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**Exhibit “A” - Echo Hawk Memorandum – Powers of the Chief
under the Constitution of the Pawnee Nation**

ATTORNEY-CLIENT MEMORANDUM

To: Nasharo Council members

From: Walter Echo-Hawk

Re: Powers of the Chiefs under the Constitution of the Pawnee Nation

Date: 9/25/18

I. INTRODUCTION:

THIS MEMORANDUM responds to the Nasharo Council's request for legal assistance in exploring the need and desirability of seeking possible constitutional amendments to restore powers of the Nasharo Council taken away by constitutional revisions in the wake of the 2008 referendum vote. Because this legal memorandum was prepared for the Nasharo Council in my capacity as an attorney with a *pro bono* attorney-client relationship, I am required to keep this document confidential. However, as the client in this matter, the Nasharo Council is free to share this attorney-client document with anyone it sees fit.

At the outset of the Chiefs' deliberative process over the past two meetings, we decided that it is important to begin by first examining the existing powers of the Nasharo Council under the current Constitution of the Pawnee Nation of Oklahoma. The Constitution was revised in 2008 to take the joint removal power of the Nasharo Council and Pawnee Business Council away from those Councils and transfer that function to the tribal court; this was done by referendum vote on June 14, 2008.¹

The question addressed in this memorandum is: *Under the Pawnee Nation Constitution, what Nasharo Council powers remain today?*

By way of background, it must be remembered that from time immemorial the Pawnee chiefs ruled the Pawnee Nation and its four bands as the traditional political leaders of the nation. For hundreds of years, these traditional leaders presided over the economy – directing tribal buffalo hunts to feed the people; they led the bands in times of peace and war; they entered into treaties with the United States; they conducted relations with other Indian nations and guided tribal relations with the United States. In difficult times, the

¹ Prior to the 2008 referendum, Article VII, Sec. 3 vested the Nasharo Council with the following removal authority and responsibility which was shared with the Pawnee Business Council:

Section 3. Removal of Pawnee Business Council Members. – The Nasharo Council shall investigate complaints of misconduct in office of members of the Pawnee Business Council and upon a proper showing shall call a joint meeting of the Pawnee Business Council and the Nasharo Council to act upon such complaints. Such joint Council shall have the power, by a majority vote, after giving the accused a hearing, to remove the accused from office; provided, a quorum from each of the Councils is present.

chiefs took care of the welfare of the people; and our Nation is still here because of their leadership.

Toward the end of the 19th century, United States agents attempted to undermine the power of the chiefs and supplant the chiefs' authority with their own. Nevertheless, when the Pawnee Nation established its modern government in 1938 under the Oklahoma Indian Reorganization Act of 1936, the people remembered the chiefs and specifically included the Nasharo Council in the new Constitution to make their traditional leaders an integral part of their governmental reorganization. As such, the Pawnee government today is unique, because it preserves our traditional leadership by making Chiefs part of the modern-day government. The Nasharo Council constitutes the traditional branch of our government.

The Constitution exalts the Pawnee Business Council (PBC) as the "supreme governing body of the Pawnee Nation of Oklahoma." (Art. IV, Sec.1) Article IV states: "Subject to the limitations imposed by this Constitution . . . the Pawnee Business Council shall exercise all the inherent, statutory and treaty powers of the Pawnee Nation of Oklahoma." (Id., Sec. 2). That is a broad grant of government authority—but it is not absolute, because the exercise of those powers by the PBC is made "subject to the limitations imposed by this Constitution." Among those "limitations" are Nasharo Council powers granted by Art. III, Sec. 3; Art. IV, Sec. 3; and Art. VIII—all of which will be discussed below.

The duties and powers of the Nasharo Council are derived from words in the Constitution; and the review power given to the Nasharo Council by those words is identified and circumscribed by Pawnee treaty rights. To inventory the constitutional powers of the Nasharo Council, this memo examines two controlling sources of tribal law:

(1) Enumerated powers are specifically listed in Arts. III, IV, and VIII of the Constitution; and

(2) Pawnee treaty rights define the review powers of the Nasharo Council. Art. IV, Sec. 3 states that "all acts" of the PBC "regarding . . . Claims or Treaty Rights . . . shall be subject to review by the Nasharo Council." To determine exactly which PBC acts are subject to review, we must know the content of Pawnee treaty rights. *See also*, Art. VIII, Sec. 1 ("The Nasharo Council shall have the right to review all acts of the Pawnee Business Council regarding . . . Pawnee Nation of Oklahoma claims or rights growing out of treaties between the Pawnee Nation of Oklahoma and the United States . . .")

II. ENUMERATED CONSTITUTIONAL POWERS IN ARTS. III, IV and VIII.

The Constitution lists Nasharo Council powers:

1. PBC rules & regulations covering future tribal membership are "subject to the review of the Nasharo Council." (Art. III, Sec. 3(1))

2. "All acts regarding Membership or Claims or Treaty Rights of the Pawnee Business Council shall be subject to review by the Nasharo Council in accordance with this Constitution." (Art. IV, Sec. 3) The Pawnee Nation has many treaties covering a broad number of subjects. Under this provision, before the PBC brings a claim involving the exercise or protection of treaty rights, Nasharo Council review is required; and the same is true for all PBC acts pertaining to, or growing out of, Pawnee treaty rights which will be described and elaborated upon in more detail below.

3. "The Nasharo Council shall have the right to review all acts of the Pawnee Business Council regarding the Pawnee Nation membership and Pawnee Nation of Oklahoma claims or rights growing out of treaties between the Pawnee Nation of Oklahoma and the United States, provided:

(i) Such acts of the Pawnee Business Council shall be valid unless formally disapproved by the Nasharo Council within thirty (30) days after such acts are referred to the latter Council;

(ii) Where such acts are disapproved by the Nasharo Council, the Pawnee Business Council may submit them to a referendum of the Pawnee Nation of Oklahoma and they shall be valid and effective if approved by a majority vote of the adult members voting in person or by absentee ballot; provided, that, at least fifty (50) of those qualified to vote shall cast ballots in such election." (Art. VIII, Sec. 1 (i), (ii))

4. Chiefs for each Band can prescribe rules & regulations for electing the Band's chiefs. (Id., Sec. 2)

5. Vacancies on the Nasharo Council are "filled under rules and regulations prescribed by the Nasharo Council." (Id., Sec. 3)

6. The Nasharo Council can establish its own offices, designate its own officers, fix its own meeting days, and adopt its own rules of procedure; provided, a quorum is present to transact business." (Id., Sec. 4)

As will be demonstrated below, the analysis in this memorandum of Pawnee treaty rights shows that many seemingly routine Pawnee Business Council acts and activity can in fact directly or indirectly affect, pertain to, or grow out of Pawnee treaty rights and are

therefore subject to Nasharo Council review in the manner prescribed by the Constitution.

