CONSTITUTION
OF THE
CITIZEN BAND POTAWATOMI INDIAN TRIBE
OF OKLAHOMA

PREAMBLE

We, the Citizen Band Potawatomi Indians of Oklahoma, sometimes designated as the Potawatomi Tribe of Oklahoma, in furtherance of our inherent powers of self-government, in order to take advantage of the opportunities for economic independence and social advancement offered by the Thomas-Rogers Oklahoma Indian Welfare Act of June 26, 1936, (49 Stat. 1967), do hereby adopt this Constitution pursuant to the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967) which shall supersede the constitution approved by the Secretary of the Interior on October 17, 1938, and ratified on December 12, 1938, and amended on September 27, 1956, December 27, 1960, April 24, 1961, September 21, 1970, and April 20, 1983, with ratification.

ARTICLE 1 - NAME

The official name of this Tribe shall be the Citizen Band Potawatomi Indian Tribe of Oklahoma.

ARTICLE 2 - OBJECTIVES

Section 1. The objectives of the Citizen Band Potawatomi Indian Tribe of Oklahoma in organizing under this Constitution shall be:

(a) To promote the general welfare of the Citizen Band Potawatomi Indian Tribe of Oklahoma and its members by exercising to the fullest extent the inherent powers of self-government vested in the Tribe since time immemorial and any additional powers of self-government vested in the Tribe by Federal or state law.

(b) To secure for the Tribe and its members the powers, benefits, rights, and privileges provided for in the Oklahoma Indian Welfare Act of June 26, 1936, (49 Stat. 1967).

(c) To secure the powers, benefits, rights, and privileges as provided by any laws of the United States now or hereafter enacted for the benefit of Indians or other citizens of the United States.
(d) To secure, for the Citizen Band Potawatomi Indian Tribe of Oklahoma, a charter of incorporation from the Secretary of the Interior that allows the tribe to enjoy, those powers specifically mentioned in the Oklahoma Indian Welfare Act of June 26, 1936, (49 Stat. 1967).

ARTICLE 3 - MEMBERSHIP OF TRIBE

Section 1. The membership of the Citizen Band Potawatomi Tribe of Oklahoma shall consist of the following persons:

(a) All persons of Indian blood who were bona fide members of the Citizen Band Potawatomi Indian Tribe of Oklahoma and who were enrolled or were entitled to be enrolled on the official census roll of the Band as of January 1, 1937.

(b) Each child of Indian blood born since the date of said roll and prior to June 29, 1961, each of whose parents is or was a member of the Band.

(c) Each child of Citizen Band Potawatomi Indian Tribe of Oklahoma blood born prior to June 29, 1961, of a marriage between a member of the Band and any other person.

(d) Each child who is of one-eighth or more Citizen Band Potawatomi Indian Tribe of Oklahoma blood born on or after June 29, 1961, one or both of whose parents are members of the Band.

(e) As used in this Article, the term "a member of the Band" means a member of the Band at the time of the child's birth, or, in the case of a posthumous child, if membership rights are claimed through the deceased parent, the parent was a member of the Band at the time of death.

(f) The burden of proof as to eligibility for membership in the Citizen Band Potawatomi Indian Tribe of Oklahoma will be on the claimant for membership in each case.

(g) The Business Committee shall have power to prescribe rules and regulations, subject to the approval of the Secretary of the Interior or his authorized representative, covering future membership including adoptions and the loss of membership.

ARTICLE 4 - TRIBAL JURISDICTION

Section 1. The jurisdiction and governmental powers of the Citizen Band Potawatomi Indian Tribe of Oklahoma shall, consistent with applicable Federal law, extend to all persons and to all real and personal property, including lands and natural resources, and
to all waters and air space within the Indian country, as defined in 18 U.S.C. section 1151 or its successor, over which the Citizen Band Potawatomi Indian Tribe of Oklahoma has authority.

Section 2. The jurisdiction and governmental powers of the Citizen Band Potawatomi Indian Tribe of Oklahoma shall also, consistent with applicable Federal law, extend outside the exterior boundaries of the Citizen Band Potawatomi Indian Country to any persons or property which are, or as may hereafter be, included within the jurisdiction of the Citizen Band Potawatomi Indian Tribe of Oklahoma under any laws of the Citizen Band Potawatomi Indian Tribe of Oklahoma, any State, or the United States.

Section 3. The jurisdiction and governmental powers of the Citizen Band Potawatomi Indian Tribe of Oklahoma shall be exercised by appropriate legislation enacted by the Tribe, to establish or provide for a tribal judicial system, a tribal law enforcement agency, and other appropriate administrative agencies of the Tribe.

ARTICLE 5 - CITIZEN BAND POTAWATOMI INDIAN COUNCIL

Section 1. There shall be a Citizen Band Potawatomi Indian Council. The membership of the Citizen Band Potawatomi Indian Council shall be all Citizen Band Potawatomi Indians, 18 years of age or older who have not been adjudged incompetent by a court of competent jurisdiction.

Section 2. The Business Committee shall provide for the Citizen Band Potawatomi Indian Council rules of procedure, subject to this Constitution, by appropriate legislation, and the Citizen Band Potawatomi Indian Council shall exercise such authority and powers as are delegated to it by this Constitution.

Section 3. There is reserved to the Citizen Band Potawatomi Indian Council the authority to approve all actions of the Business Committee, or to delegate specific authority to the Business Committee to take particular actions, prior to any such action of the Business Committee becoming effective, which results in:

(a) the appropriation and budgeting of available tribal funds held in trust as the proceeds of any claim against the United States or from or as a result of any treaty obligation received from the United States including interest earned thereon for expenditure for the benefit of the tribe;

(b) the sale of any land or interest in lands, and in connection with the purchase of lands or interest in lands, to authorize and cause to be executed a mortgage on encumbrance covering or extending to property not being purchased;

(c) approval of any settlement of claim of the Citizen Band Potawatomi Indian Tribe of Oklahoma against the United States.
ARTICLE 6 - EXECUTIVE OFFICERS

Section 1. The Executive Officers of the Tribe shall be the Chairman, Vice-Chairman, and a Secretary/Treasurer who shall serve for two year terms of office and until their successor shall be qualified and installed in office.

Section 2. It shall be the duty of the Chairman to preside at all meetings of the Council and the Business Committee and perform all duties appertaining to the office, and the Chairman shall see that the laws of the Tribe are faithfully enforced. The Chairman shall have general supervision of the affairs of the Council and of the Business Committee.

Section 3. The Vice-Chairman shall perform the duties of the Chairman in his absence or during his incapacity to act, and shall undertake such other duties as may be assigned to him by the Chairman or by law. In case of vacancy, the Vice-Chairman shall succeed at once to the office of the Chairman until the next special or regular election for the office of Chairman.

Section 4. The Secretary/Treasurer shall correctly record the proceedings of all meetings. He shall make out the order of the business for Chairman, shall notify all committees of their appointments, shall have custody of the records and all papers of the council, which records and papers shall be open to inspection during business hours, in his presence, by any member of the Council desiring to read them. He shall keep a correct list of all members of the Council and a correct list of all enrolled members of the Tribe, shall authenticate all accounts or orders of the council and in the absence of the Chairman and Vice-Chairman, shall call the meetings to order until a chairman pro tem is selected. He shall render a written report at the annual meeting, and at the expiration of his term of office, the records and all papers in his possession shall be turned over to his successor. He shall issue notices of all meetings and conduct all general correspondence, as directed by the Council or the Business Committee.

The Secretary/Treasurer shall receive and keep all moneys of the Council and keep an accurate account of receipts and disbursements. The Secretary/Treasurer shall keep all tribal moneys entrusted to his care in one or more tribal accounts as may be provided by legislation of the Business Committee, and all disbursements therefrom should be made by check. At any time that such account(s) shall amount to more that $50.00, he shall file a bond satisfactory to the Business Committee and the Commissioner of Indian Affairs. The cost of such bond shall be paid out of tribal moneys.

ARTICLE 7 - BUSINESS COMMITTEE

Section 1. There shall be a Business Committee which shall consist of the Executive Officers as provided in Article 6, and two Councilmen who shall serve for two year terms and until their successor be qualified and installed in office.

Section 2. Subject to any limitations in this Constitution, and except for those powers expressly reserved to the Citizen Band Potawatomi Indian Council by this Constitution, or delegated to another tribal entity by this Constitution, the Business Committee is
empowered to enact legislation, transact business, and otherwise speak or act on behalf of the Citizen Band Potawatomi Indian Tribe of Oklahoma in all matters on which the Tribe is empowered to act now or in the future, including the authority to hire legal counsel to represent the Tribe, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior so long as such approval is required by Federal law.

