

Miami Tribe of Oklahoma



Location:	Northeastern portion of Oklahoma
Population	3900
Date of Constitution	1995
Key Facts:	Originally from Great Lakes region

PREAMBLE

We, the Miami Indians of Oklahoma, for the purpose of preserving our cultural heritage, promoting the general welfare of our people and taking further advantage of the opportunities for self-determination and economic independence, as provided under the Thomas-Rogers Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), hereby adopt the following revised Constitution and By-Laws which shall supersede the Constitution and By-Laws of the Miami Tribe, approved by the Secretary of the Interior on August 16, 1939.

ARTICLE I NAME

The name of this tribal organization shall be the Miami Tribe of Oklahoma.

ARTICLE II TERRITORY AND JURISDICTION

The authority and jurisdiction of the Miami Tribe of Oklahoma shall extend to all the territory within the boundaries now known as MIAMI LANDS, which include land in Northeast Oklahoma and the original Miami Reservation in Eastern Kansas, and to all lands which may be acquired for the Miami Tribe by the United States Government or which may be acquired by the Miami Tribe for its land base and to all Indian Country of the Miami Tribe and its citizens as of now or hereafter as defined by Federal law. The Miami Tribe of Oklahoma may exercise its authority and Jurisdiction outside the territory above described to the fullest extent not prohibited by Federal law.

ARTICLE III MEMBERSHIP OF TRIBE

Section 1. The membership of the Miami Tribe of Oklahoma shall consist of the following persons:

(a) All persons of Miami Indian blood whose name appears on the official census roll of the Tribe as of January 1, 1938.

(b) All persons of Miami Indian blood whose name appears on the adjustment rolls of 1936, 1938, 1939, 1940, 1941, 1942, and 1943 or who have been approved for membership as of the date of approval of this Constitution by the Secretary of Interior.

(c) Any person, who has blood ties through ancestry of the above mentioned Rolls and who may not have a direct parent enrolled as a Miami; and who chooses to affiliate with the Miami Tribe, provided such person is not a member of any other Federally recognized Tribe, may apply for membership.

(d) Any child born of a marriage between a member of the Miami Tribe and a member of any other Indian Tribe who chooses to affiliate with the Miami Tribe.

(e) Any child born of a marriage between a member of the Miami Tribe and any other person if such child is permitted to membership by the General Council of the Miami Tribe.

(f) Any person of Miami Indian blood and/or blood descendant thereof, who relocated to Kansas who had been issued Restricted Land Patents to land within the Miami Reservation in Kansas Territory as stipulated under the Second Article of the Treaty With The Miami, dated June 5, 1854, and approved by the Third Section of an Act of Congress dated, June 12, 1858, or any person listed in the La Cygne Journal, in 1871, whose names appears as an Indian Head Right, who makes application, may be admitted to membership in the Miami Tribe of Oklahoma.

Section 2. The Miami Business Committee shall have the 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.

Section 3. No member of another Tribe shall be eligible for membership in the Miami Tribe of Oklahoma; provided, however, the following disqualification does not apply to persons who acquired membership in the Miami Tribe of Oklahoma before the date of approval of this Constitution by the Secretary of Interior.

Section 4. Any person who has been rejected for membership may file an appeal to the Miami General Council whose decision shall be final. The Business Committee shall enact an ordinance for such appeals.

ARTICLE IV MEMBERSHIP OF COUNCIL

The supreme governing body of the Miami Tribe shall be the Miami General Council. The Membership of the Council shall consist of all members of the Miami Tribe of Oklahoma eighteen (18) years of age and older.

ARTICLE V OFFICERS

The officers of the Tribe shall be the Chief, Second Chief, Secretary-Treasurer and two Council persons who shall be elected as provided in Article VIII Elections.

ARTICLE VI COMMITTEES

Section 1. There shall be a Business Committee which shall consist of the Officers of the Tribe. The Business Committee shall have the power to appoint subordinate committees and representatives, enact resolutions and ordinances and to employ legal counsel, and to transact business and otherwise speak or act on behalf of the Tribe in all matters on which the Tribe is empowered to act, except as specifically reserved herein. The exercise of aforementioned powers shall be subject to limits as imposed by any applicable Federal laws. The term of office for the Business Committee shall be three years.

