

Miccosukee Literature

Constitution of the Miccosukee Nation

PREAMBLE

We, the members of the Miccosukee Tribe of Indians of Florida, in order to establish an organization, promote the general welfare, conserve and develop our lands and resources and secure for ourselves and our descendants the blessing of liberty and freedom do ordain and establish this constitution and bylaws.

ARTICLE I--TERRITORY

The authority of the Miccosukee Tribe of Indians shall extend to the Reservation set aside for their use and occupancy and such other lands as may be added thereto by appropriate State or Federal laws.

ARTICLE II--MEMBERSHIP

SECTION 1. For the six-month period after the ratification and approval of this constitution and bylaws, the membership of the Miccosukee Tribe of Indians of Florida shall consist of:

(a) All adults or children of one-half degree or more Miccosukee Indian blood who apply for membership in the Tribe.

(b) All children of one-half degree or more Miccosukee Indian blood born to members of the Tribe who shall automatically become members.

(c) All adults or children of less than one-half degree of Miccosukee Indian blood who apply for membership in the Tribe, when such application is approved by the Miccosukee General Council.

SEC. 2. Six months from the date of approval of this constitution and bylaws, the Miccosukee General Council shall adopt an ordinance, subject to the approval of the Secretary of the Interior or his authorized representative, governing future membership, loss of membership, and the adoption of members by the Miccosukee

Tribe of Indians of Florida.

ARTICLE III--GOVERNING BODY

SECTION 1. The authority of the Miccosukee Tribe of Indians shall be vested in the Miccosukee General Council. The Miccosukee General Council shall be composed of all adult members 18 years of age or over. Twenty-five members shall constitute a quorum, provided at least three clans are represented, and no business shall be conducted unless a quorum is present at all times.

SEC. 2. The officers of the Miccosukee General Council shall consist of a Chairman, Assistant Chairman, Secretary, Treasurer and Lawmaker. The officers shall hold office for a term of three years. Officers shall be elected and seated, except in the first election, during the month of August. In the first election of officers after the ratification and approval of this constitution and bylaws, the officers shall hold office from the date of their election until the new election in August, 1964. All officers will hold office until their successors are elected and seated.

SEC. 3. The elected officers, in addition to serving the Miccosukee General Council, shall be the Miccosukee Business Council when the General Council is not in session. The officers will perform the duties in both the General Council and in the Business Council as indicated in this constitution and in the bylaws.

SEC. 4. The Miccosukee General Council shall be authorized to remove from office any officer of the Tribe who fails or refuses to attend regular meetings of the General Council or the Business Council, unless excused due to illness or for other reasons for which he cannot be held responsible. Other grounds for removal from office shall include the following: Conviction of a felony while in office; failure to perform the duties assigned him; or who shall be found guilty of misconduct in the affairs of the Tribe. Any officer so charged shall have the right to present his personal defense to the General Council and the ruling of the General Council shall be final. Any vacant position caused by the removal of an officer by the Miccosukee General Council, resignation or death, may be filled by the Miccosukee General Council for the remainder of the unexpired term of such office.

SEC. 5. Any enrolled member of the Miccosukee Tribe, twenty-three years of age or over shall be qualified to seek and hold office as an officer of the Tribe. No member who has been convicted of a felony within three years preceding the date of the election, or who is employed by the Bureau of Indian Affairs, or has been found guilty by the Miccosukee General Council of

misconduct in Indian affairs shall be qualified to seek office as an officer of the Tribe. Except for the first election of officers, no person who has been a member of the Tribe for less than one year immediately preceding the election may be eligible to hold office. The Miccosukee General Council shall be the sole judge of the qualification of the officers of the Tribe.

ARTICLE IV - POWERS OF THE MICCOSUKEE
GENERAL COUNCIL

SECTION 1. In addition to the powers vested by law in the Miccosukee Tribe the General Council shall have the following powers subject to any limitations imposed by the Constitution of the United States or State or Federal laws applicable to Indians.

