

CONSTITUTION AND BYLAWS
OF THE
CADDO INDIAN TRIBE OF OKLAHOMA

PREAMBLE

We, the Caddo Indians of Oklahoma, in order to promote our common welfare and to secure for ourselves and our descendants the rights, powers and privileges guaranteed to us by the treaties, the constitution and the statutes of the United States which were initially set forth in the Constitution and Bylaws ratified by the tribe on January 17, 1938, do adopt this constitution for the Caddo Indians of Oklahoma. Both the 1938 governing document and this constitution are pursuant to the Oklahoma Indian Welfare Act of 1936 (49 Stat. 1967). Any tribal legislation enacted under the previous constitution shall remain in effect to the extent it is not in conflict with this constitution.

ARTICLE I - DEFINITION OF TERMS

Section 1. The Caddo Indian Tribe of Oklahoma shall be the name of this organization. The words "Indian Tribe" as used in this document shall have the same meaning as "the Caddo Indian Tribe of Oklahoma".

Sec. 2. Caddo Tribal Active Membership shall be the governing body of the tribe, composed of all enrolled members at least eighteen (18) years of age or over, who have registered to vote. They are hereafter referred to as "the membership" in this document.

Sec. 3. Caddo Tribal Council shall be a representative body composed of Chairman, Vice-Chairman, Secretary, Treasurer and District Representatives, empowered to act on those matters outlined in Article V.

ARTICLE II - PURPOSE

The purpose of this organization shall be:

Section 1. To define, establish and safeguard the rights, powers and privileges of the tribe and its members and to govern the affairs of the tribe.

Sec. 2. To promote the economic, cultural, educational and health status of its members and to preserve and protect the heritage and traditions of the tribe, cooperating with the government of the United States and of the State of Oklahoma to accomplish these purposes.

Sec. 3. To promote the welfare of the tribe and its members by all lawful means.

ARTICLE III - TRIBAL MEMBERSHIP

The membership of the Caddo Tribe of Oklahoma shall be:

Section 1. All persons of Caddo Indian blood who received an allotment of land as members of the Caddo Indian Tribe shall be hereby declared full blood (4/4) members of the tribe for the purpose of computing eligibility of their descendants for membership.

Sec. 2. All living lineal descendants of allottees eligible for membership under the provisions of Section 1 of this article born on or before the date of adoption of this constitution, at least one of whose parents is a member of the Caddo Indian Tribe.

Sec. 3. All persons of at least one-eighth (1/8) degree Caddo Indian blood as defined by and derived from Section 1, born after the date of the adoption of this constitution to a member of the tribe, except those persons otherwise entitled to enrollment who elect to be enrolled in another tribe.

Sec. 4. Those persons who are adopted into the tribe in accordance with rules prescribed by the Tribal Council, with approval of the membership, and consistent with United States law.

Sec. 5. Those persons who were eligible for membership in the Caddo Tribe of Oklahoma under the previous constitution of January 17, 1938, as amended, who were recognized as members shall continue to be members without further test of eligibility until their deaths or voluntary relinquishment of membership, provided, however, that these persons shall submit an official enrollment application.

Sec. 6. Those persons who are eligible for enrollment under the preceding sections of this article who elect to be enrolled, except those persons who have received a share of land or money by virtue of having been listed on an approved membership roll of another tribe.

Sec. 7. All qualified Caddo membership applicants shall submit a completed official enrollment application. Applications for membership must be supported by birth certificates or authenticated copies thereof or other records recognized by State or Federal Recorders, as required by the circumstances of each application. All evidence will be retained by the Caddo Indian Tribe to support the record. Tribal membership shall become effective upon an affirmative vote of a majority of the Tribal Council. Any rejected applicants may appeal to the membership.

ARTICLE IV - GOVERNING BODY

The Caddo Tribe of Oklahoma shall be represented by a Tribal Council.

