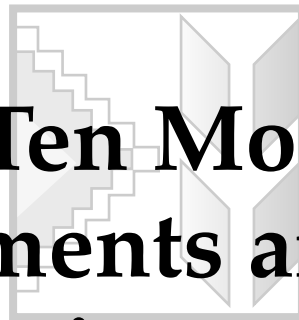


The Evolution of Tribal Governments and Constitutions:



A Look at Ten Modern Tribal Governments and Their Constitutions or Codes



by



Rain Archambeau Marshall

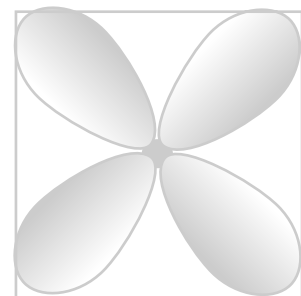
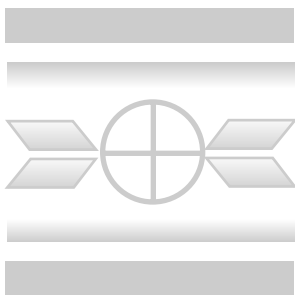
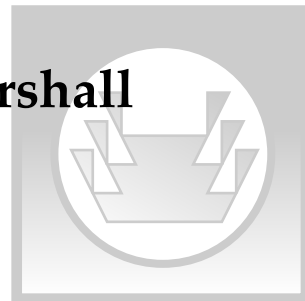


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Like the Miner's canary, the Indian marks the shifts from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall in our democratic faith....

Felix S. Cohen , 1953

To begin this discussion of modern tribal governments, it is important to understand the major eras of Federal Indian Law affecting tribes and their status with and treatment by the United States Government. Constitutions can be studied to show the diversity of tribal government organization. In some cases, tribes have adopted a model of a constitution and form of government, known as the "boiler plate," which was provided by the Federal government in accordance with the Indian Reorganization Act of 1934 (IRA). The constitutions that were adopted as result of the IRA and were approved by the Secretary of the Interior are known as IRA-constitutions. The affects and provisions of the IRA will be discussed in more detail later in this paper.

Today some tribes have developed their own unique constitutions incorporating traditional and moral tribal values, while others still uphold their original IRA constitution. Just over 100 tribes adopted IRA constitutions.¹ Still other tribes had constitutions and organized governments prior to the IRA. It is important to remember that all tribes had some form of government, but it was usually not recognized by the United States government as legitimate prior to 1934, when most tribes began to adopt constitutions.

The diversity of constitutions is also exemplary of the diversity of Indian nations. It is integral to understand that tribes have moved forward from intact traditional tribal governments and social structures to modern tribal governments with forced influences from the Federal and State governments.

Several tribes are moving towards reincorporating traditional values into their tribal government and court systems, while others have had traditional values underlying their justice systems since the adoption of tribal constitutions. This trend is due in part to the acceptance of tribal cultures, the current policy of self-determination and self-governance, and, ultimately, sovereignty. Sovereignty gives tribes the prerogative to govern themselves as they choose. For example, tribal courts are an evolving area where tribes are bringing in informal, nonjudicial dispute mechanisms which enhance the westernized tribal court system. The Navajo Tribal Peacemakers Court is a good example of this incorporation of traditional tribal dispute resolutions as a means to settle civil offenses.

The way in which different tribes govern themselves is distinct. Many tribal governments have a separation of powers including three branches of government: legislative, executive, and judicial. Some of the different types of governing bodies which tribes may utilize include tribal councils, general membership councils, elder's councils, and traditional theocratic leaders, or chiefs. The way in which differing governing bodies are determined is also very unique from tribe to tribe. Some are determined by election, heredity, or clanship. There may be more than one council, such as an elder's council, in addition to the elected tribal council.

In this analysis of tribal governments and constitutions, ten exemplary constitutions, representing ten different types of organization of tribal governments, will be discussed. The tribes and their respective constitutions analyzed are Bill Moore's Slough, Cherokee of Oklahoma, Hoopa, Hopi, Iroquois, Minnesota Chippewa, Navajo, Penobscot, Yankton Sioux, and Yurok. These ten were chosen simply because they are all unique; however, it is important to understand that all tribal constitutions are unique in their own way. These examples show certain differences according to the type of governing body and to whether the tribe has an IRA, pre-IRA, non-IRA, or more traditional form of government. The tribes selected for this study are from different geographic regions in the United States.

Some of the ten tribes chosen operate in different legal capacities. Bill Moore's Slough represents a tribe that operates under two capacities, as an Alaska Native Village and as a corporation. The tribe incorporates tradition into all aspects of their constitution and government. The Cherokee Nation of Oklahoma is one of the five civilized tribes of Oklahoma which adopted a pre-IRA constitution. Oklahoma tribes are unique, because they do not have a formal reservation but have Indian territories. The Hoopa Tribe of northern California, which has one of the largest federal reservations of any California tribe, has an IRA constitution. The Hopi Tribe has a pre-IRA and IRA amended constitution with a theocratic government and ten distinct villages representatives. The Iroquois Confederacy includes six tribal nations of New York; their tribal constitution is based solely on an oral tradition and clan system. The Minnesota Chippewa Tribe represents a consolidated confederation of aboriginally related tribes, which are organized under the IRA. The Navajo Nation does not have a constitution but has a series of six tribal codes,

each of which is approximately 400 pages in length. The Penobscot Nation of Maine represents a tribe that operates under three unique legal capacities: a sovereignty, a municipality under state law, and a business entity. The tribe is governed by a Governor and a Lieutenant Governor. The Yankton Sioux Tribe of South Dakota is a non-IRA tribe that is still under the Bureau of Indian Affairs. Lastly, the Yurok Tribe represents a non-IRA California tribe, which is evolving to incorporate more traditional aspects of government.

There have been various forms of state and federal encroachment upon tribal legal systems. In California and five other states, Public Law 83-280, passed by Congress in 1953, has encroached further upon tribal governments and their legal systems by allowing state jurisdiction over criminal and civil offenses in Indian country. Other laws affecting tribal jurisdiction are the General Crimes Act and the Major Crimes Act. These laws have made every Indian reservation subject to some sort of state or federal criminal jurisdiction. The General Crimes Act authorizes the Federal government to extend all of its criminal laws into Indian country except for crimes committed by one Indian against the person or property of another Indian.² The Major Crimes Act of 1885 was passed by Congress in response to *Ex parte Crow Dog*. The issue of the *Crow Dog* case, which concerned the murder of *Crow Dog*, a *Sicangu Lakota*, by *Spotted Tail*, a *Sicangu Lakota*, was criminal jurisdiction in Indian country. The court ruled that when an Indian kills an Indian in Indian Country, the tribe, rather than the Federal government, has jurisdiction. Upset by the outcome of this case, Congress passed the Major Crimes Act to give the Federal government jurisdiction over Indians who commit major crimes against other Indians.

Contrary to the court ruling in the Crow Dog case, the tribe handled the case in their own way. The two families of Crow Dog and Spotted Tail settled the agreement through gift giving, a traditional form of restitution.

The history of how the Federal government has handled Indian affairs is important when studying the status of tribal governments and legal systems today. Federal Indian law has gone through major eras, depending on either Congress's or the President's treatment of or vision for Indians. These eras can be broken up into five major themes: *Tribal Independence, Allotment and Assimilation, Indian Reorganization, Termination, and Tribal Self-Determination.*

The era from 1492-1787 is called *Tribal Independence*, when Indians were just beginning to deal with settlers and were not completely affected by their presence. Between the years of 1787-1828, many agreements and treaties were made between the United States government and the Indian nations. These treaties recognized that Indian tribes were sovereign nations. The years from 1828-1887 were painful and brutal for many Indian nations. This is when most Indian versus United States wars took place. The most well known is the Battle of Little Big Horn, where the Lakota Nation defeated Custer. This was also during the time of relocation for the Cherokee, Choctaw and other Indian Nations. Many treaties were broken and sovereignty was ignored.

The next era, from 1887-1934, is described as *Allotment and Assimilation*. In 1887, the Dawes Act allowed Congress to open up unallotted portions of reservations for non-Indian settlement; the size and boundaries of reservations were reduced. This diminishment in tribal reservation lands was a result of Congress's plenary authority over Indian affairs.

The question remains whether this diminishment was sought to dissolve reservation occupation by Indian people or to increase non-Indian settlement on the reservation.³ The unallotted lands were obtained by the Federal government as surplus lands to be homesteaded by non-Indians. The checker-boarding affect that occurred raises the important issue of jurisdiction and governance on Indian reservations by Indians over non-Indians after the reservations were reduced. Today there is significant conflict over jurisdiction, both legislative and judicial, between tribal and state governments. Subsequently, a tribe with significant non-Indian allotments is more likely to have a state government involved in their governmental affairs.