SEC. 2. The Miccosukee General Council reserves unto itself the authority to approve an annual budget. This budget shall include all normal operation expenses and any special projects or expenditures contemplated by the Tribe. The Business Council shall have authority to approve modifications of the budget up to and including an aggregate of twenty-five percent in any budget year.

SEC. 3. To levy and collect assessments and to impose fees, subject to review by the Secretary of the Interior, upon members and non-members doing business within the reservation.

SEC. 4. To enact ordinances to cause to be removed from the reservation persons not legally entitled to reside thereon and whose presence may be injurious to the peace, happiness or welfare of the Members of the Tribe, subject to the review of the Secretary of the Interior, or his duly authorized representative.

SEC. 5. The Miccosukee General Council is hereby authorized to recognize any district committees, associations or other organization open to the members of the Tribe and to approve such organization, subject, however, to the provision that no such committee, association or organization may assume authorities specifically granted to the Tribe by this constitution unless by a proper delegation of authority by the Miccosukee General Council.

SEC. 6. All rights and powers not delegated to the Miccosukee General Council or to the Miccosukee Business Council in this constitution and bylaws are reserved to the Tribe and may be exercised by the members of the Tribe through the adoption of amendments to this constitution and bylaws.

ARTICLE V--POWERS OF THE MICCOSUKEE
BUSINESS COUNCIL

SECTION 1. The Miccosukee Business Council shall exercise the following powers by appropriate motion, resolution or ordinances subject to the limitations imposed by this constitution and bylaws and to applicable Federal and State laws.

SEC. 2. To prevent the sale, disposition, lease or encumbrance of Tribal lands, interests in lands, or other Tribal assets, without the consent of the Tribe, unless prevented by the terms under which such lands were acquired.

SEC. 3. To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, as long as such approval is required by Federal law.

SEC. 4. To consult, negotiate, contract, and conclude agreements on behalf of the Tribe with Federal, State and local governments on all matters within the powers of the governing body authorized and included in this constitution and bylaws.

SEC. 5. To advise the Secretary of the Interior on all appropriation estimates on Federal projects for the benefit of the Tribe.

SEC. 6. As authorized by law, to manage, lease, permit, or otherwise deal with Tribal lands, interest in lands or other Tribal assets; and to purchase or otherwise acquire lands or interests in lands within or without the reservation, provided Tribal lands shall not be sold.

SEC. 7. To engage in any business that will further the economic well-being of the members of the Tribe, or undertake any programs or projects designed for the economic advancement of the people.

SEC. 8. To make and perform contracts and agreements of every description, not inconsistent with law or the provisions of this constitution and bylaws, provided that any contract in excess of \$3,000.00 shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

SEC. 9. To borrow money from the Federal Government, or other sources, and to direct the use of such funds for productive purposes, or to loan money thus borrowed to members of the Tribe, with the approval of the Secretary of the Interior or his authorized representative. To pledge or assign chattel or future income due or to become due, provided such agreement, pledge, assignment, or extension thereof shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

SEC. 10. To prepare an annual budget for submission to the Miccosukee General Council and upon approval of this budget to administer any funds within the control of the Tribe; to make expenditures from available funds for Tribal purposes, including salaries and expenses to Tribal officials or employees. All expenditures of Tribal funds under control of the Business Council shall be authorized in legal session and the amounts so expended shall be a matter of public record.

SEC. 11. The Business Council shall cause to be installed, maintained, and audited a complete and detailed accounting system and such safe-guards as bonding officials and employees responsible for the safety, accuracy and maintenance of such records and funds. All checks, drafts or other order for the payment of Tribal money, notes or other indebtedness issued in the name of the Tribe shall be signed by such officers, or agents, as provided for in this constitution.

