

CONSTITUTION AND BYLAWS OF THE LOWER BRULE SIOUX TRIBE

Preamble

We, the Lower Brule Sioux Tribe of the Lower Brule Sioux Reservation, in order to establish a more perfect tribal organization, promote the general welfare, develop better school facilities, conserve and develop our lands and resources, and secure to ourselves and our posterity the power to exercise certain rights of home rule not inconsistent with the Federal, State, and local laws, applicable to Indian tribes, do ordain and establish this constitution for the Lower Brule Sioux Tribe.

Article I - Territory

SECTION 1. The jurisdiction of the Lower Brule Sioux Tribe of Indians shall extend to the territory within the original boundaries of the Lower Brule Reservation as established by the Act of March 2, 1889, and to all other lands added thereto under any law of the United States.

SECTION 2. The Lower Brule Sioux Reservation shall be divided into four districts designated as follows:

Fort Hale, which includes all that portion of the reservation lying east of the line between Ranges 72 W. & 73 W. Iron Nation, which includes all of that portion of the reservation lying south of the line running east and west between Stanley and Lyman County and east to the 10th Guide Meridian but not including any of the territory in the Little Bend Area. Fort George, which includes all of that portion of the reservation that lies within Stanley County. Lower Brule, which includes all of that portion of the which lies within the Little Bend Area and east from the 10th Guide Meridian to the line dividing Range 72 W. & Range 73 W.

The Tribal Council, however, shall have authority to change the boundaries of these four districts to establish new districts according to future community needs, but in either case subject to the approval of the Secretary of the Interior.

Article II - Membership

SECTION 1. The membership of the Lower Brule Sioux Tribe shall consist as follows.

(a) All persons of Indian blood whose names appear on the official census roll of the tribe as of April 1, 1935, and, after the effective date of this amended constitution, only such other persons who are of Lower Brule Sioux Indian blood and whose names appear on the official census roll of September 2, 1968.

(b) All children born to any member of the Lower Brule Sioux Tribe who is a resident of the reservation at the time of the birth of said children but children born to any member after the effective date of this amended constitution and possessing at least one-fourth degree Lower Brule Indian blood shall be members regardless of the residence, of their parents at the time of their birth.

SECTION 2. The Tribal Council shall have the power to promulgate ordinances subject to the review by the Secretary of the Interior covering future membership and the adoption of new members provided only that no person may be adopted who is not a resident of the reservation.

Article III - Governing Body

SECTION 1. The governing body of the Lower Brule Sioux Tribe shall consist of a Council, known as the Lower Brule Sioux Tribal Council, hereinafter designated as the "Tribal Council".

SECTION 2. The voters of Fort Hale Iron Nation, and Fort George districts shall each elect from among their members one councilmen to the Tribal Council; and the Lower Brule district shall elect from their members three councilmen to the Tribal Council; and the non-resident voters shall together elect one Councilman who must be a non-resident of the reservation.

SECTION 3. The Tribal Council so organized shall elect from within or outside of its own number (1) a Chairman, (2) a Vice-Chairman, (3) a Secretary-Treasurer, (4) a Sergeant at Arms, (5) a Chaplain, and (6) such Other officers and committees as may be deemed necessary, but such officials shall have no vote in the Tribal Council unless they have also been elected thereto from their districts.

SECTION 4. The members of the present Tribal Council shall hold office until the next regular election at which time all of the terms shall expire and new councilmen shall be elected in accordance with this article of this amended constitution. The elected councilmen shall serve for two years or until their successors are duly elected and installed in office. Elections for the Tribal Council shall be called by the Tribal Council at least sixty (60) days prior to the expiration of the terms of office of the members of the Tribal Council and in the event of the failure of the Tribal Council to call such election, the Secretary of the Interior or his duly authorized representative shall do so within thirty (30) days of the required date.

Article IV - Election and Nomination for Tribal Council

SECTION 1. All enrolled members of the Lower Brule Sioux Tribe twenty-one (21) years of age or over shall be eligible to vote but no one may vote for a district Councilman unless he has maintained a legal residence within the reservation for a period of one year immediately prior to an election.

SECTION 2. The time and place of voting shall be designated by the Tribal Council.

SECTION 3. All elections shall be by secret ballot.

