

APPENDIX A

1948 CONSTITUTION AND BYLAWS AND AMENDMENTS

CONSTITUTION AND BYLAWS
of the
CROW TRIBAL COUNCIL
of
MONTANA

ADOPTED: June 24, 1948

APPROVED: May 23, 1949

(As Amended, Approved October 8, 1966)

PREAMBLE

The Crow Tribe of Indians, in an effort to enforce the respect of their basic human, constitutional and treaty rights, do hereby re-establish the Crow Tribal Council to represent, act and speak for the Crow Tribe in any and all tribal matters, and to promote the general welfare of the Crow Tribe, do adopt the following constitution and bylaws for the conduct of Crow Tribal matters in conjunction with the lawful right of the Bureau of Indian Affairs to conduct same.

Article I

The Crow Tribal Council shall be composed of the entire membership of the Crow Tribe.

Article II (Resolution No. 62-11)

The council shall elect every two (2) years, in conformity to its rules procedure, a Chairman, Vice-Chairman, Secretary, and Vice-Secretary. The Chairman shall have no vote unless there be a tie vote before the council. The election for these officers shall be held the second Saturday of May every other year after May 12, then the first election shall be held under this constitutional change. Officials are to assume their duties July 1, after election.

Article III

Any duly enrolled member of the Crow Tribe, except as herein provided, shall be entitled to engage in the deliberations and voting of the council, provided the females are 18 years old and the males 21 years.

Article IV

All nominations for officers of the council and any other tribal matter before the council shall be by voice, standing, hand-raising or secret ballot, as the council shall elect at each of its meetings.

Article V

The Crow Tribe, through its tribal council, reserves unto itself the right to remove for cause any officer of the council, for misconduct or negligence or non-diligence in connection with the protection of the rights of the Crow Tribe in its relations with the Bureau of Indian Affairs or the local employees.

Article VI (Resolution No. 62-11)

The Powers, Duties, and Functions of the Council:

1. The council shall establish its own rules of procedure.
2. Meetings. There shall be regular tribal council meetings held each year on the second Saturday of January, the second Saturday of April, the second Saturday of July, and the second Saturday of October, and as many additional meetings shall be held as tribal business may require. All meetings shall be called by the Chairman and the Committee.
3. Notice of Meetings and Agendas. It shall be the duty of the Secretary, or in his absence, the Vice-Secretary of the Crow Tribal Council to give notice of all tribal council meetings of the Crow Tribe in writing for a period of at least seven days prior to each meeting date. Notices shall be posted at one public place in each district of the reservation, and the Agency Headquarters, and , where possible in the local newspapers and by radio broadcast. Notices in addition to the date, time and place of the meeting. No business shall be transacted at the meeting unless it has been included in the public notice. Copies of proposed resolutions or other business to be considered shall be furnished to the elected district representatives by the Tribal Secretary seven (7) days prior to the meeting dates.
4. Items of Business. Agenda of the tribal council meeting shall include all items required by the (1) Tribal Chairman and Committee, (2) Superintendent of the Crow Agency, and (3) Any petition duly signed by 100 qualified voters. All requests to the Chairman and committee for a general council meeting shall be in writing and shall clearly state the nature of the business to be presented before the general council.

5. If the Commissioner of Indian Affairs desires to present any matter to the council for its action, such request shall be presented in writing to the Chairman or the committee, who shall as herein provided, advertise such request as provided, and set the date for the council sessions.
6. Except where otherwise specified in this constitution and bylaws, decisions of the council shall be by a simple majority of the vote cast.
7. The council shall perform the duties assigned to it under this constitution and bylaws and shall have such powers in addition to those expressly conferred on it thereunder as may be necessary to achieve its effective operation and to realize its objective.
8. All matters presented and coming before the Crow Tribal Council to be voted upon by the member of the Crow Tribe shall be decided and determined by a simple majority vote.
9. There shall be a committee composed of two (2) members from each of the six districts of the Crow Reservation and two (2) members from off-the-reservation Indians elected for a term of two (2) years, in accordance with the tribal council's rules of procedure, to act as an executive committee to work with the officers under the general direction of the council. The first election of these committee members shall be held within 30 days from and after adoption of this constitutional amendment, and all subsequent elections to be held the second Saturday of the month of May at 2-year intervals on alternate years from the tribal officials election. Each district shall select its own judges from within said district whose expenses shall be paid from tribal funds. The results of such elections shall be final and conclusive.
10. The Crow Tribe, through the Crow Tribal Council, shall have the power to levy, assess and collect taxes and license fees upon non-members of the Crow Tribe doing business within the boundaries of the Crow Indian Reservation, subject to review by the Secretary of the Interior.

