

**Tribal Governments
in Kansas
and Their Relations
with State and
Local Governments**

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Tribal Governments in Kansas and Their Relations with State and Local Governments

Overview of American Indian Law and Tribal/Federal Relations

At its simplest, a tribe is a collective of American Indians (most historic U.S. documents refer to "Indians") recognized as constituting a distinct and historically continuous political entity. The U.S. Department of the Interior insists on federal recognition of a tribe as a prerequisite for entitlement to its services administered on behalf of the American Indian people. Federal recognition may arise from treaty, statute, or executive or administrative order.

Despite the above definitions, distinct tribes often were assigned to a common reservation and thereafter treated by the federal government as a single tribe. The Loyal Shawnee of Oklahoma were combined with the Cherokee, for example.

A tribe may exist without being formally recognized by the federal government. However, such tribes generally are not eligible for federal programs or state tax exemptions, and members cannot attend Haskell Indian Nations University in Lawrence, Kansas. Haskell is the only all-American Indian and Alaska native, intertribal university in the United States. It receives most of its funding through the Department of the Interior's Bureau of Indian Affairs (BIA).

The four Kansas tribes are the Prairie Band Potawatomi, Kickapoo, Sac and Fox, and Iowa. The relationship of the four tribes with state and local governments is a function of the often-ambiguous relationship between all tribes and the federal government.

Historically, federal government-tribal relations have been based on paternalistic financial and politi-

cal "trust" relationships. At the time of this writing, tribes from across the United States are engaged in a lawsuit against the Department of the Interior for mismanaging funds held in trust for the tribes. A federal court is deciding whether to hold current and former department officials in contempt for continued failure to account for hundreds of millions of tribal dollars.

The court and Congress have also become engaged in protecting reservation lands and resources from further erosion by Department of the Interior policies and mismanagement.

Most tribes have constitutions adopted pursuant to the Indian Reorganization Act of 1934. The standard tribal constitution was developed in the Department of the Interior. It describes tribal lands, eligibility for tribal membership, the authority of the tribal council, and an amending process.

The secretary of the interior retains veto power over many ordinances and resolutions adopted by tribal councils and over proposed constitutional revisions. (See Article 5, Section 4 of the Kickapoo tribe's constitution, the appendix to this supplement.)

During much of the 1950s and 1960s, Congress terminated the special relationship between the federal government and more than 100 tribes by ceasing to recognize tribal status. Congress ceded tribal lands to individual American Indians, who were then able to sell, mortgage, and pay taxes on the lands. Non-American Indians ultimately acquired many of these lands. Termination of tribal status recognition also resulted in the loss of all Bureau of Indian Affairs/Department of the Interior programs and Indian Health Service benefits. The objective was to assimilate all American Indians into the majority culture.

Recognizing the value of cultural diversity and treaty obligations, Congress has reversed the termination policy and recognized a few tribes since 1973. However, for many of the terminated tribes, the loss of lands and recognition resulted in the loss of tribal government and identity.

Sovereignty

At its most basic level, sovereignty is the inherent right of people to govern themselves. By treating tribes as having legitimate governments for the purpose of signing treaties and agreements, while largely leaving tribes to regulate their internal affairs, the federal government historically has recognized tribal sovereignty over tribally controlled lands (now reservations).

The U.S. Supreme Court has determined that tribes in Kansas have no police or regulatory authority over nontribal members on non-American Indian fee lands (lands owned by nontribal members within a reservation) and no criminal justice authority over tribal or nontribal members. Thus, the court established state jurisdictional supremacy for criminal cases that occur on reservation lands or involve tribal members. Tribal courts generally retain civil jurisdiction for tribal members.

Treaties between the federal government and tribes are made pursuant to the U.S. Constitution and, therefore, take precedence over conflicting state laws. However, treaties with tribes, as well as federal laws and international treaties, may be modified or repealed by Congress. Such actions, including termination of tribal recognition, do not require the acquiescence of the affected tribe.

Taxation and Regulation

States usually do not have authority to tax American Indian trust lands (reservations), impose motor fuel taxes on tribes or their members, or tax the income of tribal members living on their reservation.

However, states may tax tribal members living off the reservation, tribal businesses outside the reservation, and nontribal members purchasing items, such as motor fuel, from tribal businesses on the reservation. Because tribes are immune from state lawsuits, the U.S. Supreme Court has determined that states may collect sales taxes due on products sold to nontribal members from product distributors supplying the tribal businesses.

Tribes may tax and regulate their own citizens and nontribal members and businesses on reserva-

tion properties. Just as states generally are precluded from taxing tribal members and businesses living on or doing business on tribal lands, they generally are precluded from regulating tribal members and businesses on tribal lands. However, just as with taxation, states have the right to regulate tribal members off the reservation and, in many instances, nontribal members on reservations.