SECTION 4. Nomination of candidates for the Tribal Council under this Constitution shall be by petition signed by not less than five legal voters of the district wherein the candidate may reside. A voter may sign only one petition. Petitions for nomination shall be filed with the Secretary-Treasurer of the Tribal Council at least thirty (30) days prior to the election for which the candidate is nominated by such petition. The list of qualified candidates shall be posted by the Secretary of the Tribal Council in the respective districts not less than two (2) weeks prior to the election.

SECTION 5. All elections shall be held in accordance with the rules and regulations laid down by the Tribal Council.

Article V - Vacancies and Removal From Office

SECTION 1. If a councilman or official shall die, resign, permanently leave the reservation, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal court, the Tribal Council shall declare the position vacant and shall appoint a person from the district represented to fill the unexpired term.

SECTION 2. The Tribal Council may by a five-sevenths (5/7) vote expel any member for neglect of duty or gross misconduct provided the member is given a written notice stating the charges against him and the time and place of hearing which shall be at least five days after the date of the notice, and the member has had a full hearing and a reasonable opportunity to present his defense to the charges.

SECTION 3. If a councilman moves away from the district which he represents and makes his home off the reservation or in another district on the reservation for a period longer than three months, the office may be declared vacant by the Tribal Council, who shall appoint a person from the district represented to fill the unexpired term.

Article VI - Powers Of The Tribal Council

SECTION 1. Enumerated Powers. The Tribal Council of the Lower Brule Sioux Reservation shall exercise the following powers, subject to any limitations imposed by the statutes applicable to Indian tribes or the applicable provisions of the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and the attached Bylaws:

(a) To employ legal counsel for the protection and advancement of the rights of the Lower Brule Sioux Tribe and its members, the choice of the counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

- (b) To negotiate with the Federal, State, and local governments, on behalf of the tribe and to advise and consult with representatives of the Interior Department and all activities of the Department that may affect the Lower Brule Sioux Reservation.
- (c) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Lower Brule Sioux Reservation prior to the submission of such estimates to the Bureau of the Budget and Congress.
- (d) To appropriate for public purposes of the reservation any available funds.
- (e) To safeguard and promote the peace, safety, morals, and general welfare of the Lower Brule Sioux Tribe and to regulate the conduct of trade and the use and disposition of property upon the reservation provided that any ordinance directly affecting non-members of the reservation shall be subject to review by the Secretary of the interior.
- (f) To regulate the inheritance or testamentary disposition of property, real and personal, other than allotted lands, within the territory of the Lower Brule Sioux Reservation, subject to review by the Secretary of the Interior.
- (g) 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.
- (h) To adopt resolutions regulating the procedure of the Council itself and of other tribal agencies and tribal officials of the reservation.
- (i) To enact resolutions or ordinances consistent with Article II of this Constitution governing future membership and the roll of the members of the Lower Brule Sioux Tribe.
- (j) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Lower Brule Sioux Reservation, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court, and defining its duties and powers.
- (k) To exclude and remove from the restricted lands of the Lower Brule Sioux Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior.
- (l) To levy taxes upon members of the Lower Brule Sioux Tribe and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon non-members doing business within the reservation.
- (m) As authorized by law, to manage, lease, permit, sell, or otherwise deal with tribal lands, interests in lands or other tribal assets; and to purchase or otherwise acquire lands or interests in lands within the reservation.
- (n) To purchase or acquire, under condemnation proceedings in courts of competent jurisdiction,

land or other property needed for public purposes, subject to the approval of the Secretary of the Interior.

(o) To prevent the sale, disposition, lease or encumbrance of any tribal lands, interest in lands or other tribal assets without the consent of the Tribal Council.

(p) To manage any and all economic affairs and enterprises of the Lower Brule Sioux Tribe and to engage in any business not contrary to state or federal law applicable to Indian Tribes that will further the economic development of the tribe or its members and to use tribal funds or other tribal resources for such purposes.

(q) To delegate to subordinate boards, cooperative associations which are open to all members of the tribe, tribal officers, committees, delegates or other tribal groups, any of the foregoing powers reserving the right to review any action taken by virtue of such delegated power.

SECTION 2. Manner of Review. Any resolution or ordinance which by 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 10 days after its receipt by him 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 (90) days from the date of approval, 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 (10) days after its receipt by him 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 (90) days from the date of its referral, approve or reject the same in writing, whereupon the said ordinance or resolution shall be in effect or rejected accordingly.