Article VII

Status and Functions of the Council:

1. The Crow Tribal Council is the voice of the Crow Tribe.
2. The Crow Tribal Council is the medium, the body, the tribal organization through which the Crow Tribe speaks to the government and the general public.
3. The Council, representing the entire Crow Tribe, shall voice the opinions, wishes, sentiment, hopes and decisions in any and all tribal matters for the Crow people to the Congress and the Interior Department, by resolutions and through tribally elected delegates who shall, under instructions of the council, proceed to Washington or elsewhere to present in person such decisions and their own arguments and appeals in support thereof as the council shall direct by majority vote.
4. Subject to existing Federal law which endows the Congress with plenary powers over the Indians in their tribal state, and which in turn passes such authorities down the line to the Secretary of the Interior and the Commissioner of Indian Affairs, who by regulations based upon acts of Congress, control the management of Indian Affairs subject to constitutional limitations. The Crow Tribal Council, without legal status as such, but being the mouth piece and the voice of the Crow people, will from time to time call to the attention of the Congress its views and wishes with respect to the administration of its rights, property and affairs by the Bureau of Indian Affairs.
5. Because of existing law governing Indian administration by the Congress herein pointed out, the Crow Council admits its limited authority in the administration of its own tribal matters, but also, understanding the constitution limitations of the government in this same field, the Crow Tribal Council will sponsor all legislation with state, federal and local governments on behalf of the Crow Tribe, and will, through tribal council resolutions and elected delegates and representatives, consult with and otherwise deal with representatives of the department of the government of the United States on all matters affecting the interests of the Crow Tribe.
6. The Crow Tribal Council, which encompasses the entire membership of the Crow Tribe, so far as the Crow people are concerned, shall be supreme in determining by a majority vote of those attending, any course of action taken which is designed to protect Crow Tribal Interests.
7. The American system of "majority rule" used in the Congress of the United States shall prevail in the decisions of the Crow Tribal Council in regularly called and duly assembled conventions, and its majority decisions shall be conclusive and binding over the losing minority.
8. The Bureau of Indian Affairs, being a part of the United States Government, shall in no wise interfere directly or indirectly through its field representatives or agents with the deliberations or decisions of the Crow Tribal Council. The council, existing under the legal handicaps herein pointed out, belongs to the Crow Tribe only and not the government, and as such will make its decisions without Indian Bureau interference or advice, inasmuch as the Indian Bureau, under the broad powers in Indian administration

conferred upon the Congress and the Indian Department by both the Congress and the courts, can and does nullify Indian tribal council actions the country over when same takes issue with its own views. However, the Crow Tribal Council, regardless of same, hereby reserves unto itself the right to initiate moves looking to the protection of the Crow Tribal rights and interests under their treaties and under the American constitution guaranteeing all basic human rights to all who live under the American Flag, and to the equal protection of the laws of our country.

9. The Crow Tribal Council in a duly called session will decide the manner of voting, whether by districts or in the council itself or whether by secret ballot in the districts or in the council, and on this issue the local Indian Bureau representatives will have no voice whatsoever-the council reserves this right unto itself.
10. Every member of the Crow Tribe, outside the exception herein provided for shall have equal opportunities to discuss any and every question of tribal concern before the council, and to participate without interference, in all votes taken upon any such questions.

Article VIII (Resolution No. 62-11)

1. This Constitution and Bylaws shall be amended by a majority vote of the qualified voters of the Crow Tribe voting at an election called for that purpose by the Tribal Council, provided that no amendment shall become effective until it shall have been approved by the Commissioner of Indian Affairs or his authorized representative.
2. All eligible tribal members may vote at such duly called elections. The enactment of rules and procedure for conducting such an election shall be the responsibility of the tribal council. The tribal council shall enact an election ordinance.

Article IX (Resolution No. 67-18)

1. The Crow Tribe through the Crow Tribal Council shall have power to establish, own, operate, maintain and engage in any business or business enterprise, either as sole owner and operator, or jointly with any person, firm or corporation, or jointly with any agency or department of the Government of the United States of America, and for the purpose of carrying out the powers herein set forth, the Crow Tribal Council is authorized and empowered to use and expend tribal funds of the Crow Tribe.

