

CONSTITUTION OF THE CHOCTAW NATION

July 9, 1983

PREAMBLE

We, the members of the Choctaw Nation of Oklahoma, invoking the will and guidance of Almighty God in order to promote the general welfare, to ensure tranquility and to secure to ourselves and our posterity the blessings of our ancestral heritage, culture and tribal sovereignty of the Choctaw Nation of Oklahoma, do hereby ordain and establish this Constitution for the Choctaw Nation of Oklahoma.

ARTICLE I – NAME AND GEOGRAPHICAL AREA

Section 1. The name of this body shall be “The Choctaw Nation of Oklahoma.”

Section 2. Wherein this Constitution the term “Choctaw Nation” or “the Nation” is used to denote a geographical area, it shall mean the following areas in the State of Oklahoma, to-wit: Beginning at a point on the Arkansas River, 100 paces east of Old Fort Smith, where the western boundary line of the State of Arkansas crosses the said River, and running thence due south to Red River; thence up Red River to the mouth of Island Bayou, where it empties into Red River, about 26 miles on a straight line below the mouth of False Washita; thence running a northwesterly course along the main channel of said Bayou to the junction of the three prongs of said Bayou, nearest the dividing ridge between Washita and Low Blue Rivers, as laid down on Capt. R. L. Hunter’s map; thence northerly along the eastern prong of Island Bayou to its source; thence due north to the Canadian River; thence down said River to its junction with the Arkansas River; thence down said River to the place of beginning as set forth in the Treaty of June 22, 1853, (11 Stat. 611).

ARTICLE II – MEMBERSHIP

Section 1. The Choctaw Nation of Oklahoma shall consist of all Choctaw Indians by blood whose names appear on the original rolls of the Choctaw Nation approved pursuant to Section 2 of the Act of April 26, 1906 (34 Stat. 136) and their lineal descendants.

Section 2. Except as hereinafter provided, any Choctaw by blood who has elected or shall hereafter elect to become a member of any other tribe or band of Indians may be a member of this Nation.

Section 3. The Tribal Council shall have the power to adopt any Choctaw by blood as a member of the Choctaw Nation who is or has become a member of any other tribe or band of Indians and who applies for membership in the Choctaw Nation; provided, the applicant denounces his membership in such other tribe or band of Indians.

ARTICLE III – RIGHT OF SUFFRAGE

Section 1. All Members eighteen (18) years of age and over shall be deemed qualified electors under the authority of this Constitution; provided, they are duly registered to vote.

Section 2. No enrolled member of another tribe or person who votes as a citizen or member of another tribe shall be eligible to vote in elections of the Choctaw Nation.

Section 3. In all tribal elections by the people, the vote shall be by secret ballot. The Tribal Council shall provide the kind of ballot to be used and make all such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot and shall provide for the registration of electors.

ARTICLE IV – BILL OF RIGHTS

Section 1. Nothing in this Constitution shall be interpreted in a way which would diminish the rights and privileges that tribal members have as citizens of this Nation, the State of Oklahoma, the United States of America or under any Act of the Congress of the United States.

Section 2. No religious test shall ever be required as a qualification to any office of public trust of this Nation.

Section 3. The right that every member has to speak, write or publish his opinions on matters relating to the Choctaw Nation shall never be abridged.

Section 4. The members shall have the right, in a peaceable manner, to assemble together for their common good, and to apply to those vested with powers of government for redress of grievances or other purposes by address or remonstrance.

Section 5. The individually vested property rights of members of the Choctaw Nation shall not be affected in any way whatsoever by the provisions of this Constitution or any enactment of the Tribal Council.

ARTICLE V – DIVISION OF THE POWERS OF GOVERNMENT

Section 1. The powers of the government of the Choctaw Nation shall be divided into three (3) distinct departments: Executive, Legislative and Judicial. No person or collection of persons, being one of those department, shall exercise any power properly attached to either of the others; provided, that the exercise of such powers shall be subject to any limitations imposed by this Constitution and Federal Law.

Section 2. The officers of the Nation are to include all elective officials, Assistant chief and members of the Judicial Department.

ARTICLE VI – EXECUTIVE DEPARTMENT

Section 1. The supreme executive power of this Nation shall be vested in a chief magistrate, who shall be styled "The Chief of the Choctaw Nation."