The issues of taxation, regulation, and sovereignty become complicated and contentious as tribes attempt to assert independence from state and local rules and state governments attempt to enforce uniform behavior and tax policies for all persons living within the state's borders. Tribes and states, including Kansas, frequently litigate issues to clarify sovereignty.

Indian Gaming

The governing statute for all tribal gaming endeavors is the Indian Gaming Regulatory Act of 1988. The act requires compacts or agreements between tribes and states to govern the scope and conduct of American Indian gaming operations. Compacts may address jurisdictional issues between tribes and states, such as pre-employment security screening.

The gaming act lists three types of gaming operations and specifies regulatory oversight. Class I gaming consists of social games having low-value prizes. That class is wholly within tribal jurisdiction.

Class II gaming, which includes bingo and all its permutations, is largely subject to tribal jurisdiction, rather than state or National Indian Gaming Commission jurisdiction.

Class III gaming is everything not included in classes I and II, such as slot machines, blackjack card games, and roulette. Before a tribe can operate a class III gaming facility, its tribal council must pass an authorizing ordinance that is approved by the secretary of the interior and be located in a state that permits such gaming.

The Indian Gaming Regulatory Act determined that the Kansas Legislature has authorized a state-operated lottery (a class III game by nature of *not* being identified as a class I or II game). Thus, Kansas tribes are eligible to operate any type of class III gaming operation. Governor Joan Finney began negotiating compacts with the four Kansas reservation tribes. Governor Bill Graves completed the negotiation process and the Legislature approved the compacts, authorizing the tribes to engage in class III gaming.

Kansas Tribal Government Structure

Three types of tribes interact with Kansas' governments:

- Recognized tribes with reservations in Kansas: Prairie Band Potawatomi, Kickapoo, Sac and Fox, and Iowa
- Recognized tribes without reservations in Kansas: Delaware of Oklahoma, Loyal Shawnee of Oklahoma, Osage, Kaw, and Wyandotte of Oklahoma
- Nonrecognized tribes with a presence in Kansas: Lenape-Delaware, Wyandot of Kansas, United Shawnee, and Northern Cherokee

Kansas has been home to at least 28 tribal reservations during its history. Twenty-four tribes were relocated, consolidated, or terminated, and the reservations transferred to private ownership.

Many tribes, such as the Loyal Shawnee and Wyandot, own land in Kansas but do not have reservations. They own land on a fee-simple basis, just as other Kansans own their own homes and farms. Such tribally owned properties are subject to all state and local laws, taxes, and regulatory requirements.

Except in the consideration of gaming and water issues, non-Kansas tribes generally do not interact with Kansas governments. Therefore, we will examine the government structures of tribes with a presence in Kansas and the issues and processes by which these tribes interact with state and local governments. Because tribal government structures tend to be similar, not all tribes will be discussed. The reader is encouraged to research individual tribes of particular interest.

Lenape-Delaware

The Lenape-Delaware, also called the Citizen Delaware or simply the Delaware, is an American Indian tribe without a reservation. Tribal members have a long history in Kansas. Tribal members live in many states, but consider Kansas their home and usually hold their annual tribal meetings in Wyandotte County (the ancestral home).

Most tribes find it difficult to be simultaneously both a traditional tribe and a legal governmental or corporate entity. Incorporation is usually necessary to do business in the modern world. Federal tribal recognition entails additional responsibilities and requirements. The elders governed the original Dela-

ware villages. The Delaware are matrilineal, so clan membership (Turkey, Wolf, Turtle) was determined by lineage through tribal women.

A more formal government structure was necessary for interacting with the U.S. government in situations such as treaty signings. The clan chiefs of the Lenape-Delaware signed treaties until the 1860s, the principal chief belonging to the Turtle clan.

The Kansas Delaware were incorporated in Oklahoma in 1974. Incorporation was necessary because of the tribe's petition to the federal government for payment of money to descendants of Kansas Citizen Delaware people for lands taken from their ancestors. The incorporation was made in Oklahoma because the president of the tribal corporation lived in Oklahoma.

Tribal membership is open to all descendants of the Delaware who remained in Kansas pursuant to the July 4, 1866, treaty with the U.S. government. While a person can be enrolled in the tribe at birth (there is no required percentage of Delaware blood), a member must be at least 18 years old to vote and participate in tribal legal matters.

The tribal council comprises 11 members elected by the tribal members for one-year terms. Proxy votes are permitted for those unable to attend the tribe's annual meeting. Candidates may be presented or nominated from the floor, in addition to those who previously filed their candidacies. Because council members may be from several states, tribal council business meetings generally occur during the annual meeting. Additional tribal business is conducted by telephone, e-mail, and other forms of correspondence throughout the year.