To know exactly *what PBC acts* are subject to Nasharo Council review (2 & 3 above) requires a careful case-by-case analysis. The task is to identify particular PBC actions that pertain to treaty rights or relate to claims or rights “growing out of treaties between the Pawnee Nation of Oklahoma and the United States.” That analysis is discussed next; and examples of PBC acts that might be subject to review are given. The conclusions reached show that a significant number of routine Pawnee Business Council acts might be subject to Nasharo Council review – perhaps to such a great extent it may surprise both the PBC and the Nasharo Council and potentially impact the way both Councils have conducted governance in the past. Because it is the Attorney General’s job to advise the Pawnee Nation government exactly which acts of the PBC are subject to Nasharo Council review, and which acts are not, this memorandum recommends that both Councils (1) consult about the conclusions reached in this memorandum; (2) seek a formal Pawnee Nation Attorney General Opinion that clarifies and confirms the extent of constitutionally-mandated review of PBC acts; and (3) then the two Councils should collaborate to determine how the Attorney General’s legal conclusions, recommendations, and guidance are best addressed so that all branches of the government are confident that governance is done in the manner prescribed by the Constitution.

III. PAWNEE TREATY RIGHTS.

Under the Constitution, all PBC acts that pertain to, or arise out of, the following treaty rights are subject to mandatory Nasharo Council review. This section analyzes Pawnee treaty rights, using applicable federal Indian law canons of treaty construction prescribed by Supreme Court decisions, in which treaties are *liberally construed* in favor of the Indian Tribes. Furthermore, Federal Indian law not only recognizes and protects express treaty rights (i.e., rights expressly provided by language in the treaty), but also implied treaty rights (such as water rights or habitat rights) needed to effectuate the parties’ intended purposes of the treaty – even though the treaty itself is silent about those rights.

The Pawnee Nation has eight treaties with the United States. All acts of the PBC pertaining to rights reserved in those treaties, or growing out of these treaties, are subject to Nasharo Council review under the Constitution of the Pawnee Nation. Here is a summary of those treaty rights.

A. Four Peace and Friendship Treaties of 1818. Each Band entered into a separate peace and friendship treaty with the United States in St. Louis from June 18 to 22, 1818. In the exact same language, all four treaty agreements established “perpetual friendship” between the Bands (who were treated as independent tribes or nations) and the United States, forgave past injuries and hostilities, and brought each Band into the Republic

under the protection of the United States as federally-protected Indian Nations, with these words in Article 3 in each of the four treaties:

“The undersigned chiefs and warriors, for themselves and their said tribe, do hereby acknowledge themselves to be under the protection of the United States of America, and of no other nation or sovereign whatsoever.”

Similar language in a Cherokee Treaty was interpreted by the Supreme Court in *Worcester v. Georgia*, 31 U.S. 515 (1832) to mean that an Indian Nation voluntarily enters into the Union as a “domestic dependent nation,” with its retained inherent right of self-government to rule its internal affairs, members and territory. The Court stated tribes are not “conquered” by this language in the eyes of the law, but are merely weaker nations claiming and receiving the protection of a stronger nation, as is commonly done by nations in international relations then and today. According to the Court, the duty of the stronger nation is to protect the integrity and well-being of the weaker protectorate nation, and this duty does not give the United States license to exploit or prey upon Indian nations or destroy them.

Under *Worcester’s* ruling, in Article 3 of the Pawnee Treaties of 1818, the United States assumed the obligation to protect and become the guardian of the four Bands. This treaty right remains in effect, because it has never been abrogated by Congress.

Analysis: What acts of the PBC could pertain to or grow out of the above treaty rights and therefore be subject to Nasharo Council review? Many acts seem to fall within the ambit of constitutionally mandated Nasharo Council review, because anytime the PBC exercises the Pawnee Nation’s right of self-government under the protection of the United States of America as a domestic dependent nation, its act pertains to Article 3 of those four Treaties, and can be said to grow out of those treaties. Accordingly, those acts would be subject to Nasharo Council review as provided in the Constitution.

Several examples of this constitutionally-mandated review come to mind. For examples, such review probably applies to the following PBC acts: (1) PBC enactment of any civil or criminal tribal statute; (2) other PBC resolutions, directives, or rules and regulations regarding the exercise of Pawnee self-government as a domestic dependent nation under the protection of the United States of America; (3) PBC acts relating to, or done pursuant to, the Pawnee treaty trust relationship between the four Bands and the United States government; and (4) when economic development activity is pursued or conducted by the PBC as a domestic dependent nation under the protection of federal law or of the United States, its acts arguably grow out of, pertain to, and are protected as the exercise

of a treaty right established by Article 3 of the 1818 Treaties—as such, Nasharo Council review is most likely required. This conclusion raises another closely-related question which should be addressed and resolved: Does that constitutionally-mandated review also extend to TDC acts? Since TDC is the PBC’s “business arm” under tribal law, “TDC’s acts” could well be considered “PBC acts” as a matter of tribal law at least for purposes of triggering Nasharo Council review.

Given the potential reach of Nasharo Council review revealed by this treaty analysis, I recommend that the Nasharo Council (1) seek an Attorney General Opinion whether the opinions expressed in this analysis are a correct legal interpretation of tribal law and the 1818 Treaties; and (2) consult with the PBC about the conclusions reached by the Attorney General and how the two branches of tribal government can cooperate to smoothly and efficiently implement the review provisions mandated by the Constitution.

B. Peace and Trade Treaty of 1825. This treaty, which was made in Council Bluffs, Iowa, does two things: (1) First, it strengthens the protectorate relationship and expands guardianship obligation of the United States to the Pawnee Nation as a whole, as opposed to each Band; and (2) Second, it establishes comprehensive treaty framework governing trade that probably preempts any state regulation of Pawnee Nation trade and intercourse.

1. Article 1 reiterates that “the Pawnee tribe of Indians . . . reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection [and] admit the right of the United States to regulate all trade and commerce with them.”

2. Article 2 strengthens the parties’ protectorate & guardianship relationship, with the United States’ promise to “receive the Pawnee tribe into their friendship, and under their protection, and to extend from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.”

3. Articles 3-6 comprehensively regulate trade and prescribe the economic relationship between the signatories. Article 3 empowers the President to regulate trade and intercourse with the Pawnee Nation, and states that none but U.S. citizens can have trade and commerce with the Pawnee Nation. Article 4 promises to provide the Pawnee Nation with “such articles of merchandise, etc. as their necessities may demand” and grants the United States power to license and regulate traders among the Pawnee under the protection of the Pawnee Nation; and the Pawnee agree to deliver unauthorized traders to the United States. Article

5 addresses Pawnee property stolen by American citizens, in which the United States guarantees "full indemnification [to any Pawnee Indian] for any horses or other property which may be stolen [by American citizens]." Article 6 prohibits Pawnee gun trade to hostile tribes.

Analysis: Whenever acts of the PBC pertain to areas covered by the treaty, or grow out of these treaty rights, Nasharo Council review is required by the Constitution. For example, PBC acts relating to treaty rights reserved in Articles 1 and 2 can arise in many self-government matters. The Pawnee government usually operates as a domestic dependent nation under the protection of the United States. As such, it is exercising treaty-protected self-government rights. The exercise of those treaty rights by the PBC could include the following acts: (1) enacting any tribal civil or criminal law; (2) acts that maintain, implement, or enforce the Pawnee Nation's trust and guardianship relationship with the United States--indeed, most PBC dealings with the federal government are likely fall into this category and would be subject to Nasharo Council review.