The next significant era, during the New Deal under president Franklin D. Roosevelt, is known as *Indian Reorganization*. President Roosevelt appointed a new Secretary of the Interior, John Collier, who was knowledgeable about Indian affairs and visited several reservations, including the Navajo and Hopi, prior to his appointment. According to John Collier, “the Department has absolute discretionary powers over all organized expressions of the Indians, . . . [and] Tribal Councils . . . [exist] by the Department’s sufferance and . . . [have] no authority except as granted by the Department.”⁴ The historian, Laurence M. Hauptman, notes, “the IRA was not designed to recognize native sovereignty, nor did its operations encourage it.”⁵ The Indian Reorganization Act, also known as the Wheeler Howard Act of 1934, ended the *Allotment and Assimilation* era, supported the development of tribal self-government, and included reforms for tribal society. One of these reforms, found in § 476 of the Act, was the explicit authorization for and assistance in the adoption of tribal constitutions:

§ 476 Organization of Indian tribes; constitution and bylaws and amendment thereof; special election...a) Adoption...Any Indian tribe shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, and any amendments thereto, which shall become effective when,

1) ratified by a majority vote of the adult members of the tribe or tribes at a special election authorized and called by the Secretary under such rules and regulations as the Secretary may prescribe; and

2) approved by the Secretary pursuant to subsection d) of this section...

b) Revocation...Any constitution or bylaws ratified and approved by the Secretary shall be revocable by an election open to the same voters and conducted in the same manner as provided in subsection a of this section

The adoption of tribal constitutions had to be approved by the Secretary of the Interior, and tribes were sent a model of the proper format, called the “boiler plate,” for tribal constitutions. Provisions for electing tribal officials had to be included in the constitution. There has been some criticism of the Act, including that which claims the IRA reform policies have further weakened social structure of the tribes, because the IRA did not recognize nor allow for incorporation of already existing traditional tribal governance. In some tribes, the IRA also further divided traditional Indian leadership by implementing modern, elected governmental leaders.⁶ In passing the IRA, Congress also appropriated more federal funding and more supervision over Indian nations. Tribal Courts have their origin in the Courts of Indian Offenses, which were staffed with a federally appointed agent who served as judge. Although not specifically required under the IRA, after its enactment, many tribes developed tribal courts out of their legislature.

The next major era is *Termination*, which occurred from 1953-1968 when Congress adopted House Concurrent Resolution No. 108 (HCR 108), a shameful effort to further reduce federal trust responsibility for tribes. The 85th Congress adopted House Resolution 2824 and Public Law 85-671, which, in an attempt to meld them into mainstream society, called for the termination of federal trusteeship with 44 rancherias in California and over 100 tribes. Termination legislation can be labeled into four categories: 1) The end of federal treaty relationships and trust responsibilities with certain specified Indian nations; 2) the repeal of federal laws that set Indians apart from other American citizens; 3) the removal of restrictions of federal guardianship and supervision over certain individual Indians; 4) the transfer of services provided by the Bureau of Indian Affairs to other federal, state, or local governmental agencies or to Indian nations themselves.⁷ What Congress did not understand was that reservations have what is called a “measured separatism,” wherein which members want to maintain their tribal identity and sovereignty.⁸ Tribes were outraged by termination and declared their belief in “the inherent right of all people to retain spiritual and cultural values” and maintained that “the free exercise of these values is necessary to the development of any people.”⁹ In 1983, seventeen rancherias won the lawsuit known as *Tillie Hardwick v. United States of America*, which ordered the full reinstatement of federal recognition for all seventeen rancherias.

The years from 1968 to the present are known as *Tribal Self-Determination*. Since the *Termination* era, tribes have exercised their rights to self-govern while still maintaining rights as Americans. During this time, Congress repudiated the termination policies of the 1950's.

Another important piece of legislation affecting tribal governance is the Indian Self Determination and Education Assistance Act of 1975. The Act strengthened tribal governments and provided for tribes to contract with the Department of the Interior while assuming responsibility for delivering services formerly delivered by the Interior. The public law number was 93-638, so the contracts are referred to as “638 contracts”. Indian self-determination has worked to support tribes in their efforts to assert their inherent sovereign rights and to control their own affairs.

The Indian Tribal Justice Act is also a significant piece of legislation for tribal courts; however, Congress has never appropriated funds to carry out the obligations of the Act. Tribes are eligible to receive grants from the Law Enforcement Assistance Administration for comprehensive law enforcement programs and the recruitment, training, and education of law enforcement personnel. Most tribes operate their tribal justice systems from tribal sources and receive only limited assistance from the Federal government.

It is the intent of this report to clear up any misconceptions about tribes being void of governance and organization. Contrary to this belief, there are many people today who realize the great contributions of many Native American tribes to our United State’s legal system. This includes the great Iroquois Confederacy, from which many values and concepts were borrowed, such as “checks and balances” and “a nation within a nation.”

In general, the constitutions studied in this report have diverse preambles and territory provisions which are culturally appropriate to each specific tribe. The preamble is the most unique area, because it is where the tribe incorporates traditional values for their future. The membership requirements are also an area of great diversity distinguishing

different blood quantum, residency, and hereditary requirements. There are several different types of tribal constitutions, each exercising different levels of tribal jurisdiction.

The basic criteria in most tribal constitutions include the following articles:

- Name or title
- Preamble
- Territory
- Membership criteria
- Governing body organization and duties
- Election scheduling and voting criteria
- Vacancies and removal
- Powers of the General Council (CA tribes), or Tribal Council/Executive Committee.
- Bill of Rights, civil rights of members pursuant to the Civil Rights Act of 1968 (82 Stat. 73)
- Amendments, referendum, recall, and initiative

To begin with Bill Moore's Slough of Alaska, this tribe is part of the Kongnikilnomuit Yiuta Corporation. The village members are of Yup'ik ancestry and descend from the original inhabitants of their sacred village. This tribe is intent on maintaining their culture and traditions in conjunction with a respect for the natural environment. Their constitution includes a written land policy as well as various articles in relationship to the tribe's other rights. The land policy is the primary law of their people and is the basis for their cultural survival. An example of a rule in the land policy is, "Our land shall not be sold, leased, used as collateral or otherwise put in jeopardy of tribal ownership without written approval of 98% of the Bill Moore's Slough membership."¹⁰ Contrary to many other tribes' codes and provisions, Bill Moore's Slough does not allow any exploitation of the land for commercial or mineral development nor any type of disturbances that are not consistent with maintaining it for subsistence and traditional uses. Also quite unique is the 98% vote for approval of any land use. Most tribes require a 51%

vote for approval. This tribe's governing body is the Elder's Council, which sets policy for the individual use of the tribe's land. The Constitution recognizes the members' right to be Yup'ik. The Chairman, who is also a member of the five-member Elders Council, has the right to veto any legislation passed by the Council. The term of office for the Chairman is three years. The requirements for membership include residency, shareholdership in the Kongnikilnomuit Yiuta Village Corporation, and one quarter Yup'ik blood.

The Cherokee of Oklahoma are one of the earliest "civilized" tribes recognized by the Federal government for having a written language. The tribe's Constitution is pre-IRA, but was approved by the Secretary of the Interior in 1975. The tribe has a separation of powers with three branches of government. The power of the executive branch is vested in the Principal Chief with a four year term. Under the Principal Chief is a cabinet composed of the SecretaryTreasurer, the Secretary of Health, Education and Welfare, the Secretary of Commerce and Industrial Development, the General Counsel, and the Secretary of Communications. The legislative branch consists of one legislative body called the Council of the Cherokee Nation. The council consists of fifteen members, who are all members of the tribe. Each member is elected in a general election for four year terms. The judicial branch is composed of the Judicial Appeals Tribunal, composed of three members appointed by the Principal Chief, all of whom must be admitted to practice law at the highest state court. Membership requirements for the tribe include citizens' proof, through reference to the Dawes Commission Roles, that they are descendants from Cherokee, including the Delaware Cherokees and the Shawnee Cherokee. The Constitution does not refer to a blood quantum, but there is a Registrar and Registration Committee which

determines eligibility. The tribes operates on a fiscal year.

The Hoopa Tribe of *Hupa* Indians is an IRA organized tribe. The governing body of the Tribe is the Tribal Council, consisting of the Chairman and seven other members. The Council elects a Vice-Chairman from within the Council. The Secretary, the Treasurer, other employees, and committees are appointed as necessary by the Council and may be outside the membership of the Council. The Councilmen are elected from seven districts within the Hoopa reservation. These districts include Hostler-Matilton, Soctish-Chenone, Agency, Norton, Campbell, Bald Hill, and Mesket.

