

CONSTITUTION
OF THE
ABSENTEE SHAWNEE TRIBE OF INDIANS
OF
OKLAHOMA

TABLE OF CONTENTS

PREAMBLE	1
ARTICLE I- NAME	1
ARTICLE II- JURISDICTION	1-2
ARTICLE III - MEMBERSHIP	2-3
ARTICLE IV - TRIBAL GOVERNMENT	3
ARTICLE V - TRIBAL LEGISLATURE	3-4
ARTICLE VI - EXECUTIVE BRANCH	8-11

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CONSTITUTION
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OF
OKLAHOMA

PREAMBLE

We, the people of the Big Jim and White Turkey Bands of the Shawnee Nation of American Indians initially organized pursuant to a constitution and bylaws ratified December 5, 1938, as the Absentee Shawnee Tribe of Indians of Oklahoma, in order to protect our just claims and rights of treaties and treaty agreements with the United States; to protect our culture, heritage and religion; to protect and maintain our reserved, allotted, and other lands; to manage our tribal land and property; to transact our tribal business and economic enterprises in domestic and foreign trade; to negotiate with representatives of Federal, State, local and tribal governments, in regard to all matters of ourselves and our posterity, do hereby establish this Constitution.

1) Do you think this paragraph should remain the same as the old Constitution? Yes or No
Comments:

ARTICLE I - NAME

The name of this federally recognized Indian tribe shall be the Absentee Shawnee Tribe of Oklahoma.

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2) Do you agree with the taking out of the "of Indians" part? Yes or No
Comments:

ARTICLE II - JURISDICTION

SECTION 1. The jurisdiction and governmental powers of the Absentee Shawnee 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. 1151 or its successor, over which the Absentee Shawnee Tribe of Indians of Oklahoma has authority within the boundary of the tribal jurisdiction established by Agreement dated June 26, 1890 and ratified by the Act of March 3, 1891 (26 Stat. 1019), and such other land or interest in land, which may be subsequently acquired.

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No Change

SECTION 2. The jurisdiction and governmental powers of the Absentee Shawnee Tribe of Indians of Oklahoma shall also, consistent with the applicable Federal law, extend outside the exterior boundaries of the Absentee Shawnee Tribe of Indians of Oklahoma.

No Change

SECTION 3. The exercise by the Tribe of its jurisdiction and governmental powers shall be incorporated in appropriate legislation enacted by the Tribal Legislature and embodied in a tribal code(s) in order to promulgate procedural rules, to establish an Election Commission, to create a tribal judicial system, and to establish and provide for a tribal law enforcement agency, tribal regulatory bodies and other appropriate administrative agencies, as might be warranted from time to time, by the Tribe.

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Deleted: From and after the effective date of this Constitution no person shall be enrolled as a member of the Absentee Shawnee Tribe unless he possesses at least one-fourth (1/4) degree Absentee Shawnee Indian blood.

SECTION 3. Any person entitled to membership who has been enrolled as a member of another tribe may be enrolled in the Absentee Shawnee Tribe; provided that person has not shared in land or money as a member of another tribe: and provided further, that person relinquishes in writing and officially terminates membership in the other tribe.

SECTION 4. All persons, desiring to be enrolled members of the tribe, who are not presently enrolled, must submit an enrollment application to the Secretary of the Executive Committee for subsequent approval or disapproval of the Executive Committee. Applications for membership must be supported by birth certificates or other records recognized by State or Federal officials. Such documents or copies thereof shall be kept by the Executive Committee for their permanent records.

SECTION 5. The General Council shall have power to prescribe rules and regulations by ordinance, covering future membership including adoptions and the loss of membership.

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3) Do you agree with this section that the Legislature having the ability to enact Legislation that would make the rules? Yes or No
Comments:

ARTICLE III - MEMBERSHIP

SECTION 1. The membership of the Absentee Shawnee Tribe of Indians of Oklahoma shall consist of the following persons:

(a) All persons of Indian blood enrolled or who were entitled to be enrolled on the official census roll of the tribe as of January 1, 1937. All Indian blood shown on that roll shall be considered to be blood of the Absentee Shawnee Tribe.