* * *

BY-LAWS

Article I

Duties of the Crow Tribal Council:

1. The Chairman of the Council shall preside over all meetings of the council, perform all duties of the Chairman and exercise any and all authority detailed by the Council, and shall be entitled to vote only in case of a tie.
2. The Vice-Chairman shall assist the Chairman when called upon so to do; in the absence of the Chairman, shall preside and when so presiding shall have all the privileges, duties, and responsibilities of the Chairman.
3. The Secretary of the Council shall forward a copy of the minutes of all the meetings to the Superintendent of the Reservation, and the Commissioner of the Indian Affairs, and the Regional Director, and shall conduct all correspondence of the Council and allotment of tribal gratuitous and other funds over which the Council has sole charge.
4. The duties of all appointed special committees or officer of the Council shall be clearly defined by resolutions of the council at the time of their creation or appointment. Such committees and officers shall report from time to time as required to the Council and their activities and decisions shall be subject to review of the council.
5. Regular and emergency meetings of the Crow Council shall be held on call of the Chairman at Crow Agency, Crow Agency, Montana.
6. No business shall be transacted unless a quorum of 100 is present.
7. Order of business:
 - a. Call to order by Chairman
 - b. Reading of minutes of last meeting
 - c. Unfinished Business
 - d. Reports
 - e. New Business
 - f. Adjournment

8. It shall be the duty of the Chairman of the Council to duly notice all tribal council meetings of the tribe for a period of at least seven (7) days prior to such meeting date, for decisions of the Crow Tribe affecting the sale or lease of tribal property, or of legislative matters affecting the Crow Tribe.
9. A salary is to be paid to each officer or member of the Crow Tribal Council when serving as an authorized delegate as follows:
 - o Within the state of Montana \$10.00 per day
 - o Outside the state of Montana, with the exception of trips to Washington, D.C. \$15.00 per day
 - o To Washington D.C. \$25.00 per day
 - o In addition to the above scale of salaries a per diem is to be paid each officer or member of the Crow Tribal Council, computed in accordance with the U.S. Government Travel Regulations and in addition transportation via rail, air or personal car, whichever is administratively determined to be in the best interest of the Crow Tribe.

APPROVAL

Resolution No. 31 adopted February 3, 1955, approved by letter to the Chairman of the Crow Tribal Council from Commissioner Glenn L. Emmons dated March 18, 1955.

Article II

Ratification of Constitution and Bylaws

This Constitution and the attached Bylaws, when adopted by a majority vote of those attending District Councils called to vote on accepting a Constitution and Bylaws shall be binding upon the Crow Tribe.

* * *

CERTIFICATE OF ADOPTION

Pursuant to the constitutional election held on June 24, 1948, this Constitution and Bylaws of the Crow Tribal Council of Montana, was adopted by a vote of 295 for and 130 against in an election in which 425 votes were cast.

ROBERT YELLOWTAIL

Chairman, Tribal Council

GEORGE HOGAN, SR.

Secretary, Tribal Council

L. C. LIPPERT, Crow Agency

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APPROVAL

This Constitution and Bylaws, having been proposed and ratified by the members of the Crow Tribe on June 24, 1948, at a referendum, is herewith approved.

WILLIAM ZIMMERMAN, JR.

Assistant Commissioner

Washington, D.C., May 23, 1949

* * *

RESOLUTION NO. 62-11

A resolution of the Crow Tribal Council providing for the amendment of the Constitution of the Crow Tribal Council, by adding to and changing Art. II, Art. VII, and Art. VIII, by making certain changes by adding to and changing Art. II, Art. VI, addition sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, Art. VIII, addition sections 1, 2, and for other purposes.

WHEREAS, there has been a need for certain changes in the Crow Tribal Constitution, it is deemed to be in the best interests of the Crow Tribe that Resolutions 107, 140, 145, 223, and 152, shall be and the same is hereby rescinded, repealed and expunged from the Crow Tribal records;

AND WHEREAS, it is evident that the rescission will enable tribal member to appoint committee members and delegates more democratically in accordance with certain existing provisions of the Crow Tribal Constitution:

NOW, THEREFORE, BE IT RESOLVED, by the Crow Tribal Council in Crow Tribal Council duly called and held this 18th day of December, 1961, that the Constitution of the Crow Tribal Council be, and hereby is amended by making the following changes in the present Crow Tribal Constitution, to-wit:

Article II

The council shall elect every two (2) years, in conformity to its rules of procedure, a Chairman, Vice-Chairman, Secretary and Vice-Secretary. The Chairman shall have no vote unless there be a tie vote before the Council. The election for these officers shall be held the second Saturday of May every other year after May 12, then the first election shall be held under this constitutional change. Officials are to assume their duties July 1, after election.