The Hopi Tribal Council is organized under the IRA, but also existed pre-IRA. In the 1920's, the Secretary of the Interior, without the consent of the Hopi Tribe, appointed the Tribal council to conduct lease agreements with mineral exploitation companies. Today, the tribe has returned to a more traditional form of government and is a union of ten self-governing villages sharing common interests. The villages include First Mesa (Walpi, Shitchumovi, and Tewa), Mishongnovi, Sipaulavi, Shungopavi, Oraibi, Kyakotsmovi, Bakabi, Hotevilla, and Moenkopi. Each village has the prerogative to decide for itself how it is organized. Unless a village decides otherwise, it is considered to be under the traditional Hopi organization, and the *Kikmongwi* of each village is recognized as the leader. The *Kikmongwi* is a traditional theocratic leader of a Hopi village. The Tribe has governed itself this way since time immemorial. The Hopi Tribal Council consists of the Chairman, the Vice-Chairman, and representatives from each of the ten villages. The Chairman and Vice-Chairman are elected by secret ballot by all members of the Hopi Tribe. The Council chooses from its own membership or from the Tribe at large the Secretary, the Treasurer, the

Sergeant-at-Arms, interpreters, and other committees. The number of representatives from each village is determined by the population of that village. For example, a village with 50-250 people has one representative; a village with 251-500 people has two representatives; a village with 501-750 people has three representatives; a village with 750 or more people has four representatives. The term of office for the representatives is two years, and the elections are staggered. Each representative must be a member of the village which they represent, be 25 years or older, have lived in the Hopi jurisdiction for at least two years, and speak the Hopi language. The tribal membership requirements are determined by a tribal ordinance maintained separately at each of the ten villages.

The Iroquois Nations are made up of the six Nations of the Confederacy, including Tuscarora, Onondaga, Oneida, Cayuga, Mohawk, and Seneca. The Confederacy originally had five Nations, and the sixth, the Tuscarora, was added in 1718. The Iroquois are a matriarchal society based on a clan system. Their membership requirements are based on maternal Iroquois ancestry. Their Constitution is from their oral tradition and has been translated from their native language. It is not in the general format in which most tribal constitutions are written. The Iroquois constitution is titled, "The Great Binding Law, *Gay Anashagowa*." The Confederacy is governed by the Lords of each of the six Nations who sit on the Confederate Council. There are also the Fire Keepers, who have more limited control than the Lords. Each of the six Nations is divided into three parties. The qualifications for the Lords is based upon heredity. It also incorporates the wampum strings of shells. The family which possesses the wampum is the family whose heirs will be the Lords. Every Lord has a female sponsor, who acts in his place when he can not. A

Confederate Lord must also not possess certain physical deficiencies, such as infancy, idiocy, blindness, deafness, dumbness nor impotency. It is not known to what degree the Iroquois Constitution is followed and binding today.

The Minnesota Chippewa are an alliance of six reservations, including the White Earth, Leech Lake, Fond du Lac, Bois Forte (Nett Lake), Grand Portage, and the Non-Removal Mille Lac Band of Chippewa Indians. The Minnesota Chippewa Tribe's governing bodies are the Tribal Executive Committee and the Reservation Business Committees. The Tribal Executive Committee is composed of the Chairman and the Secretary-Treasurer from each of the six Reservation Business Committees. The Tribal Executive Committee selects the President, the Vice-President, the Secretary, and the Treasurer, who shall hold office for two years. Each of the six Tribes in the Minnesota Chippewa Tribe elects one Tribal Business Committee, composed of between three and five members, including the Chairman, the Secretary-Treasurer, and one, two, or three committee members.

In 1922, the Navajo Nation first adopted a tribal council, which was appointed by the United States government for the main purpose of signing mineral leases with corporations. The unofficial council was called the Business Council, and, in 1923, six council members and six alternates were chosen to serve as the first official Navajo Tribal Council. Finally, in the late 1930's, the Navajo Tribal Council increased to 74 members as a result of the establishment of the chapter-government system, which included agencies for the Tribe's five various communities. The Navajo Nation never accepted the IRA's requirements for adopting a tribal constitution. One probable reason was due to the dramatic reduction of their sheep herds during the New Deal's conservation efforts of the 1930's, which

had a devastating affect on their economic and social structure, which relied on the sheep. The Nation does not have a constitution but has a series of six bound codes with 24 Titles.

The Penobscot Nation operates under three distinct legal capacities: 1) as a sovereign, federally recognized Indian tribe; 2) as a municipality under state law, 3) as a business entity.¹¹ The Tribe has a separation of powers including executive, legislative, and judicial bodies. The legislative authority of the Tribe is made up of the general membership of the Nation. The general membership has the power to enact or amend tribal laws and ordinances. The executive body of the government is represented by the Governor and Council. The Governor exercises the nation's sovereign and governmental powers by adopting regulations, bylaws, contracts, and negotiations, by accepting grants, and by managing and appropriating the Nation's funds, along with other duties. The Tribal Council is made up of twelve council members elected biennially for four year terms. The Governor is elected by the voters of the Nation for two years. The qualifications for gubernatorial candidates include membership in the Penobscott Nation by birth, while not holding any other office within the Penobscot, United States, or State of Maine government. The Lieutenant Governor is obligated to appear or hold office if the Governor dies or is incapacitated. The Constitution also allots for the Chief Executive Officer and Tribal Administrator. The judicial branch of government is comprised of the Tribal Court and Appellate Court. The Tribal Court consists of the Chief Judge, the Associate Judge(s), the Director, the Clerk, the Tribal Prosecutor, the Public Defender, and the Juvenile Intake / Probation Officer(s), all of whom are appointed by the Governor and confirmed by the Council.

The Yankton Sioux Tribe never adopted the provisions of the IRA and has three branches of government. The executive organization is known as the Yankton Sioux Tribal Business and Claims Committee. In addition to the tribal business committee, there are ten officers who make up the legislative body. The judicial power remains in the tribal membership, and any five members of the Tribe may bring issues regarding changes to the laws and codes of the Tribe to the Council.

The Yurok Tribe is a non-IRA tribe and is governed by a ten member Tribal Council, including the Tribal Chairperson, the Vice-Chairperson, and seven council members. The Chairperson and Vice-Chairperson are elected at large. The seven council members are elected one per district. These districts include the Weitchpec, Pecwan, Requa, Orick, North District, East District, and South District. The terms of office for the Chair and Vice-Chair are three years. The elections are staggered so that the candidate receiving the most votes in his or her district shall hold office for three years; the three candidates receiving the second, third and fourth highest percentages of votes shall hold office for two years; the remaining three shall hold office for one year.

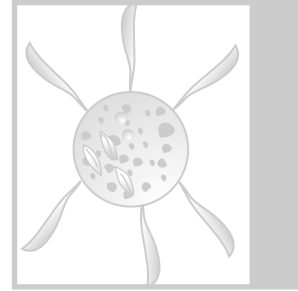
In conclusion, each of the ten tribal legal systems and tribal constitutions vary to some degree. The tribes and their governments are still evolving as the devastating effects of colonialism have not passed that long ago. It is refreshing to see more tribes organized in a way that incorporates traditional values.

APPENDIX A

Tribal Constitution Information Sheets

Community Development, 1998. Where there is a blank section in a table, there was no information provided in the particular constitution. The Iroquois information sheet is left out of this section, because their tribal constitution, known as the *Great Binding Law*, is traditionally oral and would not fit into the format provided in the following tables.

APPENDIX A-1



**Bill Moore's Slough-Kongnikilnomiut
Yiuta Corporation (Yup'ik Eskimo)
General Delivery
Kongiganak AK 99559**

Tribal enrollment or reservation population	50 enrollment
High school graduate or higher	48.8%
Bachelor's degree or higher	2.4%
Unemployment rate	16.3%
Per capita income	\$5,563
Ancestral or acquired land base (in acres)	Total area of entitlement under Alaska Native Claims Settlement Act (ANCSA) of 1971, 115,200
Criteria for tribal membership	Those persons listed as shareholders of the Kongnikilnomuit Yiuta Village Corporation as of the date of the Constitution. All descendants of the original membership shall be enrolled as members and all future descendants shall be enrolled upon notification of birth, provided they are at least 1/4 Yupik Eskimo. Procedures are set by membership ordinance.