Section 1. Composition. The Tribal Council shall consist of four ~~(4)~~ officers elected at large; Tribal Chairman, Vice-Chairman, Secretary, Treasurer and at least four (4), but no more than fifteen (15), District Representatives who shall be elected by districts.

Sec. 2. Apportionment. District Representatives shall represent voting districts containing substantially equal numbers of members in keeping with the one man, one vote concept. Adjustments needed to maintain apportionment shall be made pursuant to Article V, Section 1 of this constitution, Powers of the Tribal Council. For the first election under this constitution the four voting districts shall be, 1. Anadarko, 2. Binger, 3. Fort Cobb, 4. Oklahoma City, Oklahoma as specifically defined by the Superintendent of the Anadarko Agency with consultation and approval by the Executive Committee and in accordance with Article VII.

Sec. 3. Terms of Office. The term of office of a member of the Tribal Council shall be for a period of two (2) years or until a successor is duly elected and installed in office except for the first election held under this constitution. At the first election the Tribal Chairman and Treasurer and the District Representatives of Oklahoma City and Binger shall serve two (2) years. The Vice-Chairman, Secretary and the District Representatives from Anadarko and Fort Cobb shall serve one (1) year. Thereafter, all terms will be two (2) years. The Tribal Chairman shall be eligible to be elected to serve three consecutive terms. At the completion of his third consecutive term of office, he shall not be eligible for re-election or appointment to fill a vacancy on the council until a period of two (2) years has elapsed. In each of the above instances, the term of office shall be for the specified time, unless the incumbent is earlier removed or recalled, dies, or resigns.

Sec. 4. Qualifications of Candidates and Officers. All members of the Caddo Indian Tribe who will have reached the age of twenty-one (21) years or over by the date of the election shall be eligible to become candidates for election to membership on the Tribal Council except those persons convicted in a court of felony, within two (2) years immediately preceding the election or when in office or any Caddo member who is indebted delinquent to the Caddo Tribe in excess of two (2) years. Candidates for a position as District Representative must physically reside within the District they represent. Candidates for positions of Tribal Chairman, Vice-Chairman, Secretary and Treasurer must be residents of Southwestern Oklahoma which is defined as all counties touched by a sixty-five (65) mile radius whose beginning point is Anadarko, Oklahoma. Residency within the prescribed area must be maintained during the tenure in office by District Representatives and officers.

ARTICLE V - POWERS OF THE TRIBAL COUNCIL

Section 1. The following powers of the Tribal Council may be exercised subject to any restriction contained in Federal or State laws, and subject to the approval of the membership.

- (a). To appoint an Election Board consisting of a Chairman, Secretary and three (3) other persons, all of whom shall be members of the tribe and none of whom shall be members of the Tribal Council.
- (b) To change the number of Council members or, in the alternative, the boundaries of the voting districts so that each council member shall represent substantially the same number of members as any other in concurrence with an official census which shall be conducted annually by the Tribal Secretary and Enrollment Clerk with the assistance of the Bureau of Indian Affairs.
- (c) To pass ordinances, subject to the approval of the Secretary of the Interior, governing future membership, loss of membership, and the adoption of new members subject to the limitations contained in this constitution.
- (d) To purchase real property and in connection therewith to execute a mortgage or encumbrance covering or extending only to the property being purchased.
- (e) To borrow money.

(f) To approve the affiliation of the Caddo Tribe with any Inter-Tribal organization.

Sec. 2. The Tribal Council shall be empowered to exercise on its own the following powers, duties and responsibilities, subject to any restrictions contained in Federal or State laws.

(a) To approve or disapprove tribal budgets after reporting to the membership in general meetings.

(b) To establish business functions within the tribal government.

(c) To confirm or reject the appointment of persons selected by the Tribal Chairman.

(d) To establish personnel rules, job classifications, and rates of pay for all tribal employees.

(e) To approve all leases of tribal land.

(f) To establish procedures for the conduct of all tribal government and business operations.