Another big area where such review is required is Pawnee trade and commerce. Articles 3-6 create treaty rights and obligations governing "all trade and commerce with U.S. citizens;" and under principles of federal Indian law, those important treaty rights operate to protect the Pawnee Nation from state regulation and taxation of Pawnee trade and commerce. For that reason, I suspect most commercial and economic activity taken by the PBC is subject to Nasharo Council review, since it arguably pertains to or grows out of treaty rights established by Articles 3-6. It must be remembered that most economic activity conducted by the Pawnee Nation is done in its legal capacity as a domestic dependent nation under the protection of the United States; and under the 1825 Treaty, all trade and commerce with U.S. citizens is subject to federal regulation. Similarly, if TDC trade and commerce falls within these treaty protections for trade and commerce, its acts might also be subject to Nasharo Council review; after all, the TDC is the "business arm" of the PBC and its acts are conducted exclusively under color of a tribal law enacted by the PBC.

Once again, as a matter of good governance, I recommend that the Nasharo Council seek a formal Pawnee Attorney General Opinion regarding the above conclusions and consult with the PBC about how best to carry out his recommendations and guidance.

C. Land Cession Treaty of 1833: On October 9, 1833, the Pawnee Nation entered into a treaty with the United States at the Chauvi Village on the Platte River. In the treaty, the Pawnee Nation ceded all land south of the Platte River to the United States in exchange for various compensation and other consideration, but retained

important hunting rights in the ceded area which remain in full force and effect to this very day. Article II provides that the ceded land (which includes the southern half of Nebraska, Northern Kansas and parts of eastern Colorado, except for land assigned to other tribes) “shall remain a common hunting ground, during the pleasure of the President, for the Pawnees and other friendly tribes, who shall be permitted by the President to hunt on the same.” Accordingly, any act or claim of the PBC pertaining to Pawnee treaty hunting rights in the above region would have to receive review by the Nasharo Council as outlined in the Constitution.

D. Treaty of 1848: In this land cession treaty, the Pawnee Nation sold Grand Island to the United States (located in the Platte River) and granted timber-cutting privileges north of the ceded area. I cannot think of any PBC act that might be subject to review regarding this treaty.

E. Treaty of 1857 (Creating the Pawnee Reservation in Nebraska and establishing the perpetual Pawnee annual annuity payment). There are 12 Articles in this treaty, which was made on September 24, 1857, at Table Creek, Nebraska.

In Article 1, the Pawnee Nation sold all remaining tribal land to the United States in this treaty, and reserved a reservation along the Loup River, consisting of present-day Nance County, Nebraska.

Under Article 2, the United States agreed to pay certain sums of money for the ceded land to the Pawnee Nation, including \$30,000 per annum as a perpetual annuity payment made each year, which is still in effect today.

In Article 3, the United States agreed to furnish the Pawnee with various dwellings, facilities, schools, teachers and other services & programs; and the Pawnees promised to send their kids to school or lose their annuity payment. Chiefs were made responsible for sending orphans without guardians to school.

In Article 4, the United States of America promised to protect the Pawnees in their new homes on the reservation and to furnish their reservation with a wide variety of facilities and services.

In Article 5, the Pawnee Nation strengthened and reaffirmed its protectorate relationship to the United States, renewed its vow of peace with U.S. citizens, and agreed to limit the Pawnee Nation’s War Powers to self-defense warfare only.

In Articles 6-11, the signatories addressed several miscellaneous issues, concessions, and services of importance to the parties at the time.

Analysis: PBC acts regarding the perpetual \$30,000 annual treaty annuity are subject to Nasharo Council review. Most other rights in this Treaty appear related to the establishment of the Nebraska reservation and may no longer be applicable to PBC acts today, except in rare instances. However, if further legal research on the nature, extent and applicability of those treaty rights shows they are still viable and relevant to the Pawnee Nation in Oklahoma today, any PBC claims or acts pertaining to, or arising out of, those treaty rights are subject to Nasharo Council review.

F. Pawnee Treaties with other Indian tribes. The Pawnee Nation entered into three treaties with other Indian Tribes, but the United States was not a party--so those treaties are not covered by the review provisions of the Pawnee Constitution which only require Nasharo Council review of PBC acts relating to Pawnee treaties with the United States government. As such the three treaties with other Indian tribes are not relevant to this memo; they are: (1) the Peace Treaty of November 13, 1833, between the Pawnee Nation and 13 Indian tribes; (2) the Peace Treaty between the Pawnee and Yankton Sioux Nations of January 23, 1863; and (3) the Treaty entered into in 2013 between the Pawnee Nation and Yankton Sioux (and other tribes) to oppose the Keystone XL Pipeline. Since the United States was not a party to these treaties, PBC acts pertaining to those treaty rights, duties and obligations are not subject to Nasharo Council review.

CONCLUSION

I hope this memorandum is helpful to the Nasharo Council, as you deliberate about the Chiefs' role in the modern Pawnee tribal government and in your discussions about constitutional amendments needed to better serve the people and Bands of the Pawnee Nation.

Because the treaty analysis reveals potentially significant review powers to be exercised by your branch of the tribal government, I recommend that you request authoritative legal guidance from the Pawnee Nation Attorney General to clarify and confirm the meaning, extent, and nature of the existing Nasharo Council review powers. I also recommend that the two Councils work together in harmony, good faith and in the spirit of good governance to chart the best path for following the Attorney General's legal conclusions, recommendations, and guidance--so that the existing powers of the Nasharo Council are clarified to everyone's satisfaction. After your existing powers are clearly identified and confirmed, here are five steps the Nasharo Council could take to do homework needed to identify, research and pursue desired constitutional amendments:

1. Decide what additional constitutional powers are needed by the Nasharo Council.
2. Draft necessary language for securing those powers in a proposed constitutional amendment.
3. Obtain authoritative clarification needed by the Nasharo Council to resolve any questions it may have about the referendum process, approval, ratification procedures outlined in Article XI--either from the Attorney General or from other knowledgeable tribal government leaders.
4. Develop your strategy for a successful constitutional referendum vote under Article XI of the Constitution.
5. Once all the above homework is done, the Nasharo Council should be sure to touch all the bases within the tribal government regarding its constitutional amendment proposals before formally launching the official referendum process. This entails a good faith effort on the part of the Chiefs to inform all affected branches of government, to explain the need for the amendments, and to enlist support for the proposed measure.

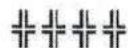


Exhibit “B” – Redline Comparison 1938 and 1998 Constitutions

Comparison of the 1938 and 1998 Pawnee Nation Constitutions by redline.

The 1938 Constitution is the base document edited for changes by provisions the 1998 Constitution

The strike-through language (----) shows what was deleted from the 1938 Constitution by the 1998 Constitution and the underlined () language shows what was added to the 1938 Constitution by the 1998 Constitution.

CONSTITUTION AND BY-LAWS OF THE PAWNEE INDIANS OF OKLAHOMA

RATIFIED JANUARY 6, 1938

PREAMBLE

We, the members of the four confederated binds of Indians, namely, Chaui, Kitkehahke, Petahauerat and Skedee, which now constitute the Pawnee Indians of Oklahoma, with faith in the purposes of our Supreme Being, with abounding pride in our racial heritages and with the determination to promote through marshalled efforts our social, economic and political advancement, do solemnly ordain and establish this ~~organization~~ Pawnee Nation of Oklahoma and adopt this ~~cConstitution and By laws~~ 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 November 26, 1937, and ratified on January 6, 1938, as amended.

ARTICLE I- NAME

The name of this organization shall be the "Pawnee Indian Tribe of Oklahoma."