Use of land base	Not to be sold, leased, used as collateral nor otherwise put in jeopardy of tribal ownership without written approval of 98% of the Bill Moore's Slough membership. Shall not be exploited for commercial or mineral development nor be disturbed in any way that is not consistent with maintaining it for subsistence and traditional uses.
Population who live on land base	100%
Land acquisition (purchase, treaty, other)	Entitlement under the Alaska Native Claims Settlement Act (ANCSA) of 1971. ANCSA changed the recognition of the unspecified numbers of Alaska tribes to corporations for monetary compensation for land claims.
Enabling documents	Land policy and constitution
Governing body	Kongiganak is unincorporated under Alaska law and is located in the unorganized borough. It is governed by a Village Council, headed by a President. Share holders in the village corporation also hold shares in Calista Corporation regional native corporation. The village has an Elder's Council for land issues
Final authority over tribal government	Elder's Council
Separation of powers or unified government	Unified
Legislative	-
Executive/Administrative	-
Judicial(tribal court, sheriff, other)	Elder's Council; procedures set by ordinance.

Council organization by districts, regions, lineages, departments, specific functions, or other. No. of Council members and position titles.

Length of term for tribal government positions

Time of year for elections (by position)

Process for tribal elections or appointments

Absentee ballots

Tribal member voting requirements

Quorum requirements

Elder's Council composed of one Council member for every 40 members or no less than five Council members and always an odd number including the Chairman.

Elder's Council members: three year terms.

On the first Tuesday after the First Monday in November. New members take office on January 1 of the following year.

Secret ballot, except that the membership of Bill Moore's Slough may take advisory recommendations to the council by voice vote or show of hands at general council meetings.

By mail; shall be provided for by ordinance. The ordinance shall require that such ballots be made available to members sufficiently in advance of any election to permit the ballots to be submitted by voters to the tribal office prior to the scheduled date of the election. Ballots so submitted shall be counted along with ballots cast in person at the polls.

All duly enrolled members of Bill Moore's Slough, who are 18 years of age or older, shall have the right to vote in all tribal elections.

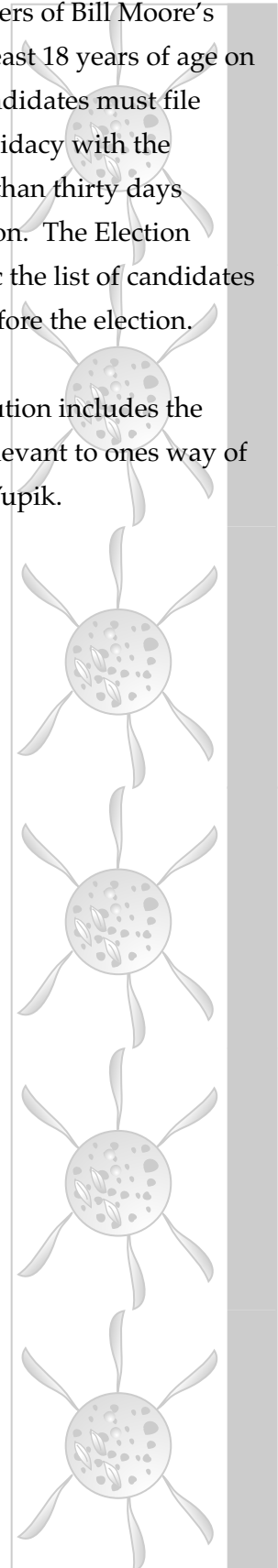
Majority vote of the Elder's Council

Qualifications or criteria for tribal government positions

Must be enrolled members of Bill Moore’s Slough who will be at least 18 years of age on the day of election. Candidates must file statements of their candidacy with the Election Board not less than thirty days before the annual election. The Election Board shall make public the list of candidates not less than 15 days before the election.

Interesting features

Article II of the Constitution includes the right to an education relevant to ones way of life and the right to be Yupik.



APPENDIX A-2

Cherokee Nation of Oklahoma
Economic & Business Development Division
 PO Box 948
 Tahlequah OK 74465
 (918) 456-0671

Federally Recognized

Tribal enrollment or reservation population	-
1996	
High school graduate or higher	-
Bachelor's degree or higher	3.7%
Unemployment rate	-
Per capita income	-
Ancestral or acquired land base (in acres)	124,000 (61,000 tribally owned)
Criteria for tribal membership	<p>a) All members of the Cherokee Nation must be citizens as proven by reference to the Dawes Commission Rolls, including Delaware Cherokees as of Article II of the Delaware Agreement, dated the 8th of May, 1867, and the Shawnee Cherokees as of Article III of the Shawnee Agreement, dated the 9th day of June, 1869, and /or their descendants.</p> <p>b) The Registration Committee sets other guidelines for membership</p>
Use of land base	Residential, university, forestry, agribusiness and livestock production, gaming, industry, and other uses.

Population who live on land base

-

Land acquisition (purchase, treaty, other)

Not a reservation but held in trust by the U.S. government and is considered a jurisdictional service area.

Enabling documents

Constitution ratified in 1975

Governing body

Tripartite democratic structure with three branches, Executive (Principal Chief), Legislative and Judicial Appeals Tribunal.

Final authority over tribal government

Principal Chief

Separation of powers or unified government

Separation of powers

Legislative

Fifteen member tribal council called the Council of the Cherokee Nation of Oklahoma.

Executive/Administrative

Executive Cabinet: Secretary / Treasurer; Secretary of Health, Education and Welfare; Secretary of Commerce and Industrial Development; General Counsel; and Secretary of Communications.

Judicial (tribal court, sheriff, other)

Judicial Appeals Tribunal composed of three members, all of whom must be admitted to practice law before the highest court of the state in which they reside. Cherokee Nation District Court and Criminal penal and procedure code.

Council organization by districts, regions, lineages, departments, specific functions, or other. No. of council members and position titles.

The council shall establish representative districts which shall be within the historical boundaries of the Cherokee Nation of Oklahoma.

Length of term for tribal government positions

Tribal Council: four year terms.
Executive Principal Chief: four year terms

Time of year for elections (by position)

-

Process for tribal elections or appointments

Secret ballot by popular vote of the over 70,000 registered Cherokee voters.

Absentee ballots

-

Tribal member voting requirements

The Council shall enact an appropriate law to govern the conduct of all elections which is compliant with the Constitution of the Cherokee Nation.

Quorum requirements

-

Qualifications or criteria for tribal government positions

Any tribal member, at least 25 years of age on the date the election, may be a candidate for Council. No person who has been convicted of a felony may be eligible.

Interesting features

-



Hoop Valley Tribe
PO Box 1348
Hoop CA 95546-1348
(530) 625-4211



APPENDIX A-3

Federally Recognized

Tribal enrollment or reservation population 1996

2,199 population

High school graduate or higher

61.8%

Bachelor's degree or higher

3.9%

Unemployment rate

29.6%

Per capita income

\$5,936

Ancestral or acquired land base (in acres)

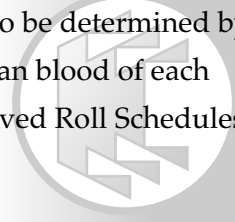
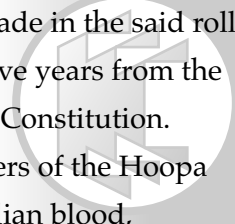
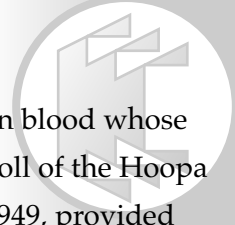
85,445.62

Criteria for tribal membership

a) All persons of Hoopa Indian blood whose names appear on the official roll of the Hoopa Valley Tribe as of October 1, 1949, provided that, subject to approval by the Secretary of Interior corrections may be made in the said roll by the tribal council within five years from the adoption and approval of the Constitution.

b) All children born to members of the Hoopa Tribe, who are at least 1/4 Indian blood, after the effective date of this amendment.

Degree or quantum of blood to be determined by adding 1/2 the degree of Indian blood of each parent as shown on the approved Roll Schedules of the Hoopa Valley Tribe.