ARTICLE VI--BILL OF RIGHTS

SECTION 1. All members of the Miccosukee Tribe shall be accorded equal political rights and equal opportunities to participate in the economic resources and activities of the Tribe, and no person shall be denied freedom of conscience, speech, association or assembly, or due process of law, or the right to petition for the redress of grievances. The members of the Tribe shall continue undisturbed in their religious beliefs and nothing in this constitution and bylaws will authorize either the General Council or the Business Council to interfere with these traditional religious practices according to their custom.

ARTICLE VII--TRIBAL ELECTIONS

SECTION 1. Within thirty days from the date of the approval of this constitution and bylaws the Constitutional Committee shall convene a General Council for the purpose of electing the five officers of the General Council. The General Council shall determine its own procedures for nomination of candidates and the voting for candidates at that meeting.

SEC. 2. All succeeding elections of officers shall be conducted in accordance with an election ordinance to be adopted by the General Council which shall provide for secret ballot elections, absentee ballots, prescribe the duties of the election board, procedure for casting resident and non-resident ballots, method of challenging the right-to-vote, settlement of election disputes and any further requirements for the conduct of the election.

ARTICLE VIII--REVIEW OF RESOLUTIONS AND ORDINANCES

SECTION 1. Any resolution or ordinance subject to review by the Secretary of the Interior or his authorized representative, shall be presented to the Superintendent of the Reservation or the officer in charge, who shall within ten (10) days thereafter approve or disapprove the same.

SEC. 2. Upon approval within ten (10) days the resolution or ordinance shall become effective. The Superintendent or officer in charge shall transmit copies of all effective resolutions or ordinances to the Secretary of the Interior, who may, within ninety (90) days after receipt thereof, rescind any resolution or ordinance for good cause by giving written notice and the reasons therefor to the appropriate council.

SEC. 3. If the Superintendent or officer in charge shall disapprove any resolution or ordinance, he shall notify the appropriate council in writing of his reasons therefor within ten (10) days after the resolution is delivered to the office of the Superintendent or officer in charge. If the Council is not satisfied with the reasons so given, it may, by a majority of the members voting, refer the resolution or ordinance to the Secretary of the Interior for approval.

SEC. 4. The Secretary of the Interior shall within ninety (90) days after receipt of any resolution or ordinance referred to him by the General Council or the Business Council for approval notify the appropriate Council in writing of his decision to approve or disapprove.

ARTICLE IX--AMENDMENTS

SECTION 1. This constitution and bylaws may be amended by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed Amendment at the request of the Miccosukee General Council.

ARTICLE X--ADOPTION

SECTION 1. This constitution and bylaws, when adopted by a majority vote of the qualified voters of the Miccosukee Tribe of Indians of Florida voting at an election called for that purpose by the Secretary of the Interior provided at least thirty (30) percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of such approval.

BYLAWS OF THE MICCOSUKEE TRIBE OF INDIANS OF FLORIDA
ARTICLE I--MEETINGS

SECTION 1. There shall be four regularly scheduled meetings of the Miccosukee General Council to be held during the months of August, February, June and August. All meetings shall be on the first Sunday in each of the above mentioned months. Notices shall be posted for these meetings at least three days in advance of the meetings, giving the time, date and place of such meeting. Special meetings of the Miccosukee General Council may be called by a majority vote of the Miccosukee Business Council. Special meetings shall be noticed and posted at least three days in advance giving time, date and place of such meeting.

SEC. 2. Meetings of the Miccosukee Business Council shall be held on the second Sunday in each month. Special meetings of the Miccosukee Business Council may be called by the Chairman.

SEC. 3. A quorum of the General Council shall be convened when twenty-five eligible adult members are present, provided at least three clans are represented, and no business shall be conducted in the absence of a quorum. All decisions shall be by majority vote.

SEC. 4. A quorum of the Miccosukee Business Council shall constitute three members, provided at least three clans are represented, and no business shall be conducted in the absence of a quorum. All decisions shall be by majority vote.