ARTICLE 8 - RECALL

Section 1. The Business Committee shall enact a Recall and Removal Ordinance establishing the procedures to be followed in consideration of recall actions. Said Recall and Removal Ordinance shall contain the definitions of misconduct in office which shall subject a tribal officer to a recall election. Thereafter, this ordinance may be amended or repealed only by the Council at an election conducted pursuant to Articles 10 or 13 of this Constitution. Such Ordinance shall provide that not more than two recall proceedings may be pending in the court at any time. A recall proceeding shall not include more than one official, unless the court consolidates two or more actions for good cause shown.

(a) There shall be a Grievance Committee which shall consist of three members of the Citizen Band Potawatomi Indian Council. The function of the Grievance Committee shall be to act as a fact finding body and to present the facts to the Courts of the Tribe in cases in which the Grievance Committee determines that there is probable cause to believe that misconduct in office has occurred.

(1) The Grievance Committee, pursuant to such procedures as shall be provided in the Recall and Removal Ordinance, shall hear complaints of misconduct in office by members of the Business Committee or Judicial Officers of the tribe. Upon a showing of probable cause that misconduct in office has occurred, the Grievance Committee shall file and prosecute a civil action in the Court of the Tribe to determine and act upon such complaints, and shall undertake such other duties as it may be assigned by appropriate tribal law.

(2) In any recall action filed by the Grievance Committee, the Court, pursuant to the rules of civil procedure, shall have power, to hear the evidence and to determine whether the act or acts of misconduct in office have been shown by clear and convincing evidence so that a recall election should be held. If the Court determines that a recall election should be held, a two-thirds majority of those voting in a special election held pursuant to Article 12 (f) shall be necessary to recall the officer from his office. Any appeal taken of the judgment of the Trial Court ordering a recall election shall be expedited by the Supreme Court.
(b) If the Grievance Committee refuses to bring the action in the Court after a complaint is brought before them, the complaining party may proceed individually pursuant to this subparagraph (b) of this Article if he so desires. In the alternative, a complaining party, in his discretion, may bring an immediate court action pursuant to this subparagraph (b) without previous action by the Grievance Committee.

(1) The Court, pursuant to the rules of civil procedure, shall hear complaints brought by any person alleging misconduct in office by members of the Business Committee or Judicial Officers of the tribe. The Court shall require, prior to hearing any such action, that the complaining party post a bond in such amount as the Court shall deem proper to guarantee the costs, damages, and attorneys fees of the person complained of in the event that the recall action was filed without probable cause to believe misconduct in office had occurred or that the recall action was otherwise filed in bad faith.

(2) In any such recall action, the Court shall have power, to hear the evidence of the complaining party or parties and to determine whether the act or acts of misconduct in office have been shown by clear and convincing evidence so that a recall election should be held. If the Court determines that a recall election should be held, a two-thirds majority of those voting in an election held pursuant to Article 12 (f) shall be necessary to recall the officer from his office. Any appeal taken of the judgment of the Trial Court ordering a recall election shall be expedited by the Supreme Court.

Section 2. No person may be recalled pursuant to this Article unless at least one hundred fifty (150) persons cast ballots in the recall election.

Section 3. Grievance Committee members may be recalled from office according to the same rules and procedures established in the Recall and Removal Ordinance except that the Business Committee shall act in the capacity of the Grievance Committee in such cases.

ARTICLE 9 - REMOVAL AND FORFEITURE

Section 1. Any elective body of the Tribe, and the Supreme Court in the case of any judicial officers, shall remove any of its members from office for misconduct in office, as defined in the Recall and Removal Ordinance, or upon conviction of such member by any Court of competent jurisdiction of a felony or other offense involving dishonesty or moral turpitude, or if such member becomes ineligible to hold his office under this constitution, by a unanimous vote of the remaining members of that body.

Section 2. Such removal action shall be taken only upon proof by clear and convincing evidence at a formal hearing during which a verbatim transcript and record of the proceeding is made, and at which the party complained of shall have the right to not
less than thirty (30) days notice, the right to counsel at his own expense, the opportunity to cross examine witnesses against him, introduce any evidence in his favor, and to otherwise be accorded due process of law.

Section 3. A person removed in such a proceeding shall have the right to appeal the removal directly to the Supreme Court upon the record established at the hearing. During such appeal, which shall be expedited by the Court, the officer shall be deemed suspended but not removed from office until a final decision of the Court. For purposes of this Article, removal of an Executive Officer from the Business Committee shall also be deemed a removal from his Executive Office whether or not specifically stated in the removal action.

ARTICLE 10 - INITIATIVE AND REFERENDUM

Section 1. The members of the Citizen Band Potawatomi Indian Tribe of Oklahoma shall have the authority to enact legislation consistent with this Constitution by petition to the Business Committee bearing the language of the proposed tribal law, the signatures, roll numbers, and current address of at least ten percent (10%) of the Citizen Band Potawatomi Indian Council, residing within the counties of Pottawatomi, Seminole, Pontotoc, McClain, Oklahoma, Lincoln, Cleveland, Okfuskee, State of Oklahoma, provided, that in the general election upon such proposed legislation which shall be called by the Business Committee within ninety (90) days of the receipt of a valid petition, a majority of the voters who cast ballots in such election vote in favor of the proposed legislation. Notice of such referendum election shall be given to the registered voters at least fifteen (15) days prior to such election. The Business Committee shall be bound by a vote enacting such proposed legislation into law from the date of the election at which such legislation was enacted until it expires by its own terms or until changed by voters at a subsequent election.

Section 2. The members of the Citizen Band Potawatomi Indian Tribe of Oklahoma shall have the authority to reject any legislative action taken by the Business Committee by referendum petition to the Business Committee bearing the language of the tribal law sought to be rejected, the signatures, roll numbers, and current address of at least ten percent (10%) of the Citizen Band Potawatomi Indian Council, residing within the counties of Pottawatomi, Seminole, Pontotoc, McClain, Oklahoma, Lincoln, Cleveland, Okfuskee, State of Oklahoma, provided, that in the general election upon such legislation which shall be called by the Business Committee within ninety (90) days of the receipt of a valid petition, a majority of the voters who cast ballots in such election vote against the legislation as enacted by the Business Committee. Notice of such initiative election shall be given to the registered voters at least fifteen (15) days prior to such election. If the legislation is rejected by such vote, that enactment is null and void as of the date of referendum.

ARTICLE II - COURTS

Section 1. The judicial power of the Citizen Band Potawatomi Indian Tribe of Oklahoma is hereby vested in one Supreme Court consisting of seven (7) Justices and such inferior courts as may be established by Tribal law.
Section 2. The Courts of the Citizen Band Potawatomi Indian Tribe of Oklahoma shall be courts of general jurisdiction and shall further have jurisdiction in all cases arising under the constitution, laws, and treaties of the Citizen Band Potawatomi Indian Tribe. The Supreme Court shall have original jurisdiction in such cases as may be provided by law, and shall have appellate jurisdiction in all cases.

Section 3. The Tribal Courts, in any action bought before them, shall have the power of judicial review, in appropriate cases, in order to declare that legislative enactments of the Business Committee or the Council, are unconstitutional under this Constitution or prohibited by Federal statutes and void. In such cases, the Court shall have the authority to declare such act void and to issue injunctive relief.

Section 4. The Supreme Court Justices and Tribal Court Judges shall be selected by the Business Committee and confirmed by the Citizen Band Potawatomi Indian Council at a general election called for that purpose, and shall serve six (6) year terms and until their successor be duly confirmed and installed. At the expiration of such term, each Justice or Judge may, at his option, be considered for reconfirmation to a new term by the Council.

Section 5. Vacancies in Tribal Judicial Offices may be filled by appointment of the Business Committee for the remainder of the unexpired term. Such appointment shall be valid for not more than one hundred twenty (120) days unless the Citizen Band Potawatomi Indian Council confirms the appointee to complete the remainder of the unexpired term. If no Citizen Band Potawatomi Indian Council election is called to act upon such appointment within the one hundred twenty (120) day period, the appointment of that person shall not be renewed.

Section 6. This Article shall be effective upon enactment of enabling legislation by the Business Committee, and the installation in office of the first Justices and Judges selected according to this Article. Until this Article becomes effective, the judicial power of the Citizen Band Potawatomi Tribe of Oklahoma shall be exercised by the Court of Indian Offenses for the Anadarko Area Office jurisdiction, provided, that the Business Committee shall have the authority, until the effective date of this Article, to contract for the operation of the Court of Indian Offenses either separately or in conjunction with any other tribe or tribes within the jurisdiction of that Court, or to establish an interim tribal judicial system by legislation pursuant to 25 C.F.R. section 11.1(d) (1983) or its successor.