The majority rules in tribal council and general membership deliberations. However, in a uniquely American Indian tradition, a decision is often deferred for further consideration if a clear consensus of opinion is lacking.

The newly elected council members elect officers of the tribe and a council chair. The chair, traditionally the oldest council member, presides at council and annual meetings. Other officers are a president, two vice presidents, a treasurer, and a secretary. These officers make up the business committee, which maintains routine operation of the tribe. Major decisions usually are referred to the full council and, if appropriate, to the membership. Council members receive no salary or compensation, other than reimbursement for tribal business expenses such as newsletter publication and distribution.

The Delaware have no need of a judiciary, not having a reservation or being involved in such activities as housing, providing health and hospitalization services, or gaming. The tribe's only property is a few items for ceremonial purposes.

Prairie Band Potawatomi

Tribes whose members live on Kansas reservations require a significantly different type of government and play a different role in the lives of their citizens. Tribal governments that manage reservations interact with Kansas state, local, and other tribal governments as all parties attempt to address the needs of their citizens with autonomy and interdependence.

The general council of the Prairie Band Potawatomi elects a seven-person tribal council to enact the nation's laws and policies and to serve as the decision-making authority on budgets and tribal investments. Tribal council terms last four years and are staggered to ensure that the council always includes experienced leaders. According to Potawatomi legend, the Delaware were considered the "older brother" of the Potawatomi. The Lenape-Delaware and Prairie Band Potawatomi tribes have shared experiences and cultures that predate the American Revolution. The Prairie Band Potawatomi tribe was formed in 1867 by Potawatomi members who chose to remain in Jackson County, Kansas, when the Citizen Band Potawatomi sold their Kansas lands and moved to Oklahoma.

The general council also elects the Potawatomi Tribal Gaming Commission to regulate the nation's bingo and casino gaming activities. The commission provides the statutory basis to ensure that the nation is shielded from organized crime and is the primary beneficiary of revenues generated by gaming. Five Potawatomi Tribal Gaming Commission members are elected for staggered four-year terms to oversee the issuance of gaming licenses, imposition of sanctions and fines, testing of slot machines to ensure integrity, monitoring of compliance of all gaming operations by the contractor, and conducting of background investigations on gaming vendors and employees.

The Potawatomi tribal code established a trial-level district court and an appeals court. All judges are licensed attorneys and members of the Potawatomi or other tribes. Tribal jurisdiction for civil cases generally extends to all people and businesses located within the reservation, tribal and individual trust lands, and dependent American Indian communities.

The tribe also created an attorney's office to provide legal services and advice to the tribal council on constitutional and tribal code issues, as well as to the tribal government on relations with the Kansas and U.S. governments.

Because the Prairie Band Potawatomi tribe is an independent American Indian nation with a reservation, the tribal council and tribal administrators provide a wide range of programs. The administrators are the equivalent of executive branch administrators

who carry out the laws and policies promulgated by the tribal council.

The council hires an executive director to administer the government's departments and programs. A major focus of tribal council and administrative attention is infrastructure issues such as roads and utilities. The police department is responsible for enforcing tribal codes, ordinances, and regulations as it protects the peace, health, safety, and property of reservation residents. Fire and emergency medical assistance are provided for the entire reservation, and a Prairie Band Potawatomi newspaper is provided to all tribal members, even if they do not reside in Kansas. The planning department has developed plans for land use, wetland conservation, solid waste management, and water quality.

The tribal council also directs many social programs, including an early-childhood program that has been funded for about 20 years, and alcohol and drug treatment programs. An active community health program is maintained to provide in-home services, transportation of residents to health care providers, and distribution of surplus commodities. The council also directs several programs significant to the tribe's history and culture, including buffalo stocking and Potawatomi language preservation. The tribe provides adult education opportunities and tuition assistance and scholarships for members attending higher education institutions.

The Prairie Band Potawatomi's casino pays for many infrastructure developments and employs many tribal members. Economic development has been difficult on the reservation. The small percentage of casino wagers retained by the tribe, plus salaries and wages paid to tribal employees, have been a major economic development boost.

The tribe's amended constitution requires that an applicant for tribal membership have at least one-fourth Prairie Band Potawatomi blood to be eligible for enrollment. The tribal council has created a per-capita fund from which 24 percent of the tribe's net gaming revenues are distributed to all enrolled tribal members.

Tribal Constitutions

The appendix to this supplement reproduces the Kickapoo tribe's constitution and bylaws. This is a fairly typical example of a tribal constitution, although certain elements, such as percent of Indian blood required of tribal members, may differ from tribe to tribe.

Note the number of references to the secretary of the interior and the issues over which the secretary has authority. Examples are Article 1, Section 3,

relating to the adoption of other persons of Indian blood into the tribe, and Article V, Section 10, referring to approval of tribal council ordinances related to the administration of justice and tribal courts.