Use of land base	Timber industry, tribally owned hotel, gas station, mini-mart, and other uses.
Population who live on land base	-
Land acquisition (purchase, treaty, other)	By Executive Order June 23, 1876, pursuant to Congressional Act April 3, 1864. Boundaries expanded by Executive Order in 1891 to connect the Yurok Reservation to the Hoopa
Enabling documents	Non-IRA constitution
Governing body	Hoopa Valley Tribal Council
Final authority over tribal government	Hoopa Valley Tribal Council
Separation of powers or unified government	Separation of powers
Legislative	Tribal Council
Executive/Administrative	Tribal Council
Judicial (tribal court, sheriff, other) Council organization by districts, regions, lineages, departments, specific functions, or other. # of council members and position titles.	Power vested in the general membership. The Tribal Council includes a Chairman, a ViceChairman, and a representative from each of the seven geographic districts on the reservation. The districts include HostlerMatilton, Soctish-Chenone, Agency, Norton, Campbell, Bald Hill, and Mesket. A Secretary, a Treasurer, and other employees shall be appointed or employed by the Council from outside the membership of the Council as deemed necessary.
Length of term for tribal government positions	Staggered two year terms

Time of year for elections (by position)

Third Tuesday in June of each year, or other day in June, no later than the last day of June.

Process for tribal elections or appointments

Elected

Absentee ballots

Available upon request to all non-resident registered voters and other registered voters who advise the election board that they will be away from the reservation on election day.

Tribal member voting requirements

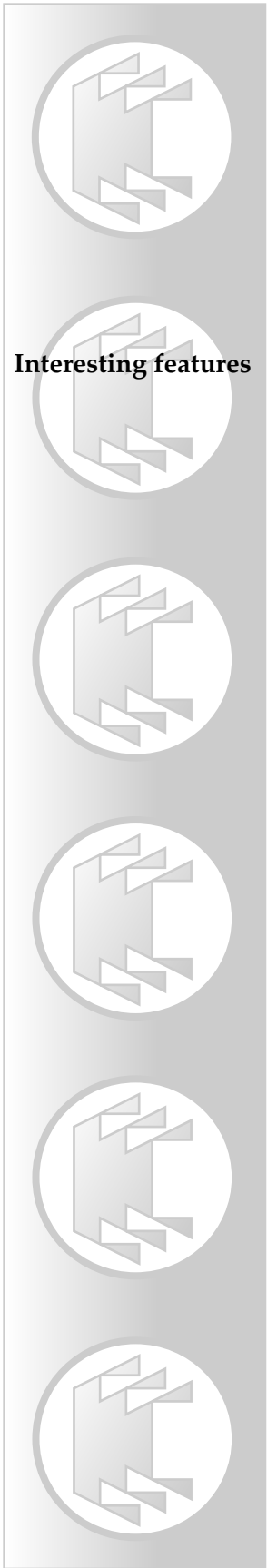
Tribal members at least 18 years of age on election day and are registered, and are eligible to vote.

Quorum requirements

-

Qualifications or criteria for tribal government positions


- a) At least 21 years of age by the date of the election in which he or she is to run for office.
- b) Must have physically resided within the area shown by a circle drawn on a map representing a 100 mile radius from the tribal office building. The Election Board shall rule on whether any prospective candidate meets residence and any other qualifications specified in this article.
- c) Must not have been convicted of a felony or misdemeanor involving moral turpitude such as, but not limited to, fraud, embezzlement, or theft. Provided that persons have completed their sentence for such conviction at least ten years prior to the date of the election in which they intend to run for office, they may file as candidates.
- d) Must be bondable.



e) Each prospective candidate must disclose to the Election Board any personal, financial, or business interests that may create a conflict if that person is elected. Once elected, each Council member shall report to the Tribal Council and Election Board any situation that may create a conflict while in office.

Procedures for removal, recall and referendum exist.

APPENDIX A-4



Hopi Tribe
PO Box 123
Kykotsmovi AZ 86309
(520) 734-2441

Federally Recognized

Tribal enrollment or reservation 7,785 enrollment

Population 1996

High school graduate or higher 62.6%

Bachelor's degree or higher 3.3%

Unemployment rate 26.8%

Per capita income \$4,566

Ancestral or acquired land base (in acres) 1,561,213

Criteria for tribal membership

a) All persons whose names appear on the census roll of the Hopi Tribe as of December 31, 1937, provided that corrections may be made at any time to said roll by the Hopi Tribal Council, subject to the approval of the Secretary of the Interior.

b) All persons 1/4 or more Hopi Indian blood, 1/4 or more Tewa blood, or 1/4 Hopi-Tewa blood, born after Dec. 31, 1937.

c) Hopi, Tewa, and Hopi-Tewa Indian blood shall mean biological lineal descent from any Hopi or Tewa Indian person whose name appears on the Corrected Membership Roll of the Hopi Tribe.



Use of land base

Residential, tribal government, ceramics, basketry, textiles, silver work, religious objects (including kachina dolls), agriculture, and mining leases.

Population who live on land base

-

Land acquisition (purchase, treaty, other)

By Executive Order December 16, 1882, Hopi Tribe was granted approximately 2.6 million acres of land; however, they never were allowed complete use of this allocated region.

Enabling documents

IRA Constitution and Bylaws

Governing body

Tribal Council: Chairman, Vice-Chairman, Secretary, Treasurer, Sergeant-at-Arms, interpreters, such other officers and committees as may be necessary, and representatives from the nine villages. The representatives shall be determined as follows: for villages of 50-250, one representative; for villages of 251-500, two representatives; for villages of 501-750, three representatives; for villages of over 750 population, four representatives.

Final authority over tribal government

Tribal Council

Separation of powers or unified government

Separation of powers

Legislative

Tribal Council and Village Societies

Executive/Administrative

Tribal Council and Village Societies

Judicial (tribal court, sheriff, other)

Tribal Court and Tribal Appellate Court

Council organization by districts, regions, lineages, departments, specific functions, or other. No. of council members and position titles

By district 17 Council member who come from nine villages which include: First Mesa (consolidated villages of Walpi, Shitchumovi, and Tewa), Mishongnovi, Sipaulavi, Shungopavi,

Length of term for tribal government positions

Oraibi, Kyakotsmovi, Bakabi, Hotevilla, and Moenkopi.

Chairman and Vice-Chairman: four year terms. Secretary, Sergeant-at-Arms, and Village representatives: two year terms.

Time of year for elections (by position)

Primary Election is the first Wednesday in November. General Election is the third Wednesday in November.

Process for tribal elections or

Village Representatives: Each village shall decide appointments for itself how it shall choose its representatives, who shall be recognized by the Council only if they are certified by the Kikmongwi of their respective villages. Certifications may be made in writing or in person.

The Tribal Council- Chairman and ViceChairman shall be elected by secret ballot by all the members of the Hopi Tribe. The Tribal Council shall choose, from its own members or from other members of the tribe, a Secretary, a Treasurer, a Sergeant-at-Arms, interpreters, and such other officers and committees as it may determine necessary, subject to the provisions of the Bylaws.

Absentee ballots

-

Tribal member voting requirements

All members of the Hopi Tribe at least 18 years of age.

Quorum requirements

-

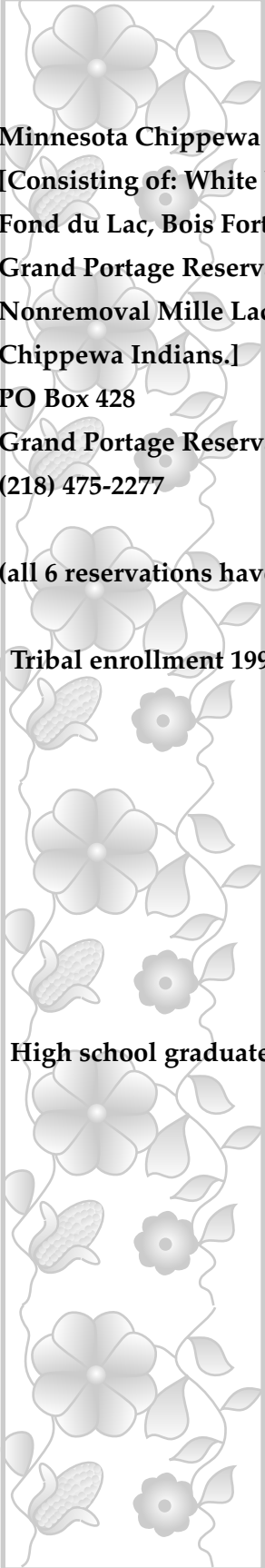
Qualifications or criteria for tribal government positions

The Chairman and Vice-Chairman must be at least 25 years of age, able to speak the Hopi language fluently, and have lived on the Hopi reservation for at least two years preceding his candidacy.

Interesting features

Nine villages each with representatives on the Tribal Council.