(b) All children of Absentee Shawnee blood born to any member of the tribe between January 1, 1937 and April 17, 1954, the effective date of Amendment II to the 1938 constitution and bylaws.

(c) All children born since April 17, 1954, who are of at least one-eighth (1/8) degree Absentee Shawnee blood.

SECTION 2. The Tribal Legislature shall have the power to prescribe rules and regulations by ordinance, covering future membership including, but not limited to, adoptions and the loss of membership.

4) Do you agree with the reduction of blood-quantum for enrollment into the AST? Yes or No
Comments:

ARTICLE IV - TRIBAL GOVERNMENT

The tribal government of the Absentee Shawnee Tribe shall be composed of three separate branches of government. They shall be known as the Tribal Legislature, the Executive Branch and the Judicial Branch. In addition, there is an independent body, the Election Commission, charged with the responsibility for conducting tribal elections and other actions that may emanate from the election process.

Deleted: , as described in this Article, is composed of two (2) separate branches, i.e., the Judicial Branch and the Legislative/Executive Branch.

5) Do you agree with the set up of the Tribal Government with the three separate branches? Yes or No
Comments:

ARTICLE V- THE TRIBAL LEGISLATURE

SECTION 1. The Tribal Legislature. The powers granted to this Legislative Branch herein shall be vested into a body of Six(6) elected tribal members. These Legislators will be voted on from four (4) Legislative Districts herein named District 1, District 2, District 3 and District 4. They will be elected by a majority vote.

Deleted: The General Council of the Absentee Shawnee Tribe shall consist of all members of the Tribe eighteen (18) years of age or older, and shall exercise such powers as defined in this Constitution.¶

(a) District 1- will have two legislators and will encompass the area east of the longitudinal line 96 degrees west of the Prime Meridian and North of Latitudinal line 35 degrees north of the Equator.

(b) District 2- will have one (1) legislator and will encompass the area east of the longitudinal line 96 degrees west of the Prime Meridian and south of latitudinal line 35 degrees north of the Equator.

(c) District 3- will have one (1) legislator and will encompass the area west of longitudinal line 96 degrees west of the Prime Meridian and south of latitudinal line 35 degrees north of the Equator.

(d) District 4- will have two (2) legislators and will encompass the area west of longitudinal line 96 degrees west of the Prime Meridian and north of latitudinal line 35 degrees north of the Equator.

6) Do you agree with the formation of the four Districts? Yes or No
Comments:

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SECTION 2. When vacancy(s) occur in the Tribal Legislature they shall be filled by nomination(s) from each District within 20 days. A Writ shall be issued to the Election Commission who has the responsibility of calling a Special Election within 30 days. At which time the eligible voter from each respective District shall choose, by majority vote, to fill that District Vacancy (s); should there be two or more vacancy(s) a Special Election shall be required and conducted by the Election Commission.

7) Do you agree with the procedures for filling a vacancy of a Legislator? Yes or No
Comments:

THE Lieutenant Governor will chair all Legislative sessions, but will not vote unless to break a tie. This Legislative body will have the sole power of Impeachment of any of the three branches of Government and shall determine the method by passing Laws to govern the Impeachment process.

8) Do you agree the Lt. Gov will chair the meetings? Yes or No
Do you agree the Legislature should have the ability to impeach any of the three bodies? Yes or No
Comments:

THIS Legislature shall assemble on the second Monday in July, at 10:00 AM, and there to take office; to establish the Legislative agenda; and shall conduct all Legislative business by majority vote; and further, there shall be a Secretary of the Legislature, an office established by this body to provide Administrative functions; and further it shall not without consent of the majority recess for more than three days during any Legislative session.

