

120.92: Oneida

CONSTITUTION AND BY-LAWS FOR THE
ONEIDA TRIBE OF INDIANS
OF WISCONSIN

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APPROVED DECEMBER 21, 1936



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

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We, the people of the Oneida Tribe of Indians of Wisconsin, grateful to Almighty God for his fostering care, in order to reestablish our tribal organization, to conserve and develop our common resources and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this Constitution.

ARTICLE I—TERRITORY

The jurisdiction of the Oneida Tribe of Wisconsin shall extend to the territory within the present confines of the Oneida Reservation and to such other lands as may be hereafter added thereto within or without said boundary lines under any law of the United States, except as otherwise provided by law.

ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Oneida Tribe of Wisconsin shall consist of:

(a) All persons of Indian blood whose names appear on the official annuity roll of the Tribe as of October 7, 1935.

(b) Any descendant of a member of the Tribe who is of at least one-quarter Indian blood, provided such member is a resident of the Reservation at the time of the birth of the said descendant.

SEC. 2. The General Tribal Council shall have the power to promulgate ordinances subject to review by the Secretary of the Interior covering future membership and the adoption of new members.

ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Oneida Tribe of Wisconsin shall be the General Tribal Council which shall be composed of all the qualified voters of the Oneida Reservation.

SEC. 2. All enrolled members of the Oneida Tribe of Wisconsin who are twenty-one years of age or over, and who have maintained continuous residence on the Oneida Reservation of not less than thirty (30) days, immediately preceding an election, shall be qualified voters, provided they shall present themselves in person at the polls on the day of election.

SEC. 3. The General Tribal Council shall elect from its own members by secret ballot (a) a chairman; (b) a vice-chairman; (c) a secretary; (d) a treasurer; (e) and such other officers and committees as may be deemed necessary.

SEC. 4. The General Tribal Council shall meet on the first Monday of January and July. Within thirty days after the ratification and approval of this Constitution and By-laws, a General Tribal Council

shall be called by the present Tribal Council for the purpose of electing the officers named herein, and it shall transact such other business as may be necessary. The officers elected at this meeting shall serve until the July meeting at which time their successors shall be chosen. Thereafter, officials shall be chosen at the July meeting. The chairman, or twenty-five (25) per cent of the qualified voters, may by written notice, call special meetings of the General Tribal Council.

One-third ($\frac{1}{3}$) of the qualified voters of the Tribe shall constitute a quorum at any special or regular meeting.

SEC. 5. There shall be an executive committee, consisting of the chairman, vice-chairman, secretary, and treasurer of the General Tribal Council, which shall perform such duties as may be authorized by that Council.

ARTICLE IV—POWERS OF THE GENERAL TRIBAL COUNCIL

SECTION 1. *Enumerated Powers.*—The General Tribal Council of the Oneida Tribe of Wisconsin shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

(a) To negotiate with the Federal, State, and local governments.
 (b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets of the tribe.

(d) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Oneida Tribe of Wisconsin prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the Oneida Tribe of Wisconsin in accordance with the terms of a Charter that may be issued to the tribe by the Secretary of the Interior.

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Oneida Tribe of Wisconsin, providing for the manner of making, holding, and revoking assignments of tribal land or interests therein, providing for the levying of taxes and the appropriation of available tribal funds for public purposes, providing for the licensing of non-members coming upon the reservation for purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the tribe of persons not so licensed and establishing proper agencies for law enforcement upon the Oneida Reservation.

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(h) To adopt resolutions not inconsistent with this Constitution and the attached By-laws, regulating the procedure of the Council itself and of other tribal agencies, tribal officials, or tribal organizations of the Oneida Reservation.

SEC. 2. *Future Powers*.—The General Tribal Council may exercise such further powers as may in the future be delegated to the Council by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. *Reserved Powers*.—Any rights and powers heretofore vested in the Oneida Tribe of Indians of Wisconsin but not expressly referred to in this Constitution shall not be abridged by this Article, but may be exercised by the people of the Oneida Tribe of Wisconsin through the adoption of appropriate By-laws and constitutional amendments.

SEC. 4. *Manner of Review*.—Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation, who shall, within ten days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten days after its enactment, he shall advise the Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE V—AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) per cent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by one-third ($\frac{1}{3}$) of the qualified voters of the Tribe.

BY-LAWS OF THE ONEIDA TRIBE OF INDIANS OF WISCONSIN

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. *Chairman of Council*.—The Chairman of the Council shall preside over all meetings of the Council, shall perform the usual duties of a Chairman, and exercise any authority delegated to him by the Council. He shall vote only in the case of a tie.

SEC. 2. *Vice-Chairman of the Council*.—The Vice-Chairman shall assist the Chairman when called upon to do so and in the absence of the Chairman. he shall preside. When so presiding, he shall have all

the rights, privileges and duties as well as the responsibilities of the Chairman.

SEC. 3. *Secretary of the Council.*—The Secretary of the Tribal Council shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction, and the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the Tribal Council.

SEC. 4. *Treasurer of Council.*—The Treasurer of the Tribal Council shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council, whether they be tribal funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Council shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody, at each regular meeting of the General Tribal Council, and at such other times as requested by the Council or the executive committee.

He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Council.

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

SEC. 5. *Appointive Officers.*—The duties of all appointive boards or officers of the Community shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such boards and officers shall report, from time to time as required, to the Council, and their activities and decisions shall be subject to review by the Council upon the petition of any person aggrieved.

ARTICLE II—RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and these By-laws, when adopted by a majority vote of the voters of the Oneida Tribe of Indians of Wisconsin voting at a special election called by the Secretary of the Interior, in which at least 30 per cent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval.

CERTIFICATE OF ADOPTION

Pursuant to an order, approved October 14, 1936, by the Secretary of the Interior, the attached Constitution and By-laws were submitted for ratification to the members of the Oneida Indian Tribe of the Oneida Reservation and were on November 14, 1936, duly adopted by a vote of 790 for and 16 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

MORRIS WHEELLOCK,

Chairman of Election Board.

KATIE CORNELIUS,

Secretary of Election Board.

FRANK CHRISTY, *Superintendent.*

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Oneida Tribe of Indians of Wisconsin.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws are hereby declared inapplicable to the Oneida Tribe of Indians of Wisconsin.

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

Approval recommended December 16, 1936.

WILLIAM ZIMMERMAN, Jr.,

Acting Commissioner of Indian Affairs.

HAROLD L. ICKES,

Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., December 21, 1936.