ARTICLE 12 - ELECTIONS

Section 1. The Chairman, Vice-Chairman, Secretary/Treasurer, two Councilmen, and members of the Grievance Committee shall be elected for a two year term of office and until their successors be qualified and installed in office by a majority vote at an election to be conducted by secret ballot, with absentee voting, on the date of the annual Citizen Band Potawatomi Indian Council meeting. All elections shall be conducted pursuant to an election ordinance adopted by appropriate legislation of the Citizen Band Business Committee. At the time of their election they shall be: a member of the Citizen Band Potawatomi Indian Council, not less than twenty-one (21)
years of age, reside within the Counties of Pottawatomi, Seminole, Pontotoc, McClain, Oklahoma, Lincoln, Cleveland, or Okfuskee, State of Oklahoma, and not have been convicted of a felony or other crime involving moral turpitude in any court of competent jurisdiction within ten (10) years previous to the date of the election, unless pardoned.

Section 2. No person shall be allowed to run for, or hold, more than one elected tribal position at any one time.

Section 3. For the purpose of providing for staggered terms of office, the term of office for members of the Business Committee and Grievance Committee shall continue in the same sequence as in effect at the time this Constitution is adopted. Elections for the Chairman, Councilmen, and Grievance Committee members shall be held as scheduled in June 1985, and in June of each odd numbered year thereafter. Elections for Vice-Chairman and Secretary/Treasurer shall be held in June 1986, and thereafter in June of each even numbered year.

Section 4. The newly elected officers shall be installed immediately upon their election or at such time as may be provided in the election ordinance approved by the Council, or as soon thereafter as any period provided by law for a challenge to the election has expired or as soon thereafter as any dispute regarding the election be finally resolved as provided by law.

Section 5. The incumbent officers as of the date of adoption of this Constitution shall continue to serve until the normal expiration of their terms as provided for in Section 3 of this article, and the election held upon expiration of those terms shall be the first regular election held pursuant to this Constitution.

Section 6. Special elections for the recall of tribal officials shall be conducted by an independent Election Board, to be established pursuant to an election ordinance prescribed by the Business Committee and concurred in by the council, on order of the court provided that at least one hundred fifty (150) persons must vote in order for the recall election to be valid. Other special elections shall be conducted by the Election Board as required in Article 10 or Article 13, or upon request by resolution of the Business Committee.

ARTICLE 13 MEETINGS OF THE COUNCIL

Section 1. Annual meetings of the Citizen Band Potawatomi Indian Council shall be held on the last Saturday of June of each year for receiving reports and any other business which may come regularly before the Council. The purpose of the Citizen Band Potawatomi Council meetings shall be to give information and to discuss any matter pertaining to the Citizen Band Potawatomi Indian Tribe of Oklahoma. Any actions taken with respect to the authority reserved to the Council by this Constitution shall be made only by a subsequent election held in accordance with, and within the time specified in, the election ordinance, which election shall be open to all members of the Council.
Section 2. Such meeting shall be held at the Tribal Office Building designated for that purpose at the Citizen Band Potawatomi Capital Complex south of Shawnee, Oklahoma, unless some other point under the jurisdiction of the Citizen Band Potawatomi Indian Tribe of Oklahoma is specifically designated in the call.

Section 3. Special meetings of the council may be called at the discretion of the Chairman, and shall be called by him upon the written request of the majority of the Business Committee or the written request of one hundred fifty (150) members of the Council.

Section 4. The principal object of the special meeting must be stated in the call for same and may include the words "and for the discussion of other business that may be presented." Unless these words are added, no other business can be discussed except for the object stated in the call. Any actions taken with respect to the authority reserved to the Council by this Constitution shall be made only by a subsequent election held in accordance with, and within the time specified in, the election ordinance, which election shall be open to all members of the Council.

Section 5. Notice of meetings of the Citizen Band Potawatomi Indian Tribe of Oklahoma Council shall be given through all appropriate means by the Secretary/Treasurer of the Business Committee at least ten (10) days prior to the date of such meeting.

Section 6. The agenda for each meeting of the Citizen Band Potawatomi Indian Tribe of Oklahoma Council shall be compiled by the Business Committee. Following completion of discussion on all agenda items other tribal business may be discussed, subject to the requirements of section (4) of this Article.

Section 7. As required, following the meetings of the Citizen Band Potawatomi Indian Tribe of Oklahoma Council, the election board shall conduct an election pursuant to the election ordinance to decide the issues presented to the Council.

ARTICLE 14 - MEETINGS OF THE BUSINESS COMMITTEE

Section 1. The regular meetings of the Business Committee shall be held the last Thursday in February, May, August, and November unless otherwise provided by resolution.

Section 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 (3) members of the Business Committee.

ARTICLE 15 - VACANCIES

Section 1. Any elected officer of the Citizen Band Potawatomi Indian Tribe who, during the term for which he is elected, is convicted of any felony, shall automatically forfeit
his office. Any elected officer found guilty of a misdemeanor involving moral turpitude, gross neglect of duty, malfeasance in office or misconduct reflecting on the dignity and integrity of the tribal government, may be removed from office by majority vote of the Business Committee. Before any vote for removal from office is taken, such member or officer shall be given a written statement of the charges against him at least five (5) days before the meeting of the Business Committee before which he is to appear, and he shall be given an opportunity to answer any and all charges at the designated meeting.

Section 2. The Chairman, subject to the approval of the majority of the remaining members of the Business Committee, whether or not the number of remaining members would constitute a quorum shall have the authority to appoint persons to fill any vacancies in any elective office on an interim basis until the next regular election at which time a person shall be elected to serve the remainder of the unexpired term or for a new term in its regular order as the case may be.

Section 3. In case of vacancy in the office of Chairman, the Vice-Chairman shall succeed at once to the office of the Chairman until the next regular election at which the office of Chairman shall be filled for the remainder of the unexpired term or for a new term in its regular order as the case may be.

Section 4. During the period in which the Vice-Chairman serves as chairman under these circumstances, the Vice-Chairman's office shall not be considered vacant and he/she shall return to serve the unexpired portion of his/her own term of office (if any) upon election and installation of a Chairman. Should the Vice-Chairman be elected, to the chairmanship, his vacancy shall be filled according to Article 12, Section 1.

ARTICLE 16 - RIGHTS OF PERSONS

Section 1. The Citizen Band Potawatomi Indian Tribe of Oklahoma shall not:

(a) Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble or to petition for a redress of grievances.

(b) Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

(c) Subject any person for the same offense to be twice put in jeopardy.
(d) Compel any person in any criminal case to be a witness against himself.

(e) Take any private property for a public use without just compensation.

(f) Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense.

(g) Require excessive bail, impose excessive fines, or inflict cruel and unusual punishment.

(h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law.

(i) Pass any bill of attainder or ex post facto law.

(j) Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

ARTICLE 17 - QUORUM

Section 1. Three members of the Business Committee shall constitute a quorum at any meeting.

Section 2. One Hundred Fifty (150) members of the Citizen Band Potawatomi Indian Council shall constitute a quorum to transact business at a meeting. Should a quorum not be achieved at a duly-called meeting of the Council, the Business Committee may initiate a referendum election on any agenda items which require action by the Council under the authority reserved to it by this constitution. Such referendum election shall be conducted pursuant to the provisions of the election ordinance.

ARTICLE 18 - TRIBAL ENACTMENTS

Section 1. All final decisions of the Council on matters of temporary interest or matters relating to particular circumstances, officials, or individuals shall be embodied in resolutions. Every resolution of the Council shall begin with the words, "Now, therefore be it resolved by the Council of the Citizen Band Potawatomi Indian Tribe of Oklahoma:".
Section 2. All final decisions of the Business Committee on matters of temporary interest or matters relating to particular circumstances, officials, or individuals shall be embodied in resolutions. Every resolution of the Business Committee shall begin with the words, "Now, therefore be it resolved by the Business Committee of the Citizen Band Potawatomi Indian Tribe of Oklahoma".

Section 3. All final decisions of the Council of the Citizen Band Potawatomi Indian Tribe of Oklahoma upon ongoing matters necessary to the orderly administration of tribal affairs, or having general or continuing application shall be embodied in ordinances, which may be called statutes. Every ordinance shall begin with the words, "Be it enacted by the Council of the Citizen Band Potawatomi Indian Tribe of Oklahoma".