(g) To provide for the establishment and regulation of ad hoc committees, subordinate to the council, which may conduct tribal business, the committee chairman to be appointed by the Tribal Council.

(h) To employ and pay legal counsel.

(i) To receive, review and act upon applications for membership in order to maintain a correct roll of the membership of the tribe. The Tribal Council may delegate the clerical work involved in the preparation and upkeep of the membership roll to an enrollment clerk.

(j) To approve or disapprove contracts or agreements with Federal, State or local governments, with private persons, or with corporate bodies.

(k) To appropriate and expend available tribal funds for the benefit of the tribe or any of its operations.

(l) To manage, administer, and direct the operation of tribal programs, activities, and services and to report to the membership the status of each program.

(m) To pass such ordinances and resolutions necessary or incidental to the exercise of any of the foregoing powers and duties.

(n) To use all funds borrowed by the tribe to finance tribal enterprises, to lend the money thus borrowed or to promote the welfare of the tribe and its members.

(o) To prevent any disposition lease or encumbrance of tribal lands, interest in lands, or other tribal assets.

(p) The officers and district representatives of the Tribal Council are empowered to serve as officers and members of the Board of Directors of the Caddo Indian Tribe of Oklahoma, Inc.

(q) To provide for the promotion and protection of the health, peace, morals, education and general welfare of the tribe and its members.

Sec. 3. Reserve Power. All authority not vested in the Tribal Council by this article is reserved to the membership and may be delegated to the Tribal Council through appropriate amendments to this constitution.

Sec. 4. Future Powers. In addition to all powers inherent or vested in the membership by existing law, the membership may exercise or may delegate to the Tribal Council such other powers as may in the future be delegated to the tribe by the Secretary of the Interior or by any authorized official or agency of the Government or Congress.

ARTICLE VI - DUTIES OF TRIBAL OFFICERS

Section 1. The executive function of the government of the Caddo Indian Tribe of Oklahoma shall be vested in a Tribal Chairman.

Sec. 2. The Tribal Chairman shall have the following powers, duties and responsibilities:

(a) To serve as the principal executive officer of the tribe.

(b) To carry out the plans and policies established by the Tribal Council.

(c) To negotiate contracts or agreements with Federal, State or local governments, private persons, or corporate bodies subject to the approval of the Tribal Council.

(d) To preside over the meetings of the Tribal Council and the membership and to vote only in the case of a tie in either body.

(e) To serve as a principal resource of the Tribal Council for data, information, methods, evaluations, and systems.

(f) To select employees of the tribe, with approval of the Tribal Council pursuant to Article V, Section 2.(b) and in accordance with the policies and procedures adopted by the Tribal Council, and to participate in the selection of department heads.

(g) To represent the tribe on all public occasions and to foster respect for the Caddo Indian Tribe of Oklahoma in the eyes of the world.

Sec. 3. Vice-Chairman. In the absence of the Chairman, the Vice-Chairman shall perform the duties of that office. In addition, the Vice-Chairman shall provide for the protection and maintenance of the property and equipment of the tribe.

Sec. 4. Secretary. The Secretary shall keep an accurate account of all proceedings and official records of the Council and membership meetings and shall file a copy of same with the Caddo Tribal Office and the Superintendent of the Anadarko Agency which shall be open to the inspection of the members of the tribe. He shall keep a correct list of all members of the tribe, shall certify all accounts or orders of the Council and in the absence of the Chairman and Vice-Chairman shall call meetings to order until a Chairman pro tem is selected.

Sec. 5. Treasurer. The Treasurer shall be the custodian of all funds in possession of the Council from any source. He shall keep an accurate record of all funds and shall disburse the same in accordance with the vote of the Council. He shall keep all tribal money entrusted to his care in a special account. In addition, he shall prepare budgets, budget estimates and financial reports to be approved by the Tribal Council. An audit shall be filed with the

Caddo Tribal Office at the end of his term of office. The report of same shall be presented to the membership and filed at the Caddo Tribal Office.