Section 2. The Grievance Committee shall consist of five (5) members who shall be elected by the Miami General Council and who shall not be members of the Business Committee. This Committee shall choose, from within its membership, a Chairman and a Secretary. The term of office shall be for three (3) years. The Business Committee shall enact an ordinance which shall establish the duties of its members and its procedures.

(a) Meetings of the Grievance Committee may be called by the Chairman and shall be called if a written request is received bearing the signature of at least three (3) members of the Business Committee or if a valid petition is received signed by at least seventy-five (75) members of the Miami General Council. The Business Committee shall enact an ordinance for a valid petition.

(b) The Grievance Committee shall have the responsibility to determine disputes, by a vote of at least three (3) members. If the petitioner so desires, the decision of the Grievance Committee may be appealed to the Business Committee. A final appeal may be presented to the Miami General Council at a Special called meeting for the purpose of settling the dispute. The decision of the Miami General Council shall be final. The Business Committee shall enact an ordinance for such appeals.

ARTICLE VII BILL OF RIGHTS

The Miami Tribe, in exercising its powers of self-government, shall not take any action which is in violation of the laws of the United States as the same shall exist from time to time respecting civil rights and civil liberties of persons. This article shall not abridge the concept of self-government or the obligations of the members of the Miami Tribe to abide by this Constitution and the ordinances, resolutions, and other legally instituted actions of the Miami Tribe. The protections guaranteed by the Indian Civil Rights Act of 1968 (82 Stat. 78) shall apply to all members of the Miami Tribe.

ARTICLE VIII JUDICIAL BRANCH

Section 1. Until such time as the Business Committee determined that the Tribe is financially and otherwise prepared to maintain a separate Tribal Court, the judicial authority of the Tribe shall be exercised by the Court of Indian Offenses. The jurisdiction of the Court of Indian Offenses shall include, but not be limited to, civil and criminal jurisdiction. When the Business Committee determines that the Tribe is prepared to begin exercising its right to judicial authority, it shall notify the Court of Indian Offenses of such intentions by transmitting a Resolution to that effect, and copies of the following:

- (a) a copy of the judicial ordinance.
- (b) a plan for establishing the Tribal Court, and
- (c) a timetable and procedure for orderly transition of pending cases.

In line with the above provisions, the Judicial authority of the Tribe will, thereafter, be exercised by the Tribal Judicial Ordinance acquired before assumption of such jurisdiction. If, because of financial or other reasons it is not appropriate for the Tribe to continue the operation of a Tribal Court, the Business Committee may restore jurisdiction to the Court of Indian Offenses, upon formal Resolution thereof.

ARTICLE IX ELECTIONS

Section 1. Regular elections of officers and elected committee members shall be held on the first day of the Annual Meeting of the General Council, as provided for in Article III of the By-Laws, after the ratification of the Constitution revision. The first such election shall be held at the first Annual Meeting following ratification hereof. For the purpose of providing for staggered terms of office, Officers to be elected at the first meeting shall include the Secretary/Treasurer and two (2) members of the Grievance Committee, at the second Annual Meeting following ratification, the Second Chief, one (1) member of the Grievance Committee and one (1) Council person shall be elected. The Chief, a second Council person and the remaining two (2) members of the Grievance Committee shall be elected at the third Annual Meeting. Thereafter each officer shall be elected upon completion of stated term.

Section 2. The term of office for elected officials shall be three (3) years, provided that present officers shall serve until their successors have been elected as provided in Section 1 above.

Section 3. Nominations shall be made from the floor. Elections shall be by written secret ballot. Where there are more than two candidates for the same office and no one receives a majority of the vote, the low candidate shall be eliminated and the voting shall proceed until one candidate receives a majority of votes being cast. The newly elected officers shall be installed immediately thereon.

Section 4. The Miami Business Committee shall enact an ordinance to govern on going voter registration, majority vote, secret ballot, absentee voting as well as procedures for settling election disputes and appeal procedures.