Section 2. There shall be an Assistant Chief who shall assist the Chief and perform all duties as assigned to him by the Chief.

Section 3. Any member of the Choctaw Nation who is at least thirty (30) years of age and who possesses no less than one-quarter (1/4) degree of Choctaw Indian blood is eligible to become a candidate for the office of Chief or Assistant Chief.

Section 4. The Chief and Assistant Chief must have been residents of the Choctaw Nation for two (2) years or more immediately preceding any election for Chief and must remain residents of the Choctaw Nation during the tenure of their office.

Section 5. No person who has been convicted of a felony by a court of competent jurisdiction shall be eligible to hold any elective or appointive office in the Choctaw Nation.

Section 6. The Chief shall be elected for a term of four (4) years which shall commence at twelve (12) o'clock noon on the first Monday of September of 1983 and thereafter the terms shall commence at twelve (12) noon on the first Monday of September of every quadrennial.

The Chief shall serve until his successor has been elected and installed. For the initial election of officers under this constitution, if a runoff election for the office of Chief shall be required the installation will be on October 1, 1983.

Section 7. The Assistant Chief shall be appointed by the Chief with the advice and consent of the Tribal Council and may be removed at the discretion of the Chief.

ARTICLE VII – PRIVILEGES, DUTIES AND POWERS OF EXECUTIVE DEPARTMENT

Section 1. The Chief shall perform all duties appertaining to the office of Chief Executive. He shall sign official papers on behalf of the Nation. He shall take care that the laws be faithfully executed.

Section 2. The Chief shall have power to establish and appoint committees, members and delegates to represent the Choctaw Nation with the advice and consent of the Tribal Council. All appointments requiring confirmation shall be presented to the Council within thirty (30) days of the appointment.

Section 3. The Chief shall fix and prescribe salaries and allowances for all elected or appointed officials and employees of the Choctaw Nation except the members of the Tribal Council and Tribal Court. Compensation for elected or appointed officials shall not be increased nor diminished during the term for which they are elected or appointed.

Section 4. The Chief shall have the power to veto any legislative act, rule or regulation of the Tribal Council and must do so within five (5) working days after passage.

Section 5. The Chief shall prepare an annual tribal budget for the expenditure of all funds belonging to or administered by the Choctaw Nation from whatever source derived which shall be submitted to the Tribal Council. The annual budget for tribal trust funds shall be submitted to the Tribal Council at least thirty (30) days prior to the beginning of the tribal fiscal year.

Section 6. The Chief shall manage, administer and direct the operation of tribal programs, activities and services and report to the Tribal Council quarterly.

Section 7. The Assistant Chief shall serve in the absence of the Chief and when serving shall have all the privileges, duties and powers of the Chief.

Section 8. The Chief shall have the power to remove any official appointed by him except for members of the Tribal Court and the Tribal Council.

ARTICLE VIII – LEGISLATIVE DEPARTMENT

Section 1. The legislative authority of the Choctaw Nation shall be vested in the Tribal Council.

Section 2. The Tribal Council shall consist of twelve (12) members, one (1) to be elected from each of the following twelve (12) districts which lie within the boundaries set forth in Article I, Section 2 of this Constitution; provided, that the Tribal Council shall have the responsibility for reappointment based on population when necessary.

District Number

Area Embraced within each district

1. McCurtain County south of the north line of Township Six (6) South as established by the United States Geological Survey.
2. McCurtain County north of the north line of Township Six (6) South as established by the United States Geological Survey.
3. LeFlore County South of the North line of Township Four (4) North as established by the United States Geological Survey.
4. LeFlore County North of the North line of Township Four (4) North as established by the United States Geological Survey.
5. Haskell County.
6. Latimer County.
7. Pushmataha County.
8. Choctaw County.
9. Bryan County.
10. Atoka County

11. Pittsburg County.
12. Coal County and that part of Hughes County South of the Canadian River.

Section 3. Members of the Tribal Council must be members of the Nation and must have resided in their respective districts from one (1) year immediately preceding the election. They must remain residents of the districts from which they were elected during the tenure of their office. Candidates for the Tribal Council must be at least one-fourth (1/4) Choctaw Indian by blood and must be twenty-one (21) years of age or older at the time they file for election.