ARTICLE II --PURPOSE

~~The purposes of this organization shall be:~~

~~(a) To define, establish and safeguard the rights, powers and privileges of the Tribe and its members;~~

~~(b) To secure for the Tribe and its members the rights, powers, privileges and benefits available under the provisions of the Oklahoma Indian Welfare Act;~~

~~(c) To promote in other ways the common welfare of the Tribe and its membership.~~

Section 1. To secure for the Pawnee Nation of Oklahoma and its members rights, powers, privileges and benefits of a sovereign nation.

Section 2. To establish its Jurisdiction and Powers.

(i) The governmental powers of the Pawnee Business Council, acting for the sovereign Pawnee Nation of Oklahoma shall extend to all persons and to all real and personal property including lands and other natural resources, and to all waters and air space, within the Indian Country over which the Pawnee Nation of Oklahoma has jurisdiction. The governmental powers of the Pawnee Nation of Oklahoma shall also extend outside the exterior boundaries of Indian Country to any persons or properties which are, or may be included within the jurisdiction of the Pawnee Nation of Oklahoma.

(ii) The Pawnee Nation of Oklahoma is empowered to maintain under any laws of the U.S. and/or Pawnee Nation of Oklahoma's law and order, and judicial systems to protect the peace, safety, health, and welfare of the members of the Pawnee Nation of Oklahoma, provided the concepts of separation of powers is maintained.

(iii) The Constitution is the supreme law of the Pawnee Nation of Oklahoma and all persons subject to its jurisdiction. The Pawnee Business Council shall exercise its power

consistent with the provisions of this Constitution and the Corporate Charter of the Pawnee Nation of Oklahoma.

ARTICLE III-MEMBERSHIP OF TRIBE

SECTION 1. The current membership of the Pawnee Indian Tribe of Oklahoma shall consist of the following persons:

- (a) All persons enrolled or entitled to be enrolled on the official annuity (base) roll of the Tribe as of February 19, 1937;
- (b) All children born since the date of said roll of a lawful marriage, both of whose parents are members of the Tribe;
- (c) All children of one-quarter (1/4) or more Pawnee Indian blood born on or after February 9, 1938, of a lawful marriage of an enrolled member.

SECTION 2. The future membership of the Pawnee Nation of Oklahoma, after the adoption of this Constitution, shall include any individual who applies for membership and possesses at least one-eighth (1/8) degree Pawnee Indian Blood, as amended on January 4, 2003 on Amendment Number 1.

SECTION: ~~23~~. The Pawnee Business Council shall have power to prescribe rules and regulations covering future membership of the Tribe, including the adoption and loss of membership, provided:

- ~~(a) That such rules and regulations shall be subject to the approval of the Secretary of the Interior;~~
- ~~(ib) That such rules and regulations shall be subject to the approval of the Nasharo Council;~~
- ~~(c) That, after one year from the adoption of this Constitution, no person shall be admitted to membership who is of less than one fourth degree Pawnee Indian blood.~~
- (ii) A person shall not be eligible for membership, if enrolled as a member of another Indian Tribe.

ARTICLE IV - PAWNEE BUSINESS COUNCIL

SECTION 1. The supreme governing body of the Tribe shall be the Pawnee Business Council, which shall consist of eight (8) members:

~~SECTION 2. The Pawnee Business Council shall have power to appoint subordinate officers, committees and representatives, Subject to the limitations imposed by this Constitution and applicable Federal law, the Pawnee Business Council shall exercise all the inherent, statutory, and treaty powers of the Pawnee Nation of Oklahoma by the enactment of legislation, to the transaction of -business, and otherwise speak or act on behalf of the Tribe in all matters on which the Tribe is empowered to act, provided and by otherwise speaking or acting on behalf of the Pawnee Nation of Oklahoma on all matters which the Pawnee Nation of Oklahoma is empowered to act, including the authority to hire legal counsel to represent the Pawnee Nation of Oklahoma.~~

~~(a) That the powers of the Tribe shall be set forth in detail in a Federal Charter to be requested by the Pawnee Business Council;~~

~~(b) SECTION 3. That acts of the Pawnee Business Council shall be subject to review of the Nasharo Council in accordance with Section 2 of Article V of this Constitution~~All acts regarding

Membership or Claims or Treaty Rights of the Pawnee Business Council shall be subject to review by the Nasharo Council in accordance with this Constitution.

SECTION 34. The present Pawnee Business Council shall serve till the next regular election provided for in Section 4 of this Article, or until their successors are elected and installed, provided:

(i) The Pawnee Business Council shall provide an election commission to conduct all elections, provided that regular elections are held on the first Saturday in May of each odd numbered year.

~~(a) That within thirty days after the adoption of this Constitution, the said Council shall organize for business by selecting from among its own membership a President, Vice-President, and a Secretary-Treasurer, who shall serve in these respective offices at the will of this Council~~

~~SECTION 4. Regular elections of members of the Pawnee Business Council shall be held on the first Saturday in May, 1939, and on the first Saturday in May of each second year thereafter, provided:~~

~~(a) That such elections shall be held under rules and regulations prescribed by the Pawnee Business Council;~~

~~(ii) That all members of the Pawnee Indian Tribe, twenty one years of age and older, shall be eligible to vote in these elections. No member of the Pawnee Nation of Oklahoma, eighteen (18) years of age or older, shall be denied the right to vote by secret ballot, either in person or by absentee ballot, provided that no write-in votes shall be allowed.;~~

~~(iii) That any person, in order to be eligible for election to membership on the Pawnee Business Council, must be a male member of the Pawnee Indian Tribe, twenty five years of age or older, and a resident of the territory known as the original Pawnee Indian Reservation in Oklahoma. Members of the Pawnee Nation of Oklahoma, twenty-five (25) years of age or~~

~~older, shall be eligible for election to the Pawnee Business Council. Members of the Pawnee Nation convicted of a felony or dishonorably discharged from the Armed Forces of the United States of America are ineligible for candidacy.~~

~~(d) That a member of the Nasharo Council shall not be eligible for election to the Pawnee Business Council,~~

~~(e) That members of the Pawnee Business Council elected pursuant to the provisions of this section shall be installed immediately after their election and the respective councils shall then organize for business by selecting from among their own membership a President, Vice-President and Secretary-Treasurer who shall serve at the will of the respective councils~~

~~(iii) Members of the Pawnee Nation of Oklahoma, twenty-five (25) years of age or older, shall be eligible for election to the Pawnee Business Council. Members of the Pawnee Nation convicted of a felony or dishonorably discharged from the Armed Forces of the United States of America are ineligible for candidacy.~~

~~(iv) At the first regular election after the adoption of this Constitution (1999), the President, Treasurer, and the First and Second Council Members shall be elected to a four~~

year term and the Vice-President, Secretary, and Third and Fourth Council Members shall be elected to a two-year term in order to stagger the terms of office:

(a) Candidates shall declare the position they are seeking.

(b) If there are positions which are vacant due to lack of candidates, those positions shall be considered vacant and filled according to Article VI.

Thereafter, all members of the Pawnee Business Council shall be elected to a four-year term of office and shall serve until their successors shall be duly installed in office. In cases when a vacancy is being filled to complete an unexpired term due to death, resignation, forfeiture, or recall of a Pawnee Business Council member, a successor will be appointed pursuant to Article VI of this Constitution.