Section 4. All final decisions of the Business Committee of the Citizen Band Potawatomi Indian Tribe of Oklahoma upon ongoing matters necessary to the orderly administration of tribal affairs, or having general or continuing application shall be embodied in ordinances, which may be called statutes. Every ordinance shall begin with the words, "Be it enacted by the Business Committee of the Citizen Band Potawatomi Indian Tribe of Oklahoma".

**ARTICLE 19 - AMENDMENTS**

Amendments to this Constitution may be proposed by a majority vote of the Business Committee or by a petition signed by thirty percent (30%) 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 members of the Tribe, and shall be effective if ratified by a majority vote.

**ARTICLE 20 - SAVINGS CLAUSE**

Any previous ordinances or resolutions enacted by the Tribe shall continue in full force and effect to the extent they are not in conflict with this Constitution unless revoked or amended in the future.

**ARTICLE 21 - RATIFICATION**

This Constitution, when approved by the Secretary of the Interior and ratified by a majority vote of the qualified voters of the Citizen Band Potawatomi Indian Tribe voting at an election called for that purpose by the Secretary of the Interior, in which at least thirty percent (30%) of those entitled to vote shall cast their ballots, shall be effective from the date of ratification.
ARTICLE 22 - CERTIFICATE OF APPROVAL

I, John W. Fritz, Deputy Assistant Secretary - Indian Affairs by virtue of the authority granted to the Secretary of the Interior by the Act of June 26, 1936, (49 Stat. 1967), and redelegated to me by 209 D.M. 8.3, do hereby approve this Constitution of the Citizen Band Potawatomi Indian Tribe of Oklahoma. It shall become effective upon ratification by the qualified voters of the tribe in an election in which at least thirty percent (30%) of those entitled to vote cast ballots; provided, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal Law.

[Signature]
Deputy Assistant Secretary
Indian Affairs

Washington, D.C.
Date: 28 Apr 85
ARTICLE 23 - CERTIFICATION OF RATIFICATION

Pursuant to an order approved by John W. Fritz, The Deputy Assistant Secretary - Indian Affairs on March 28, 1985, this Constitution of the Citizen Band Potawatomi Indian Tribe was submitted for ratification to the qualified voters of the Citizen Band Potawatomi Indian Tribe of Oklahoma and was on May 29, 1985, duly ratified/rejected by a vote of \( \frac{1,568}{358} \), for, and \( \frac{358}{3,100} \) against, in an election in which at least thirty percent (30%) of \( \frac{3,100}{\text{(number)}} \) entitled to vote cast their ballots in an election called for that purpose.

Edward W. Herndon
Chairman, Election Board

Michael Steltz
Election Board Member

Election Board Member

Shawnee, Oklahoma

Date: May 29, 1985
CONSTITUTION
OF THE
CITIZEN BAND POTAWATOMI INDIAN TRIBE OF OKLAHOMA

AMENDMENT A

Section 1, ARTICLE 3 - MEMBERSHIP OF THE TRIBE, shall be amended to read as follows:

(a) All persons of Indian blood who were bona fide members of the Citizen Band Potawatomi Indian Tribe of Oklahoma and who were enrolled or were entitled to be enrolled on the official census roll of the Band as of January 1, 1937.

(b) Each child of Citizen Band Potawatomi Indian blood born since the date of said roll of whose parents is or was a member of the Band.

(c) Each child of Citizen Band Potawatomi Indian blood of a marriage between a member of the Band and any other person.

(d) As used in this Article, the term "a member of the Band" means a member of the Band at the time of the child's birth, or, in the case of a posthumous child, if membership rights are claimed through the deceased parent, the parent was a member of the Band at the time of death.

(e) The burden of proof as to eligibility for membership in the Citizen Band Potawatomi Indian Tribe of Oklahoma will be on the claimant for membership in each case.

(f) The Business Committee shall have power to prescribe rules and regulations, subject to the approval of the Secretary of the Interior or his authorized representative, covering future membership including adoptions and the loss of membership.

(g) Any member who is enrolled after the effective date of this amendment, who was not otherwise eligible for enrollment, shall not be eligible to participate in the scholarship or prosthetic programs which were developed from Judgement Funds awarded in Dockets 14-K, 29-J, 217, 15-M, 29-K and 146.
CERTIFICATION OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Acting Assistant Secretary - Indian Affairs, on January 4, 1989, the attached amendment of the Citizen Band Potawatomi Indian Tribe of Oklahoma was submitted to the qualified voters and on April 3, 1989, was duly rejected by a majority vote of 191 for and 343 against and 27 cast ballots found spoiled and mutilated in an election in which at least thirty percent (30%) of the 322 members entitled to vote cast their ballot in accordance with the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967).

Chairman, Election Board

Member, Election Board

Date: April 3, 1989
APPROVAL

AMENDMENT A

Pursuant to authority granted to the Secretary of the Interior by the Act of June 26, 1936 (49 Stat. 1967), as amended, and delegated to me by 209 DM 8.3, I, /s/ Roland E. Johnson, Acting Deputy to the Assistant Secretary - Indian Affairs (Tribal Services), do hereby approve the foregoing Amendment A to the Constitution of the Citizen Band Potawatomi Indian Tribe of Oklahoma.

Acting Deputy to the Assistant Secretary - Indian Affairs (Tribal Services)

Washington, D.C.

Date: MAY 5 1989
ORDER

ON this 30th day of July, 1984, there comes on for hearing, before me, the undersigned Judge, Plaintiff's Motion to Compel. Plaintiffs appear by and through their attorney, Alan Synar, and Defendants appear by and through their attorney, Steven L. Parker. The Court examined the file, heard arguments of counsel, and based thereon finds and orders as follows:

That, to resolve this matter, the Court must determine the relationship that exists between the Business Committee of the Citizen Band Potawatomi Tribe and its Council, pursuant to the tenets of the Citizen Band Potawatomi Indian Constitution;

That the Court finds that the Council has granted complete power to the Business Committee to act in all matters concerning the Tribe to insure stability in matters concerning the Tribe and/or third parties; that the Council is the electorate of the Tribe, and the Business Committee serves as the elected representatives of said electorate, but the Council has no power to veto or approve actions of the Business Committee;

That, pursuant to said Constitution, the Business Committee has exclusive power to act in all matters which affect the interests of the Tribe, excepting claims or rights growing out of treaties with the United States and the Tribe;

That any business presented or attempted to be presented at the annual meeting of the Council held on the last Saturday of June for decision that is not related to treaties or claims arising from treaties is not properly before the Council;

That the word "regularly" used in Section One, Article VI - Meetings, of the Citizen Band Potawatomi Indians Constitution means that business which is legitimately and properly before the Council
That a treaty issue involving "thirty percent set aside monies" was not addressed at the Council meeting of June 30, 1984, and, therefore, a Council meeting shall be held on August 25, 1984, to address this issue, and any other business which may come before the Council at that time.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that pursuant to the Citizen Band Potawatomi Indians Constitution, the Business Committee's acts are not subject to ratification or veto by the Council of the Citizen Band Potawatomi Indian Tribe.

IT IS FURTHER ORDERED that a Council meeting to address the issue of "thirty percent set aside monies" and for the transaction of other business that may be presented is to be held on the 25th day of August, 1984, at 1:00 p.m. in the Long Room, Citizen Band Potawatomi Indian Headquarters, Shawnee, Oklahoma, and that notice is to be given to Council members of said Council meeting.

PHILIP LUJAN
Court of Indian Offenses
Judge
That the nature of the annual meeting of the Council is to provide a forum whereby all issues and/or business dealings of the Tribe may be discussed at length with the body politic having every opportunity to air its feelings toward the Tribe's business; that, henceforth, no Tribal Chairman may stop or impede the orderly flow of discussion and ideas by arbitrarily adjourning, or attempting to adjourn a Council meeting;

That the Business Committee may and should take into account the wishes expressed by the members of the Potawatomi Tribe at such meetings, but said Business Committee is not bound by any vote or decision taken or promulgated at said meetings;
I HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT AND COMPLETE COPY OF
THE INSTRUMENT HERewith SET OUT AS IT
APPEARS ON RECORD IN THE COURT CLERK'S
OFFICE OF INDIAN OFFENSES.

SHAWNEE AREA, OKLA.