Article V enumerates the powers of the tribal council "subject to any limitations imposed by the statutes or the Constitution of the United States." The discussion above regarding the power of Congress to terminate recognition of a tribe is implicitly included within the constitution. The ability of the secretary of the interior to veto proposed amendments to the Kickapoo Constitution is also specifically detailed. The apparent reluctance of Congress or the secretary of the interior to forego such powers is relevant to the judicial confrontations between the tribes and Kansas state and local governments.

Haskell Indian Nations University

Kansas hosts the only all-American Indian and Alaska native, intertribal university in the United States. Created by an act of Congress, Haskell Indian Nations University is federally funded, part of the treaty obligations to which the U.S. government agreed, and largely independent of Kansas' financial contributions and educational administrative oversight. Haskell is an independent entity that functions as a result of federal laws that supersede the powers of Kansas and local governments.

While Haskell officials have established cooperative and generally cordial relations with local governments, such as on matters of public health, they also have significant differences of opinion over some public interest issues, such as road locations.

In its history over more than a century, Haskell has been responsible for bringing members of more tribes into contact with each other than any other organization or government agency. While it has a checkered past as part of the federal government's effort to assimilate American Indians into the majority culture, today Haskell stands as an academic bellwether for many Alaska natives and tribal members across the United States.

The deputy commissioner of the Office for Indian Education Programs, within the BIA Education Section, appoints Haskell's president with input from Haskell faculty and regents. Haskell Regents, a national board, are tribal members selected from each BIA region. The Regents are important because students attending Haskell come from more than 100 tribes and 38 states. Thus, the Regents provide a national as well as a tribal perspective to governance issues.

The BIA requires that prospective students be at least a one-quarter blood descendant of a recognized

tribe or a member of a recognized tribe. Each prospective student's tribe must certify that the student meets one of the two requirements.

The Haskell campus, located in Lawrence, is not a reservation, but has its own police department to enforce campus order. The BIA oversees the university, and federal funds are provided through the BIA's budget. Haskell hosts a natural resources liaison, funded by the U.S. Forest Service and the BIA's Natural Resources Branch, to coordinate financial contributions, mentoring, and employment opportunities from other federal, state, and tribal government agencies.

The campus purchases water from the city of Lawrence, and city police and fire protection are provided as needed. Lawrence's two high school football teams lease Haskell's stadium for their home games. Kansas Regents universities are statutorily required to charge in-state tuition for all Haskell graduates, regardless of their home state. Haskell students and nonstudent American Indians receive health care through the Indian Health Service clinic located at the university.

Intergovernmental Cooperation

The Prairie Band Potawatomi have agreed to help Jackson County pay for an improved 911 emergency call system. In exchange for the financial support, emergency dispatchers will notify the tribe's emergency personnel to respond to tribal members' calls.

Tribal and county governments also work cooperatively on common infrastructure issues. Road and bridge maintenance is a service used by both tribal and nontribal members, transcending reservation boundaries.

The Kickapoo tribe is developing a plan to transport Missouri River water to tribal lands, rural water districts, and small urban communities in northeast Kansas. This partnership recognizes that all governments need to provide adequate safe drinking water to their citizens and that the project exceeds the financial capability and legal authority of any one local government.

The Kansas Department of Social and Rehabilitative Services (SRS) and Prairie Band Potawatomi and Kickapoo tribal governments have negotiated agreements on child adoption, child care, and foster care programs. The Department of Wildlife and Parks has an agreement with the Kickapoo regarding hunting and fishing, and the Kansas Water Office has agreements with several tribes on water supply and planning.

The Kansas Office of Native American Affairs, within the Kansas Department of Human Resources,

is a contact for tribal members who have concerns about state government. The office also is a referral agency for constituent services, especially regarding education, employment, health, housing, and welfare. It also promotes intergovernmental relations.

Contentious Intergovernmental Issues

The dichotomy of jurisdictions and rights complicates intergovernmental relations. While the federal census counts tribal members as residents of the state, and adults may register and vote in state and local elections (as well as in tribal elections), most nontribal government taxation and regulatory rules do not apply.

While not wishing to dwell on conflicts between Kansas tribal and nontribal governments, we will summarize a few of the more important ones.

Gaming

The Delaware of Oklahoma do not own land in Kansas. However, the tribe has been seeking to purchase land within the area in which its people historically lived in Kansas. The tribe's stated goal is to acquire property, ask the secretary of the interior to grant it trust status, and open a gaming establishment. During 2001, the Delaware of Oklahoma sought community approval to purchase several hundred acres just north of Lawrence in Douglas County. The tribe's public relations campaign disclosed plans for a class III gaming casino and convention center, including hotel, gas station, and retail stores. Community reaction was overwhelmingly against the proposition and the tribe abandoned its efforts in Douglas County.