9) Do you agree on the session times and regulations set forth here for the Legislature?
Yes or No
Comments:

THIS Legislature shall by majority constitute a quorum, a quorum being of four members, to do business; and shall be authorized to compel the attendance of absent member, in such manner, and under such penalties as the Legislature may provide. The Legislature may determine the rules of its proceedings, punish its members for disorderly behavior, and with two-thirds concurrence expel a member for due cause. This Legislature shall keep a Journal of its Proceedings, and from time to time publish the same, and their voting on any question shall be entered on the journal. Proceedings of this body shall be available to Tribal members on request.

10) Do you agree with the policies set forth here in regards to the Legislative meetings? Yes or No
Comments:

THIS Legislature shall receive a compensation for their services to be paid out of the Treasury of the Tribe. The compensation shall not exceed One Hundred Dollars (\$100.00) per day, and the time of Legislative session shall be six hours per day. No Legislature shall receive compensation for time absent while the Tribal Legislature is in session. Time, attendance and compensation shall neither be increased nor decreased during the period of their election; and nor shall any elected official received within that period any other Emoluments from other sources. No Legislator shall during their term of office, of which they were elected, be appointed to any public office, tribal office, Tribal government office, of which they were elected, be appointed to any public office, Tribal office, Tribal government office or to take any office of responsibility, while in continuance of their elected office.

11) Do you agree with the compensation of the Legislators here? They will not be considered full-time employees. Yes or No
Comments:

THIS Legislature's session shall commence on the second Monday in July and not to exceed 90 calendar days; and a second session to commence on the second Monday in January and not to exceed 90 calendar days; each session can be extended by majority vote; or called into special session by the Governor.

12) Do you agree with the Legislature's session? Yes or No
Comments:

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SECTION 3. Duties of the Tribal Legislative Members.

THIS Legislature's members shall attend all Legislative sessions, shall present bills for discussion, and have evaluation before calling for a vote; responsible to review all bills presented to legislature; will provide advice and consent to each Governor's nominations; shall have investigative powers in all tribal matters with injunctive and punitive authority, to issue writs of summons, to issue subpoenas, have authority to review tribal employee's annual performances and evaluate the same. Tribal Legislators shall meet with their prospective Districts twice a year, in the months of April and October at a time and place set by the Tribal District Legislators; or shall call a special meeting of importance by the respective District's Legislators.

**13) Do you agree with the duties presented here? Yes or No
Comments:**

SECTION 4. All Bills for raising revenue shall originate in the Tribal Legislature and before becoming Law shall require the Governor's signature.

EVERY bill which passes the Tribal Legislature shall, before it becomes Law, be presented to the Governor; If he approves he shall sign it, but if not he shall return it, with his objections to the Legislature, who shall enter the objections at large on their Journal, and proceed to reconsider it. If after reconsideration and two-thirds of the Legislature agreed to pass the Bill it shall become Law. But in all such cases, the votes determined by yeas and nays, and the names of the persons voting for and against the Bill shall be entered on the Legislative Journal. If any Bill shall not be returned by the Governor within ten day (Sunday accepted) after it shall have been presented to him, the same shall become Law, in like manner as if he had signed it, unless the Legislature, by their adjournment, prevents its return, in which case it shall not be Law.

EVERY Order, Resolution or Vote to which concurrence of the Tribal Legislature may be necessary (except on a question of adjournment) shall be presented to the Governor; and before the same shall take effect, shall be approved by him, or being disapproved by him, can be overturned by two-thirds of the Legislature, according to the Rules and Limitations prescribed in the case of a Bill.