Witness my hand and seal this 24th day
of August 1984

[Signature]
Court Clerk
CONSTITUTION AND BY-LAWS
of the
CITIZEN BAND
OF POTAWATOMI INDIANS
OKLAHOMA

PREAMBLE

We, the members of the Citizen Band of Potawatomi Indians of Oklahoma, in
order to promote our common welfare and to secure to ourselves and our de-
cendants the rights, powers and privileges offered by the Oklahoma Indian
Welfare Act of June 26, 1936 (49 Stat. 1921), do establish this organiza-
tion and adopt the following constitution and by-laws pursuant to that Act.

ARTICLE I - NAME

The name of this organization shall be the Citizen Band of Potawatomi Indians
of Oklahoma.

ARTICLE II - MEMBERSHIP OF TRIBE

Section 1. The membership of the Citizen Band of Potawatomi Indians of
Oklahoma shall consist of the following persons:

(a) All persons of Indian blood who were bona fide members of the
Citizen Band of Potawatomi Indians and who were enrolled or were entitled
to be enrolled on the official census roll of the Band as of January 1, 1937.

(b) All children of Indian blood born since the date of said roll,
both of whose parents are members of the Tribe.

(c) Any child of Indian blood born of a marriage between a member of
the Citizen Band of Potawatomi Indians and a non-member thereof who chooses
to affiliate with the Citizen Band of Potawatomi Indians.

Sec. 2. The Council shall have power to prescribe rules and regulations,
subject to the approval of the Secretary of the Interior, covering future
membership including adoptions and the loss of membership.

ARTICLE III - MEMBERSHIP OF COUNCIL

The supreme governing body of the Tribe shall be the Council of the Citizen
Band of Potawatomi Indians. The membership of the Council shall be all the
members of the Citizen Band of Potawatomi Indians residing in Oklahoma,
21 years of age and older.
ARTICLE IV - OFFICERS

Section 1. The officers of this Tribe shall be the Chairman, Vice-chairman, Secretary-Treasurer, and two Councilmen. The term of office of these officers shall be for two years; Provided, That the present officers shall serve till the last Thursday in June 1939, or until their successors are elected and installed.

ARTICLE V - COMMITTEES

Section 1. There shall be a Business Committee which shall consist of the officers and councilmen as provided in Article IV. This committee shall have power to appoint subordinate committees and representatives to transact business and otherwise speak or act on behalf of the Tribe in all matters on which the Tribe is empowered to act now or in the future: Provided, That acts of the said Business Committee relating to claims or rights growing out of treaties between the United States and the Tribe shall not be effective unless authorized or approved by the Council.

Sec. 2. There shall be a Grievance Committee which shall consist of three members who shall be elected by the Council and shall not include any members of the Business Committee.

ARTICLE VI - MEETINGS

Section 1. Annual meetings of the Council shall be held on the last Thursday of June for the purpose of receiving reports, and transacting any other business which may come regularly before the Council.

Sec. 2. Special meetings of the Council 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 Council: Provided, That at least ten days' notice shall be given in each instance.

Sec. 3. The principal object of a special council meeting must be stated in the call for same and may include the words "and for the transaction of other business that may be presented." Unless these words are added no other business can be transacted except for the object stated in the call.

Sec. 4. The regular meeting of the Business Committee shall be held on the last Thursday in February, May, August, and November unless otherwise provided by resolution.
Sec. 5. 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.

ARTICLE VII - ELECTIONS

Section 1. Regular elections of officers and members of the Grievance Committee shall be held by the Council at its regular annual meeting on the last Thursday in June 1939, and on the last Thursday in June of each second year thereafter, under rules and regulations prescribed by the Business Committee.

Sec. 2. To be eligible for election, notice of candidacy for an elective office must be filed with the Secretary of the Council at least ten days prior to election. Such notice shall be valid if filed by a candidate himself or upon the petition of fifteen members of the Council. Where no such notices are filed, nominations may be made from the floor.

ARTICLE VIII - VACANCIES

Vacancies in any elective office shall be filled for an unexpired term at any special or regular meeting of the Council.

ARTICLE IX - REMOVAL OF OFFICERS

The Grievance Committee shall investigate complaints of misconduct in office of the members of the Business Committee and upon a proper showing shall call a special meeting of the Council to act upon such complaints. The Council shall have power, by a majority vote, after giving the accused a hearing, to remove him from office and proceed to elect a successor.

ARTICLE X - BILL OF RIGHTS

Section 1. All members of the Tribe 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 members of this Tribe as citizens of the State of Oklahoma or the United States.

Sec. 3. The individual vested property rights of any member of the Tribe shall not be altered, abridged or otherwise affected by the provisions of this Constitution and By-Laws without the consent of such individual member.
ARTICLE XI - AMENDMENTS

Amendments to this Constitution and the attached By-Laws may be proposed by a majority vote of the Business Committee or by a petition signed by thirty percent of the adult members of the Council, and if approved by the Secretary of the Interior, shall be submitted to a referendum vote of the adult members of the Council and shall be effective if approved by a majority vote of those voting.
BY-LAWS

ARTICLE I - DUTIES OF OFFICERS

Section 1. Chairman. The Chairman shall preside at all meetings of the Council and of the Business Committee. He shall have general supervision of the affairs of the Council and of the Business Committee and shall perform all duties appertaining to the office of chairman.

Sec. 2. Vice-Chairman. In the absence of the Chairman, the Vice-Chairman shall perform the duties of that office. In the case of vacancy, the Vice-Chairman shall succeed at once to the office of chairman until the next special or regular election for the office of chairman.

Sec. 3. Secretary-Treasurer. The Secretary-Treasurer shall correctly record the proceedings of all meetings. He shall make out the order of the business for the Chairman, shall notify all committees of their appointments, shall have custody of the records and all papers of the Council: Provided, That all certified records shall remain on file in the office of the Superintendent of the Shawnee Indian Agency: And provided further; That all records and papers shall be open to inspection, in the presence of the Secretary-Treasurer, by any member of the Council. He shall keep a correct list of all members of the Council, shall authenticate all accounts or orders of the Council 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 annual meeting and at the expiration of his term of office the records and all papers in his possession shall be turned over to his successor. He shall issue notices of all meetings and conduct general correspondence, as directed by the Council or the Business Committee. He shall receive all moneys of the Council and keep an accurate account of receipts and disbursements.

The Secretary-Treasurer shall keep all Tribal moneys entrusted to his care in a special account and all disbursements therefrom should be made by check. At any time that such accounts shall amount to more than $50.00, he shall file a bond satisfactory to the Business Committee and the Commissioner of Indian Affairs. The cost of such bond shall be paid out of Tribal moneys.

ARTICLE II - QUALIFICATION OF OFFICERS

Any person elected to membership on the Business Committee shall be not less than 21 years of age and a member of the Citizen Band of Potawatomi Indians of Oklahoma. At the time of his election, he shall be an actual
resident of the territory known as the Shawnee Indian Agency jurisdiction in Oklahoma. Any person holding an elective office removing from the Shawnee Indian Agency jurisdiction shall automatically lose office.

ARTICLE III - PLACE OF MEETINGS

All regular and special meetings of the Council and of the Business Committee shall be held at the Shawnee Indian Agency unless some other point under the Shawnee Indian Agency jurisdiction is designated in the call or notice.

ARTICLE IV - QUORUM

Section 1. Fifty members of the Council shall constitute a quorum to transact business at any meeting.

Sec. 2. Four members of the Business Committee shall constitute a quorum to transact business at any meeting.

ARTICLE V - ADOPTION

This Constitution and By-laws shall be effective when approved by the Secretary of the Interior and ratified by a majority vote of the members of the Citizen Band of Potawatomi Indians of Oklahoma voting at an election called by the Secretary of the Interior under regulations which he may prescribe pursuant to Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936, provided that at least 20% of the eligible voters vote in such election.

(Constitution and Bylaws was approved by the Acting Secretary of the Interior on October 17, 1938, and ratified by the eligible voters at an election held on December 12, 1938).
AMENDMENT I

Article VIII, Vacancies, shall be amended to read as follows:

"Vacancies in any elective office shall be filled for an unexpired term at any special or regular meeting of the Business Committee."

I, Felix E. Wormser, 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 above amendment to the Constitution and Bylaws of the Citizen Band of Potawatomi Indians of Oklahoma.

(sgd) Felix E. Wormser
Sept. 27, 1956 Asst. Sec. of the Interior
Wash. DC (S E A L)

CERTIFICATION OF ADOPTION

Pursuant to an order approved on Sept. 27, 1956, by the Assistant Secretary of the Interior, the attached amendment to the Constitution and Bylaws of the Citizen Band of Potawatomi Indians of Oklahoma was submitted for approval to the adult members of the Council of the Citizen Band of Potawatomi Indians, and on Oct. 27, 1956, was duly approved by a vote of 187 for, and none against, in an election held in Council session in accordance with Article XI of the Constitution and Bylaws of the Citizen Band of Potawatomi Indians.

