

**CONSTITUTION AND BY-LAWS OF
THE LITTLE SHELL TRIBE OF CHIPPEWA INDIANS OF MONTANA**

September 19, 1977

Amended
November 11, 2015

PREAMBLE

We, the original Tribe of Chippewa Indians under the late Thomas Little Shell, known as the Little Shell Tribe of Chippewa Indians of Montana;

Being a political successor of the Pembina Band of Chippewa Indians which is a signatory to treaties and agreements with the United States, including the 1863 and 1864 Old Crossing Treaties between the United States and the Chippewa – Red Lake and Pembina Bands, and having as a consequence all rights, powers, privileges and immunities, including reserved rights not relinquished by treaty, and being grateful to the Almighty God for the great blessings of friendship, peace, freedom and liberties enjoyed in the past and may the same be perpetually maintained;

And in order to secure to ourselves and our descendants the advantage of a tribal government to exercise the rights of local self-government, to administer all tribal affairs to the best advantage of the individual members, to preserve and increase our tribal resources and in accordance with the provisions of the enabling act of Congress approved on the 18th day of June, 1934 A.D. the year of our Lord, So ordain and establish this Constitution of the Late Chief Thomas Little Shell, the Little Shell Tribe of Chippewa Indians of Montana and laying its foundations upon the fundamental principles of the Constitution of the United States organizing its tribal laws in such a form as to be in conformity with any just and constitutional laws of the United States which do not affect the safety of rights, freedom and liberties accorded all other citizens of the United States under its Constitution, while exercising our sovereignty to its fullest;

We therefore, formulate this Constitution, acting in conformity with the present democratic form of government.

ARTICLE I.

GOVERNING BODY

SECTION I.

All Officers must be qualified members of the Tribe.

SECTION II.

The governing body of the Little Shell Tribe of Chippewa Indians of Montana shall be known as the Tribal Council. The membership of the Tribal Council shall consist of the Chairman, First Vice Chairman, Second Vice Chairman, Secretary-Treasurer, and three Council Members.

SECTION III.

(A)

The Executive Board shall consist of the Chairman, First Vice Chairman, Second Vice Chairman, and Secretary-Treasurer.

(B)

The Executive Committee shall consist of any five council members. The Executive Committee shall constitute a quorum to conduct business.

SECTION IV.

Elections shall be held every two years for each Council Member and every four years for the Executive Officers.

SECTION V.

If a Council Members or Official shall die, resign permanently, leave his or her position or not be able to represent the position in the best interest of the Tribe, or be found guilty of a felony or of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal Court, the Executive Committee shall declare the position vacant and call a special election to fill the vacancy.

SECTION VI.

Any Officer of the Executive Board who misses three meetings in a row without reasonable cause may be replaced by vote of the Executive Committee after a grievance hearing of the Executive Committee.

ARTICLE II.

JURISDICTION

SECTION I.

The jurisdiction of the Little Shell Tribe of Chippewa Indians of Montana shall extend to the territory within all lands acquired by purchase or otherwise for their use and occupancy, over any area of land where reserved treaty rights have not been ceded, and such other lands as may hereafter be acquired and added to its jurisdiction by law.

ARTICLE III.

POWERS OF EXECUTIVE BOARD

SECTION I.

The Executive Board of the Little Shell Tribe of Chippewa Indians of Montana shall exercise the following powers, subject to express restrictions upon such powers contained in this Constitution and By-Laws.

SECTION II.

To negotiate and enter into agreements with the Federal, State, and local governments on behalf of the Tribe and to advise and consult with representatives of the United States on all matters that affect or may affect the Tribe.

SECTION III.

To advise representatives of the United States with regard to all appropriation needs and estimates or federal projects for the benefit of the Tribe.

SECTION IV.

To approve acquire, lease, and dispose of land and to approve or disapprove all applications for selection of land.

SECTION V.

To approve all applications for enrollment as members of the Little Shell Tribe.

SECTION VI.

To manage all economic affairs and enterprises of the Little Shell Tribe of Chippewa Indians of Montana.

SECTION VII.

To administer estates and determine heirs under tribal, state, or federal laws.

SECTION VIII.

To encourage and foster the Arts, Crafts, Culture and Traditions of the Tribe and of the Pembina Band of Chippewa Indians.

SECTION IX.

