

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS



CONSTITUTION AND BYLAWS
OF THE
SISSETON-WAHPETON SIOUX TRIBE,
SOUTH DAKOTA.



APPROVED OCTOBER 16, 1946



CONSTITUTION AND BY-LAWS
OF THE
SISSETON-WAHPETON SIOUX TRIBE
SOUTH DAKOTA

We, the Sisseton-Wahpeton Sioux Tribe, in order to form a tribal government for the proper exercise of our tribal rights and responsibilities, do establish this Constitution and By-laws.

ARTICLE I—JURISDICTION

The jurisdiction of the Sisseton-Wahpeton Sioux Tribe shall extend to all Indian-owned lands lying in the territory within the original confines of the Sisseton-Wahpeton Lake Traverse Sioux Reservation.

ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Sisseton-Wahpeton Sioux Tribe shall consist of:

- (a) All persons of Indian blood whose names appear on the official census roll of the Tribe as of January 1, 1940, but within a period of ten years from the time that this Constitution takes effect corrections may be made in the roll by the Tribal Council with the approval of the Secretary of the Interior.
- (b) The children of members of the Tribe who are residents of the Sisseton-Wahpeton Lake Traverse Sioux Reservation at the time of the birth of said children.

SEC. 2. The Tribal Council shall have the power to promulgate ordinances, subject to the approval of the Secretary of the Interior, or his duly authorized representative, governing future membership, and the adoption of new members.

ARTICLE III—ORGANIZATION

SECTION 1. The governing body of the Sisseton-Wahpeton Tribe of Sioux Indians shall be a Tribal Council composed of fourteen (14) councilmen, two (2) councilmen from each of the seven (7) districts of the Reservation.

SEC. 2. The Tribal Council shall elect from within its membership (1) a Chairman; (2) a Vice-Chairman; and from within or without its membership, (3) a Secretary; (4) a Treasurer; and such other

officers and committees as may be deemed necessary. Councilmen shall hold office for a term of two years, or until their successors are elected and take office.

SEC. 3. There shall be an Executive Committee which shall consist of the officers provided for in Section 2. This Committee in formal session shall have power to appoint subordinate committees and representatives, to transact business and otherwise speak or act for the Sisseton-Wahpeton Sioux Tribe when the Tribal Council is not in session. The Tribal Council, however, reserves the right to review any action taken on its behalf.

SEC. 4. There shall be a General Council composed of all members of the Tribe twenty-one (21) years of age or over.

ARTICLE IV—DISTRICT ORGANIZATIONS

SECTION 1. There shall be seven deliberative district councils, viz, (1) Veblen, (2) Long Hollow, (3) Buffalo Lake, (4) Enemy Swim, (5) Big Coulee, (6) Old Agency, (7) Sisseton Lake Traverse.

SEC. 2. Each district council shall consist of all adult members of the Tribe residing in the district.

SEC. 3. Each district shall elect annually in July (1) a Chairman; (2) a Vice-Chairman; (3) a Secretary; (4) a Treasurer; and such other officers and committees as may be deemed necessary.

SEC. 4. Each district shall manage its own local affairs, but any matters involving more than one district shall be decided by the Tribal Council. It shall be the function of the district councils to advise and make recommendations to the Tribal Council.

ARTICLE V—NOMINATIONS AND ELECTIONS

SECTION 1. The first election of the Tribal Council under this Constitution shall be called, held, and supervised by the Superintendent of the Reservation and by the delegates from the districts who prepared this Constitution, within 60 days after its ratification and approval, and thereafter elections shall be held every two years on July 1.

SEC. 2. Any qualified member of the Sisseton-Wahpeton Sioux Tribe twenty-one (21) years of age or over may announce his candidacy for the Tribal Council within the district of his residence by notifying the Secretary of the Tribal Council, in writing, of his or her candidacy, at least fifteen (15) days prior to the election. It shall be the duty of the Secretary to post the names of all candidates who have met these requirements, at least ten (10) days before the election.

SEC. 3. The Tribal Council, or an election board appointed by the Council, shall determine rules and regulations governing elections and

shall certify to the election of members of the Tribal Council, within one day after the election has been held.

SEC. 4. Any member of the Sisseton-Wahpeton Sioux Tribe who is twenty-one years of age or over, on the date of the election, and who has maintained a legal residence for at least one year on the Sisseton-Wahpeton Lake Traverse Sioux Reservation shall be entitled to vote.

ARTICLE VI—VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a Councilman or other official shall die, resign, permanently leave the reservation, or be removed from office for cause, the Tribal Council shall declare the position vacant and shall call a district special election to fill such vacancy.

SEC. 2. Any Councilman who is proven guilty of improper conduct or gross neglect of duty may be expelled from the Tribal Council by a two-thirds vote of the Council members, provided that the accused member shall be given full opportunity to reply to any and all charges at a designated Council meeting: and provided further, that the accused member shall have been given a written statement of the charges against him, at least five days before the meeting at which he is to be given an opportunity to reply.