Section 4. Except as provided in the following section, members of the Tribal Council shall be elected for a term of four (4) years commencing at twelve (12) o'clock noon on the first Monday of September of 1983. Thereafter, terms of office for council positions shall be for a term of four (4) years and shall commence at twelve (12) noon on the first Monday of the first September after the election for such posts.

Section 5. At the hour of twelve (12) noon on October 1, 1983, following the ratification of this Constitution, the successful candidates for Tribal Council shall meet with the elected Chief and the Choctaw Election Commission at the Capital at Tuskahoma at which time and place the Chairperson/Arbitrator of the Commission will place twelve (12) slips of paper in a receptacle, six (6) of which will have the number four (4) on them and six (6) will have the number two (2) written on them. Each slip will be folded so that the number thereon cannot be seen. In the presence of each other and the elected Chief, each successful candidate shall draw one (1) of the slips from the receptacle and the number on the slip each of the successful candidates draws will be the number of years he will serve during the first term.

ARTICLE IX – PRIVILEGES, DUTIES AND POWERS OF LEGISLATIVE DEPARTMENT

Section 1. The Tribal Council, at its first regular session each year, shall organize and elect officers from its membership. Officers shall be elected are a Speaker, a Secretary and such other officers as the Council shall deem necessary. A recording secretary and a sergeant-at-arms who are not members of the Tribal Council shall be appointed by the Speaker.

Section 2. The speaker shall preside over all meetings of the Tribal Council.

Section 3. The Secretary of the Tribal Council shall maintain all records and enactments of the Tribal Council. They shall be available for inspection by tribal members during normal office hours. All such documents shall remain the property of the Choctaw Nation.

Section 4. The Tribal Council shall enact legislation, rules and regulations not inconsistent with this Constitution for the general good of the Choctaw Nation, and for the administration and regulation of the affairs of the Choctaw Nation.

Section 5. The Tribal Council shall prescribe election procedures and regulations for tribal elections. The Council shall create an election board whose members shall be appointed by the Chief with the advice and consent of the Tribal Council.

Section 6. The Tribal Council shall make decisions pertaining to the acquisition, leasing, disposition and management of tribal property.

Section 7. The Tribal Council shall sit as a court in all cases of impeachment.

Section 8. The Tribal Council shall be responsible for approving the annual tribal budget and shall prescribe salaries and allowances for members of the Tribal Council and the Tribal Court.

Section 9. No legislation, rule or regulation shall be implemented unless approved by at least seven (7) members of the Tribal Council.

Section 10. The Tribal Council shall have power to override the Chief's veto of any of its actions by at least eight (8) members voting in favor of overriding the veto.

Section 11. The Council shall act upon all appointments requiring its confirmation within thirty (30) days or less after such appointment is presented for confirmation. The appointment shall become effective without confirmation should the Council fail to so act.

Section 12. The selection of legal counsel shall be made by the Chief and approved by the Tribal Council and the Secretary of the Interior. Secretarial approval shall be necessary only as long as such action is required by Federal Law.

ARTICLE X – SESSIONS OF THE TRIBAL COUNCIL

Section 1. Regular sessions of the Tribal Council shall be held on the second Saturday of each month at ten (10) o'clock a.m. at the Choctaw Nation Council House at Tuskahoma, Oklahoma, unless and until otherwise provided by the Tribal Council.

Section 2. Eight (8) members must be present to constitute a quorum.

Section 3. The Chief may call a special session of the Council at any time he deems necessary by notifying each member by the most expedient way, at least twenty-four (24) hours in advance of the meeting. Inability to notify all members after reasonable efforts shall not prevent such special session from occurring provided a quorum is present.

Section 4. All regular and special sessions shall be open to the membership of the Nation. However, except for the Chief or his representative and in cases of impeachment, no person shall address the Council unless he or she has the unanimous approval of the Council members

present. The Council may meet in executive session upon an affirmative vote of two-thirds (2/3) of the Tribal Council members present. All votes on any matter shall be in open session and shall be a matter of public record.

Section 5. Roll call votes showing how each member of the Tribal Council voted shall be recorded in the minutes of the Tribal Council.

Section 6. Robert's Rules of Order shall be followed in conducting Tribal Council business to the extent they do not conflict with this Constitution.

