

CONSTITUTION AND BY-LAWS OF UNITED KEETOOWAH BAND OF CHEROKEE INDIANS IN OKLAHOMA

RATIFIED OCTOBER 3, 1950

Preamble

We the members of the United Keetoowah Band of Cherokee Indians in Oklahoma, in order to promote our common welfare and to secure to ourselves and our posterity the rights, powers, and privileges authorized and offered by the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967) and the act of August 10, 1946 (60 Stat., 976), do hereby ordain and establish the following constitution and By-laws.

Article I - Name

The name of this organization shall be the United Keetoowah Band of Cherokee Indians in Oklahoma.

Article II – Headquarters

The headquarters of this Band shall be Tahlequah, Oklahoma, county seat of Cherokee County, unless and until otherwise provided by the governing body.

Article III – Objectives

The objective of this Band shall be:

Section 1. To secure for its members the benefits, rights, privileges and powers as provided for under the Act of Congress approved June 26, 1936 (49 Stat. 1967), known as the Oklahoma Indian Welfare Act and the Act of Congress approved June 18, 1934 (48 Stat. 984), known as the Indian Reorganization Act, so far as the same has been made applicable to Oklahoma Indians.

Section 2. To secure the benefits, rights, privileges and powers as provided for by any laws of the United States now existing or that may hereafter be enacted for the benefit of Indians or other citizens of the United States and administered by various government agencies, such as relief, conservation, rehabilitation, resettlement, welfare, education, health and other programs.

Section 3. To promote the general welfare of the Band and its members.

Article IV – Membership of the Band

Section 1. The membership of the United Keetoowah Band of Cherokee Indians in Oklahoma shall consist of:

All persons whose names appear on the list of members identified by a resolution dated April 19, 1949, and certified by the Superintendent of the Five Civilized Tribes Agency on November 16, 1949; Provided, that within five (5) years after the approval of this Constitution and Bylaws, such roll may be corrected by the Council of the United Keetoowah Band of Cherokees, subject to the approval of the Secretary of the Interior.

Section 2. The governing body of the Band shall have power to prescribe rules and regulations governing future membership.

Article V - Governing Body

Section 1. The supreme governing body of the Band shall be the Council of the United Keetoowah Band of Cherokee Indians in Oklahoma.

Section 2. The Council shall consist of nine (9) members, male or female, twenty-one (21) years of age or over, elected to represent the nine (9) districts of the Old Cherokee Nation, and four (4) officers, elected at large, as provided in Article VI.

Section 3. The term of office of members of the Council, other than the officers of the Band, shall be for a period of two years, or until their successors are duly elected and qualified.

Section 4. No councilman shall be eligible to hold any other elective office in the Band during his tenure as a member of the Council.

Section 5. The council shall have power to appoint subordinate personnel, committees and representatives, to transact business, and other wise speak or act on behalf of the Band in all matters on which the Band is empowered to act now or may be empowered to act upon in the future. The Council shall also have the power to delegate such powers to individual or subordinate groups consistent with law, and under such rules and regulations as may be prescribed by the Council.

Article VI - Officers

The officers of the Band shall be a chief, assistant chief, a secretary and a treasurer. The officers shall serve for a period of four (4) years, or until their successors are duly elected and qualified. The officers shall be elected at large by the eligible voters of the Band and the Council shall provide by resolution for a method of selecting candidates for the aforesaid offices.

Article VII – Elections

Section 1. The first regular election of officers and members of the Council shall be held on the first Monday in the month following the approval of this Constitution, and regular elections shall be held thereafter on the first Monday of the same month, under rules and regulations to be prescribed by the Council.

Section 2. All members of the Band, twenty-one (21) years of age and over, shall be eligible to vote in any election, provided that in elections for representation on the Council only qualified electors, residing in, or affiliated with, the district to be represented shall be eligible to vote for the member to represent such district.

Section 3. Any member of the Band, 21 years of age or over, living outside of the territory known as the Old Cherokee Nation, in Oklahoma, shall have the right to vote in any district with which he may choose to affiliate by notifying the Council in writing of his choice, but no voter shall be permitted to vote in more than one district.

Section 4. The Council shall have the power to call and conduct special elections whenever necessary.

Article VIII – Vacancies

In the case of death, removal from office, or other disability amounting to incapacity, vacancies in any elective office may be filled by the Council for the unexpired term at any special or regular meeting.

Article IX – Impeachment

The council shall prescribe rules and regulations for the investigation of complaints of misconduct in office and for removal of any member of the Council or of any officer, provided that the accused shall be given a hearing and that a two-thirds vote of the Council shall be necessary to remove any person from office.

Article X – Provisional Organization

The present constitutional committee, consisting of Daniel Hummingbird, Chairman, Ben Birdchopper, Jim Pickup, J.B. Sixkiller, Jack Wolfe and John Ketcher, shall have the power to appoint officers and members of a council, known as the Provisional Council, who shall serve until the first election provided for in Article VII, or until their successors are duly elected and qualified. This Provisional Council shall have power to prescribe regulations for the conduct of the first election provided for in Article VII.

Article XI – Bill of Rights

Section 1. All members of the Band shall enjoy without hindrance freedom of worship, conscience, speech, press, assembly and association.

Section 2. This Constitution shall not in any way be construed to impair, abridge or otherwise jeopardize the rights and privileges of the members of this Band as citizens of the State of Oklahoma or of the United States.