~~Deleted: (a) Executive Committee. There shall be an Executive Committee consisting of five (5) representatives including Governor, Lt. Governor, Secretary, Treasurer and a Representative, all of which shall be elected by referendum. Such committee shall have both legislative and executive powers as set forth in Article V.~~

~~(b) Previous Governing Body. The five (5) Business Committee members elected under the previous constitution shall serve until the expiration of their terms of office, unless earlier removed, or until their successors are duly elected and installed.~~

~~The first election for Executive Committee members and other elective officials under this Constitution shall be conducted by the Bureau of Indian Affairs and held on the third Saturday of June following the ratification of this Constitution. At that election the positions of Governor and Secretary shall each be filled for a two (2) year term, the offices of Lt. Governor, Treasurer and Representative shall be filled for a one (1) year term. Thereafter, there shall be annual elections in June and all terms shall be two (2) years in length.~~

14) Do you agree with the process of passing of the Bills laid out here? Yes or No
Comments:

SECTION 5. The Tribal Legislature shall have Power to lay and collect taxes, duties, imposts and excise, to pay the debts and provide for the common defense and general welfare of the Absentee Shawnee Tribe; but all duties, imposts and excise shall be uniform throughout the Tribal Jurisdictional areas;

TO borrow money on the credit of the Absentee Shawnee Tribe of Oklahoma

TO receive the Governor's yearly Tribal budget; shall provide advice and consent, or return with objections within ten days to the Governor.

TO regulate all Commerce with Foreign Nations, among the several States, the United States Federal Government, and with Indian Tribes;

TO provide punishment for embezzlement of Tribal funds, and for counterfeiting Tribal securities;

TO establish Post Roads, and a Postal system if necessary;

TO constitute Tribunals inferior to the Supreme Court;

To promote the progress of science and useful arts of Shawnee culture;

TO provide legislation preventing exploitation of tribal culture, customs, language and mores by non-tribal persons;

TO create commissions, charged with particular acts or functions;

TO appoint an independent audit agency;

TO define and punish misdemeanors committed against the Tribe, its members and the Law of Nations;

TO exercise exclusive Legislation in all cases whatsoever, and to exercise like authority over all places, and land, purchased by the Tribal Legislature;

To make all Laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Absentee Shawnee Tribe, or in any Department or Officer thereof.

15) Do you agree with the powers of the Legislature laid out here?
Yes or No
Comments:

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SECTION 6. NO Bill of Attainder or ex post facto law shall be passed;

AND, No money shall be drawn from the Tribal Treasury, but in consequence of appropriations made by Law; and a regular statement and account of the receipts and expenditures of all Tribal money shall be published from time to time, and accountability of all tribal funds will use acceptable accounting standards;

AND, No title of nobility, or Honorary Membership, shall be granted by the Tribe; and no person holding any office of trust or profit, and shall apply to all elected or appointed offices, shall without consent of the Tribal Legislature, accept any present, emolument, office, or title of any kind whatsoever, from any King, Prince, or foreign head of state; or from other Governments whatsoever;

AND, this Tribal Legislature shall not pass any Laws contrary to the rights granted to all Tribal Members as citizens under the United States Constitution and the Amendments thereof, nor shall this legislature pass any law contrary to the United States Constitution.

16) Do you agree with the restrictions placed on the Legislature here? Yes or No
Comments:

ARTICLE VI- EXECUTIVE BRANCH

SECTION 1. The Executive powers shall be vested in a Governor of the Absentee Shawnee Tribe. The Governor shall hold office during the term of four years, and together with the Lieutenant Governor, be chosen for the same Term.

17) Do you agree the Gov. and Lt. Gov. should have four year terms? Yes or No
Do you agree they should run together under the same term? Yes or No
Comments:

SECTION 2. Should the Governor resign from office, or death cause a vacancy, the Lieutenant Governor shall become Acting-Governor. A vacancy in the Lieutenant Governor position shall be filled by special election within sixty days. A majority vote of eligible members shall decide who shall fill the unexpired term of Lieutenant Governor, and the Acting Governor shall become Governor and assume all official duties.

18) Do you agree with this section? Yes or No
Comments:

SECTION 3. The Governor, if temporarily incapacitated shall transmit a written declaration to the Tribal Legislature that the Governor is unable to discharge the powers and duties; Or, should the Tribal Legislature determine the Governor is incapacitated and unable to perform the powers and duties of that office, shall direct the Lieutenant Governor to temporarily assume the powers and duties as Acting Governor, and shall continue until notified by the Tribal Legislature to the contrary. The Tribal Legislature shall, by majority vote, fill the vacant Lieutenant Governor's office by a temporary appointment. No Special Election shall be necessary for temporary vacancy.