Sec. 6. Bonding. All members of the Tribal Council authorized to disburse funds shall be bonded in an amount satisfactory to the Commissioner of Indian Affairs or his authorized representative and the Tribal Council who shall select an agency to provide such bond. The cost of such shall be paid out of tribal money.

ARTICLE VII - ELECTIONS

Section 1. Voter Qualifications. All enrolled members of the Caddo Indian Tribe, who are eighteen (18) years of age or older and who are registered according to the election ordinances adopted by the Tribal Council, shall be entitled to vote in any tribal election. Persons who will be eighteen (18) years of age on or before the date of the election shall be permitted to register for voting in such election if they otherwise qualify.

Sec. 2. Election Ordinance. All tribal elections, excluding the first one, shall be conducted in accordance with an election ordinance, enacted by the Tribal Council consistent with this constitution. Such ordinance shall provide for secret balloting, absentee voting, advance voter registration, nomination of candidates and filing procedures prior to the election date, appointment of an impartial election board to be responsible for conducting all tribal elections, and a procedure for resolving election disputes. Decisions of the election board shall be final. Further, it shall require that no write-in votes be accepted in any tribal election. Provisions shall also be included regarding the conduct of initiative, recall and referendum elections and a uniform procedure for submitting petitions.

Sec. 3. First Election of Tribal Council Members. As soon as practical after the approval and ratification of this constitution and bylaws, the Superintendent of the Anadarko Agency shall call an election for officers and District Representatives. Such election shall be held under rules and regulations prescribed by the Superintendent of the Anadarko Agency and consistent with this constitution. The present Executive Committee shall continue to govern until the first Tribal Council is elected and sworn in.

ARTICLE VIII - FILLING OF VACANCIES

Section 1. Tribal Chairman. If a vacancy occurs in the office of Tribal Chairman and less than one (1) year remains of his term of office, the office shall be filled by the Vice-Chairman of the Tribal Council who shall serve for the remainder of the unexpired term of office in the position of Chairman unless earlier removed or recalled. During the period which the Vice-Chairman serves as Chairman under these circumstances, the Vice-Chairman's office shall not be considered vacant and he shall return to serve the unexpired portion of his own term of office upon election and installation of a Chairman. If a vacancy occurs in the office of Tribal Chairman and more than a year remains of his term of office, the Tribal Council shall within sixty (60) days of the vacancy, cause to be held a special election in which all qualified voters of the Caddo Indian Tribe of Oklahoma may participate for the purpose of filling the vacancy.

Sec. 2. Vice-Chairman, Secretary, Treasurer or District Council Representatives. If a vacancy occurs in the office of Vice-Chairman, Secretary, Treasurer or District Council Representative, the office shall remain vacant until the next regular annual election of the tribe. If the term of the vacant position does not expire at the next regular annual election, the vacancy will be filled for the unexpired portion of the term. In the event the vacancy occurs in the office of the Secretary or the Treasurer, the council shall select one of its members to perform the duties of the vacant office until such vacancy is filled.

ARTICLE IX - INITIATIVE AND REFERENDUM

Section 1. The members of the Caddo Indian Tribe of Oklahoma shall

have the power to establish policy or enact ordinances consistent with this constitution by petition to the Tribal Council bearing the language of the proposed policy or ordinance and the signatures of at least fifty (50) of the registered voters of the Tribe, provided that, in an election, which must be called by the Tribal Council and conducted within sixty (60) days of the receipt of a valid petition, a majority of the voters who cast ballots in such election, so demand. Notice of such petition election shall be given to the registered voters at least fifteen (15) days prior to such election. The Tribal Council shall be bound by the results of such election for at least one (1) year from date of that election.