Aside from issues associated with the moral and socioeconomic appropriateness of gaming, the tribe's effort raised other fundamental issues, as did similar efforts in Wyandotte and Miami counties by the Loyal Shawnee of Oklahoma and the Wyandotte of Oklahoma.

Questions were raised about economic benefits to the community hosting the facility. Most tribal gaming facilities give hiring preference to American Indians, limiting general employment opportunities.

Other discussion centered on the merits of giving a tribe the opportunity to achieve financial security, balanced against the effects of taking land off the local tax rolls and creating businesses that might be tax-exempt and might compete with existing tax-paying firms that fund local school and government services.

Existing Kansas tribes with reservations and gaming operations have opposed efforts by nonreserva-

tion tribes to acquire land and convert it to trust status. Additional gaming establishments, whether tribally owned or not, will reduce revenues at existing establishments. In addition, Kansas' reservation tribal members believe that they have suffered the ill effects of reservation life, including low employment and shortened life expectancy.

Now that resources are finally available to address reservation problems, and after incurring significant expenses to secure the original gaming prerogatives, Kansas tribal leaders believe it is inappropriate for other tribes to enter the Kansas gaming arena. Thus, the four Kansas tribes with reservations have joined the state of Kansas in opposing efforts to secure Department of the Interior approval to transform fee-simple property into lands taken into trust for gaming.

If any tribe can purchase land, have it converted to trust status, and open gaming or other endeavors, the state's tax base will be significantly affected. Both the tribes and the state fight over sovereignty: who will make the decisions about taxation, regulation, and rule enforcement?

Vehicle License Plates

Several Kansas tribes have issued tribal license plates as substitutes for the official Kansas plate. From the tribal perspective, regulating motor vehicles of reservation tribal members should be a tribal function. Kansas tribes also point to Oklahoma and Wisconsin tribes that have issued motor vehicle license plates that are recognized by Kansas law enforcement officers.

The state of Kansas responds that license plates are part of the police powers over the state's highways, address consumer protection interests (because of state laws requiring proof of insurance), and ensure that vehicle titles are not laundered. Kansas recognizes certain out-of-state tribally issued vehicle license tags—but only those that are recognized by the state government in which the recognized tribe has a reservation. This form of reciprocal agreement is similar to recognizing marriages and articles of business incorporation initiated in another state. This does not imply that Kansas agrees with the policies of the other state, but the state recognizes the sovereign right of states to establish their own laws.

Minnesota recognizes Prairie Band Potawatomi license plates, but Kansas does not believe that it is required to reciprocate because the tribe does not have a reservation in Minnesota, and thus has no official presence in that state. The issue of whether Kansas must recognize Kansas-based tribally issued vehicle tags was scheduled for trial in federal district

court in September 2002. The judge was still considering motions for summary judgment in April 2003. Kansas does not challenge the tribe's right to issue license plates to its members for use on the reservation; the issue is whether the plates are valid on nonreservation roads.

Motor Fuel Taxation

As described above, the Kansas Department of Revenue has attempted to require the collection and remittance of state motor fuel taxes on tribal sales to nontribal members. The tribe objected on the basis of indirect taxation of tribal members. Upon federal district trial and appeal, the courts ruled in the state's favor.

The issue is not yet resolved, as at least one Kansas reservation tribe changed motor fuel distributors—from a Kansas-based firm that is required by state law to collect and remit taxes, to a Nebraska tribally owned company. The Kansas tribes claim that the sales are tax-exempt because they are made between two recognized tribes. The state maintains its claim that regardless of who provides the motor fuel, the appropriate taxes must be collected and remitted on non-Kansas tribal residents' purchases. The courts will ultimately resolve this issue.

Historic Land Claims

The Wyandotte of Oklahoma have filed suit against corporate property owners in the Fairfax district of Kansas City, Kansas, including General Motors and Owens Corning. The tribe seeks the return of lands to which it formerly held title. Similar claims have been made by tribes in other states such as Maine. Results of litigation have been mixed. In some cases, tribes have established that valid treaties were broken and compensation was due. In other cases, the tribes failed to prove the validity of their claims.

The state of Kansas has filed papers opposing the Wyandotte of Oklahoma's claim and asking dismissal on the grounds that the claim is invalid and seeks to usurp Kansas' authority.

The tribe previously sought to have an Indian cemetery in Wyandotte County declared trust land. The state's opposition prevailed before the federal district court and the 10th Circuit Court of Appeals.

The objective of the Wyandotte of Oklahoma is to achieve trust status on some land by converting either fee-simple or historic claim "ownership" through federal recognition, for the ultimate purpose

of establishing a gaming enterprise. The tribe has negotiated with the owners of the Woodlands race-tracks in Wyandotte County to purchase land and establish a class III gaming facility. But that effort has been consistently opposed by the state of Kansas.