(v) A Nasharo Council member shall resign his/her position if elected or appointed to the Pawnee Business Council.

(vi) A Pawnee Nation of Oklahoma employee shall resign his/her position if elected or appointed to the Pawnee Business Council.

(vii) A Pawnee Business Council member shall not be eligible for employment by the Pawnee Nation of Oklahoma.

(viii) Elected members of the Pawnee Business Council shall be inaugurated and sworn into office fourteen (14) calendar days after the Election Day.

(ix) Pawnee Business Council records and all related documentation for each outgoing Pawnee Business Council member shall be made available to the newly elected Pawnee Business Council members. Failure to comply shall result in ineligibility to file for candidacy for the Pawnee Business Council for ten (10) years or until records and documents are returned.

SECTION 5. All acts of the Pawnee Business Council shall be determined by a majority vote of the membership present, provided that five (5) members of the Council shall constitute a quorum to transact business. In the event of a tie, the chairperson or chairperson pro tem shall cast the deciding vote.

SECTION 6. Regular meetings of the Pawnee Business Council shall be held on the first Saturday in February, May, August, and November of each year, provided:

(ia) ~~That Special meetings may be called by the President, at his discretion and shall be called by him upon the written request of five members of the Pawnee Business Council~~

(ii) Special meetings shall be called by the President within two (2) weeks after receiving a written request, by regular mail or by certified and return receipt mail, from a majority of the occupied Pawnee Business Council positions, provided:

(a) If the President fails to call and conduct a special meeting as requested within two (2) weeks, a majority of the occupied members of the Pawnee Business Council shall be authorized to call and conduct a special meeting by affixing their signatures to a document listing in detail the need for the meeting and citing this Section of the Constitution as their authority to meet.

(b) A minimum of two (2) days notice of all meetings, regular or special, shall be published in a newspaper and posted in public view. Provided, that in an emergency, posting in public view for two (2) days shall be deemed sufficient notice. Notice shall include the agenda.

SECTION 7. Vacancies in the membership of the Pawnee Business Council shall be filled for an unexpired term through appointment by the President, subject to the approval of the

CouncilSection 7. All members of the Pawnee Business Council shall attend tribal constitution orientation classes as prescribed by the Pawnee Business Council.

ARTICLE V-DUTIES OF OFFICERS

SECTION 1. The President shall preside at all meetings of the Pawnee Business Council, joint meetings of the Pawnee Business Council and the Nasharo Council, and all general meetings and shall vote only in the case of a tie. The President shall have general supervision of the affairs of the Pawnee Business Council and shall perform all duties pertaining to the office of the President. The President shall administer oaths and affirmations when required or permitted. The President shall be bonded.

SECTION 2. In the absence of the President, the Vice-President shall perform the duties of that office. In the case of vacancy, the Vice-President shall succeed at once to the office of the President. The Vice-President shall be bonded.

SECTION 3. The Secretary shall, be responsible for the following duties:

- (i) Record the proceedings of all meetings of the Pawnee Business Council and Nasharo Council, and all special meetings as assigned by the Pawnee Business Council.
- (ii) Prepare the agenda for meetings of the Pawnee Business Council.
- (iii) Maintain all records and files of the Pawnee Business Council. All records and files of the Pawnee Business Council, except such records as shall be explicitly made exempt by law, shall be public information to any member of the Pawnee Nation of Oklahoma.
- (iv) Maintain the Pawnee Nation of Oklahoma official membership roll.
- (v) Attest to enactments of the Pawnee Business Council.
- (vi) In absence of the President and Vice-President, call to order regular and special meetings of the Pawnee Business Council until a Chairman pro tem is selected.
- (vii) Perform the duties of the Treasurer, in the absence of the Treasurer.
- (viii) The Secretary shall be bonded.

SECTION 4. The Treasurer shall, be responsible for the following duties:

- (i) Receive funds from all sources for which the Pawnee Business Council is held accountable, and maintain financial records which shall reflect actual receipts and disbursements of all funds and which shall reflect the financial position of the Pawnee Nation of Oklahoma.
- (ii) Deposit funds from any and all sources for which the Pawnee Business Council is held accountable in an insured bank or other approved financial institution.
- (iii) Disburse by check, the funds from any and all funds for which the Pawnee Business Council. All checks shall be signed by the Treasurer and countersigned by the President.
- (iv) An annual independent audit of all funds for which the Pawnee Business Council is held accountable.
- (v) Present financial status reports and budget reports as determined by the Pawnee Business Council.
- (vi) Perform the duties of Secretary, in the absence of Secretary.
- (vii) The Treasurer shall be bonded.

ARTICLE VI-VACANCIES

SECTION 1. In the event of Presidential vacancy, the Vice-President shall temporarily vacate their office and fulfill the duties of the office of President until another president is elected by a majority of Pawnee tribal voters in a specially called election. The Business Council shall elect from the current council membership a Temporary Vice President to serve until the next President is elected by a majority of Pawnee tribal voters in a specially called election, at which time the Temporary Vice President shall return to his/her previous position.

SECTION 2. If the offices of President and Vice President are vacant the Treasurer shall temporarily vacate their office and fulfill the duties of President and the secretary shall temporarily vacate their office and fulfill the duties of Vice President. The Business Council shall elect from the current council membership a Temporary Treasurer and a Temporary Secretary until the next President and Vice President are elected by a majority of Pawnee tribal voters in a specially called election, at which time the Temporary Treasurer and Temporary Secretary shall return to their previous position.

SECTION 3. If the offices of President, Vice President, and Treasurer are vacant the Secretary shall temporarily vacate their office and fulfill the duties of the President. The Business Council shall elect from the current council membership a Temporary Vice President, Temporary Treasurer, and Temporary Secretary until the next President, Vice President, and Treasurer are elected by a majority of Pawnee tribal voters in a specially called election, at which time the Temporary Vice President, Temporary Treasurer and Temporary Secretary shall return to their previous position.

SECTION 4. Notwithstanding Article 4 Section 5, if four or more positions are vacant a quorum shall consist of all of the remaining members. If all officer positions are vacant any remaining council members may call a special Business Council meeting, at which that council member shall chair and the council shall elect officers.

SECTION 5. If a vacancy occurs in a First, Second, Third, or Fourth Business Council member position before the last six months of a term, it shall be filled by a majority of Pawnee member voters in a specially called election.

SECTION 6. If a vacancy occurs in a First, Second, Third, or Fourth Business Council member position in the latter six month of that term, that position shall remain vacant until the next general election.

SECTION 7. If a vacancy occurs in any Business Council position in the six months prior to a general election, the specially called election shall be held with the general election.

SECTION 8. Any successful candidate who is elected in a special election shall serve only the remaining term of that vacant position.

SECTION 9. Unless section 6 & 7 apply, the election Board shall set and conduct a special election within 60 days but not before 30 days after a position is vacant.

SECTION 10. A position is vacant when:

- (i) Subject to an effective date, a resignation is received in writing by the Office of the president
- (ii) Vacant pursuant to Article VII, Section One
- (iii) Death
- (iv) Recall
- (v) Removal
- (vi) A suspension is imposed under Section 3, in which case a specially called election is not required if the Business Council finds that suspension is likely to be resolved within

six months. If the Business Council finds that the suspension is likely to be longer than six months, they may call a special election. If the suspension is removed, the person elected in the special election shall step down and the suspended Business Council Member shall retake their position.

