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CONSTITUTION AND BY-LAWS OF THE CATAWBA INDIAN TRIBE OF SOUTH CAROLINA

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APPROVED JUNE 30, 1944

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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

CONSTITUTION AND BY-LAWS OF THE CATAWBA INDIAN TRIBE OF SOUTH CAROLINA

APPROVED JUNE 30, 1944

UNITED STATES
GOVERNMENT PRINTING OFFICE
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CONSTITUTION AND BY-LAWS OF THE CATAWBA INDIAN TRIBE OF SOUTH CAROLINA

PREAMBLE

We, the members of the Catawba Indian Tribe of South Carolina, in order to set up a more effective tribal organization, to improve our social and economic welfare, and to secure to ourselves and our posterity the benefits of organization, do hereby establish and ordain this constitution and by-laws for the Catawba Indian Tribe.

Article I—Territory

The jurisdiction of the Catawba Tribe shall extend to the land within the boundaries of the present Indian reservation in South Carolina, and to such other lands as may hereafter be acquired for the mutual benefit of its members.

Article II—Membership

Section 1. The membership of the Catawba Tribe of South Carolina shall consist of:

(*a*) All persons of Indian blood whose names appear on the tribal roll of July 1, 1943, as recognized by the State of South Carolina.

(*b*) All children born to any member of the Catawba Tribe, who is a resident of the State of South Carolina at the time of the birth of said children.

Section 2. The General Tribal Council, hereinafter provided for, shall have the power to pass ordinances, subject to the approval of the Secretary of the Interior, covering future membership and the adoption of new members.

Article III—Governing Body

Section 1. The governing body of the Catawba Tribe of South Carolina shall be the General Tribal Council which shall be composed of all qualified voters of the Catawba Tribe.

Section 2. All enrolled members of the Catawba Tribe, male and female, who are 21 years of age or over shall be qualified voters at any tribal election.

Section 3. The General Tribal Council, by secret ballot, shall elect from its own members (a) a Chief, (b) an Assistant Chief, (c) a Secretary-Treasurer, and (d) two Trustees who shall, ex officio, serve as the Executive Committee of the Tribe, as provided in Section 5 of this Article and Section 3, Article I of the bylaws.

Section 4. The General Tribal Council shall meet on the first Saturday of January and July of each year. Within 30 days after the ratification and approval of this constitution and bylaws, a General Tribal Council of the Tribe shall be called by the present Chief for the purpose of electing the officers named herein, and it shall transact

such other business as may be necessary. The officers elected at this meeting shall thereupon take office and serve until the July 1946 meeting, at which time their successors shall be chosen. Thereafter, officials shall be chosen at the July meeting of every even year. The Chief, or 25 per cent of the qualified voters of the Tribe, by written notice may call special meetings of the General Tribal Council. Thirty-five qualified voters of the Tribe shall constitute a quorum at any special or regular meeting.

SECTION 5. There shall be an Executive Committee consisting of the Chief, Assistant Chief, Secretary-Treasurer, and the two Trustees provided for in Section 3 of this Article, which Committee shall perform such duties as may from time to time be conferred on it by the General Tribal Council.

ARTICLE IV—POWERS OF THE GENERAL TRIBAL COUNCIL

SECTION 1. The General Tribal Council of the Catawba Tribe shall exercise the following powers, subject to any limitations imposed by this constitution and by the statutes or the Constitution of the United States:

(*a*) To negotiate with the Federal, State, and local governments;

(*b*) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior;

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

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

(*e*) To pass and enforce ordinances, which shall be subject to the approval of the Secretary of the Interior, providing for the supervision and management of tribal lands, including provisions for assignments of tribal lands to the members;

(*f*) To protect and preserve the property, wildlife, and natural resources of the Tribe;

(*g*) To adopt resolutions regulating the procedures of the Tribal Council itself and of other tribal agencies and tribal officials;

(*h*) To regulate the use and disposition of tribal property and funds.

SECTION 2. The General Tribal Council may exercise such further powers as may hereafter be delegated to it by the Secretary of the Interior, by any duly authorized official or agency of the State or Federal government, or by members of the Tribe.

SECTION 3. *Reserved Powers.*—Any rights and powers heretofore vested in the Catawba Tribe of South Carolina, but not expressly referred to in this constitution, shall not be abridged by this Article, but may be exercised by the people of the Tribe through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE V—VACANCIES AND REMOVAL

SECTION 1. In case of a vacancy of any office caused by death, resignation, permanent removal from the State, or expulsion from office,

such vacancy shall be filled at the next general council meeting of the Tribe.