Article VI

The Powers, Duties, and Functions of the Council:

5. The Council shall establish its own rules of procedure.
6. Meetings. There shall be regular Tribal Council meetings held each year on the second Saturday of January, the second Saturday of April, the second Saturday of July, and the second Saturday of October, and as many additional meeting shall be held as tribal business may require. All meetings shall be called by the Chairman and the Committee.
7. Notice of Meetings and Agendas. It shall be the duty of the Secretary, or in his absence, the Vice-Secretary of the Crow Tribal Council to give notice of all Tribal Council meetings of the Crow Tribe in writing for a period of at least seven days prior to each meeting date. Notices shall be posted at one public place in each district of the reservation, and at the Agency Headquarters, and, where possible, in the local newspapers and by radio broadcast. Notice in addition to the date, time and place of the meetings, shall list in numerical order the business to come before the Tribal council meeting. Not business shall be transacted at the meeting unless it has been included in the public notice. Copies of the proposed resolutions or other business to considered shall be furnished to the elected district representatives by the Tribal Secretary seven (7) days prior to meetings dates.
8. Items of Business. Agenda of the Tribal Council meeting shall include all items required by the (1) Tribal Chairman and committee, (2) Superintendent of the Crow Agency, and (3) any petition duly signed by 100 qualified voters. All requests to the Chairman and committee for a general Council meeting shall be in writing and shall clearly state the nature of the business to be presented before the General Council.
9. If the Commissioner of Indian Affairs desires to present any matter to the Council for its action, such request shall be presented in writing to the Chairman or the committee, who shall as herein provided, advertise such request as provided, and set the date for the Council sessions.
10. Except where otherwise specified in this constitution and bylaws, decisions of the Council shall be by a simple majority of the vote cast.
11. The Council shall perform the duties assigned to it under this Constitution and bylaws and shall have such powers in addition to those expressly conferred on it thereunder as may be necessary to achieve its effective operation and to realize its objective.
12. All matters presented and coming before the Crow Tribal Council to be voted on by the members of the Crow Tribe shall be decided and determined by a simple majority vote.
13. There shall be a committee composed of two (2) members from each of the six districts of the Crow Reservation and two (2) members from off-reservation Indians elected for a term of two (2) years, in accordance with the Tribal Council's rules of procedure, to act as an executive committee members shall be held within 30 days from and after adoption of this constitutional amendment, and all subsequent elections to be held the second Saturday of the month of May at 2-year-intervals on alternate years from the Tribal officials election. Each district shall select its own election judges from within said district whose expenses shall be paid from tribal funds. The results of such elections shall be final and conclusive.
14. The Crow Tribe, through the Crow Tribal Council, shall have the poser to levy, assess and collect taxes and license fees upon non-members of the Crow Tribe doing business within the boundaries of the Crow Indian Reservation, subject to review by the Secretary of the Interior.

Article VIII

15. This Constitution and By-laws shall be amended by a majority vote of the qualified voters of the Crow Tribe voting at an election called for that purpose by the Tribal Council, provided that no amendment shall become effective until it shall have been approved by the Commissioner of Indian Affairs or his authorized representative.
16. All eligible tribal members may vote at such duly called elections. The enactment of rules and procedure for conducting such an election shall be the responsibility of the Tribal Council. The Tribal Council shall enact an election ordinance.

AND, BE IT FURTHER RESOLVED, that the above listed changes are those which the Tribal Council wishes to make in the present Crow Tribal Constitution and shall do so regardless of any or all other resolutions or provisions, and if other resolutions or constitutional changes are in conflict with the above stated rules they shall be henceforth repealed, rescinded and expunged from the records.

PASSED, ADOPTED AND APPROVED this 18th day of December, 1961, by the Crow Tribal Council at a duly assembled meeting of said council according to a notice duly given on December 11, 1961, in a duly called Council, a quorum being present at Crow Agency, Montana. Votes for 280; Votes against None.

ROGER STOPS
Chairman, Pro-Tem
Crow Tribal Council

ATTEST:

ARTHUR R. GARRIGUS
Secretary, Pro-Tem
Crow Tribal Council

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RESOLUTION NO. 67-18

BE IT RESOLVED by the Crow Tribal Council that the Constitution of the Crow Tribal Council be, and the same hereby is, amended by adding thereto, and making a part thereof Article IX which shall read as follows:

Article IX

SECTION 1. The Crow Tribe through the Crow Tribal Council shall have the power to establish, own, operate, maintain and engage in any business or business enterprise either as sole owner and operator, or jointly with any person, firm or corporation or jointly with any agency or department of the Government of the United States of America, and for the purpose of carrying out the powers herein set forth, the Crow Tribal Council is authorized and empowers to use and expend Tribal funds of the Crow Tribe.