ARTICLE X VACANCIES

Except for succession of Second Chief to the office of Chief, as provided in the By-Laws, vacancies in any elective office, due to the death of any member, upon written resignation, upon conviction of a felony, has ceased to physically reside within the required area, as noted in Article 11, Section I of the By-Laws, and/or has been absent without being excused by such respective body, for three (3) consecutive regular or special meetings, shall be filled by appointment of the Business Committee. Said appointment shall be made within thirty (30) days at any regular or special Business Committee meeting, and said appointee shall serve until the next regular election. At such time, a replacement shall be elected to fill that vacancy for the unexpired portion of the term for office.

A vacancy for the general purpose of this Article means that the office is unoccupied, and that there is no incumbent who has a lawful right to hold said office.

ARTICLE XI RECALL AND REMOVAL OF OFFICERS

Section 1. Removal. Each elected or appointed body of the Miami Tribe shall have the power to remove any of its members for cause by affirmative vote of a majority of the total membership of the elected or appointive body. The Business Committee shall adopt an ordinance providing for such removal.

The procedures set out in the ordinance shall be used in removal proceedings by each of the elected or appointive bodies. Included in the ordinance shall be procedures for the accused to confront his/her accusers and speak on his/her behalf in answer to a written statement of the charges at a Special meeting of the affected body called for that purpose. The accused shall be provided with the written statement of charges at least fifteen (15) days prior to the removal meeting. Such ordinance shall

further provide that only one (1) person from any governmental body of the Tribe shall be considered for removal at any meeting called for that purpose. Should the process result in removal, no further removal shall be considered until the vacancy has been filled. Any Tribal member who has knowledge of wrongdoing by a Tribal official may file such charges with the appropriate body.

In the event the accused or the accuser requests an investigation into the matter, it shall be the duty of the Grievance Committee to conduct such investigation and within twenty (20) days provide its findings to the affected body for its use in making a final determination.

Procedures of "Due Process of Law" will be followed and any violation shall be grounds for dismissal of all charges or accusations. The Miami Tribe will observe the "Indian Civil Rights Act" during the proceedings.

Section 2. Recall. Any voting member of the Miami Tribe may prefer charges by a valid petition supported by the signature of no less than seventy-five (75) members of the General Council, stating any of the causes for removal set-forth in Section 1 of this Article against any member of the Business Committee. The petition must be submitted to the Grievance Committee. The Grievance Committee shall take the following action:

(a) The Grievance Committee within fifteen (15) days after receipt of the notice of petition shall in writing notify the accused of the charges brought against him/her and set a date for a hearing before the General Council. If the General Council deems the accused has failed to answer charges to its satisfaction or fails to appear at the appointed time, the General Council may schedule a recall election which shall be held within thirty (30) days after the date set for the hearing. The outcome of the recall election shall be final.

Section 3. The Miami Tribe Business Committee shall enact such ordinances as are necessary to implement removal and recall elections consistent with this Article.

ARTICLE XII INITIATIVE AND REFERENDUM

Section 1. Initiative. Initiative is the procedure whereby the members of the Miami Council may exercise their right to present to the Business Committee proposed legislation and compel a popular vote on its adoption. An initiative is put into motion by a petition. Upon receipt of a valid petition, signed by at least seventy-five (75) eligible voters, the Chief shall call and conduct a Special meeting of the Miami Council within sixty (60) days of receipt of the petition. The Council shall determine such issues and questions as contained in the petition. A majority vote of those in attendance at such meeting, where a quorum is declared, shall be required to adopt such a measure as presented at the meeting. Voting will be conducted by written secret ballot.

(a) In the event the Chief does not call a meeting of the Miami Council within the specified sixty (60) days of presenting such petition, a spokesperson for the petitioners is hereby authorized to call and conduct such a meeting of the Council.

(b) The decision of the Council shall be binding on the Business Committee and the Tribe and shall remain in force until amended or rescinded by the Council, except as it may expire by its own terms.