SECTION 3. Future Powers. The Tribal Council of the Lower Brule Sioux Reservation through appropriate amendment of this Constitution may exercise such further powers as may in the future be delegated to the Tribal Council by the Secretary of the Interior or by any other duly authorized official or agency of the government.

SECTION 4. Reserved Powers. Any rights and powers heretofore vested in the Tribe or Band of the Lower Brule Sioux Reservation but not expressly referred to in this Constitution, shall not be abridged by this article, but may be exercised by the people of the Lower Brule Sioux Reservation through the adoption of appropriate bylaws and constitutional amendments.

SECTION 5. When the approval or review by the Secretary of the Interior is required of any particular action of the Tribal Council, the Secretary where permitted by law may in writing waive this requirement for such periods as he in his sole discretion deems fit.

Article VII - Bill of Rights

SECTION 1. Suffrage. All members of the Tribe over the age of twenty-one (21) shall have the right to vote in all reservation elections. The residence qualifications established by Article IV of this Constitution shall apply to all elections except elections for the amendment of this Constitution and the attached Bylaws.

SECTION 2. Economic Rights. All members of the Tribe shall be accorded equal opportunity to participate in the economic resources and activities of the reservation without prejudice.

SECTION 3. Civil liberties. All members of the Tribe may enjoy without hindrance freedom of worship, conscience, speech, press, assembly and association.

Article VIII - Referendum

Upon a petition of at least 50% of the eligible voters of the Lower Brule Sioux Tribe as defined in Article IV, Section I or upon the request of a majority of the Tribal Council, any enacted or proposed ordinance or resolution of the Tribal Council 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.

Article IX - Amendments

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior provided that at least (30) percent 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 at the request of five-sevenths (5/7) of the Tribal Council, the Chairman thereof having the right to vote thereon.

BYLAWS OF THE LOWER BRULE SIOUX TRIBE

Article I - Duties of Officers

SECTION 1. Chairman of the Tribal Council. The Chairman of the Tribal Council shall preside over all meetings of the Tribal Council, shall perform all duties of a Chairman, and exercise any authority delegated to him by the Tribal Council.

SECTION 2. Vice-Chairman of the Tribal Council. The Vice-Chairman of the Tribal Council shall assist the Chairman when called upon to do so and in the absence of the Chairman shall

preside. When so presiding he shall have all the rights, privileges, and duties as well as the responsibilities of the Chairman.

SECTION 3. Secretary-Treasurer of the Tribal Council. The Secretary of the Tribal Council shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at Tribal Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction and Commissioner of Indian Affairs copies of all minutes of regular and special meetings of the Tribal Council. He shall also accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Tribal Council, whether same be tribal funds or special funds for which the Tribal Council is acting as trustee or custodian. He shall deposit all funds in such bank or elsewhere as directed by the Tribal Council 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 or custody, such report being made in writing to the Tribal Council at regular meetings and such other times as requested by the Tribal Council.

He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the Tribal Council, except when properly authorized to do so by resolution duly passed by the Tribal Council.

The books and records of the Secretary-Treasurer shall be audited at least once each year by a competent auditor employed by the Tribal Council and at such times as the Tribal Council or the Commissioner of Indian Affairs may direct.

He shall be required to give a bond satisfactory to the Tribal Council and to the Commissioner of Indian Affairs.

He shall be present at all special or regular meetings of the Tribal Council.

SECTION 4. Sergeant at Arms. The Sergeant at Arms shall be present at all meetings of the Tribal Council, and shall maintain order within the Tribal Council chamber and perform such other duties as may be designated by the Tribal Council. He shall serve all summonses emanating from the Tribal Council and shall make proper return on same.

SECTION 5. Chaplain of the Tribal Council. The Chaplain of the Tribal Council shall perform such duties as the Tribal Council may direct.

SECTION 6.- Appointive Officers. The duties of all appointive boards or officers of the community shall be clearly defined by resolution of the Tribal Council at the time of their creation or appointment. Such boards and officers shall report, from time to time as required, to the Tribal Council and their activities and decisions shall be subject to review by the Tribal Council upon the petition of any person aggrieved.