PASSED, ADOPTED AND APPROVED this 8th day of October, 1966 by the Crow Tribal Council at a duly assembled meeting of said council according to a notice duly given on September 7, 1966, in a duly called council, a quorum being present at Crow Agency, Montana. Votes for 138; Votes against 67.

EDISON REAL BIRD

Chairman, Crow Tribal Council

ATTEST:

JOSEPH M. TEN BEAR, JR.
Secretary, Crow Tribal Council

* * *

February 14, 1962

Mr. John Cummins

Chairman, Crow Tribal Council

Dear Mr. Cummins:

This will refer to your letter of February 14, 1962, and other letters, minutes resolutions, and opinions growing out of the Crow Tribal Council meeting on December 18, 1961 and February 2, 1962, have been presented to me for consideration.

During the December 18th meeting, the session was declared adjourned by the Chairman, but it was continued under the direction of a chairman pro tempore. The first question presented to me is whether to recognize as binding actions taken following the attempted adjournment; or whether to accept the view of the Regional Solicitor, concurred in by the Area Director, that the adjournment was ineffective and that the extended meeting was proper. If the latter view is correct, action taken by the extended meeting may be properly recognized by the Commissioner.

As the former presiding officer of a legislative body it is distressing to me to have to resolve a question which is properly a matter for the Crow Tribe itself to decide. Furthermore, under the Crow Constitution, the Tribal Council, at the time of the December 18th meeting, was empowered to amend its constitution and bylaws without necessarily making the Commissioner a party to its action. These two considerations make me reluctant to take any action which would, to me, present the appearance of assuming prerogatives that belong to the Crow Tribe itself.

Against these negative factors is the fact that the Tribe is at present displaying a desirable unity, demonstrated by the delegation now in Washington and by the tribal resolution with respect to the disposition of the judgment money.

The way of progress to me to be the one which has been followed by the Tribe in seeking to strengthen its constitution and to provide for the wisest possible *** of the judgment money. For this reason I am at this time recognizing the December 18, 1961, meeting as the extension of a properly convened session of the Crow Tribal Council. The amendments adopted at that time are recognized by me as a valid amendment to the Crow Tribal Constitution.

This action makes it possible to receive and welcome the present delegation as representatives of the Constitution and Bylaws Committee, which has been instructed by the tribe to meet and prepare amendments and changes to the constitution and bylaws and present them to the Tribal Council within 60 days from February 2, 1962. I am with the understanding that any ambiguities in the amendments to the constitution adopted at the meeting of December 18, 1961, and any uncertainties in their interpretation can and should be corrected in the proposed changes to the constitution and bylaws to be prepared by the aforementioned committee.

The action I am now taking is consistent with the view of the Regional Solicitor and does not infringe on the trust responsibility of the Secretary. It will aid in the movement toward a stable and fully responsive tribal government and a wise and prudently planned use of the judgment monies. If the delegation works within the framework of the amendments adopted on December 18, 1961, and within the terms of the resolution adopted on February 2, 1962, it can, together with the Bureau, clarify details within the next few days so that an exact presentation of the tribes wishes can be made to the Secretary of the Interior.

Accordingly, this office now recognizes the validity of Resolution No. 62-11 of the Crow Tribal Council and offers to the present delegation the services of the Branch of Tribal Affairs in the preparation of further amendments to the constitution.

Cordially,

PHILLEO NASH

Commissioner of Indian Affairs

* * *

December 28, 1966

Through: Area Director, Billings, Montana 59101

Mr. Otto K. Weaver

Superintendent, Crow Agency

Dear Mr. Weaver:

I am approving the amendment to the Crow tribal constitution proposed in Crow Tribal Council Resolution 67-18 and duly adopted October 8, 1966. There is now no question as to the authority of the Crow Tribe, acting through its tribal council, to engage in business activities.

My approval carries with it the understanding that the Crow Industrial Development Commission will not be the tribe's agent for carrying out provisions of Resolution 67-18. That Commission, established through Resolution 61-33, is not authorized to establish, own, operate, or engage in any business enterprise. Its sole efforts should continue to be devoted to encouraging industrial development ventures with ownership and management vested in private organizations.

Pursuant to Article VIII, Section 1, of the Constitution and Bylaws of the Crow Tribal Council, the proposed amendment shall become effective this date and shall be incorporated in the tribal constitution as Article IX. You should advise the Crow Tribal Council accordingly.

Sincerely yours,

ROBERT BENNET,

Commissioner

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The Crow Indian Tribe does not operate under a federal charter.