(sgd) Dan Nadeau
Chairman, Coun. of Cit. Bd of Potawatomi Indians
(sgd) Bernard Heer
Sec., Coun. of Cit. Bd of Pot. Ind

AMENDMENT II

Article IV, Section 2, of the Bylaws shall be amended to read as follows:

"Section 2. Three members of the Business Committee shall constitute a quorum to transact business at any meeting."

I, Felix E. Wormser, 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 above amendment to the Constitution and Bylaws of the Citizen Band of Potawatomi Indians of Oklahoma.

(sgd) Felix E. Wormser
Sept. 27, 1956 Assistant Secretary of the Interior
Washington, D. C. (S E A L)

CERTIFICATION OF ADOPTION

Pursuant to an order approved on Sept. 27, 1956, by the Assistant Sec. of the Interior, the attached amendment to the Constitution and Bylaws of the Citizen Band of Potawatomi Indians of Oklahoma was submitted for approval of the adult members of the Council of the Citizen Band of Potawatomi Indians, and on Oct. 27, 1956, was duly approved by a vote of 187 for, and none against, in an election held in Council session in accordance with Article XI of the Constitution and Bylaws of the Citizen Band of Potawatomi Indians.

(sgd) Dan Nadeau
Chairman, Council of the Citizen Band of Potawatomi Indians
CONSTITUTION AND BYLAWS
of the
CITIZEN BAND OF POTAWATOMI INDIANS OF OKLAHOMA

AMENDMENT III

Article III, Membership of Council, of the Constitution of the Citizen Band of Potawatomi Indians of Oklahoma shall be amended to read as follows:

ARTICLE III - Membership of Council

"The supreme governing body of the Tribe shall be the Council of the Citizen Band of Potawatomi Indians of Oklahoma. The membership of the Council shall be all the members of the Citizen Band of Potawatomi Indians of Oklahoma, 21 years of age and older."

Approved by Secretary December 27, 1960.

Adopted by tribal members at an election held June 29, 1961, by a vote of 95 for, and 6 against.
Amendment IV

Article II, Membership of Tribe, is hereby amended to read as follows:

Section 1. The membership of the Citizen Band of Potawatomi Indians of Oklahoma shall consist of the following persons:

(a) All persons of Indian blood who were bona fide members of the Citizen Band of Potawatomi Indians of Oklahoma and who were enrolled or were entitled to be enrolled on the official census roll of the Band as of January 1, 1937.

(b) Each child of Indian blood born since the date of said roll and prior to the effective date of this amendment, each of whose parents is or was a member of the Band.

(c) Each child of Citizen Band of Potawatomi Indian blood born prior to the effective date of this Amendment of a marriage between a member of the Band and any other person.

(d) Each child who is of one-eighth or more Citizen Band of Potawatomi Indian blood born on or after the effective date of this amendment, one or both of whose parents are members of the Band.

Sec. 2. As used in Section 1, the term "a member of the Band" means a member of the Band at the time of the child's birth, or, in the case of a posthumous child, if membership rights are claimed through the deceased parent, the parent was a member of the Band at the time of death.

Sec. 3. The burden of proof as to quantum of Citizen Band of Potawatomi blood will be on the claimant for enrollment in each case.

Sec. 4. The Council shall have power to prescribe rules and regulations, subject to the approval of the Secretary of the Interior or his authorized representative, covering future membership including adoptions and the loss of membership.

Approved by Asst. Secretary of the Interior on April 24, 1961.

Adopted by tribal members at election held June 29, 1961 by vote of 101 for and 8 against.
AMENDMENT
CONSTITUTION AND BY-LAWS
of the
CITIZEN BAND OF POTAWATOMI INDIANS
OF OKLAHOMA

AMENDMENT V

Article VI, Section 1, of the Constitution, MEETINGS, shall be amended to read as follows:

Section 1. Annual meetings of the Council shall be held on the last Saturday of June for the purpose of receiving reports, and transacting any other business which may come regularly before the Council.

CERTIFICATION

Pursuant to an order approved on September 21, 1970 by the Assistant Secretary of the Interior the above Amendment V to the Constitution and By-Laws of the Citizen Band of Potawatomi Indians of Oklahoma was submitted for ratification to the adult members of the Citizen Band of Potawatomi Indians on April 17, 1971, was ratified by a vote of ___ for, and ___ against, in an election called for that purpose in accordance with Article XI of the Constitution and the Act of June 29, 1936 (49 Stat. 1967).

Superintendent; Shawnee Agency
Charles Tade, Chairman
Citizen Band of Potawatomi Indians of Oklahoma Business Committee
CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an order approved September 21, 1970, by the Assistant Secretary of the Interior, the attached Amendment V to Constitution and Bylaws of the Citizen Band of Potawatomi Indians, Oklahoma, was submitted for ratification to the adult members of the Citizen Band of Potawatomi Indians, and in accordance with Article XI of the constitution and Section 3 of the Act of June 26, 1936 (49 Stat. 1967), was on April 17, 1971, duly ratified by a majority of the 106 voters who cast ballots in an election in which 96 voted for and 9 voted against.

[Signatures]

Chairman, Election Board

[Signatures]

Deputy Area Director
AMENDMENT VI

Article II of the By-Laws, QUALIFICATION OF OFFICERS, shall be amended to read as follows:

Any person elected to membership on the Business Committee shall not be less than twenty-one (21) years of age and a member of the Citizen Band of Potawatomi Indians of Oklahoma. At the time of his election, he shall be physically residing within Pottawatomie County or one of the counties that touch Pottawatomie County. (Seminole, Pontotoc, McClain, Oklahoma, Lincoln, Cleveland and Okfuskee counties). Any person holding an elective office removing from the counties shall automatically lose office.

CERTIFICATION

Pursuant to an order approved on September 21, 1970 by the Assistant Secretary of the Interior the above Amendment VI to the Constitution and By-Laws of the Citizen Band of Potawatomi Indians of Oklahoma was submitted for ratification to the adult members of the Citizen Band of Potawatomi Indians on April 17, 1971, was ratified by a vote of ___ for, and ___ against, in an election called for that purpose in accordance with Article XI of the Constitution and the Act of June 29, 1936 (49 Stat. 1967).

[Signatures]
Superintendent, Shawnee Agency
Charles Tade, Chairman
Citizen Band of Potawatomi Indians of Oklahoma Business Committee
CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an order approved September 21, 1970, by the Assistant Secretary of the Interior, the attached Amendment VI to the Constitution and Bylaws of the Citizen Band of Potawatomi Indians, Oklahoma, was submitted for ratification to the adult members of the Citizen Band of Potawatomi Indians, and in accordance with Article XI of the constitution and Section 3 of the Act of June 26, 1936 (49 Stat. 1967), was on April 17, 1971, duly ratified by a majority of the 105 voters who cast ballots in an election in which 74 voted for and 27 voted against.

Chairman, Election Board

Deputy Area Director
AMENDMENT VII

Article VII of the Constitution, ELECTIONS, shall be amended to read as follows:

Section 1. The regular election of the Secretary-Treasurer and the Vice-Chairman for the Tribe shall be held by the Council at its regular annual meeting on the last Saturday in June 1971, and each even numbered year thereafter, under rules and regulations prescribed by the Business Committee; provided, incumbent officers shall serve until their successors are duly elected and installed.

Sec. 2. The regular election of the Chairman and two councilmen for the Tribe shall be held by the Council at its annual meeting on the last Saturday of June 1971, and each odd numbered year thereafter; provided, incumbent officers shall serve until their successors are duly elected and installed.

Sec. 3. The Grievance Committee for the Tribe shall be elected on the last Saturday of June 1971, at the regular annual Council meeting, and each odd numbered year thereafter; provided, incumbent officers shall serve until their successors are duly elected and installed.

Sec. 4. To be eligible for election, notice of candidacy for an elective office must be filed with the Secretary-Treasurer of the Tribe at least ten (10) days prior to the date of the election. Such notice shall be valid if filed by the candidate himself or upon the petition of fifteen (15) members of the Council. Where no such notices are filed, nominations may be made from the floor.