APPENDIX A-5



Minnesota Chippewa Tribe
[Consisting of: White Earth, Leech Lake, Fond du Lac, Bois Forte (Nett Lake), and Grand Portage Reservations and the Nonremoval Mille Lac Band of Chippewa Indians.]
PO Box 428
Grand Portage Reservation and Tribal council
(218) 475-2277



Federally Recognized

(all 6 reservations have separate addresses)

Tribal enrollment 1996

White Earth: 20,225
 Leech Lake: 7,173
 Fond du Lac: 6,606
 Bois Forte (Nett Lake): 2,485
 Grand Portage Reservations: 790
 Nonremoval Mille Lac Band of Chippewa Indians: 2,801
 Six reservation total: 40,080

High school graduate or higher

White Earth: 61.4%
 Leech Lake: 60.2%
 Fond du Lac: 69.5%
 Bois Forte (Nett Lake): 66.4%
 Grand Portage Reservations: 67.6%
 Nonremoval Mille Lac Band of Chippewa Indians: 37.3%

Bachelor’s degree or higher

White Earth: 3.9%
Leech Lake: 4.1%
Fond du Lac: 8.2%
Bois Forte (Nett Lake): 5.5%
Grand Portage Reservations: 7.9%
Nonremoval Mille Lac Band of Chippewa
Indians: 5.9%

Unemployment rate

White Earth: 24.8%
Leech Lake: 30.9%
Fond du Lac: 27.3%
Bois Forte (Nett Lake): 26.1%
Grand Portage Reservations: 26.5%
Nonremoval Mille Lac Band of Chippewa
Indians: 3.4%

Per capita income

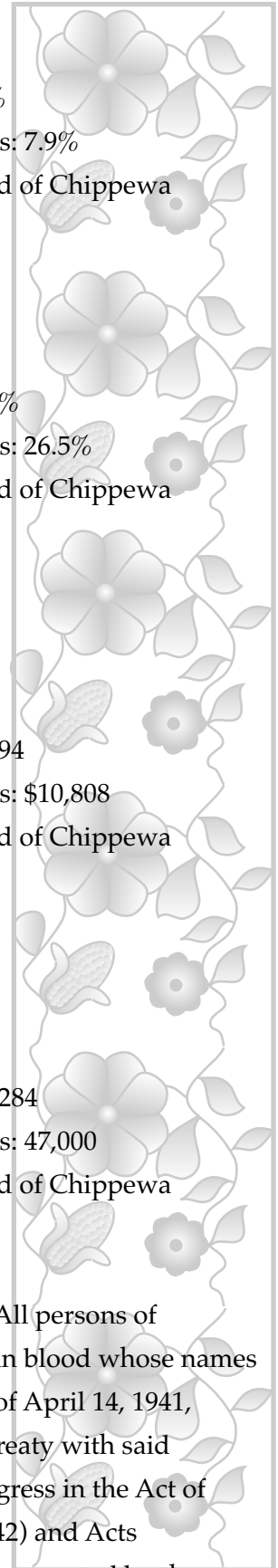
White Earth: \$4,917
Leech Lake: \$4,705
Fond du Lac: \$5,457
Bois Forte (Nett Lake): \$4,994
Grand Portage Reservations: \$10,808
Nonremoval Mille Lac Band of Chippewa
Indians: \$7,000

Ancestral or acquired land base (in acres)

White Earth: 837,120
Leech Lake: 602,880
Fond du Lac: 100,000
Bois Forte (Nett Lake): 105,284
Grand Portage Reservations: 47,000
Nonremoval Mille Lac Band of Chippewa
Indians: 61,000

Criteria for tribal membership

a) Basic Membership Roll: All persons of Minnesota Chippewa Indian blood whose names appear on the annuity roll of April 14, 1941, prepared pursuant to the Treaty with said Indians, as enacted by Congress in the Act of January 14, 1889 (25 Stat. 642) and Acts amendatory thereof, and as corrected by the





Tribal Executive Committee and ratified by the Tribal Delegates, which roll shall be known as the Basic Membership Roll of the Tribe.

b) All children of Minnesota Chippewa Indian blood born between April 14, 1941, the date of the annuity roll, and July 3, 1961, the date of approval of the membership ordinance by the Area Director, to a parent or parents, either or both of whose names appear on the Basic Membership Roll, provided an application for enrollment was filed with the Secretary of the Tribal Delegates by July 4, 1962, one year after the date of approval of the ordinance by the Area Director.

c) All children of at least 1/4 degree Minnesota Chippewa Indian blood born after July 3, 1961 to a member, provided that an application for enrollment was or is filed with the Secretary of the Tribal Delegates or the Tribal Executive Committee within one year after the date of birth of such children.

Use of land base

Varies between six Tribes

Population who live on land base

- White Earth: 13.6%
- Leech Lake: 51.9%
- Fond du Lac: 48.6%
- Bois Forte (Nett Lake): 36.1%
- Grand Portage Reservations: 39%
- Nonremoval Mille Lac Band of Chippewa Indians: 41.1%

Land acquisition (purchase, treaty, other)

White Earth: The reservation was established by the Treaty of March 19, 1867. The reservation is only 10% tribally owned land and 90% private and non-Indian owned land.

Leech Lake: The reservation was established by the Treaties of February 22, 1855 and May 1, 1867, and by the Executive orders of October 28, 1873, and May 26, 1874. The General Allotment Act of 1887, as well as other congressional acts, greatly reduced the size of the reservation.

Fond du Lac:

The reservation was established by the Treaty of 1854.

Bois Forte (Nett Lake): The reservation was established by the Treaty of 1866. An Executive Order of December 30, 1881, further established the reservation. About 28.8% of the reservation is tribally owned.

Grand Portage Reservations: The reservation was established in 1854.

Nonremoval Mille Lac Band of Chippewa Indians: The reservation was established by treaty in 1855, though much of its land base has been taken from the band through legislative measures. Of the 61,000, only 5.7% of the land base is actually owned by the Tribe.

Enabling documents

Constitution and Bylaws

Governing body

Tribal Executive Committee

Final authority over tribal government

Tribal Executive Committee

Separation of powers or unified government

Separation of powers

Legislative

Tribal Business Committee

Executive/Administrative

Tribal Executive Committee

Judicial (tribal court, sheriff, other)

Reserved for each of the six tribes to determine separately. Fond du Lac has its own court. Mille Lac has a judicial branch.

Council organization by districts, regions, lineages, departments, specific functions, or other. No. of council members and position titles.

The Tribal Executive Committee is composed of the Chairman and Secretary-Treasurer from each of the six Reservation Business Committees elected in accordance with Article IV. The Tribal Executive Committee shall, at its first meeting, select from within the group a President, a Vice-President, a Secretary, and a Treasurer, who shall continue in office for the period of two years or until their successors are elected and seated.

Length of term for tribal government positions

Four year terms

Time of year for elections (by position)

Varies for individual tribe

Process for tribal elections or appointments

Secret ballot

Absentee ballots

Yes (see Uniform Election Ordinance)

Tribal member voting requirements

All tribal members 18 years or older shall have the right to vote at all elections held within the reservation of their enrollment.

Quorum requirements

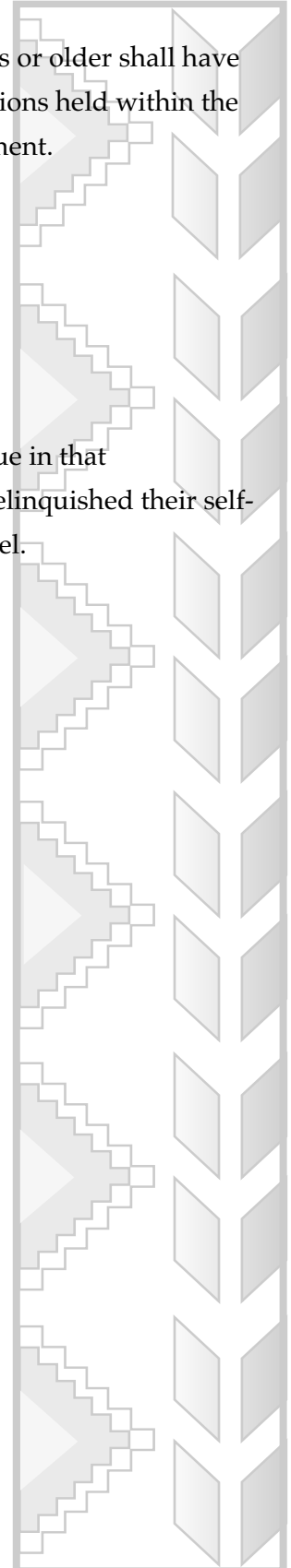
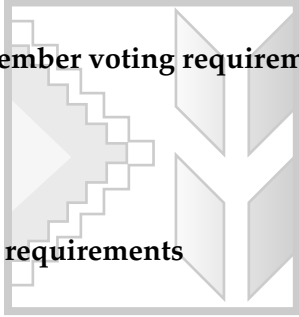
Majority vote

Qualifications or criteria for tribal government positions

Varies for individual tribe

Interesting features

This confederation is unique in that none of the six tribes has relinquished their self-governance at the local level.