Section 3. The individual vested property rights of any member of the Band shall not be impaired, abridged or otherwise affected by the provisions of this Constitution and By-laws without the consent of such individual member.

Article XII – Amendments

Amendments to this Constitution and attached By-laws may be proposed by a majority vote of the Council or by a petition of thirty (30) percent of the eligible voters of the Band filed with the Secretary of the Interior. Such amendment, if approved by the Secretary, shall be submitted by him to referendum vote of the eligible voter of the Band, and shall be effective if approved by a majority vote in an election in which at least thirty (30) percent of the eligible voters cast their ballots.

BY-LAWS OF THE KEETOOWAH BAND OF CHEROKEE INDIANS IN OKLAHOMA

Article I – Duties of Officers

Section 1. Chief. – The chief shall preside at all meetings of the Council and of the membership. He shall have general supervision of the affairs of the Council and shall perform all duties appertaining to the office of chairman. He shall have a right to vote at Council meetings only in the case of a tie.

Section 2. Assistant Chief. – In the absence of the chief, the assistant chief shall perform the duties of that office. In case of vacancy, the assistant chief shall succeed at once to the office of the chief until such office may be regularly filled.

Section 3. Secretary. – The secretary shall perform his duties in pursuance to instructions of the Council. He shall keep an accurate account of all proceedings and official records of the Council and membership meetings. He shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the Council. All official records of the secretary shall be open to inspection by the members of the Council, in the presence of the secretary. He shall keep a correct list of all members of the Council and of the Band membership, shall authenticate all accounts or orders of the Council and, in the absence of the chief and assistant chief shall call meetings to order until a chairman pro tem is elected. He shall render a written report at the annual council meeting and, at the expiration of his term of office, the records and all papers in his possession shall be delivered to his successor.

Section 4. 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 such funds and shall disburse the same in accordance with the vote of the Council. He shall render a written report at the annual Council meeting and at such times that he is requested to do so by the Council. He shall keep all Band moneys entrusted to his care in a special account. At any time that such account shall amount to more than Fifty dollars (\$50.00), he shall file a bond satisfactory to the Council. The premium for such bond shall be paid for by the Band. At the expiration of his term of office, the records and all papers and funds in his possession shall be duly accounted for and delivered to his successor.

Article II – Qualifications of Officers and Council Members

Section 1. Any person elected or appointed to the offices of chief and assistant chief shall be not less than thirty-five years of age, a resident of the Old Cherokee Nation and a member of the United Keetoowah Band of Cherokee Indians in Oklahoma.

Section 2. Any person elected or appointed to the offices of secretary and treasurer shall be not less than twenty-one years of age, a resident of the Old Cherokee Nation and a member of the United Keetoowah Band of Cherokee Indians in Oklahoma.

Section 3. Any person elected or appointed to membership on the Council shall be not less than twenty-one years of age, a resident of the district he represents and a member of the United Keetoowah Band of Cherokee Indians in Oklahoma.

Section 4. Any person holding an elective office who removes from the territory or territories prescribed in this article shall automatically forfeit the office.

Article III – Meetings

Section 1. Regular meetings of the Council shall be held on the first Monday in September of each year unless otherwise provided by resolution of the Council.

Section 2. Special meetings of the Council may be called by the chief at his discretion and shall be called by him upon the written request of seven (7) members of the Council.

Section 3. All meetings of the Council shall be held at the headquarters of the organization, or at any other place within the Old Cherokee Nation as may be designated from time to time by the Council.

Section 4. Band membership meetings may be called by the chief at his discretion and shall be called by him upon the written request of seven (7) members of the Council, for the purpose of receiving reports and transacting any other business that may be referred to it by the Council, provided that at least ten (10) days' notice as to the time and place of the meeting and the purpose for which it is called is given to the membership of the Band.

Section 5. All meetings of the Council and of the Band shall be conducted under rules of procedure prescribed by the Council.

Article IV – Quorum

Seven (7) members of the Council shall constitute a quorum to transact business at any meeting.

Article V – Adoption

This Constitution and By-laws upon approval by the Secretary of the Interior shall be effective when ratified by a majority of the eligible voters of the Band, voting in an election called by the Secretary of the Interior under the rules and regulations prescribed by him pursuant to Section 3 of the Oklahoma Indian Welfare Act of June 26,

1936 (49 Stat. 1967), provided that at least thirty (30) percent of the eligible voters cast their ballots in such election.

I, William E. Warne, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 26, 1936 (49 Stat. 1967), do hereby approve the attached Constitution and By-laws of the United Keetoowah Band of Cherokee Indians in Oklahoma.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended: May 8, 1950.

D.S. Myer,

Commissioner of Indian Affairs.

William E. Warne,

Assistant Secretary of the Interior

Washington D.C., May 8, 1950.

Certification

Pursuant to an order approved May 8, 1950, by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the United Keetoowah Band of Cherokee Indians in Oklahoma and was on October 3, 1950, duly ratified by a vote of 1,414 for, and 1 against, in an election in which at least 30 percent of those entitled to vote cast their ballots, pursuant to Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), and pursuant to the Act of August 10, 1946 (60 Stat. 976).

Jim Pickup,

Chief, United Keetoowah Band of Cherokee Indians in Oklahoma.

White Runabout,

Secretary, United Keetoowah Band of Cherokee Indians in Oklahoma.

W.O. Roberts,

Area Director, Muskogee Area Office.