

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

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CONSTITUTION AND BYLAWS
OF THE
PONCA TRIBE OF INDIANS
OKLAHOMA

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RATIFIED SEPTEMBER 20, 1950



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1951

Law
Office
Indian
Tribes
Ponca Tribe
of Indians
Oklahoma
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CONSTITUTION AND BYLAWS OF THE PONCA TRIBE OF INDIANS OF OKLAHOMA

PREAMBLE

We, the members of the Ponca Tribe of Indians 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 Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), do establish this organization and adopt the following Constitution and Bylaws pursuant to that act.

ARTICLE I—NAME

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

ARTICLE II—MEMBERSHIP OF TRIBE

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

(a) All persons of Indian blood who were enrolled or were entitled to be enrolled on the official census roll of the Ponca Tribe as of January 1, 1940, provided that within five years after the adoption of this Constitution and Bylaws the said roll may be corrected by the Business Committee of the Ponca Tribe, subject to the approval of the Secretary of the Interior.

(b) All children of one-fourth or more Ponca Indian blood born since the date of said roll, one of whose parents is a member of the Ponca Indian Tribe.

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

ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Ponca Tribe of Indians shall be a Business Committee consisting of seven members elected by vote of the tribal membership. The term of office of each committeeman shall be two years from the date of installation in office except as provided for in Section 1 (a) of Article IV.

SEC. 2. In case their successors shall not have been duly elected and certified, the term of office of the committeemen shall be extended until successors shall have been duly elected and certified.

SEC. 3. The Business Committee so organized shall elect from within its own membership (1) a chairman, (2) a vice chairman, and from within or without, (3) a secretary-treasurer, and may appoint or employ such other officers and committees as may be deemed necessary.

ARTICLE IV—ELECTIONS

SECTION 1. The first election of the Business Committee hereunder shall be called, held, and supervised by the present Business Committee within 60 days after ratification of this Constitution and Bylaws.

(a) In the first election the four candidates receiving the highest number of votes shall hold office for two years. The three candidates receiving the next highest number of votes shall hold office for one year. Thereafter, committeemen shall be elected for a term of two years.

SEC. 2. All members of the Ponca Tribe of Indians twenty-one years of age or over shall be eligible to vote.

SEC. 3. The time and place of voting shall be designated by the Business Committee, or if the Business Committee shall fail to make such designation, the time and place shall be the same as in the last prior election.

SEC. 4. All tribal elections shall be by secret ballot to be held in accordance with rules and regulations laid down by the Business Committee or by an Election Board appointed by the Business Committee.

SEC. 5. The Business Committee or an Election Board appointed by the Committee shall certify to the election of the members of the Committee within five days after the election has been held.

ARTICLE V—VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a committeeman or officer shall die, resign, be removed or recalled from office, or shall be found guilty by any Indian, State or Federal Court of a felony or misdemeanor involving dishonesty or of accepting a bribe, or moves away from the locality of the Ponca jurisdiction, or fails to attend meetings for a period of six months in succession, the position shall be deemed vacant and the committee shall call an election to fill the unexpired term.

SEC. 2. The Business Committee by four affirmative votes may expel any committeeman for neglect of duty or gross misconduct in relation to his official duties. Before any vote for expulsion is taken the accused shall be given a written statement of the charges against him at least five days before the meeting before which he is to appear and must be given an adequate opportunity to answer any and all charges at such Business Committee meeting. The decision of the Business Committee shall be final.

SEC. 3. Upon receipt of a petition signed by at least one-third of the eligible voters of the Ponca Tribe of Indians calling for the recall

of any member of the Business Committee, it shall be the duty of the Business Committee to call a special election to consider the recall of the member or members of the Business Committee named in such petition. If a majority of those entitled to vote shall favor the recall of a member of a Business Committee and if at least twenty-five percent of those entitled to vote shall actually vote in such election, the office shall be declared vacant and the Business Committee shall call an election to fill the vacancy for the unexpired term.

ARTICLE VI—MEETINGS

SECTION 1. The regular meetings of the Business Committee shall be held on the first Tuesday of February, May, and November, unless otherwise provided by resolution.

SEC. 2. Special meetings of the Business Committee may be called by the chairman at his discretion and shall be called by him upon the written request of three members of the Business Committee.

SEC. 3. Annual meetings of the tribal membership shall be held on the second Tuesday in May for the purpose of receiving reports and transacting any other business which may come regularly before the tribe.

SEC. 4. Special meetings of the tribe may be called at the discretion of the chairman and shall be called by him upon the written request of a majority of the Business Committee or upon the written request of twenty-five members of the tribe, provided, that at least ten days' notice shall be given in each instance.

SEC. 5. The principal object of a special tribal meeting must be stated in the notice and may include the words "and for the transaction of any other business that may be presented." Unless these words are added no other business can be transacted except for the object stated in the notice.