ARTICLE VII-FORFEITURE, RECALL, REMOVAL

SECTION 1. Forfeiture - If a member of the Pawnee Business Council fails or refuses to attend two (2) regular or special meetings per year from the date of oath of office, unless excused by the Pawnee Business Council President for illness or other causes for which the member cannot be held responsible, his/her office shall be declared forfeited by a resolution of the Pawnee Business Council and the vacancy shall be filled.

SECTION 2. Recall - Upon receipt of a petition signed by twenty five per cent (25%) of the number of voters who voted in the last regular election call for the recall of any member of the Pawnee Business Council, it shall be the duty of the election commission to call and conduct within thirty (30) days an election on such recall. Recall shall be effective only if a majority of those voting shall vote in favor of such recall and that at least 50 per cent (50%) + one (1) of the number voting in the previous election vote in the recall election. Once a member has faced a recall attempt, no further recall action shall be brought against that member until at least twelve (12) months have passed. No member of the Pawnee Business Council shall be subject to recall action within the first six (6) months of that member's term.

SECTION 3. Suspension:

- (i) A Pawnee Business Council member shall be suspended from the Business Council without compensation when:
 - (a) charged with a criminal offense, and
 - (b) that offense would be cause for removal as defined in Section 4.iv.(a), and
 - (c) the charging jurisdiction guarantees similar civil rights and due process as is guaranteed within the Pawnee Nation.
 - (ii) The suspension shall be effective from the date of the filing of the charges until dismissed.
 - (iii) It is the duty of the defendant Business Council Member to timely notify the Business Council and the Attorney General of the charges.
 - (iv) A suspended Business Council Member is excused from attending meetings and other official duty during the suspension.
 - (v) Any vote cast or other official action taken after such charges have been filed shall be valid, but taking such official action while under suspension shall constitute the crime of unofficial misconduct.
 - (vi) The Business Council may by majority vote, with the subject member abstaining, lift the suspension if it finds that the requirements of paragraph (i) are not met.
 - (vii) The suspended Business Council Member may bring a declaratory judgment action in Pawnee Nation Tribal Court to challenge the application of this Section.
 - (viii) If the charges are dismissed because the defendant is found innocent, the suspension is automatically removed and all withheld compensation shall be paid without interest.
- Section 4 Removal of Pawnee Business Council Members

(i) Removal for Cause - Pawnee Business Council members may be removed for cause by petition filed in Pawnee Nation District Court with right of appeal to the Pawnee Nation Supreme Court.

(ii) A petition may be filed only;

(a) by the Attorney General, or

(b) by Resolution of the Pawnee Business Council, or

(c) by any individual or individuals who deposits \$10,000 in cash or bond with the court clerk.

(iii) Conviction is defined as a final conviction or a plea of no contest or guilty, whether or not dismissed, pardoned or expunged, and irrespective of whether it is denominated a felony, misdemeanor, or otherwise.

(iv) Cause if defined as:

(a) conviction of any of the following offenses in any legitimate governmental jurisdiction:

A. Fraud

1. Making false representation

2. Knowledge of such false representation by the perpetrator

3. Reliance on the false representation by the person defrauded

4. An intent to defraud

5. The actual act of committing fraud

6. Passing bad checks

7. Knowingly possessing stolen property

B. Evil Intent

1. Arson

2. Blackmail

3. Embezzlement

4. Extortion

5. False pretenses

6. Forgery

7. Fraud

8. Larceny (grand or petty)

C. Crimes against property

1. Malicious destruction of property

2. Receiving stolen goods (with guilty knowledge)

3. Robbery

4. Theft (when it involved the intention of permanent taking)

5. Transporting stolen property (with guilty knowledge)

D. Crimes against Governmental authority

1. Bribery

2. Counterfeiting

3. Fraud against revenue or other governmental functions

4. Mail fraud

5. Perjury

6. Harboring a fugitive from justice (with guilty knowledge)

7. Tax evasion (willful)

8. Carry a concealed weapon

- 9. Desertion from the Armed Forces
- 10. Dishonorable Discharge from the Armed Services
- 11. Failure to report for military induction
- 12. Drunk driving
- 13. Habitual drunkenness
- 14. Escape from prison
- 15. Gambling violations
- 16. Controlled Dangerous Substances violations
- 17. Liquor violations
- 18. Vagrancy
- E. Crimes committed against person, family relationship, and sexual morality
 - 1. Abandonment of a minor child (if willful and resulting in the destitution of the child)
 - 2. Assault
 - a. Assault with intent to kill, commit rape, commit robbery or commit serious bodily harm
 - b. Assault with a dangerous or deadly weapon
 - 3. Contributing to the delinquency of a minor
 - 4. Gross indecency
 - 5. Incest
 - 6. Kidnapping
 - 7. Lewdness
 - 8. Manslaughter
 - a. Voluntary
 - b. Involuntary, where the statute requires proof of recklessness
 - 9. Mayhem
 - 10. Murder
 - 11. Pandering
 - 12. Prostitution
 - 13. Rape (including "Statutory rape")
 - 14. Sodomy
 - 15. Libel/Slander
 - 16. Mailing an obscene letter
- F. Crimes attempting, aiding and abetting, accessories, and conspiracy
 - 1. an attempt to commit a crime listed in this Section.
 - 2. Aiding and abetting in the commission of a crime listed in this Section.
 - 3. Being an accessory (before or after the fact) in the commission of a crime listed in this Section.
 - 4. Taking part in conspiracy (or attempting to take part in a conspiracy) to commit a crime listed in this Section.
 - (b) Willful neglect or refusal to fulfill statutory duties.
 - (c) Intentional conduct reflecting very negatively on the dignity and integrity of the tribal government.

(v) Court Review

(a)The District Court shall review the removal petition in a new trial. The Judge must hold an initial hearing within 30 days and resolve the case within 90 days. The petitioner

must prove the facts by clear and convincing evidence. Any party to the case shall have a right to appeal.

(b) The defending Council member may be represented by Counsel. If the Court denies the petition then the defending Council member shall be awarded costs and attorney fees not to exceed \$10,000.00.

(c) If the petition was filed by Business Council or the Attorney General the cost of attorney fees shall be paid from tribal funds. If the petition was filed by an individual the cost of attorney fees shall be paid from the deposit. An exonerated Council member charged under paragraph (iv) (b)

or (iv) (c) of this Section shall not be charged again under such paragraph until more than twelve months have passed since the previous petition was filed.

(d) If a petition filed by individual(s) is successful then their \$10,000 deposit shall be refunded. If the attorney fees of a winning defendant are less than \$10,000 then the balance shall be refunded.