SECTION 2. In case of misconduct, immorality, or neglect of duty by any tribal officer, 35 members of the Tribe may, by written petition, prefer charges against any such official at a regular or special meeting of the General Tribal Council. The accused shall be notified in advance of such meeting of the charges and shall have an opportunity to defend himself at such meeting. A two-thirds (2/3) vote of those present shall be necessary to remove an official from office.

ARTICLE VI—AMENDMENTS

Amendments of this constitution and bylaws may be proposed by a majority vote of the Catawba General Tribal Council and may be ratified and approved in the same manner as this constitution and by-laws.

BY-LAWS OF THE CATAWBA INDIAN TRIBE OF SOUTH CAROLINA

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. The duties of officers of the General Tribal Council shall be as follows:

(*a*) The Chief of the Tribe shall preside at all meetings of the General Tribal Council. He shall also be the presiding officer at any public meeting which may be duly called in accordance with this constitution. He shall at all times have general supervision of the affairs of the Tribal Council and Executive Committee and such matters as naturally pertain to the general welfare of the community. It shall also be the duty of the Chief to countersign all checks drawn against any funds of the organization by the Treasurer.

(*b*) The Assistant Chief in the absence of the Chief shall preside at all meetings of the General Tribal Council and shall act in his stead in all matters pertaining to the office of Chief.

(*c*) The Secretary-Treasurer of the General Tribal Council shall conduct all the tribal correspondence and shall keep an accurate record of all matters transacted at General Tribal Council meetings and Executive Committee meetings. It shall be his duty to send promptly to the Superintendent of the jurisdiction and the Commissioner of Indian Affairs copies of all minutes of regular and special meetings of the General Tribal Council and the Executive Committee.

He shall accept, receive, receipt for, preserve and safeguard all tribal funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Council shall direct and shall make and preserve a faithful record of such funds, and shall record all receipts and expenditures and the amount and nature of all funds in his possession and custody at each regular meeting of the General Council. An audit of accounts shall be made once a year and at such times as the General Tribal Council or the Commissioner of Indian Affairs may require. He shall not pay out or otherwise disburse any funds in his possession or custody except in accordance with a resolution duly passed by the General Tribal Council. He shall be required to give a bond satisfactory to

the General Tribal Council and to the Commissioner of Indian Affairs whenever in the opinion of the General Tribal Council or the Commissioner of Indian Affairs sufficient funds have accumulated in the tribal treasury to justify the need for such bond.

SECTION 2. The duties of all officials of the General Tribal Council and the Executive Committee shall be clearly set forth by resolution of the General Tribal Council at the time of their creation and appointment. Such officers and committees shall report to the General Tribal Council from time to time as required.

SECTION 3. *The Executive Committee.*—It shall be the duty of the Executive Committee, established pursuant to Section 3, Article III of this constitution, to act on behalf of the General Tribal Council at such times as said Council is not in session and to have charge of all routine matters which shall arise during such recess, including the administration of ordinances concerning lands under this constitution and such other matters as may be delegated to it by the General Tribal Council. It shall designate the time and place of its meetings and it shall determine the rules of its proceedings and keep a journal thereof, which shall be open to members of the Tribe at all reasonable hours. The Executive Committee shall make a report at each regular and special session of the Council.

ARTICLE II—ADOPTION

This constitution and by-laws, when adopted by a majority vote of the voters of the Catawba Tribe of South Carolina, voting at a special election called by the Secretary of the Interior, in which at least 30% of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved April 13, 1944, by the Assistant Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the members of the Catawba Indian Tribe of South Carolina and was on May 20, 1944, duly ratified by a vote of 54 for and 0 against, in an election in which at least 30 per cent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (49 Stat. 378).

ALBERT SANDERS.
ROY BROWN.
NELSON BLUE.

C. M. BLAIR,
Superintendent, Cherokee Indian Agency.

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 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Catawba Indian Tribe of South Carolina.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be

incompatible with any of the provisions of the said constitution and bylaws are hereby declared inapplicable to the members of the Catawba Indian Tribe of South Carolina.

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

Approval recommended:

WILLIAM ZIMMERMAN, JR.,
Assistant Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

WASHINGTON, D. C., *June 30, 1944.*

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