ARTICLE VII—BILL OF RIGHTS

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

SEC. 2. This Constitution shall not in any way be construed to alter, abridge, or otherwise jeopardize the rights and privileges of the Ponca 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 Ponca Tribe shall not be altered, abridged, or otherwise affected by the provisions of this Constitution and Bylaws without the consent of such individual member of the tribe.

ARTICLE VIII—POWERS OF THE PONCA BUSINESS COMMITTEE

The powers to be exercised by the Ponca Business Committee shall be set forth in a Corporate Charter to be issued by the Secretary of the Interior.

ARTICLE IX—AMENDMENTS

Amendments to this Constitution and the attached Bylaws may be proposed by four affirmative votes of the Business Committee or by a petition signed by at least twenty-five percent 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 of the adult members of the tribe voting in person, provided that at least thirty percent of the qualified members participate in the election.

BYLAWS OF THE PONCA TRIBE OF INDIANS

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. *Chairman.*—The chairman shall preside at all meetings of the tribe and of the Business Committee. He shall have general supervision of the affairs of the tribe and of the Business Committee and shall perform all duties pertaining to the office of chairman.

SEC. 2. *Vice Chairman.*—In the absence or incapacity of the chairman, the vice chairman shall perform the duties of that office. In the case of a vacancy in the office of chairman, the vice chairman shall succeed at once to the office of chairman until the next special or regular election for the office of chairman, when the Business Committee shall organize itself in accordance with Article III, Section 3. of the Constitution.

SEC. 3. *Secretary-Treasurer.*—The secretary-treasurer shall keep an accurate account of all proceedings and official records of the tribe and of the Business Committee. He shall make out the order of business for the chairman, shall notify all committees of their appointments and shall have custody of the records and all tribal papers. All official records of the secretary-treasurer shall be available for inspection in the presence of the secretary-treasurer to any member of the tribe. He shall keep a correct list of all the members of the tribe, shall certify all accounts or orders of the tribe and of the Business Committee, and in the absence of the chairman and vice chairman shall call the meeting to order until a chairman pro tem is selected. He shall render a written report at the regular meeting of the Business Committee and at the annual meeting of the members of the tribe. At the expiration of his term of office he shall

turn over the records, papers, and tribal funds in his possession to his successor. He shall issue notices of meetings and conduct general correspondence as directed by the tribe or by the Business Committee. He shall receive all monies of the tribe and keep an accurate account of receipts and disbursements.

The secretary-treasurer shall keep all tribal monies entrusted to his care in a special account and shall disburse such funds only upon written request of the Ponca Business Committee. Disbursements shall be by check. At any time that such an account shall amount to more than \$50.00 he shall file a bond satisfactory to the Business Committee and to the Commissioner of Indian Affairs. The cost of such bond shall be paid out of tribal monies.

ARTICLE II—QUALIFICATION OF OFFICERS

Any person to be eligible for membership on the Business Committee must be twenty-one years of age or older and an enrolled member of one-fourth or more Ponca Indian blood. At the time of his election he shall be an actual resident of the territory known as the old Ponca jurisdiction.

ARTICLE III—PLACE OF MEETINGS

All regular and special meetings of the tribe or of the Business Committee shall be held at the Ponca subagency unless some other point is designated in the call or notice.

ARTICLE IV—QUORUM

SECTION 1. Four members of the Business Committee shall constitute a quorum to transact business at any meeting. Each member of the Business Committee shall sign his name in his own handwriting signifying his presence at each meeting.

SEC. 2. Fifty adult members of the Ponca Tribe shall constitute a quorum at tribal meetings to transact business.

ARTICLE V—ADOPTION

This Constitution and Bylaws shall be effective when approved by the Secretary of the Interior and ratified by a majority vote of the members of the Ponca Tribe of Indians of Oklahoma voting at an election called by the Secretary of the Interior under rules and regulations prescribed by him pursuant to Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), provided that at least thirty percent of the eligible voters vote in such election.

I, William E. Warne, 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 Bylaws of the Ponca Tribe of Indians of Oklahoma.

[SEAL]

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

WASHINGTON, D. C., *May 23, 1950.*

CERTIFICATION OF ADOPTION

Pursuant to an order, approved May 23, 1950, by the Assistant Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the members of the Ponca Tribe of Indians of Oklahoma and on September 20, 1950, duly adopted by a vote of 129 for, and 24 against, pursuant to Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), and the regulations of the Secretary of the Interior, as modified in a memorandum to the Commissioner of Indian Affairs dated April 6, 1951.

PONCA TRIBAL ELECTION BOARD,
PARRISH WILLIAMS,

Judge.

DANA A. KNIGHT,

Clerk.

MITCHELL ROY,

Registrar.

JOHN L. JOHNSON,

*District Agent,
Pawnee Subagency.*

WM. WADE HEAD,

General Superintendent,

Western Oklahoma Consolidated Agency.