Sec. 2. The members of the Caddo Indian Tribe of Oklahoma shall have the power to reject any action of the Tribal Council by petition to the Tribal Council bearing the language of the action sought to be rejected and the signatures of at least fifty (50) of the registered voters of the tribe provided that, in an election, which must be called by the Tribal Council and conducted within sixty (60) days of the receipt of a valid petition, a majority of the voters voting who cast ballots in such election so demand. Notice of such petition election shall be given to the registered voters at least fifteen (15) days prior to such election. The Tribal Council shall be bound by the results of such election for at least one (1) year from date of that election.

ARTICLE X - BILL OF RIGHTS

Section 1. All members of the Caddo Indian 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 the United States.

Sec. 3. The individual property rights of any member of the Tribe shall not be altered, abridged, or otherwise affected by the provisions of this constitution without the consent of such individual member.

Sec. 4. The enumeration of any rights in this article shall not be interpreted to limit the rights otherwise guaranteed by the Indian Civil Rights Act of 1968 (25 USCA 1302).

ARTICLE XI - AMENDMENTS

Amendments to this constitution may be proposed by a majority vote of the Tribal Council or by a petition signed by fifty (50) of the registered voters of the tribe and, if approved by the Secretary of the Interior shall be submitted to a vote of the adult members of the Tribe in an election conducted pursuant to regulations of the Secretary of the Interior. Such amendments shall be effective if ratified by a majority of those who cast ballots. Copies of any proposed amendment shall be furnished to members upon request. Notice of a proposed amendment shall be given to the voting population at least thirty (30) days prior to an election on such proposal through appropriate publicity.

ARTICLE XII - RECALL AND REMOVAL

Section 1. Recall and Removal Ordinance. The Tribal Council shall enact an ordinance outlining procedures for the conduct of a recall meeting of the membership pursuant to Section 2(a) of this article, for the conduct of a hearing by the Hearing Board as defined in Article IV of the Bylaws pursuant to Section 2(b) of this article, and for the conduct of a special Tribal Council Meeting pursuant to Section 3 of this article. These procedures must include an opportunity for the accused to confront his accusers and to speak on his behalf in answer to a written statement of charges which have been provided to him at least fifteen (15) days in advance of the recall meeting of the membership, the hearing of the Hearing Board, or the removal meeting of the Tribal Council.

The ordinance shall also contain the provision that any elected or appointed officer missing four (4) consecutive meetings of the body of which he is a member, without cause acceptable to that body shall forfeit his office.

Sec. 2. Recall. The recall of a member of the Tribal Council may be initiated by a tribal member either by petition or by presentation of charges to the Hearing Board. Once an individual is subjected to recall proceedings, he shall not again be considered for such action until at least six (6) months have passed.

(a) Upon receipt of a valid petition signed by at least fifty (50) of the tribe's registered voters, it shall be the duty of the Chairman to call and conduct within fifteen (15) days, a special meeting of the membership to consider the recall of a member of the Tribal Council. Such meeting is subject

to quorum provisions. Only one (1) member of the council shall be considered for recall at any given recall meeting.

(b) Upon receipt of written charges of misconduct or violation of this constitution by a tribal member against any member of the Tribal Council, it shall be the duty of the Chairman of the Hearing Board to call and conduct a meeting of that body within fifteen (15) days to decide whether this proposal to recall one (1) or more tribal officials shall be denied or submitted to the Election Board which shall conduct a recall election in accordance with the provisions of the election ordinance.

Sec. 3. Removal. The Tribal Council shall be empowered to remove a member of that body from office in accordance with the criteria and procedures provided in the ordinance enacted pursuant to Section 1 of this article. Such action must be taken at a special tribal council meeting called for that purpose.

BYLAWS

ARTICLE I - OATH OF OFFICE

Section 1. Each member of the Tribal Council shall take an oath of office and pledge himself to support and defend the Constitution and Bylaws of the Caddo Indian Tribe of Oklahoma prior to assuming the duties of his office.