ARTICLE XI – ORDER OF BUSINESS

The order of business at any regular or special session of the Tribal Council shall be as follows:

1. Call to order
2. Roll call and prayer
3. Reading of minutes of last session
4. Unfinished business
5. Reports of Committees
6. New Business (Comments from Members)
7. Prayer and adjournment

Provided; however, this order of business may be suspended by the Tribal Council for any meeting.

ARTICLE XII – JUDICIAL DEPARTMENT

Section 1. The judicial authority of the Choctaw Nation shall be vested in a Tribal Council which shall consist of a three (3) member Court appointed by the Chief with the advice and consent of the Tribal Council. One (1) such member, the presiding judge, shall be a lawyer duly licensed to practice before the Supreme Court of Oklahoma. Two (2) members shall be non-lawyers.

Section 2. Members of the Judicial Department must be residents of the Choctaw Nation and must remain residents of the Choctaw Nation during the tenure of their office. The non-lawyer members must be qualified electors of the Choctaw Nation.

Section 3. Tribal Court members shall be appointed for a term of three (3) years; provided that initially one (1) member shall be appointed for one (1) year, one (1) member shall be appointed

for two (2) years and one (1) member who is the presiding judge, shall be appointed for three (3) years to establish a staggered term of office.

Section 4. Judges shall not be subject to removal except as provided in Article XV, Section 1.

Section 5. Decisions finally determining each cause of action decided by the Tribal Court shall be recorded in a journal kept for that purpose.

ARTICLE XIII – PRIVILEGES, DUTIES AND POWERS OF JUDICIAL DEPARTMENT

Section 1. The Tribal Court shall have exclusive jurisdiction to decide disputes, by vote of two (2) members, arising under any provision of this Constitution or any rule or regulation enacted by the Tribal Council.

Section 2. Rules of procedure for the Tribal Court shall be prescribed by the Tribal Council and shall ensure the members due process of law.

Section 3. The decision of the Tribal Court shall be final.

ARTICLE XIV – FILLING VACANCIES

Section 1. In case of death, resignation or removal of the Chiefs, the Assistant Chief shall immediately become Chief for the remainder of the unexpired term. In the event the Assistant Chief shall succeed to the office of Chief, he shall appoint a successor Assistant Chief with the advice and consent of the Tribal Council.

Section 2. The Chief shall have the power within sixty (60) days after a vacancy occurs in the Tribal Council to fill such vacancy for the remainder of the unexpired term. Such appointee shall meet the same qualifications as required of a candidate for election to such office. If a vacancy occurs more than one (1) year before the expiration of such term, a special election shall be called to fill the vacancy.

ARTICLE XV – REMOVAL OF OFFICIALS

Section 1. Impeachment.

(a) Any elected or appointed officer shall be subject to impeachment for willful neglect of duty, corruption in office, habitual drunkenness, incompetence, incapability of performing his duties or committing any offense involving moral turpitude while in office.

(b) Impeachment charges shall be presented to the Judicial Department. The Tribal Court shall within thirty (30) days examine the evidence. If the Tribal Court determines the evidence or charges are sufficient to warrant further action, it shall conduct a hearing pursuant to this Article. If impeachment charges are brought against any judge, then that judge shall be disqualified to sit

on any matters relating to such charges. Then, and in such event, the Chief shall name a substitute judge, with the advice and consent of the Tribal Council, who shall sit as a member of the Court on all matters relating to such impeachment charges.

(c) The Tribal Council shall prescribe such rules and procedures that are necessary to carry into effect the provisions of this Article.

(d) Any officer against whom charges may be preferred shall be entitled to a hearing, by the Tribal Court, under rules and procedures prescribed by the Tribal Council.

(e) Any officer against whom articles of impeachment are referred to the Tribal Council shall be suspended from the exercise of the duties of his office during the pendency of his impeachment.

(f) The Tribal Council shall sit as a court of impeachment and its decision shall be final.

(g) Eight (8) votes shall be required to impeach the official.

(h) Judgment in cases of impeachment shall extend not only to removal from office but also to disqualification from holding any office of honor, trust or profit under this Nation.

Section 2. Recall.