Electric Power: A Federal-State-Tribal Issue

The Western Area Power Authority, a federal agency, has announced plans to provide low-cost electricity to Kansas tribes from hydroelectric generators in the northwest states. There are several problems with the proposal.

First, it is operationally very difficult to move power from states west of Kansas to Kansas because of limited connections between the eastern U.S. electric grid and the western one. At the few interconnections, power must be converted from alternating current to direct current and back to alternating current because of differing generation and transmission protocols.

Assuming that the operational limitations can be overcome, Kansas law does not permit individuals to select the company or agency that will provide their electricity. All electric companies, including rural electric cooperatives, have certified territories established and enforced by the Kansas Corporation Commission. Those certified electric companies are mandated by state law to serve all customers within their service territory.

Even if the state prohibition against retail sales by an uncertified electric provider was removed, no Kansas tribe owns and operates an electric distribution system. Tribal members are individually served by the electric company that is certified for that area. Under Kansas law, a tribe would need to form an electric distribution company, receive certification after compensating the existing provider for the electric lines and customers lost, and then purchase power on the wholesale market for delivery to tribal members.

Thus, this situation involves a federal agency with a mandate to provide low-cost electric power to Kansas tribes; a state that prohibits the purchase of power by the tribes; and significant engineering limitations on the ability to deliver power to tribes that do not have the ability to receive it. The saga of this federal-state-tribal matter should be interesting to observe.

Conclusion

The above discussion of some contentious issues should not be considered a harbinger of perpetually bad relations between tribal governments and Kansas state and local governments. The sovereignty issue is at the core of the ability of both tribal and nontribal governments to serve their citizens. Almost by necessity, the courts will continually be asked to resolve disputes.

Clearly, the issues are complex. Examples of intergovernmental cooperation and conflict are readily available. And tribes and their members have an important role in state and local politics.

On the positive side, it should be a point of pride for all Kansans that Haskell Indian Nations University is located in the state. Haskell provides educational opportunities for American Indian students from Kansas and all other states and cultural education for American Indians and non-American Indians alike.

Several Kansas tribes have retained regular representation before the Legislature and at least one tribe has begun making political contributions. The discussion before the Legislature and across the state regarding the expansion of gaming to the state's pari-mutuel horse and dog race tracks and to fraternal organizations may be the impetus for this involvement. An equally valid assumption is that the tribe recognizes the interdependency of tribal and nontribal governments and desires to foster better relations.

Additional Resources

Kansas History Center, Cultural Resources Division
6425 SW 6th Street, Topeka, Kansas 66615-1099
785-272-8681, ext. 240

Lenape-Delaware Tribe
Ms. Patricia Blair
1711 W. 19th Terrace, Lawrence, Kansas 66046
<http://lenape-delawarehistory.freeyellow.com>

Haskell Indian Nations University
155 Indian Avenue
Lawrence, Kansas 66046
President's Office, 785-749-8497
Library, 785-749-8470

Prairie Band Potawatomi Nation
Tribal Council and Gaming Commission
Government Center
16281 Q Road, Mayetta, Kansas 66509
785-966-2255

Kickapoo Nation of Kansas
PO Box 271, Horton, Kansas 66349
785-486-2131

Sac and Fox Nation of Missouri
305 N. Main Street, Reserve, Kansas 66434
785-742-7471

Iowa Tribe of Kansas
Route 1, Box 58-A, White Cloud, Kansas 66094
785-595-6610

Joint Legislative Committee on State-Tribal Relations
c/o Legislative Research Department
State Capitol, Topeka, Kansas 66612-1504
785-296-3181

Kansas Department of Human Resources
Office of Native American Affairs
401 Topeka Boulevard, Topeka, Kansas 66603-3182
785-368-7318

University of Kansas Law School
Tribal Law and Government Center
202 Green Hall, University of Kansas, Lawrence,
Kansas 66045
785-864-4550

Kansas Attorney General
Memorial Building, 10th and Jackson, Topeka,
Kansas 66612-1597
785-296-2215

Wichita Mid-America All Indian Center, Inc.
650 N. Seneca Street, Wichita, Kansas 67203
316-262-5221

Heart of America Indian Center
1340 East Admiral Boulevard, Kansas City, Missouri
64109
816-421-7608

American Indian Law in a Nutshell, by William C.
Canby Jr., West Group, St. Paul, Minnesota

Kansas Department of Transportation highway map
(Shows reservation limits and state and county roads
that intersect or cross the reservations.)