SEC. 5. Both the Miccosukee General Council and the Miccosukee Business Council are authorized to regulate its own procedures, to appoint subordinate committees, commissions, boards, advisory or otherwise, Tribal officials and employees not otherwise provided for in this constitution and bylaws.

SEC. 6. No authorities contained in this constitution and bylaws may be delegated by the Miccosukee General Council or Miccosukee Business Council to Tribal officials, district councils, or associations to carry out any function for which the Tribe assumes primary responsibility, except by ordinance or resolution duly enacted by the governing bodies in legal session, and excepting also those specific requirements contained in this constitution and bylaws.

ARTICLE II--DUTIES OF THE OFFICERS

SECTION 1. Chairman.

- (A) He shall preside at all regular and special meetings of the Miccosukee General Council and the Miccosukee

Business Council.

- (B) He shall have general and active management of the business activities of the Tribe except, that he shall not act on matters binding the Tribe until either the General Council or the Business Council has deliberated and enacted appropriate resolution.
- (C) He shall see that all resolutions and ordinances of both the General Council and the Business Council are carried into effect.
- (D) He shall sign on behalf of the Tribe all official papers when authorized to do so.
- (E) He shall give supervision to all other officers and employees of the Tribe and see that they carry out their duties.
- (F) He shall prepare a report of the activities of the Business Council and shall make this report at each regular meeting of the Miccosukee General Council. He shall include in this report all matters within his knowledge which the interest of the Tribe may be required be brought to its attention.
- (G) He shall not vote in either the General Council or the Business Council except in the case of a tie.

SEC. 2. Assistant Chairman.

- (A) In the absence of the Chairman he shall preside. When so presiding, he shall have all rights, privileges and duties, as set forth above under duties of Chairman, as well as the responsibility of the Chairman.

SEC. 3. Secretary.

- (A) He shall keep minutes at the principal place of business of the Tribe of all meetings of the Miccosukee General Council and the Miccosukee Business Council.
- (B) He shall give and serve all notices of the Miccosukee General Council and the Miccosukee Business Council as required by this constitution and bylaws.
- (C) He shall keep the membership roll of the Tribe, showing all changes as required by this constitution. In addition, he shall keep a current voting list.
- (D) He shall attend to all such correspondence assigned to him by the Chairman and perform all other duties

of his office or as prescribed by the Miccosukee General Council or the Miccosukee Business Council.

SEC. 4. Treasurer.

- (A) He shall keep and maintain, open to inspection by Members of the Tribe, or representatives of the Commissioner of Indian Affairs, at all reasonable times, adequate and correct accounts of the properties and business transactions of the Tribe.
- (B) He shall have care and custody of the funds and valuables of the Tribe, and shall deposit same in the name of and to the credit of the Miccosukee Tribe of Indians of Florida, with such banks as the Miccosukee Business Council may direct, subject to the approval of the Secretary of the Interior or his authorized representative.
- (C) Disburse the funds of the Tribe as may be ordered by the Miccosukee Business Council, taking properly signed invoices, vouchers or other instruments for said disbursement. All checks shall be countersigned by the Chairman or in his absence the Assistant Chairman.
- (D) He shall make a monthly report and account for all transactions involving the disbursement, collection or obligation of Tribal funds to the Miccosukee Business Council. He shall make such a financial report to the Miccosukee General Council at each of its regular meetings.
- (E) The Treasurer and all officers and employees whose duties involve handling of Tribe money or other valuables shall be bonded as required by the Miccosukee Business Council and as approved by the Superintendent or other Officer-in-charge.

SEC. 5. Law Maker.

- (A) He shall act as Lawmaker at all regular and special meetings and shall enforce all rules and see that peace and order are kept during the sessions of the General Council and Business Council.
- (B) He shall perform other duties as assigned by the General Council or the Business Council.

ARTICLE: III--EMPLOYMENT

SECTION 1. The Miccosukee Business Council is authorized to appoint or employ such clerical assistance as may be necessary to carry out the responsibilities assigned to any of the officers of the Tribe.



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