ARTICLE VII—POWERS

SECTION 1. The Tribal Council shall exercise powers, not in conflict with Federal law, as follows:

- (a) The power to represent the Tribe in negotiations with Federal, State, and private agencies;
- (b) The power to make recommendations on the expenditure of Federal, State, and tribal funds for reservation purposes;
- (c) The power to regulate the conduct and domestic relations of members of the Tribe;
- (d) The power to assess members to obtain funds with which to pay the expense of any tribal activity;
- (e) The power to promulgate ordinances, subject to the approval of the Secretary of the Interior, providing for the exclusion from the reservation of persons not legally entitled to remain thereon;
- (f) The power to charter subordinate associations and to delegate powers and prescribe duties to such organizations and to the District Councils and Technical Commissions;
- (g) The power to regulate the inheritance of property, real and personal, other than allotted lands, of members of the Tribe within the territory of the Reservation;

- (h) The power to provide for the appointment of guardians for minors and mental incompetents by ordinances which shall be subject to the approval of the Commissioner of Indian Affairs;
- (i) The power to appoint such subordinate boards as may be deemed necessary for the transactions of the tribal business. The Tribal Council shall, however, reserve the right to review any action taken by such boards.

ARTICLE VIII—MEETINGS

SECTION 1. The Tribal Council shall meet regularly on the first Tuesday of each month, or upon call of the President of the Tribal Council. It shall be the duty of the President to call a special meeting upon request of a majority of the Council.

SEC. 2. At any meeting of the Tribal Council eight (8) voting members of the Council present shall constitute a quorum.

ARTICLE IX—REFERENDUM

SECTION 1. Upon a petition of at least one-third ($\frac{1}{3}$) of the eligible voters of the Sisseton-Wahpeton Sioux Tribe, or upon the request of a majority of the members of the Tribal Council, any enacted or proposed ordinance or resolution of the Committee shall be submitted to a popular referendum, and the vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding on the Tribal Council, provided that at least thirty percent (30%) of the eligible voters shall vote in such election.

ARTICLE X—AMENDMENTS

The 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 Commissioner of Indian Affairs provided at least thirty percent of the eligible voters shall vote in such election. It shall be the duty of the Commissioner of Indian Affairs to call an election on any proposed amendment at the request of a majority of the Tribal Council or upon the presentation of a petition signed by at least ten percent of the qualified voters of the Tribe, but no amendment shall become effective until it is approved by the Commissioner of Indian Affairs.

BY-LAWS OF THE SISSETON-WAHPETON SIOUX TRIBE

ARTICLE I—DUTIES OF OFFICIALS

SECTION 1. *Chairman.* It shall be the duty of the Chairman to preside over all meetings of the Tribal Council and the Executive Committee, and to perform all duties pertaining to the office of Chairman.

SEC. 2. *Vice-Chairman.* In the absence of the Chairman, or in case of his inability to act, the Vice-Chairman shall perform the duties of the office of Chairman. In case a vacancy occurs in the office of Chairman, the Vice-Chairman shall act as Chairman until the office has been filled by the action of the Tribal Council.

SEC. 3. *Secretary.* The Secretary shall conduct all tribal correspondence and shall keep an accurate record of matters transacted by the Tribal Council and the Executive Committee. It shall be his duty to submit promptly to the Superintendent of the Reservation, and to the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the Tribal Council and the Executive Committee.

SEC. 4. *Treasurer.* The Treasurer shall keep an accurate and complete record of all funds in the custody of the Tribal Council and the Executive Committee. He shall deposit all funds in such depository as the Tribal Council may direct, shall report to the Tribal Council from time to time the status of all funds in his keeping, and shall not pay out or otherwise disburse any funds belonging to the Tribal Council, except when properly authorized to do so by resolution duly passed by the Tribal Council, and shall be required to give a surety bond satisfactory to the Tribal Council and to the Commissioner of Indian Affairs.

ARTICLE II—OATH OF OFFICE

Before assuming the position of Tribal Councilman, each member shall subscribe to the following oath or affirmation:

“I, _____, do solemnly swear, (or affirm) that I will support this Constitution and By-laws and the Constitution of the United States, and will faithfully and impartially perform the duties of my office to the best of my ability and will work to promote and protect

the best interests of the Indians of the Sisseton-Wahpeton Sioux Tribe, and will assist them in every way within my power toward better citizenship and progress.”

ARTICLE III—RATIFICATION

This Constitution and By-laws, if adopted by a majority vote of the qualified voters of the Sisseton-Wahpeton Sioux Tribe voting in an election called for that purpose by the Commissioner of Indian Affairs, in which at least thirty percent of those entitled to vote shall have voted, shall be submitted to the Commissioner of Indian Affairs and if approved by him, shall go into effect upon the date of such approval.

CERTIFICATE OF ADOPTION

Pursuant to an order approved on July 24th, 1946, by the Commissioner of Indian Affairs, the attached Constitution and By-laws were submitted for ratification to the members of the Sisseton-Wahpeton Sioux Tribe of the Sisseton-Wahpeton Lake Traverse Sioux Reservation, and were on September 24th, 1946, duly approved by a vote of 300 for, and 146 against, in an election in which over thirty percent of those entitled to vote cast their ballots in accordance with Article III of the By-laws.

AMOS KING

Chairman, Election Board

SIMON J. KIRK

Secretary, Election Board

T. N. ENGDAHL

Superintendent, Sisseton Agency

APPROVAL

This Constitution and By-laws, having been proposed and duly ratified by the members of the Sisseton-Wahpeton Sioux Tribe of the Sisseton-Wahpeton Lake Traverse Sioux Reservation on September 24, 1946, at a referendum called by me, is herewith approved.

JOHN MCGUE

For the Commissioner of Indian Affairs

Chicago, Illinois, October 16, 1946