Suggested Class Activities

- Visit a Kansas tribal government center and learn about the programs provided, how they are funded, and intergovernmental relations.
- Invite tribal representatives from tribes having their own reservation and those not having a reservation, and from tribes federally recognized and those not, to discuss the roles their governments assume in the lives of tribal members.
- Research the history of a tribe with Kansas' connections. What is the status of the tribe, what are the former and current boundaries of its territory, and how has it been treated by the federal government?
- Investigate the relationships between tribal and nontribal governments regarding the taxation of tobacco products sold on Kansas reservations.
- Identify additional areas of cooperation and conflict between Kansas tribes and state and local governments. Is there a pattern to the issues on which cooperation is possible and on which litigation seems more common?
- Attend a powwow to learn more about American Indian culture. These celebratory events, with dancing, food, and handmade products, are held at Haskell Indian Nations University, in Topeka and Wichita, and on reservations.

The Kickapoo Tribe in Kansas

Before contact with Europeans, the Kickapoo lived in northwest Ohio and southern Michigan in the area between Lake Erie and Lake Michigan. Beginning in the 1640s, the Algonquin tribes in that region came under attack from the east, first by the Ottawa and Iroquoian-speaking Neutrals and then the Iroquois.

By 1658, the Kickapoo had been forced west into southwest Wisconsin. In about 1700 they began to move south into northern Illinois, and by 1770 had established themselves in central Illinois, near Peoria, extending southeast into the Wabash Valley on the western border of Indiana.

After wars with the Americans and settlement of the Ohio Valley, they signed treaties during 1819, ceding their remaining land east of the Mississippi River and relocating to southern Missouri between 1819 and 1824. Initially, most Kickapoo moved to the lands assigned them, but many remained in central Illinois and refused to leave until they were forcibly removed by the military in 1834. Fewer than half actually stayed on the Missouri Reserve. Several bands wandered south and west until the Kickapoo were spread across Oklahoma and Texas all the way to the Mexican border and beyond.

In 1832, the Missouri Kickapoo exchanged their reserve for lands in northeast Kansas. Factions developed after the move, and in 1852 a large group moved to Chihuahua in northern Mexico. Apparently some Kickapoo already lived there by that time. Those Mexican Kickapoo were joined by others between 1857 and 1863; few remained in Kansas. Between 1873 and 1878, approximately half of the Mexican Kickapoo returned to the United States and were sent to Oklahoma. There now are three federally recognized Kickapoo tribes—the Kickapoo in Kansas,

the Kickapoo of Oklahoma, and the Kickapoo Traditional Tribe of Texas.

Originally numbering as many as 4,000, almost all Great Lakes Algonquin by 1660 were living as refugees in mixed villages in Wisconsin. Inter-marriage and mixed populations made accurate counts impossible. The French estimated there were 2,000 Kickapoo in 1684, but by 1759 had increased the number to 3,000. Later counts were equally suspect.

By 1817, the Kickapoo had absorbed the Mascouten, and the estimated count was 2,000. This seems to have been the last time the Kickapoo remained stationary long enough to be counted. A federal Indian agent during 1825 gave 2,200 as a count, but he admitted that only 600 Kickapoo were actually on the Missouri Reserve. Two hundred were still in Illinois and at least 1,400 were scattered between Missouri and Mexico. In 1852 there were 600 living in Kansas, but 300 left for Mexico soon afterward, followed by 100 more in 1862.

Between 1873 and 1878, about 800 Kickapoo returned from Mexico and were sent to Oklahoma. Oklahoma and Mexican Kickapoo have routinely traveled back and forth ever since.

The 1910 census listed 211 in Kansas, 135 in Oklahoma, and an estimated 400 in Mexico. Current figures are more than 3,500 Kickapoo in the United States—approximately 1,500 in Kansas and 2,000 in Oklahoma. In addition, 700 members of the Kickapoo Traditional Tribe of Texas live in both Texas and Mexico.

The tribe's name comes from the Algonquin word "Kiwegapawa," meaning "He stands about" or "He moves about." Other names were Hecahpo (Otoe), Higabu (Omaha-Ponca), Ikadu (Osage), Kicapoux or

Quicapou (French), Shakekahquah (Wichita), Shigapo or Shikapu (Kiowa-Apache), Sikapu (Comanche), and Tekapu (Huron).

In a tradition shared by both tribes, Kickapoo and Shawnee believe they were once part of the same tribe, which divided following an argument over a bear paw. The Kickapoo language is virtually identical to Shawnee, and culturally the two were very similar, except for some southern cultural traits that the Shawnee had absorbed during the years they lived in the southeastern United States.

Typical of other Great Lakes Algonquin, both tribes lived in fixed villages of mid-sized longhouses during summer. After the harvest and a communal buffalo hunt in the fall, the Kickapoo separated to winter hunting camps. The Kickapoo were skilled farmers who used hunting and gathering to supplement their basic diet of corn, squash, and beans.