1. (a) Upon receipt of a valid petition, submitted to the Judicial Department, signed by at least forty percent (40%) of the registered voters of the district or area in which the office was elected, it shall be the duty of the Tribal Council to call and conduct, within sixty (60) days, a recall election.
2. (b) The election shall be conducted pursuant to rules and regulations prescribed by the Tribal Council. Recall from office shall require a supporting vote of at least fifty-one percent (51%) of the registered voters of the district or area in which the election is conducted.
3. (c) Only one (1) official shall be subject to recall at any given recall election.
4. (d) No official shall be subject to recall more than one (1) time during his office.

ARTICLE XVI – INITIATIVE AND REFERENDUM

Section 1. The members shall have the right to propose any legislative measure by a petition signed by at least thirty percent (30%) of the registered voters. Each such petition shall contain the entire text of the measure proposed. The petition shall be filed with the Chief at least sixty (60) days prior to the next election for Chief at which time it shall appear on the ballot. If such petition is filed more than one (1) year prior to the next election for Chief, a special election shall be called and conducted. If approved by a majority of those participating in the election, it shall be in full force and effect immediately.

Section 2. The Tribal Council, by approval of at least eight (8) members, may refer any legislative measure to the members of the Choctaw Nation by directing that said measure

be placed on the ballot at the next election for Chief or by calling for a special election. Decisions to refer any matter to the people shall be made at least sixty (60) days prior to the election at which it is presented.

Section 3. All petitions for initiative shall be submitted under a cover letter signed by at least three (3) sponsors who are qualified electors of the Choctaw Nation.

ARTICLE XVII – OATH OF OFFICE

All elected or appointed officials shall take the following oath:

“I, _____, do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the Choctaw Nation of Oklahoma, the State of Oklahoma, and the United States of America and will discharge the duties of my office with fidelity.

I further swear (or affirm) that I will devote my best efforts toward the preservation of the heritage and tradition of the Choctaw Nation in order that all mankind may better understand, evaluate, and appreciate the history of its glorious past and enjoy its brilliant future, so help me God.”

ARTICLE XVIII – AMENDMENT

Section 1. Amendments to this Constitution may be proposed by the Tribal Council and shall require at least eight (8) affirmative votes or by a petition containing the entire text of the amendment and signed by not less than thirty percent (30%) of the total number of qualified voters voting in the last Chief’s election.

Section 2. Adoption of not less than fifty-one percent (51%) of the total number of qualified voters of the Nation voting in the last Chief’s election shall be required to amend this Constitution. Amendments shall be effective upon approval by the Secretary of the Interior.

ARTICLE XIX – EFFECTIVE DATE

This Constitution shall become effective when approved by the Secretary of the Interior and ratified by the voters.

GENERAL PROVISION

Pursuant to this Constitution, the initial election of the Chief and members of the Tribal Council shall occur on August 20, 1983, and run-off election, if necessary, on September 17, 1983.

ARTICLE XX – APPROVAL

I, John W. Fritz, Deputy Assistant Secretary – Indian Affairs (Operations), by virtue of the authority granted by the Secretary of Interior by the Act of June 26, 1936 (49 Stat. 1967) as amended, and delegated to me by 309 D.M. 8. 3, do hereby approve the Constitution of the Choctaw Nation of Oklahoma. It shall become effective upon ratification; provided, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal Law.

S/John W. Fritz

Deputy Assistant Secretary – Indian Affairs (Operations) Washington, D.C.

June 9, 1983

ARTICLE XXI – CERTIFICATE OF RATIFICATION

Pursuant to the March 9, 1983, order of the U.S. District Court for the District of Columbia in *Morris v. Watt*, civil No. 77-1667, the Deputy Assistant Secretary – Indian Affairs (Operations) on June 9, 1983, approved this Constitution and authorized the calling of an election for its ratification to be conducted on July 9, 1983. On July 9, 1983 the qualified voters of this tribe, duly ratified this Constitution by a vote of 2253 for and 780 against, in an election in which at least thirty percent (30%) of the 6970 entitled to vote cast their ballots, in accordance with Section 3 of the Act of June 26, 1936 (49 Stat. 1967), as amended. The results are hereby certified by members of the Choctaw Election Commission shown below:

Fred Ragsdale, Jr., Chairperson/Arbitrator

Jimmy Sam, Representative for Jacob Plaintiffs

Frances Farrell, Representative for Wilson Plaintiffs

Frank Watson, Representative for Tribal Defendants

Onita Wilson, Representative for Tribal Defendants

Delton Cox, Neutral Member

Richard Fitzgerald, Neutral Member