Sec. 5. Recognizing that the intent of this organization is to provide for continuing tribal government, and that the election of tribal officials does not fall within the definition of tribal business and the governing quorum requirements to enable its transaction, the conduct of such elections shall be without regard to the provisions of Article IV, Section 1 of the By-Laws.
CERTIFICATION

Pursuant to an order approved on September 21, 1970 by the Assistant Secretary of the Interior the above Amendment VII to the Constitution and By-Laws of the Citizen Band of Potawatomi Indians of Oklahoma was submitted for ratification to the adult members of the Citizen Band of Potawatomi Indians on April 17, 1971, was ratified by a vote of ___ for, and ___ against, in an election called for that purpose in accordance with Article XI of the Constitution and the Act of June 29, 1936 (49 Stat. 1967).

Superintendent, Shawnee Agency

Charles Tade, Chairman
Citizen Band of Potawatomi Indians of Oklahoma Business Committee
CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an order approved September 21, 1970, by the Assistant Secretary of the Interior, the attached Amendment VII to the Constitution and Bylaws of the Citizen Band of Potawatomi Indians, Oklahoma, was submitted for ratification to the adult members of the Citizen Band of Potawatomi Indians, and in accordance with Article XI of the constitution and Section 3 of the Act of June 26, 1936 (49 Stat. 1967), was on April 17, 1971, duly ratified by a majority of the 105 voters who cast ballots in an election in which 78 voted for and 18 voted against.

[Signature]
Chairman, Election Board

[Signature]
Deputy Area Director
AMENDMENT
CONSTITUTION AND BY-LAWS
of the
CITIZEN BAND OF POTAWATOMI INDIANS
OF OKLAHOMA

AMENDMENT VIII

Article XI of the Constitution, AMENDMENT VIII, shall be amended to read as follows:

Amendments to this Constitution and By-Laws may be proposed by a majority vote of the Business Committee or by a petition signed by thirty percent (30%) of the members of the Council, and if approved by the Secretary of the Interior, shall be submitted to a referendum vote of the members of the Council and shall be effective if approved by a majority vote of those voting.

CERTIFICATION

Pursuant to an order approved on September 21, 1970 by the Assistant Secretary of the Interior the above Amendment VIII to the Constitution and By-Laws of the Citizen Band of Potawatomi Indians of Oklahoma was submitted for ratification to the adult members of the Citizen Band of Potawatomi Indians on April 17, 1971, was ratified by a vote of _50_ for, and _50_ against, in an election called for that purpose in accordance with Article XI of the Constitution and the Act of June 29, 1936 (49 Stat. 1567).

Superintendent, Shawnee Agency

Charles Tade, Chairman
Citizen Band of Potawatomi Indians of Oklahoma Business Committee
CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an order approved September 21, 1970, by the Assistant Secretary of the Interior, the attached Amendment VIII to the Constitution and Bylaws of the Citizen Band of Potawatomi Indians, Oklahoma, was submitted for ratification to the adult members of the Citizen Band of Potawatomi Indians, and in accordance with Article XI of the constitution and Section 3 of the Act of June 26, 1936 (49 Stat. 1967), was on April 17, 1971, duly ratified by a majority of the 105 voters who cast ballots in an election in which 75 voted for and 28 voted against.

Chairman, Election Board

[Signature]

Deputy Area Director

[Signature]
AMENDMENT
CONSTITUTION AND BY-LAWS
of the
CITIZEN BAND OF POTAVALOMI INDIANS
OF OKLAHOMA

AMENDMENT IX

Article X of the Constitution, BILL OF RIGHTS, shall be amended by adding a new section to read as follows:

Sec. 4. The protections guaranteed by Title II of the Civil Rights Act of 1968 (82 Stat. 77) against actions of a Tribe in exercising its powers of self-government, shall apply where appropriate to the Citizen Band of Potawatomi Indians of Oklahoma.

CERTIFICATION

Pursuant to an order approved on September 21, 1970 by the Assistant Secretary of the Interior the above Amendment IX to the Constitution and By-Laws of the Citizen Band of Potawatomi Indians of Oklahoma was submitted for ratification to the adult members of the Citizen Band of Potawatomi Indians on April 17, 1971, was ratified by a vote of for, and against, in an election called for that purpose in accordance with Article XI of the Constitution and the Act of June 29, 1936 (49 Stat. 1967).

[Signatures]
Charles Tade, Chairman
Citizen Band of Potawatomi Indians of Oklahoma Business Committee
CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an order approved September 21, 1970, by the Assistant Secretary of the Interior, the attached Amendment IX to the Constitution and Bylaws of the Citizen Band of Potawatomi Indians, Oklahoma, was submitted for ratification to the adult members of the Citizen Band of Potawatomi Indians, and in accordance with Article XI of the constitution and Section 3 of the Act of June 26, 1936 (49 Stat. 1967), was on April 17, 1971, duly ratified by a majority of the 107 voters who cast ballots in an election in which 79 voted for and 21 voted against.

Chairman, Election Board

Area Director
CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Area Director on April 20, 1983, the attached amendment of the Citizen Band of Potawatomi Indians of Oklahoma was submitted to the qualified voters of the Tribe and on August 13, 1983 was duly approved by a majority vote of 957 for and 81 against and 15 cast ballots found spoiled or mutilated in an election in which 4053 of the members entitled to vote cast their ballot in accordance with 49 Stat. 1967.

Joe L. Walker
Chairman, Election Board

Helma Cane Botman
Member, Election Board

Member, Election Board

Date: August 13, 1983
APPROVAL
AMENDMENT X

Pursuant to authority delegated to the Assistant Secretary - Indian Affairs by Secretarial Order No. 3010, 42 F.R. 53682 and redelegated to me by 10 BIAM 3.1, 40 F.R. 17046, I, Maurice W. Babby, Area Director, do hereby approve the foregoing Amendment X to the Constitution and Bylaws of the Citizen Band of Potawatomi Indians of Oklahoma.

Approval Recommended:

Maurice W. Babby
Area Director

Anadarko, Oklahoma

Date: APR 20 1983
Amendment X

Article II - Qualification of Officers, of the Bylaws, shall be amended to read as follows:

Any person elected to membership on the Business Committee shall not be less than twenty-one (21) years of age and a member of the Citizen Band of Potawatomi Indians of Oklahoma. At the time of his election, he shall be physically residing within Pottawatomie County or one of the counties that touch Pottawatomie County (Seminole, Pontotoc, McClain, Oklahoma, Lincoln, Cleveland and Okfuskee counties). Any person holding an elective office removing from the counties shall automatically lose office. Any person convicted of a felony will not be qualified to hold any elected office.
IN THE COURT OF INDIAN OFFENSES FOR THE CITIZEN BAND
POTAWATOMI TRIBE, ANADARKO AREA JURISDICTION
SHAWNEE AGENCY, SHAWNEE, OKLAHOMA

EDWARD F. PECORE, JIM TACKER,
THELMA WANNO BATEMAN, ANNA
HUDSON, WANITA CLIFFORD, et al.,
Plaintiffs,

vs.

ROBERT LEON BRUNO, DOYLE
OWENS, THELMA WANNO BATEMAN,
C. B. HITT, and MAX WANNO,
Defendants.

CASE NO. CIV-84-56

ORDER

ON this 30th day of July, 1984, there comes on for hearing, before me, the undersigned Judge, Plaintiff's Motion to Compel. Plaintiffs appear by and through their attorney, Alan Synar, and Defendants appear by and through their attorney, Steven L. Parker. The Court examined the file, heard arguments of counsel, and based thereon finds and orders as follows:

That, to resolve this matter, the Court must determine the relationship that exists between the Business Committee of the Citizen Band Potawatomi Tribe and its Council, pursuant to the tenets of the Citizen Band Potawatomi Indian Constitution;

That the Court finds that the Council has granted complete power to the Business Committee to act in all matters concerning the Tribe to insure stability in matters concerning the Tribe and/or third parties; that the Council is the electorate of the Tribe, and the Business Committee serves as the elected representatives of said electorate, but the Council has no power to veto or approve actions of the Business Committee;

That, pursuant to said Constitution, the Business Committee has exclusive power to act in all matters which affect the interests of the Tribe, excepting claims or rights growing out of treaties with the United States and the Tribe;

That any business presented or attempted to be presented at the annual meeting of the Council held on the last Saturday of June for decision that is not related to treaties or claims arising from treaties is not properly before the Council;

That the word "regularly" used in Section One, Article VI - Meetings, of the Citizen Band Potawatomi Indians Constitution means that business which is legitimately and properly before the Council;

That the nature of the annual meeting of the Council is to provide a forum whereby all issues and/or business dealings of the Tribe may be discussed at length with the body politic having every opportunity to air its feelings toward the Tribe's business; that, henceforth, no Tribal Chairman may stop or impede the orderly flow of discussion and ideas by arbitrarily adjourning, or attempting to adjourn a Council meeting;

That the Business Committee may and should take into account the wishes expressed by the members of the Potawatomi Tribe at such meetings, but said Business Committee is not bound by any vote or decision taken or promulgated at said meetings;
That a treaty issue involving "thirty percent set aside monies" was not addressed at the Council meeting of June 30, 1984, and, therefore, a Council meeting shall be held on August 25, 1984, to address this issue, and any other business which may come before the Council at that time.