Article II - Duties of Members

It shall be the duty of each member of the Tribal Council to make reports, to the districts from

which he was elected, concerning the proceedings of the Tribal Council.

The Tribal Council shall be responsible for the care and administration of all tribal property and equipment under resolutions or ordinances adopted by the Tribal Council, such resolutions and ordinances subject to review by the Secretary of the Interior.

Article III - Qualifications of Councilmen

No person shall be a candidate for membership in the Tribal Council unless he shall be a member of the Lower Brule Sioux Tribe, at least twenty- one (21) years of age, shall not have been convicted of a felony by any Indian, State, or Federal Court and shall not have been involved in any action involving dishonesty with money, and shall have resided for a period of one year next preceding the election in the district of his candidacy. The Tribal Council shall be the sole judge of the qualifications of its members.

Article IV - Certification of Election

It shall be the duty of the members of the Tribal Council or board appointed by it to certify to the election of the duly elected Tribal Council members. This shall be done within five (5) days after the election.

Article V - Installation of Councilmen

Newly elected members who have been duly certified shall be installed at the first regular meeting of the Tribal Council following the election upon subscribing to the following oath.

"I, _____, do hereby solemnly swear (or affirm) that I shall preserve, support, and protect the Constitution of the United States and the Constitution and Bylaws of the Lower Brule Sioux Tribe to the best of my ability, so help me, God."

Article VI - Salaries

The Tribal Council may prescribe such salaries of officers or members of the Tribal Council as it deems advisable from such budgeted funds as may be available.

Article VII - Time and Place of Regular Meetings and Procedure

SECTION 1. Meetings. The regular meeting of the Tribal Council shall be held once each month at the Lower Brule Community Hall or such other place on the reservation designated by the Tribal Council. The day of the month and the opening hour of the meeting shall be left to the discretion of the Tribal Council. Special meetings may be called by the Chairman or by a

majority of the Tribal Council and when so called the Tribal Council shall have the power to transact business as in regular meetings.

SECTION 2. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of four councilmen.

SECTION 3. Order of Business. The order of business shall be determined by resolution of the Tribal Council.

SECTION 4. Ordinances and resolutions. All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Tribe shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the Tribe.

All final decisions of the Tribal Council on matters of temporary interest (such as action on the reservation budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especial to particular individuals or officials (such as adoptions of members, instructions for tribal employees or rules of order for the Tribal Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion duly passed or by the ruling of the Chairman if no objection is heard.

In all instances, resolutions, or motions the duly elected councilmen may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

Article VIII - National Sioux Council

SECTION 1. The Tribal Council shall have the power to select delegates to sit in the National Sioux Councils.

Article IX - Adoption

This amended Constitution and Bylaws attached hereto shall be in full force and effect whenever a majority of the adult voters of the Lower Brule Sioux Tribe voting at an election called by the Secretary of the Interior in which at least thirty (30) percent of the eligible voters shall vote, shall have ratified such Constitution and Bylaws, and the Secretary of the Interior shall have approved same, as provided in the Act of June 18, 1934, as amended by the Act of June 15, 1935.

CERTIFICATION OF ADOPTION

Pursuant to an order approved April 20, 1960, by the Assistant Secretary of the Interior, the attached amended Constitution and Bylaws of the Lower Brule Tribe of the Lower Brule Sioux Reservation, South Dakota, was submitted for adoption to the qualified voters of the Lower Brule Tribe of the Lower Brule Reservation and was on June 14, 1960, duly adopted by a vote of 105 for, and 47 against in an election in which at least thirty percent 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, October 18, 1935, and March 24, 1938.

J.W. Thompson
Chairman, Lower Brule Sioux Tribal Council

Joyce Estes
Secretary, Lower Brule Sioux Tribal Council

C.H. Beitzel
Superintendent, Pierre Agency, Pierre, S.Dakota

APPROVAL

I, Roger Ernst, 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 amended Constitution and Bylaws of the Lower Brule Sioux Tribe of the Lower Brule Indian Reservation, South Dakota, as adopted by the Indians of the Lower Brule Indian Reservation on June 14, 1960.

Approval recommended:

Glen F. Emmons,
Commissioner of Indian Affairs

Roger Ernst,
Assistant Secretary of the Interior

Washington, D.C., July 15, 1960