APPENDIX A-6

Navajo Nation
PO Box 308
Window Rock AZ 86515
(520) 871-4941

Federally Recognized

Tribal enrollment or reservation
population 1996

157,716 population

High school graduate or higher

41.2%

Bachelor's degree or higher

2.9%

Unemployment rate

27.9%

Per capita income

\$11,835

Ancestral or acquired land base (in acres)

16,224,896

Criteria for tribal membership

a) All Members include of Navajo blood whose names appear on the official roll of the Navajo Nation maintained by the Bureau of Indian Affairs.

b) Any person who is at least 1/4 degree Navajo blood, but who has not previously been enrolled as a member of the Navajo Nation, is eligible for membership and enrollment.

c) Children born to any enrolled member of the Navajo Nation shall automatically become members of the Navajo Nation and shall be enrolled, provided they are at least 1/4 degree Navajo blood.

Use of land base

Residential, tribal buildings, mining, grazing, farming, and traditional purposes.

Population who live on land base

-

Land acquisition (purchase, treaty, other)

The original reservation was established by a treaty on June 1, 1868, ratified by Congress on July 25, 1868, and contained 3,414,528 acres.

	<p>This reservation was expanded by executive orders in 1878, 1880, 1882, 1884, 1900, 1901, 1905, 1907, 1908, 1917, and 1918. In 1930 and 1931, the reservation was expanded by congressional acts. In 1933, Congress added 552,000 acres in Utah to the reservation and, in 1934, provided for some smaller additions.</p>
Enabling documents	Six Tribal Codes with 14 Titles (1995 edition)
Governing body	Tribal Council consisting of 110 Council Delegates from the 110 Chapters of government.
Final authority over tribal government	Navajo Nation Council has the power to govern the Navajo people through the enactment and amendment of laws, approval of expenditures, and design and approval of programs to benefit the Navajo people.
Separation of powers or unified government	Separation of powers
Legislative	Navajo Nation Council: Speaker of the Council and 110 Chapters of government, including the Chinle, Shiprock, Fort Defiance, Eastern and Western Agencies.
Executive/Administrative	The office of the President carries out laws enacted by the Council and oversees the Executive Branch.
Judicial (tribal court, sheriff, other)	The Chief Justice and Courts of the Navajo Nation, which include the District Courts, Family Court, Appellate Court, and Supreme Court.
Council organization by districts, regions,	Tribal Council consisting of 110 Council

lineages, departments, specific functions, or other. No. of council members and position titles.

Length of term for tribal government positions

Time of year for elections (by position)

Process for tribal elections or appointments

Absentee ballots

Tribal member voting requirements

Quorum requirements

Qualifications or criteria for tribal government positions

Delegates from the 110 Chapters of government.

Chairman, Vice-Chairman, and all positions of the Navajo Nation Council: 4 year terms. Chief Justice, Associate Justices and District Court Judges shall serve for a two year probationary term and, upon good behavior, serve permanently until they are 70 years old.

General elections occur the first Tuesday of November. Chapter elections occur the first Tuesday in August. Primary elections occur the first Tuesday which precedes the date of the general election or chapter election by a minimum of 90 days.

Secret ballot (see *Tribal Code 4 Title 11 Elections*)

Yes (see request, application and filing procedure in *Tribal Code 4 Title 11 Elections*)

A person must be an enrolled member with a census number issued by the Bureau of Indian Affairs and /or Navajo Nation Census Office, be at least 18 years of age by the next election day, and be registered in their designated Chapter 30 days prior to the election.

Two thirds for the Tribal Council or a majority vote for committees, boards and commissions.

Navajo Nation Council: must be an enrolled member of the Navajo Nation, 30 years or older.

President and Vice-President, other offices: must be 25 or older, must be a permanent resident, must have continually lived on the Navajo reservation for the previous 3 years prior to the election, and must have no felony convictions for the last five years.

Navajo Nation Judicial appointment: must be a member of the Navajo Nation; must be over 30 years of age; must have never been convicted of a felony or, within the past year, of a misdemeanor; must be a high school graduate, with A.A., B.A., or B.S. Degrees preferred; must have at least two years work in law related area, a working knowledge of Navajo and applicable federal and state laws; must have knowledge of Navajo Culture and Tradition, be able to speak both Navajo and English, and have an understanding of the clan system, religious ceremonies; must have an appreciation of Navajo traditional lifestyle.

Interesting features

The Navajo Tribe is the largest tribe in the U.S. in terms of members and federal reservation acreage. The tribe has a very well developed and organized series of Tribal Codes, including Environmental Codes, which many tribes have been slow to develop.

The Navajo Nation has an *Ethics Law* which requires all public officials and employees to conduct themselves in a manner which reflects credibly upon the Navajo Nation.

APPENDIX A-7

Penobscot Nation
Department of Economic Development
and Planning
6 River Rd, Indian Island
Old Town ME 04468
(207) 827-7776

Federally Recognized



Tribal enrollment or reservation population 1996	469 population
High school graduate or higher	75.3%
Bachelor's degree or higher	12.6%
Unemployment rate	12.3%
Per capita income	\$7,780
Ancestral or acquired land base (in acres)	148,525
Criteria for tribal membership	Not included in tribal Constitution (see tribal membership law).
Use of land base	Residential, tribal buildings, manufacturing including, audio tapes, and hard and soft wood timber.
Population who live on land base	-
Land acquisition (purchase, treaty, other)	In 1980, the Maine legislature adopted the Maine Implementing Act, which settled outstanding land claims with tribes. The Penobscot Nation owns a portion of its aboriginal territory, which includes 146 islands.

Some land was purchased through the tribe's land acquisition fund which was established through a federal appropriations bill signed by President Carter on October 10, 1980.

Enabling documents

Constitution

Governing body

Governor, Lieutenant Governor, and a twelve member Council.

Final authority over tribal government

Governor

Separation of powers or unified government

Separation of powers

Legislative

The general membership of the nation is the sole legislative body empowered to enact or amend tribal law or ordinance.

Executive/Administrative

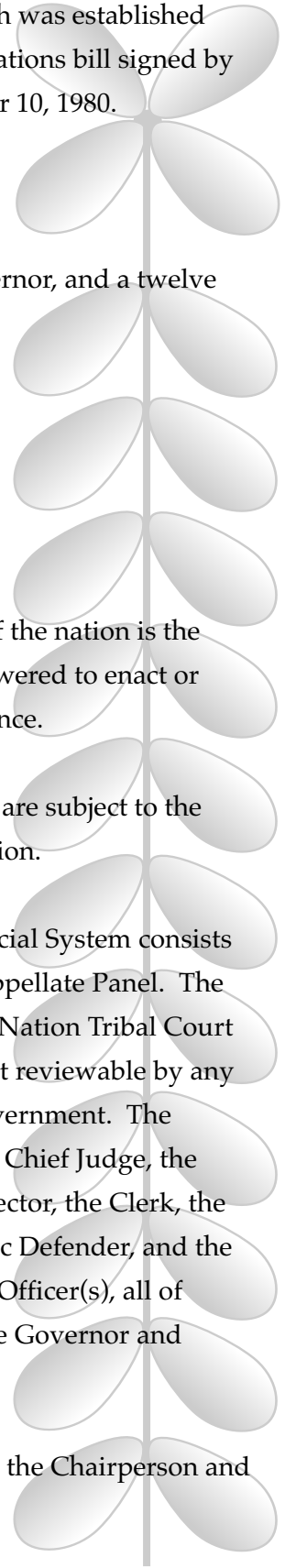
The Governor and Council are subject to the limitations of the Constitution.

Judicial (tribal court, sheriff, other)

The Penobscot Nation Judicial System consists of a Tribal Court and an Appellate Panel. The decisions of the Penobscot Nation Tribal Court and Appellate Panel are not reviewable by any other body of the tribal government. The Tribal Court consists of the Chief Judge, the Associate Judge(s), the Director, the Clerk, the Tribal Prosecutor, the Public Defender, and the Juvenile Intake / Probation Officer(s), all of whom are appointed by the Governor and confirmed by the Council.

Council organization by districts, regions, lineages, departments, specific functions, or other. No. of council members and position titles.

Twelve members including the Chairperson and others.



Length of term for tribal government positions

Governor and Lieutenant Governor: two year terms.

Council members: four year terms.

Chief Judge and Associate Judge: five year terms.

Time of year for elections (by position)

October

Process for tribal elections or appointments

Secret ballot

Absentee ballots

-

Tribal member voting requirements

All enrolled members who are 18 years or older are eligible.