It is, therefore, ordered, adjudged and decreed that pursuant to the Citizen Band Potawatomi Indians Constitution, the Business Committee's acts are not subject to ratification or veto by the Council of the Citizen Band Potawatomi Indian Tribe.

It is further ordered that a Council meeting to address the issue of "thirty percent set aside monies" and for the transaction of other business that may be presented is to be held on the 25th day of August, 1984, at 1:00 p.m. in the Long Room, Citizen Band Potawatomi Indian Headquarters, Shawnee, Oklahoma, and that notice is to be given to Council members of said Council meeting.

PHILIP LUJAN
Court of Indian Offenses
Judge

I hereby certify that the foregoing is a true and correct and complete copy of the instrument herewith set out as it appears on record in the Court Clerk's Office of Indian Offenses.

SHAWNEE AREA, OKLA.
Witness to Seal and Seal this 24th day of August, 1984.

[Signature]
Court Clerk
CORPORATE CHARTER OF
THE CITIZEN BAND POTA WATOMI INDIAN TRIBE OF OKLAHOMA

A FEDERAL CORPORATION CHARTERED UNDER THE ACT OF JUNE 26, 1936

Whereas, the Citizen Band Potawatomi Indian Tribe of Oklahoma constitutes a recognized tribe of Indians residing in Oklahoma, organized under a constitution approved by the Secretary of the Interior or his authorized agent on the 17th day of October, 1938, and ratified by the voters of the Citizen Band Potawatomi Indian Tribe of Oklahoma on the 12th day, December, 1938, pursuant to Section 3 of The Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), and thereafter amended from time to time.

Whereas, the said tribe, by resolution of the Business Committee of the Citizen Band Potawatomi Indian Tribe of Oklahoma duly authorized, has requested that a charter of incorporation be issued to the said tribe, subject to ratification by a majority vote of the members of the tribe;

NOW, THEREFORE, I, Ross O. Swimmer, Assistant Secretary - Indian Affairs, by virtue of the authority conferred upon the Secretary of the Interior by the said Act of June 26, 1936 (49 Stat. 1967), and redelegated to me by 209 DM 8.3, do hereby issue this Charter of Incorporation to the Citizen Band Potawatomi Indian Tribe of Oklahoma Incorporated, to be effective from and after such time as it may be ratified by a majority vote of the adult members of the Citizen Band Potawatomi Indian Tribe of Oklahoma voting: Provided, however, that such election shall be void unless the total vote cast be at least 30 percent (30%) of those entitled to vote.

ARTICLE I
CORPORATE PURPOSES

The corporate purposes of the Citizen Band Potawatomi Indian Tribe of Oklahoma Incorporated shall be:

(a) To define and safeguard the rights and powers of the Citizen Band Potawatomi Indian Tribe of Oklahoma and its members.

(b) To advance the standard of living of the tribe through the development of tribal resources, the acquisition of new tribal land, the preservation of existing land holdings, the better utilization of land and the development of a credit program for the tribe.

(c) To promote in any other way the general welfare of the members of the Citizen Band Potawatomi Indian Tribe of Oklahoma.
To deposit corporate funds in an interest-bearing account in any national, state or tribally-chartered bank whose deposits are federally insured by an agency, such as the Federal Deposit Insurance Corporation (FDIC); Provided, that funds advanced from the Indian Credit Fund administered by the Bureau of Indian Affairs, or funds of the tribe held in trust in the United States Treasury, shall be deposited with a bonded disbursing officer of the United States when required to do so.

To negotiate with federal, tribal, state or local governments and to advise or consult with the representatives of the Interior Department on all activities of the Department that may affect the Citizen Band Potawatomi Indian Tribe of Oklahoma.

To employ legal counsel for the protection and advancement of the rights of the tribe or the Incorporated Tribe and its members.

To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in land, or other tribal assets, including assets of the Incorporated Tribe without the consent of the tribe.

To be advised by the Secretary of the Interior with regard to appropriation estimates or federal projects for the benefit of the tribe prior to the submission of such estimates to the Office of Management and Budget, or its successor, and to Congress.

To make assignments of tribal land to members of the tribe, to tribal agencies, and to corporations wholly owned by the tribe. To regulate the use of disposition of all such assignments.

To appropriate available tribal and Incorporated funds for public and governmental purposes of the Citizen Band Potawatomi Indian Tribe of Oklahoma, to spend available funds appropriated for the use of the tribe by the United States or any other funding agency, and to invest those funds not needed for immediate expenditure and available for investment in any federally-insured investment, or in notes secured by first mortgages, at not more than ninety percent (90%) of appraised value, upon any real property located within the jurisdictional boundaries of the Citizen Band Potawatomi Indian Tribe of Oklahoma.

To protect and preserve the property, natural resources, crafts and traditions of the Citizen Band Potawatomi Indian Tribe of Oklahoma.

To purchase, take by gift, bequest or otherwise, own, hold, manage, operate and dispose of property of every description, real and personal.

To issue bonds or other interests in corporate property in exchange for trust or restricted Indian lands, or other lands owned by tribal members within the tribal jurisdiction, subject to the approval of the Secretary of the Interior.
(b) Any lease, grazing permit or timber sale contract covering tribal land shall provide that the person to whom such lease, permit or contract is awarded, must conform to regulations issued by the Secretary of the Interior, and the term of such leases shall not exceed the term allowed by Federal law.

(c) No assignment of future income, other than assignments to the United States, shall be made for more than five (5) years in advance, provided, that assignments of future income from specific operations may be made for more than thirty (30) years in advance if such assignment is given to secure a note or mortgage for the purchase or improvement of this specific operation whose income is assigned.

(d) In any attorney's contract hereafter executed by the tribe, the choice of attorneys and the fixing of fees shall be subject to the approval of the Secretary of the Interior or his authorized representative.

(e) No distribution of corporate property among the members of the tribe shall be made, except out of the net profits of corporate enterprises after all corporate debts then due have been paid, and due consideration given to future expenses.

ARTICLE V

DEPARTMENTAL REVIEW OF CORPORATE ACTS

Until ten (10) years from the date of ratification of this charter, or such other date as may be fixed pursuant to Article VI, the following corporate acts or transactions shall be valid only after approval by the Secretary of the Interior or his duly authorized representative:

(a) Any resolution or ordinance governing the making of land assignments unless such assignment is revocable upon not more than 120 days' notice, and made to a tribal member, body corporate or politic of the tribe created by tribal law; the use of eminent domain to acquire land within the reservation; or use of tribal land by individuals not entering into leases with the tribe pursuant to Federal law.

(b) Any lease, grazing permit or other contract affecting tribal land, tribal minerals, or other tribal interest in land, unless such contract is revocable at will by the tribe without penalty.

(c) Any per capita distribution of corporate income to members of the tribe, in excess of $200 each in any one year.
ARTICLE X

CERTIFICATE OF APPROVAL

[Signature]
[Assistant Secretary - Indian Affairs]

By virtue of the authority granted to the Secretary of the Interior by the Act of June 26, 1936 (49 Stat. 1967), and redelegated to me by 209 DM 8.3, do hereby approve this Federal Corporate Charter to the Citizen Band Potawatomi Indian Tribe of Oklahoma. It shall become effective upon ratification by the qualified voters of the tribe in an election in which at least thirty percent (30%) of those entitled to vote cast ballots; provided, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Washington, DC
Date: December 29, 1986
ARTICLE XI

CERTIFICATE OF RATIFICATION

Pursuant to an order approved by Ross O. Swimmer, Assistant Secretary - Indian Affairs, on December 29, 1986, this Federal Corporate Charter of the Citizen Band Potawatomi Indian Tribe of Oklahoma was submitted for ratification to the qualified voters of the Citizen Band Potawatomi Indian Tribe of Oklahoma and was on April 22, 1987, duly ratified/rejected by a vote of 1330 for, and 530 against, in an election in which at least thirty percent (30%) of 3,370 entitled to vote cast their ballots in an election called for that purpose.

Edward W. Herman
Chairman, Election Board

Don R. Stahl
Election Board Member

Election Board Member

Shawnee, Oklahoma

Date: April 22, 1987