ARTICLE VIII- NASHARO COUNCIL

SECTION 1. The Nasharo Council shall consist of eight members with a quorum of five (5) to transact business. Each band shall have two (2) representatives on the Nasharo Council selected by the members of the tribal bands, Chaui, Kitkehahki, Pitahawirata and Skidi. ~~selected from the chieftainships of the following tribal bands: Chani, Kitkehahke, Petahauerat and Skedee,~~ provided:

(a) ~~That each band shall have two representatives on the Nasharo Council.~~

SECTION 2. The Nasharo Council shall have the right to review all acts of the Pawnee Business Council regarding ~~tribal~~ Pawnee Nation of Oklahoma -membership and Pawnee Nation of Oklahoma ~~tribal~~ claims or rights -growing out of treaties between the ~~Tribe~~ Pawnee Nation of Oklahoma and the United States, provided:

(ia) ~~That s~~Such acts of the Pawnee Business Council shall be valid and effective unless formally disapproved by the Nasharo Council within thirty days after such acts are referred to the latter Council

(iib) ~~That w~~Where such acts are disapproved by the Nasharo Council, the Pawnee Business Council may submit them to a referendum of the ~~Tribe~~ Pawnee Nation of Oklahoma and they shall be valid and effective if approved by a majority vote of the adult members voting in person, provided that at least fitly (50) votes are east of those qualified to vote shall cast ballots in such election.

SECTION 2. ~~3.~~ Within thirty days after the adoption of this Constitution, the tribal bands, referred to in Section 1 of this Article, The Bands of the Pawnee Nation of Oklahoma shall select their respective representatives under rules and regulations prescribed by the respective band the eChiefs of each band. ; subject to the approval of the Superintendent of the Pawnee Indian Agency, provided: The representatives selected shall serve until the next regular selection of members of the Nasharo Council.

(a) ~~That the representatives so selected shall serve till the next regular selection of members of the Nasharo Council as provided for in Section 4 of this Article, or until their successors are selected~~

SECTION. 4. Regular selections of members of the Nasharo Council shall be made on the first Saturday in May 1941, and on the first Saturday in May of each fourth year thereafter, provided

(a) That such

SECTION 3. Vacancies in the membership of the Nasharo Council selections shall be filled made under rules and regulations prescribed by the Nasharo Council.

SECTION 4. The Nasharo Council shall have the power to establish its own offices and to designate its own officers, to fix its own meeting days, and to adopt its own rules of procedure; provided a quorum is present to transact business. Records of the proceedings of this body shall be kept.

SECTION 5. All members of the Nasharo Council shall attend tribal constitution classes as prescribed by the Pawnee Business Council.

~~SECTION 5. Any person selected to membership on the Nasharo Council shall be a member of the band which he represents and shall not be a member of the Pawnee Business Council~~

~~SECTION 6. Vacancies in the membership of this Council shall be filled for an unexpired term in the same manner in which the preceding representative had been selected~~

~~SECTION 7. The Nasharo Council shall have the power to establish its own offices and to designate its own officers to fix its own meeting days and to adopt its own rules of procedure; provided that five members shall constitute a quorum to transact business. Records of the proceedings of this body shall be kept and a copy forwarded to the Superintendent of the Reservation.~~

ARTICLE VI - REMOVAL OF PAWNEE BUSINESS COUNCIL MEMBERS

~~SECTION 1. The Nasharo Council shall investigate complaints of misconduct in office of members of the Pawnee Business Council and upon a proper showing shall call a joint meeting of the Pawnee Business Council and the Nasharo Council to act upon such complaints. Such joint council shall have the power, by a majority vote, after giving the accused a hearing, to remove him from office, provided that at least five members from each of the councils are present.~~

ARTICLE IX - COURTS

SECTION 1. Establishment of Authority - The judicial power of the Pawnee Nation of Oklahoma shall be vested in the current Pawnee Nation Courts established by Resolution 93-65 and shall consist of five Justices and at least one trial court, known as the District Court, and additional courts as may be established by tribal law. The courts shall be a separate branch of government.

SECTION 2. Jurisdiction - The Courts of the Pawnee Nation 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 Pawnee Nation of Oklahoma. The Supreme Court shall have original jurisdiction in only such cases as may be provided by law, and shall have appellate jurisdiction in all other cases.

SECTION 3. Selection of Judicial Officers - The Justices of the Supreme Court and Judges of District Courts shall be selected by a majority vote of the Business Council. Justices and Judges may by Supreme Court rule assume the duties of a member of the other court to hear a specific case in which the regular Justices or Judges are disqualified or are otherwise unable to perform their duty as to the case.

SECTION 4. Term of Office - The Justices and Judges of the Pawnee Nation of Oklahoma shall serve six year terms beginning at the date of their confirmation in office and continuing if reconfirmed or until their successor shall be duly confirmed and installed.

SECTION 5. Removal - Justices and Judges of the Pawnee nation of Oklahoma may be removed from office only by a majority of the other active Justices and Judges sitting together upon a showing of habitual neglect of the duties of office, oppression in office for personal gain or advantage, or for cause as defined in Section 4, D. In no case may a judicial officer be removed from office because of his decision in any case before the Court.

SECTION 6. Judicial Review - The Courts are specifically authorized to review, in any case properly before them, the actions of the Business Council, or any other officers, agents, or employees of the government of the Pawnee Nation of Oklahoma to determine whether those actions are prohibited by Federal law, this constitution or the laws of the Pawnee Nation of Oklahoma. If the action complained of is outside the scope of authority delegated to entity in question, or if a proper authority is being exercised in a prohibited manner, the Court may enter injunction or other proper equitable relief or declare the action unconstitutional and void as justice may require.

SECTION 7. Effective date, Interim Provision - This article shall be effective upon approval in accord with Article X. The Business Council shall thereafter have the authority to enact such laws as may be necessary for the full and proper functioning of the Courts of the Pawnee Nation of Oklahoma not inconsistent with this article. All current laws regarding courts shall remain in effect and as amended to the extent that they do not conflict with this Constitution.

SECTION 8. Court Funding - The Court shall be funded in a reasonable amount in the annual budget.

1. Court funding shall be equal to or exceed funding amounts for fiscal year 2007.

2. In the event that overall funding shortfalls require budget cuts, the court budget may be reduced but proportionately not more than any other department.

ARTICLE ~~X~~ - ~~VII~~—BILL OF RIGHTS

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

SECTION. 2. This Constitution shall not in any way alter, abridge or otherwise jeopardize the rights and privileges of the members of ~~this Tribe~~ the Pawnee Nation as citizens of the State of Oklahoma or of the United States. The Indian Civil Rights Acts of 1968 (ICRA) and rights guaranteed under this Act is applicable to the tribal members and other persons within tribal jurisdiction.

SECTION. 3. The individual 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 ~~-VII~~— AMENDMENTS

Amendments to this Constitution and the attached By-laws may be proposed by a majority vote of the Pawnee Business Council or by a petition signed ~~thirty per cent~~ by at least fifty (50) of the adult members of the Tribe, Pawnee Nation of Oklahoma, and if approved by the Secretary of

the Interior, shall be submitted to a referendum vote of the adult members of the Tribe, and shall be effective if approved by a two-thirds vote of the adult members voting in person, provided that at least fifty votes are cast.

This Constitution may be amended by a majority vote of the qualified voters of the Pawnee Nation voting in an election called for that purpose by the Secretary of Interior and conducted pursuant to the rules and regulations of the Pawnee Nation of Oklahoma. Provided, that, at least fifty (50) of those qualified to vote shall cast ballots in such election. The amendment shall become effective when approved by the Secretary of Interior, so long as such approval is required by Federal law, and ratified by the adult members of the Nation.

ARTICLE XII-PLACE OF MEETINGS

Unless some other location in the Pawnee Nation of Oklahoma jurisdiction is designated in the notice, all meetings of the Pawnee Business Council and of the Nasharo Council shall be held at the Pawnee Nation Reserve at Pawnee, Oklahoma.