Quorum requirements

-

Qualifications or criteria for tribal government positions

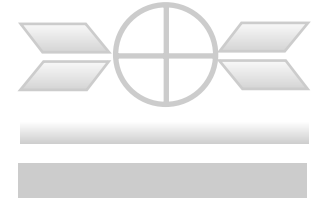
The Governor and Lieutenant Governor: must be a tribal member by birth and at the time of induction to office and must not hold any office or elected position with the State of Maine, the U.S., or any other tribe or nation.

Council members: must be a member of the Nation.

Interesting features

The Penobscot Nation operates under four legal capacities: 1) as a sovereignty; 2) as a federally recognized Indian tribe; 3) as a municipality under state law; and 4) as a business entity.

APPENDIX A-8



Yankton Sioux Tribe
Box 248
Marty SD 57361
(605) 384-3804
fax (605) 384-5687

Federally Recognized

Tribal enrollment or reservation population 1996

6281 population

High school graduate or higher

55.5%

Bachelor's degree or higher

4.1%

Unemployment rate

30.1%

Per capita income

\$2,834

Ancestral or acquired land base (in acres)

434,932.23

Criteria for tribal membership

- a)** All Members include of Yankton Sioux Blood whose names appear or are entitled to appear on the October 6, 1972, Yankton Sioux Tribal Roll.
- b)** All children born to members whose names appear on the Base Roll of October 6, 1972, and who possess at least 1/4 Indian blood of which 1/8 must be by Yankton Sioux.

Use of land base

Residential, tribal buildings, casino, hunting, fishing, and other uses.

Population who live on land base

-

Land acquisition (purchase, treaty, other) Enabling documents

Established by treaty in 1858.
 Non-IRA Constitution ratified September 22, 1932.

Governing body

Tribal Council

Final authority over tribal government

Yankton Sioux Tribal Business and Claims Committee

Separation of powers or unified government

Separation of powers

Legislative

Nine member Tribal Council

Executive/Administrative

Tribal Chairman

Judicial (tribal court, sheriff, other)

General tribal membership: upon request of five members for any just cause, such cause shall be submitted at any regular tribal meeting for action.

Council organization by districts, regions, lineages, departments, specific functions, or other. No. of council members and position titles.

Nine member council: Tribal Chairman, ViceChairman, Secretary, Treasurer, and five other members, nominated at large by a petition signed by 25 or more members of the Tribe. A Chaplain shall be selected by the Council who shall give the invocation at all meetings.

Length of term for tribal government positions

Two year terms

Time of year for elections (by position)

First Thursday of September

Process for tribal elections or appointments

Secret ballot

Absentee ballots

-

Tribal member voting requirements

All members of the tribe who are 18 years or older are eligible.

Quorum requirements

Majority vote

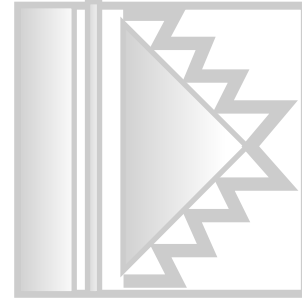
Qualifications or criteria for tribal government positions

Any enrolled member in good standing age 21 years or older and a resident of the reservation for at least one year. Any employee of the U.S. government shall be excluded.

Interesting features

The Tribe has a law and order section which provides for the establishment of a reservation court and defines its duties and powers which are subject to the approval of the Secretary of the Interior.

APPENDIX A-9



Yurok Tribe
517 Third St. Suite 21
Eureka CA 95501
(707) 444-0433

Federally Recognized

Tribal enrollment or reservation population 1996	1,343 enrollment
High school graduate or higher	44.9%
Bachelor's degree or higher	4.1%
Unemployment rate	30.5%
Per capita income	\$5,824
Ancestral or acquired land base (in acres)	56,585

Criteria for tribal membership

Base Membership Role

a) Persons who were on the Settlement Roll and who made or were deemed to have made an election pursuant to the Yurok Tribal Membership Option shall constitute the base Membership Roll of the Yurok Tribe.

Yurok Tribal Membership Roll

- a)** A person who has a biological parent, who is an enrolled member of the Yurok Tribe, and
- b)** A person who possesses at least 1/8 degree of Indian Blood defined as all U.S. Native American Indian or Alaskan Native.

Tribal membership based on extraordinary circumstances

- a) At least 1/8 Indian blood, and
- b) A full or half sibling of an allottee of land and lineal descendant of such person, or
- c) Any adopted person whose biological parents would have qualified, or
- d) Allottees of the Yurok Reservation whose lineal descendants have not been enrolled with another tribe.

Limitations on membership

- a) No person who received monies under the lump sum buy-out option under *25 USC Section 1300I-5(d)* may be a member of the Yurok Tribe.
- b) No members shall be dually enrolled with another tribe.
- c) No person who is a lineal descendant or is a present or former member of another tribe, and who is without a parent enrolled with the Yurok Tribe, shall qualify for membership in the Yurok Tribe.

Use of land base

residential, tribal buildings, fisheries, timber industry, and other uses.

Population who live on land base

-

Land acquisition (purchase, treaty, other)

Reservation established by President Harrison in 1891 as an extension between the Hoopa Valley Indian Reservation and the disputed 1855 Klamath River Reservation. The reservation is a narrow strip of land, one mile on each side of the Klamath River.

Enabling documents

Non-IRA Constitution approved in 1993.

Governing body

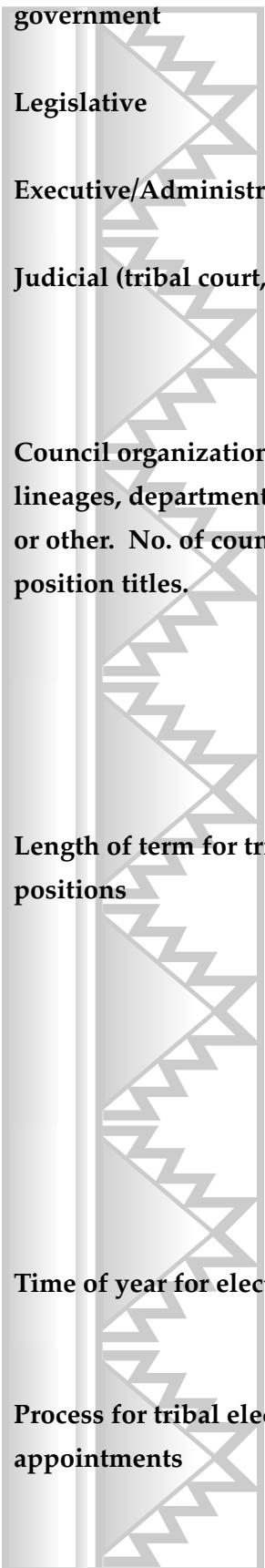
Tribal Council

Final authority over tribal government

Tribal Council

Separation of powers or unified

Unified



government

Legislative

Executive/Administrative

Judicial (tribal court, sheriff, other)

Council organization by districts, regions, lineages, departments, specific functions, or other. No. of council members and position titles.

Length of term for tribal government positions

Time of year for elections (by position)

Process for tribal elections or appointments

Tribal Council

Tribal Chairman

Tribal Court, which may be established by ordinance, or the Tribal Council shall sit as a tribal Trial or Appellate Court.

Districts: nine members including the Chairperson, Vice-Chairperson, and seven council members. The Chairperson and ViceChairperson are elected at large; the other seven members are elected by each of the seven districts. The districts include Weitchpec, Pecwan, Requa, Orick, North, East, and South districts.

Chairperson and Vice-Chairperson: staggered three year terms. The candidate receiving the highest percentage of votes in his/her district shall be elected for a three year term. The candidates receiving the second, third, and fourth highest percentages of votes in their districts shall serve two year terms. The remaining three candidates shall serve one year terms.

Primary election in October.
Run-Off election in November.

Secret ballot

Absentee ballots

Yes, available upon written request.

Tribal member voting requirements

Any enrolled member 18 years or older on the date of an election is eligible. The voter must register in the district in which he/she resides. If the voter is not a resident of any of the districts, then he/she may register in the North, East or South districts. When a voter moves into or out of a district, he/she must register to vote in that respective district within 90 days before the next regularly scheduled Council election.

Quorum requirements

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Qualifications or criteria for tribal government positions

- a) No candidate may have been convicted of any violent felony or crime of moral turpitude within 10 years of the date of election or appointment to any tribal office or position.
- b) Any person, who plans on running for tribal office, must disclose to the Tribal Council or the Election Committee the fact of a prosecution,