19) Do you agree with this section? Yes or No
Comments:

SECTION 4. In cases where the Governor stands accused of certain Crimes, or misuse, abuse, or unlawfully violates their fiduciary obligations, and the charges are presented to the Tribal Legislature by a Writ, or Petition, and the Tribal Legislature finding substance thereof shall immediately suspend the Governor and shall direct the Lieutenant Governor to assume all powers and duties of the Governor's office. Within five days after receiving such Writ, or Petition, the Tribal Legislature shall convene a Court of Impeachment and there by develop Articles of Impeachment and the Chief Justice of the Supreme Court shall be presiding judge. A vote of five-sixth is required to impeach the Governor and upon such action the Lieutenant Governor shall be sworn into the Office of Governor. The Tribal Legislature shall set a time and place for a special election, conducted by the Election Commission, to fill the unexpired term of Lieutenant Governor. Should the vote for Impeachment fail, the Governor is returned to office.

20) Do you agree with this section regarding impeachment of the Gov.?
Yes or No
Comments:

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SECTION 5. The Governor and Lieutenant Governor shall receive for their services compensation which shall neither be increased nor diminished during the period for which they have been elected, and they shall not receive within that period any other emoluments from other sources. The initial compensation shall be fifty thousand for the Governor, and forty-five thousand for the Lieutenant Governor. Any increases n compensation must be by majority vote of the Tribal Legislature.

**21) Do you agree with this section regarding Exec. compensation?
Yes or No
Comments:**

SECTION 6. Before the Governor-elect enters the execution of his office, he shall take the following Oath or Affirmation- "I do solemnly swear (or affirm) that I will faithfully execute the Office of Governor of the Absentee Shawnee Tribe and will to the best of my ability, preserve, protect and defend the Constitutions of the Absentee Shawnee Tribe and that of the United States of America." This Oath (or Affirmation) shall be given to all elected officials and those nominations who are confirmed by the Tribal Legislature.

**22) Do you agree with this section? Yes or No
Comments:**

SECTION 7. The Governor shall serve as Chief Executive Officer (CEO) of the Absentee Shawnee Tribe and all Tribal operations and support functions shall report through a Tribal Administrator to the CEO. The Tribal Administrator responsibilities shall be to provide direction, supervision and management with oversight responsibilities to all Tribal operations and support functions.

**23) Do you agree with this section which requires a Tribal Administrator for operation of the Tribe? Yes or No
Comments:**

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Section 8. The Governor shall have the Power:

TO require the opinions, in writing, of the Director's of each executive departments upon any subject relating to the duties of their respective offices, and shall provide supervisory authority to the Executive Branch; to present to Tribal members a general state-of-affairs of the Tribe during July.

To nominate consuls, Public Ministers, Judges of the Supreme Court, Personnel Directors, Commissions, Task-Forces, and other Officers of the Tribe or other key Tribal positions, or other nominations not herein provided. All nominations shall be filled by the Advice and consent of the Tribal Legislature; and the Governor shall under extraordinary occasions convene the Tribal Legislature in Special Session.

To have signatory authority, or his designee, on all official Tribal correspondence, documents, laws, statutes, executive orders, Tribal resolutions, to present bills to the Legislature; to prepare and submit yearly Tribal budgets by January 15 for Legislature advice and consent, and shall upon return of budgets have ten days to approved Legislature additions or changes; or shall send it back for reconsideration; or shall veto the Tribal budget, in which case the Legislature can over-ride a veto by two-thirds vote.

TO execute all Tribal budgets to negotiate supplies and service contracts, negotiate all Tribal contracts and submit to Tribal Legislature for advice and consent.

**24) Do you agree with the powers given to the Governor?
Yes or No
Comments:**