Section 2. Referendum. Referendum is the exercise of authority whereby the Business Committee, at its discretion, may refer any matter before it to the Miami Council for its decision, at a special meeting of the Council called for that purpose. A majority of those voting at such a meeting, where a quorum is declared, is required to pass on any such matter before it. Voting shall be by written secret ballot. If the proposed measure is adopted it shall be binding on the Business Committee and the Tribe, until amended or repealed, except that it may expire by its own terms.

ARTICLE XIII AMENDMENTS

Amendments to this Constitution and By-Laws may be proposed by three (3) members of the Business Committee or by a valid petition signed by seventy-five (75) of the adult members of the Tribe. This Constitution may be amended by a majority vote of the qualified votes of the Miami Tribe, voting in an election called for that purpose by the Secretary of the Interior. Provided that at least thirty percent (30%) of those entitled to vote shall cast ballots in such election, but no amendment shall become effective until it has been approved by the Secretary of the Interior so long as such approval is required by Law.

ARTICLE XIV SAVINGS CLAUSE

All enactments of the Tribe adopted before the effective date of this Constitution shall continue in effect to the extent that they are not inconsistent with this Constitution.

ARTICLE XV SEVERABILITY

If any part of this Constitution is held invalid by the Federal Court to be unlawful, the remainder shall continue to be in full force and effect.

ARTICLE XVI INHERENT RIGHTS AND POWERS

The enumeration in the Constitution, of certain rights and powers, shall not be construed to deny or limit other inherent rights and powers retained by the citizens of the Miami Tribe or the Miami Tribal Government.

BY-LAWS

ARTICLE XVII DUTIES OF OFFICERS

Section 1. Chief. It shall be the duty of the Chief to preside at all meetings and perform all duties appertaining to the office, also to act as chairman of the Business Committee.

Section 2. Second Chief. In the absence of the Chief, or during a procedure to remove the Chief, the Second Chief shall perform the duties of the Chief. In the case of vacancy, the Second Chief is to immediately succeed to the office of Chief, to serve the unexpired term thereof.

Section 3. Secretary/Treasurer. The Secretary/Treasurer shall be responsible for correctly recording the proceedings of all meetings of the Miami Council and the Business Committee. He/she shall make out the order of business and issue all Notices of any such meetings, for the Chief, and shall have custody of the records and papers of the Tribe, which will be kept in the offices of the Miami Tribe and which are to be open for inspection by any member of the Tribe, by appointment with, and in the presence of the Secretary/Treasurer.

The Secretary/Treasurer shall keep a correct list of all members of the Tribe and shall authenticate all accounts or orders of the Miami General Council and, in the absence of the Chief and Second Chief, shall call such meeting to order until a chairman pro tem is selected. He/she shall be responsible for receiving all monies of the Council, and to deposit funds in a National Bank(s), where ever the Tribe deems necessary for banking purposes, and keeping an accurate account of all receipts and disbursements, and shall post a Surety Bond satisfactory to the Business Committee, to be paid out of Tribal monies.

The Secretary/Treasurer shall cause to be rendered an audited report, at each Annual Meeting of the General Council of the financial condition of the Tribe and each subsidiary thereof. And at the expiration of term of office, shall turn over all records and papers in his/her possession to the successor of the position or to the Miami Business Committee.

ARTICLE XVIII QUALIFICATIONS OF OFFICERS

Section 1. Any person elected to any office or committee of the Miami Tribe shall be no less than twenty-one (21) years of age, a member of the Tribe and shall reside within a fifty (50) mile radius of Miami, Oklahoma. Any such member who no longer resides in a 50 mile radius of Miami, Oklahoma shall automatically be removed from office.

Section 2. No person who has lost his/her right to vote in Tribal, State or Federal elections, because of being convicted of a felony, or other crime involving moral turpitude shall hold any elected position within the Tribe and shall not be a candidate for an elected position within the Tribe, unless the person so convicted shall have been pardoned or have had his or her civil rights restored.

ARTICLE XIX MEETINGS

Section 1. Annual meetings of the Miami Council shall be held on the first Saturday in July each year, or as otherwise advised by the Business Committee in the Notice of Meeting, for the purpose of receiving reports and transacting such other business as may come to the meeting for consideration of the Council.