To employ legal counsel for the protection and advancement of the Tribe.

SECTION X.

To exercise such further powers as may in the future be delegated to the Executive Board by members of the Tribe, or to the Tribe by Congress or any duly authorized Official or Agency of the United States.

SECTION XI.

Any rights and powers heretofore vested in the Little Shell Tribe of Chippewa Indians of Montana but not expressly referred to in this Constitution shall not be abridged by this Article, but may be exercised by the people of the Little Shell Tribe of Chippewa Indians through adoption of the appropriate by-laws and constitutional amendments.

ARTICLE IV.

REFERENDUM

SECTION I.

Upon petition of at least one-half of the voters of the Executive Board, or upon the request of the majority of the members, any enacted or proposed ordinances or resolution of the Executive Committee shall be submitted to popular referendum and the vote of a majority of the attending voters on such referendum shall be conclusive and binding on the Committee.

ARTICLE V.

MEMBERSHIP

SECTION I.

All applicants to membership in the Little Shell Tribe of Chippewa Indians of Montana whose application as an Indian has been approved by the Enrollment Committee may thereafter be approved by the Executive Committee of said Tribe.

SECTION II.

Any Indian of Pembina ancestry and one-quarter (1/4) degree Indian blood, provided they never have received an allotment of land derived by other Indian Reservations through adoption or marriage, subject to approval identical to Section I.

SECTION III.

All children, whose parent is an Enrolled Member of the Tribe, who possess one-eighth (1/8) degree Indian blood are entitled to membership.

ARTICLE VI.

AMENDMENTS

SECTION I.

This Constitution and By-Laws may be amended by a majority vote of the qualified voters of the Tribe voting at elections called for that purpose.

ARTICLE VII

SECTION I: OFFICERS

(A)

The Chairman, First Vice Chairman, Second Vice Chairman and Secretary-Treasurer shall be elected by majority vote of the members of the Tribe voting at elections called for that purpose.

(B)

The election shall be held by secret ballot. The Chairman shall preside over all meetings of the Executive Board or Executive Committee and exercise any and all authority delegated to him or her by the members of the Executive Board or the Executive Committee. He or she shall vote only in case of a tie.

SECTION II: DUTIES

(A)

The Secretary-Treasurer shall conduct all Tribal correspondence and shall keep an accurate record of all matters transacted at the business meetings. It shall be his or her duty to submit promptly to the Officers and members of the Executive Board copies of the minutes of regular and special meetings, and resolutions of the Tribe.

(B)

The Secretary-Treasurer shall accept, receive, and receipt for the safeguard all funds in the custody of the Executive Board, whether same be Tribal funds or special funds for which the Executive Board or an authorized Committee is acting as trustee or custodian. Checks and drafts shall be endorsed for deposit only. He or she shall deposit such funds in a bank elsewhere as directed by the Board and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his or her possession or custody, such a report being made in writing to the Executive Board at regular meetings and at such other times as requested by the Board.

(C)

He or she shall not pay out or otherwise disburse any funds in his or her possession or custody except when properly authorized to do so.

(D)

All checks shall be signed by two (2) Executive Officers.

(E)

The books and records of the Secretary-Treasurer shall be audited at least once a year and at such other times as the Executive Committee may direct.

SECTION III: MEETINGS

(A)

Regular meetings will be held every three months.

(B)

Special meetings may be called at any time by the Chairman or by a majority vote of the Executive Board.

(C)

Meetings shall be called to order, an invocation offered, and an introduction and roll call of attending Officers performed. The order of business shall include the reading and approval of previous minutes and reports from the Treasurer, the Chairman, and all active Committees.

ARTICLE VIII.

JUDICIARY

SECTION I.

The judicial power of the Little Shell Tribe of Chippewa Indians of Montana shall be vested in the Little Shell Justice Center, a tribal court convened from time to time to resolve internal disputes or other matters over which the Tribe's jurisdiction is appropriately exercised. The judicial power shall extend to all matters arising under this Constitution and in any circumstance in which its sovereign power is properly exercised. The Court's decisions, when reached in accordance with the authorizing procedures, shall be binding and final.

SECTION II.

Judges shall be appointed by the Tribal Council under procedures it sets forth as prudent and just. Judges shall preside for the term dictated at the time of their appointment, whether for a set period of time or to oversee a specific matter and shall hold their offices during good behavior.