ARTICLE XIII-ADOPTION

This Constitution when approved by the Secretary of Interior, shall be submitted to referendum vote of the adult members of the Nation, and shall become effective if approved by two-thirds vote of the adult members voting in person, provided that at least fifty votes are cast.

ARTICLE XIV-SAVINGS CLAUSE

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

ARTICLE XV-SEVERABILITY

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

CERTIFICATE OF APPROVAL

I, NANCY JEMISON, Acting Deputy Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967) and delegated to me by Secretarial Order No. 3150 as extended by Secretarial Order No. 3177, as amended, do hereby approve the Constitution of the Pawnee Nation of Oklahoma. This Constitution is effective on the date ratified by the adult members of the Pawnee Tribe of Oklahoma; PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

NANCY JEMISON
Acting Deputy Commissioner
Of Indian Affairs
Washington, D.C.
Date: April 27, 1998

BY-LAWS

ARTICLE I—DUTIES OF OFFICERS

~~SECTION 1. The President shall preside at all meetings of the Pawnee Business Council, joint meetings of the Pawnee Business Council and the Nasharo Council, and all general tribal meetings. He shall have general supervision of the affairs of the Pawnee Business Council and shall perform all duties appertaining to the office of President.~~

~~SECTION. 2. In the absence of the President, the Vice President shall perform the duties of that office. In case of vacancy the Vice President shall succeed at once to the office of the President until a President is regularly selected.~~

~~SECTION. 3. The Secretary Treasurer shall correctly record the proceedings of all meetings of the Pawnee Business Council joint meetings of the Pawnee Business Council and the Nasharo Council, and all general tribal meetings. He shall make out the order of the business for the President, shall notify all committees of their appointments, shall have custody of the records and all papers of the Pawnee Business Council which records and papers shall be open to inspection at any time in his presence, by any member of the Tribe desiring to read same. He shall keep a correct list of all members of the Tribe, shall authenticate all accounts or orders of the Pawnee Business Council and, in the absence of the President and Vice President, shall call meetings to order until a chairman pro tern is selected. He shall render written reports upon the order of the Pawnee Business Council. He shall issue notices of all meetings and conduct all general correspondence, as directed by the Pawnee Business Council. He shall receive all moneys of the Pawnee Business Council and keep an accurate account of receipts and disbursements. The Secretary Treasurer shall keep all such moneys entrusted to his care in a special account and shall disburse said funds only upon the order of the Pawnee Business Council. At any time that such account shall amount to more than \$50, he shall file a bond satisfactory to the Pawnee Business Council and the Commissioner of Indian Affairs. The cost of such bond shall be paid out of Tribal moneys.~~

ARTICLE II—PLACE OF MEETINGS

~~Unless some other point under the Pawnee Indian Agency Jurisdiction is designated in the call or notice, all meetings of the Pawnee Business Council and of the Nasharo Council shall be held at Pawnee, Oklahoma.~~

ARTICLE III—ADOPTION

~~—This Constitution and By laws shall be effective when approved by the Secretary of the Interior and ratified by a majority of the members of the Pawnee Indian Tribe of Oklahoma voting at an election called by the Secretary of the Interior under the rules and regulations which he may prescribe pursuant to Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936.~~

~~I, Oscar L. Chapman, 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 Pawnee Indian Tribe of Oklahoma.~~

~~OSCAR L. Chapman,~~

Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., November 26, 1937

CERTIFICATION OF ADOPTION

— Pursuant to an order, approved November 26, 1937 by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Pawnee Indian Tribe of Oklahoma and was on January 6, 1938 duly adopted by a vote of 197 for, and 60 against, in an election in which over 30 per cent 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)

GEORGE H Roams,

President, Pawnee Business Council HARRY D. CUMMINGS,

Secretary-Treasurer, Pawnee Business Council.

Li A. Towns, _____

Superintendent, Pawnee Indian Agency.

Exhibit “C” – Nasharo Approval Resolutions 2015-2020

Table of PBC Resolutions reviewable by Nasharo Council

Subject to Nasharo Review	Resolution #			
	Protection	Land cession	Annuity	Membership
Table Creek Annuity Per cap			20-01	
Enrollment-Applicants				20-19
Enrollment-Deceased				20-20
Enrollment-Conditional				20-21
Enrollment-Conditional				20-22
Chiolocco Lease		19-03		
Farming and Grazing Lease		19-04		
Table Creek Treaty Annuity			19-08	
Energy and Mineral Develop		19-15		
Enrollment-Applicants				19-21
Enrollment-Deceased				19-22
Enrollment-Conditional				19-23
Enrollment-Applicants				19-37
Enrollment-Deceased				19-38
Enrollment-Conditional				19-47
Settlement Offer Cummings		19-62		
Enrollment-Applicants				19-68
Enrollment-Deceased				19-69
Enrollment-Conditional				19-70
Enrollment-Conditional				19-71
Enrollment-Conditional				19-72
ODOT Easement		19-86		
ATT and T Easement		19-87		
Enrollment				18-10
Enrollment				18-11
Enrollment				18-12
Enrollment				18-13
Enrollment				18-14
Table Creek Treaty Annuity			18-16	
Enrollment				18-32
Enrollment				18-33
Enrollment				18-34
Enrollment				18-35
Enrollment				18-36
Enrollment				18-41
Enrollment				18-42
Termination of Lease OSU		18-52		
Enrollment				18-66
Enrollment				18-67
Enrollment				18-68
Enrollment				18-69
Limited Waiver of Sov. Imm	18-70			

Easement OBOT	18-74	
Enrollment		17-14
Enrollment		17-15
Enrollment-Applicants		17-36
Enrollment-Deceased		17-37
Enrollment-Conditional		17-38
Table Creek Treaty Annuity	17-46	
Enrollment-Applicants		17-58
Enrollment-Deceased		17-59
Enrollment-Conditional		17-60
Enrollment-Conditional		17-61
Enrollment		17-73
Enrollment		17-74
Table Creek Treaty Annuity	16-01	
Land Buy Back	16-06	
Enrollment-Applicants		16-44
Enrollment-Deceased		16-45
Enrollment		16-77
Enrollment		16-78
Enrollment		16-79
Enrollment		16-80
Enrollment-Applicants		16-199
Enrollment-Deceased		16-120
Enrollment-Conditional		16-121
Enrollment-Conditional		16-122
Enrollment-Conditional		16-123
Enrollment-Applicants		15-02
Enrollment-Deceased		15-03
Enrollment-Conditional		15-04
Enrollment-Conditional		15-05
Enrollment-Conditional		15-06
Enrollment-Conditional		15-07
Enrollment-Conditional		15-08
Enrollment-Conditional		15-09
Table Creek Annuity		15-10
Table Creek Annuity		15-11
Chillico Land Lease	15-37	
Tribal land lease	15-38	
Enrollment		15-60
Enrollment		15-61
Enrollment		15-62
Enrollment		15-63
Enrollment		15-64
Enrollment		15-65
Enrollment		15-66
Enrollment		15-67
Enrollment		15-68

Enrollment				15-69	
Enrollment				15-70	
Fracking	15-79				
Enrollment				15-93	
Enrollment				15-94	
Enrollment				15-95	
Enrollment				15-96	
Enrollment				15-97	
Enrollment				15-98	
Total Resolutions - 479	1	12	7		78