Section 2. Special meetings of the Miami Council may be called at the discretion of the Chief, and shall be called by him upon the written request of three (3) of the Business Committee or upon the written request of seventy-five (75) members of the Tribe: Provided, that at least ten (10) days notice shall be given in each instance. Except in emergencies, the ten (10) day notice shall be waived.

Section 3. The principal object of the special 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.

Section 4. The Business Committee shall hold regular meetings on the second Tuesday of each month, without need for notice, unless otherwise provided by Resolution of the Committee.

Section 5. Special meetings of the Business Committee may be called by the Chief at his discretion, and shall be called by him upon the written request of three (3) members of the Business Committee.

Section 6. Unless otherwise appointed in the call or notice, all meetings of the Miami Council and any Tribal Committee shall be held at the Tribal Administrative Complex in Miami, Oklahoma. If such meeting is to be held at another location, it will require a vote of no less than three (3) members of the Business Committee to make the change.

ARTICLE XX NOTICES

Whenever any Notice is required by these By-Laws to be given, personnel notice is not meant, unless expressly stated, and any notice so required shall be deemed to be sufficient if given by depositing the same in the U.S. Mail, postage prepaid, addressed to the person entitled thereto, at his given address as it appears on the membership records of the Tribe. Such notice shall be deemed to have been given on the date of mailing.

ARTICLE XXI ACTION WITHOUT MEETING

Whenever the vote of Business Committee members, at a meeting thereof, is required or permitted to be taken in connection with any action, the meeting may be dispensed with, if all members who would have been entitled to vote shall consent in writing to any such action being taken. No Business Committee member may vote except in person, provided that Business Committee members may participate and vote in a meeting by means of conference telephone or similar communications equipment whereby all persons participating and voting during the meeting can hear each other, and participation in such meeting in such manner shall constitute presence in person at such meeting.

ARTICLE XXII QUORUM

Section 1. Twenty-five (25) members of the Miami General Council shall be required to constitute a quorum to transact regular business.

Section 2. Three (3) members of the Business Committee shall be required to constitute a quorum to transact business for the Tribe.

Section 3. Three (3) members of the Grievance Committee shall be required to constitute a quorum to transact any business of the Grievance Committee.

ARTICLE XXIII OFFICES

Section 1. The primary administrative offices of the Miami Tribe shall be maintained in Miami, Oklahoma.

Section 2. The Miami Tribe of Oklahoma may have other offices, either within or without the State of Oklahoma, at such places as the Business Committee may appoint or business may require.

ARTICLE XXIV COMPENSATION

Tribal members having been elected to any office may receive a salary for their services in such capacity or as members of any committee, as may from time to time be approved by the Business Committee, and shall receive a fixed fee for attendance at any such meetings thereof.

ARTICLE XXV DISTRIBUTIONS

Subject to any provisions of the Constitution, the Business Committee may declare a distribution of funds of the Tribe, to its members, consistent with Federal Law.

ARTICLE XXVI ADOPTION

This Constitution and By-Laws shall be effective when approved by the Secretary of the Interior and adopted by a majority vote of the qualified voters, of the Miami Tribe 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 30 percent (30%) of the eligible voters vote in such election.

CERTIFICATION OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Deputy Commissioner of Indian Affairs on August 14, 1995, the foregoing Constitution of the Miami Tribe Oklahoma was submitted to the registered voters of the Miami Tribe of Oklahoma and on December 4, 1995, was duly adopted by a vote of 194 for, and 12 against, and 8 cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the 320 members registered to vote cast their ballots in accordance with the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967).

CERTIFICATE OF APPROVAL

I, Deborah Maddox, Acting, Deputy Commissioner of 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 delegated to me by Secretarial Order 3150 and subsequent Orders, do hereby approve the Constitution of the Miami Tribe of Oklahoma. This Constitution is effective as of this date; PROVIDED, That nothing in the approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Acting Deputy Commissioner of Indian Affairs
Washington, D. C.

Date: FEB 22 1996