\frac{1}{2}$ ) or more Choctaw blood born to any enrolled member of the band after January 1, 1940, resident in Mississippi, shall be entitled to membership.

SEC. 2. The Tribal Council shall have the power to pass ordinances, subject to approval by the Secretary of the Interior, governing future membership, loss of membership, and the adoption of new members: *Provided*, That no person of less than one-half degree of Indian blood shall be admitted to membership in the Mississippi Band of Choctaw Indians.

## ARTICLE IV—GOVERNING BODY

SECTION 1. The governing body of the Mississippi Band of Choctaw Indians shall be a Tribal Council which shall be composed of sixteen (16) members, elected every two years by secret ballot, of the qualified voters of the following communities of the Mississippi Band: Three (3) members from the Bogue Chitto Community, Three (3) members from the Conehatta Community, Three (3) members from the Pearl River Community, Two (2) members from the Red Water Community, Two (2) members from the Standing Pine Community, Two (2) members from the Tucker Community, and One (1) member from the Bogue Homo Community.

SEC. 2. Each newly elected Tribal Council at its first meeting, shall elect from its own membership or from the membership of the Band at large, (a) a Chairman, (b) a Vice-Chairman, and (c) a Secretary-

Treasurer: *Provided*, That any officers elected from outside the membership of the Council shall not vote at meetings of the Council except in the case of a tie.

#### ARTICLE V—ELECTIONS

SECTION 1. Any member, male or female, twenty-one (21) years of age or more, shall be entitled to vote at any tribal election.

SEC. 2. The Tribal Council shall prescribe rules and regulations governing tribal elections.

SEC. 3. Within thirty days after the approval of this Constitution and By-Laws, the temporary Tribal Council shall call and supervise an election in the various communities for the purpose of electing the members of the Tribal Council.

SEC. 4. The newly elected members of the first Tribal Council shall take office on the first day of the month immediately following the election and shall hold office for a term of two years or until their successors are elected.

SEC. 5. If any vacancy occurs in the membership of the Tribal Council, it shall be the duty of the Chairman of the Tribal Council to fill such a vacancy by appointing a member from the community from which such vacancy occurs, and such appointee shall hold office until his successor is duly elected by the voters of such community either at a special election or a regular election.

SEC. 6. If a vacancy occurs in the office of Chairman, Vice-Chairman, or Secretary-Treasurer, the Tribal Council shall fill such vacancy at its next special or regular meeting.

#### ARTICLE VI—COMMUNITY ORGANIZATIONS

SECTION 1. The members of the several communities shall have the right to form local community organizations and adopt their own rules and regulations in harmony with this Constitution. It shall be the duty of the Councilmen from each community to report regularly all the actions and decisions of the Tribal Council to the community organizations.

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

SECTION 1. *Enumerated powers.*—The Tribal Council of the Mississippi Band of Choctaw Indians shall have the following powers, subject to any limitation imposed by the laws 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 Mississippi Band of Choctaw Indians prior to the submission of such estimates to the Bureau of the Budget and to Congress;
- (e) To appropriate any available tribal funds for the benefit of the Band or any community;
- (f) To supervise and manage tribal economic affairs and enterprises in accordance with this Constitution and By-Laws;

(g) To pass and enforce rules and regulations which shall be subject to the approval of the Secretary of the Interior, providing for the management of Tribal lands, including the making and revocation of assignments, disposition of timber, and oil and mineral resources.

## ARTICLE VIII—AMENDMENTS

Amendments to this Constitution and By-Laws may be proposed by a majority vote of the Tribal Council of the Mississippi Band of Choctaw Indians and may be ratified and approved in the same manner as this Constitution and By-Laws.

## BY-LAWS OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS

### ARTICLE I—DUTIES OF OFFICERS

**SECTION 1.** The Chairman shall preside over all meetings of the Council, shall perform the usual duties of a Chairman, and exercise any authority delegated to him by the Council. If he be a member of the Tribal Council, the Chairman shall have the right to vote in all cases; otherwise, he shall vote only in case of a tie.

**SEC. 2.** 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.** The Secretary-Treasurer of the Council 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 Council.

He shall accept, receive, receipt for, preserve and safeguard all Tribal funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all funds in such depository as the 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 each regular meeting of the Tribal Council. An audit of accounts shall be made once a year and at such times as the Tribal Council or the Commissioner may require.

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.

He shall be required to give a bond satisfactory to the Council and to the Commissioner of Indian Affairs, when sufficient funds have accumulated in the tribal treasury in the opinion of the Tribal Council or of the Commissioner of Indian Affairs.

**SEC. 4.** The duties of all committees or boards, appointed by the Tribal Council shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such committees and boards shall report to the Council from time to time as required, and their activities and decisions shall be subject to review by the Council upon the petition of any person aggrieved thereby.

## ARTICLE II—MEETINGS

SECTION 1. The Tribal Council shall hold regular meetings on the second Tuesday in January, April, July, and October of each year. Special meetings of the Council may be called by the Chairman or any five (5) or more members of the Council.

§53. 2. Nine (9) or more members of the Tribal Council shall constitute a quorum for the transactions of any tribal business.

SEC. 3. The Tribal Council shall make its own rules and regulations for the conduct of its business.

## ARTICLE III—ADOPTION

This Constitution and By-Laws, when adopted by a majority vote of the adult members of the Mississippi Band of Choctaw Indians 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 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 January 11, 1945, by the Assistant Secretary of the Interior, the attached Constitution and By-Laws was submitted for ratification to the Mississippi Band of Choctaw Indians residing in Mississippi, and was on April 20, 1945, duly adopted by a vote of 346 for and 71 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).

NICHOLAS BELL,  
BAXTER YORK.

A. H. McMULLEN,  
*Superintendent, Choctaw Agency.*

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 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-Laws of the Mississippi Band of Choctaw Indians.

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 members of the Mississippi Band of Choctaw 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:

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

[SEAL]

OSCAR L. CHAPMAN,  
*Assistant Secretary of the Interior.*

WASHINGTON, D. C., May 22, 1945.