The following form of oath shall be given:

I, _____, do hereby solemnly affirm that I will support and defend the Constitution of the United States against all enemies, and will carry out faithfully and impartially the duties of my office to the best of my ability and will promote and protect the best interest of the Caddo Indian Tribe in accordance with the tribal constitution and bylaws.

The oath of office is to be administered by the Chairman of the election board.

ARTICLE II - MEETINGS

Section 1. Place. All quarterly meetings of the membership of the Caddo Indian Tribe and all monthly meetings of the Tribal Council and any special meetings of either body shall be held at the Binger Community Building, Binger, Oklahoma, unless otherwise specified by the Tribal Council. Public notice at least ten (10) days prior to the meeting must be given for any change in the place of a meeting of the membership.

Sec. 2. Conduct. All meetings shall be conducted in accordance with Robert's Rules of Order, unless otherwise specified in this Constitution and Bylaws.

Sec. 3. Quorum. Twenty (20) registered members, excluding Tribal Council members shall constitute a quorum to conduct business at the quarterly membership meetings or special meetings of the membership. A majority of the Tribal Council shall constitute a quorum to conduct any business at the monthly Tribal Council meetings.

Sec. 4. Special Meetings. Special meetings of the Tribal Council

ARTICLE IV - HEARING BOARD

Section 1. Composition. The Hearing Board shall be composed of five (5) members of the tribe. At the first meeting following each annual election the Hearing Board shall select from within its membership a Chairperson and a Recorder.

Sec. 2. Selection. The members of the Hearing Board shall be elected by secret ballot pursuant to Article VII in conjunction with the election of Tribal Council members.

Sec. 3. Terms of Office. The term of office of a member of the Hearing Board shall be for a period of two (2) years and until a successor is duly elected and installed except for the first election held under this constitution. At the first election, two (2) members of the Hearing Board shall be elected for terms of one (1) year and three (3) members of the Hearing Board shall be elected for terms of two (2) years. The Hearing Board members shall be eligible to serve three (3) consecutive terms. At the completion of the third (3rd) consecutive term, a Hearing Board member shall not be eligible for election or appointment to fill a vacancy on the Hearing Board until a period of two (2) years has elapsed. Members of the Hearing Board shall not be subject to removal or recall.

Sec. 4. Qualifications of Candidates. All members of the Caddo Indian Tribe who will have reached the age of thirty-five (35) years by the date of the election shall be eligible to become candidates for election to membership on the Hearing Board, provided that no tribal member may serve at the same time as a member of the Hearing Board and as a member of either the Tribal Council or the Election Board.

Sec. 5. Filling of Vacancies. If a vacancy occurs on the Hearing Board, the Tribal Council shall appoint a successor to fill the vacancy, who shall be qualified according to Section 4 of this article, to serve until the next regular election.

Sec. 6. Duties. Action of the Hearing Board shall be initiated by a written statement of charges against one (1) or more members of the Tribal Council requesting that a recall election be conducted. The hearing shall be conducted pursuant to an ordinance enacted by the Tribal Council in accordance with Article XII of this constitution. All decisions of the Hearing Board as to whether or not the Election Board shall be instructed to conduct a recall election shall be final.

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 adult members of the Caddo Indian Tribe of Oklahoma voting in an election called for that purpose 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 (49 Stat. 1967).

APPROVAL

I, (Sgd) Morris Thompson, Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 28, 1938 (49 Stat. 1967), as amended, and delegated to me by 250 DM 1.1, do hereby approve the Constitution and Bylaws of the Caddo Indian Tribe of Oklahoma.

(Sgd) Morris Thompson
Commissioner of Indian Affairs

Washington, D. C.

Date: APR 13 1976

APPROVAL

I, (Sgd) Morris Thompson, Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 28, 1936 (49 Stat. 1987), as amended, and delegated to me by 230 DM 1.1, do hereby approve the Constitution and Bylaws of the Caddo Indian Tribe of Oklahoma.

(Sgd) Morris Thompson
Commissioner of Indian Affairs

Washington, D. C.

Date: APR 13 1976