Buffalo hunting was extremely important to the Kickapoo people in Illinois during the 1700s. Before most of the other tribes in the area, the Kickapoo were using horses to hunt buffalo on the prairies of northern Illinois—a skill that allowed their rapid adaptation to the lifestyle of the Great Plains.

Like the Shawnee, the Kickapoo were organized into patrilineal clans with descent traced through the father, but the brothers and sisters of the mother had special responsibilities in raising the children.

The most distinctive characteristic of the Kickapoo was their stubborn resistance to acculturation, and it is difficult to think of any other tribe that has gone to such lengths to avoid it. Years after the eastern tribes with famous names had given up the fight, the Kickapoo were still in the midst of the struggle to preserve their native America.

From the beginning, the Kickapoo distrusted Europeans. French traders rarely were allowed to visit their villages, and the Kickapoo refused to even listen to the Jesuits. In later years, British and Americans fared no better.

Following the American conquest of the Ohio Valley, the tribal authority of the Kickapoo disintegrated. Relocated first to Missouri and then to Kansas, small bands of Kickapoo scattered across the plains, warning other tribes that the white man was coming.

In Kansas, white settlement closed in on the Kickapoo once again during the 1850s, and rather than surrender or adapt, most chose to escape by moving to northern Mexico. Although many of the Mexican Kickapoo returned to the United States during the 1870s, relatively few converted to Christianity. The traditional Drum religion has the most adherents, followed by Kennekuk and the Native American Church. Of all the Kickapoo, the Mexican branch has remained the most traditional and generally has been reluctant to allow visits by outsiders.

The American Kickapoo are similar in this regard. Most still speak their native language, and they have one of the highest percentages of full-blood members of any tribe in the United States.

Sac and Fox Nation of Missouri in Kansas

Originally separate and independent tribes of the Algonquin linguistic family, the Sac (Sauk) and Fox tribes have long been affiliated and allied. The name "Sac" is from the people's own name, "Osakiwag," which means "People of the Outlet" or "People of the Yellow Earth," differentiating them from the Foxes, whose name is "Meshkwakihug," or "Red Earth People." The name "Fox" was applied to the entire tribe by the French, from the name of one clan, the "Wagosh," or "Red Fox" group.

The original homeland of the Sac and Fox was in the Great Lakes region, where the Sac inhabited the upper Michigan peninsula and the Fox lived on the south shore of Lake Superior. Their indigenous culture, later influenced by contact with plains tribes and the acquisition of horses in the 19th century, was that of the eastern woodlands. Although they established fixed villages and practiced extensive cultivation of maize, beans, squash, and tobacco, they devoted much time to fishing, hunting small game and buffalo, and harvesting wild rice. Travel was by dugout and birch-bark canoe. The two tribes lived in bark houses in the warm summer weather and in oval flagreed lodges during the winter. Their social and religious organization was a complex one in which the Grand Medicine Society played an important part.

By 1667, when Father Allovez made the first recorded white contact with the two tribes, Iroquois and French pressure on the Sac and Chippawa pressure on the Fox had pushed both groups to the present vicinity of Green Bay, Wisconsin. French attacks on the Sac and Fox in the 18th century, attributed to other tribes, contributed to a strengthened alliance amounting to confederation of the two tribes. Forced to migrate south, they attacked the Illinois and forced them from their lands along the Mississippi in the present states of Illinois, Wisconsin, and Iowa. The groups that stayed near the Mississippi River became known as the "Sac and Fox of the Mississippi," to distinguish them from the "Sac and Fox of the Missouri," a large band that settled farther south along the Missouri River.

The Missouri band became the source of much trouble for the other Sac and Fox. In 1804, at St. Louis, Missouri, band chiefs were persuaded to sign a treaty ceding to the U.S. government all Sac and Fox lands east of the Mississippi River, as well as

some hunting grounds west of the river. Government efforts several years later to enforce the treaty embittered the Sac and Fox, most of whom knew nothing about it. A brave and warlike people, they had aided the British in the War of 1812 and had fought constantly with the Sioux, Omaha, Menominee, and other tribes.

Government attempts to remove the Sac and Fox caused a split in the confederation. The majority of the tribe followed the conciliatory Sac chief Keokuk, an intelligent and able (though somewhat pompous and ambitious) orator and politician, who agreed to removal. The remainder of the federation, however, supported his rival, Black Hawk, a brave Sac warrior who was bitterly opposed to the 1804 treaty and led his "British band" into revolt and skirmishes that became known as "Black Hawk's War."

Despite broken promises of help from other tribes and pursuit by superior U.S. forces, Black Hawk skillfully led his followers north as far as Prairie du Chien, Wisconsin, where they were defeated and their leader was captured. With the 1832 treaty of Fort Armstrong, Sac and Fox power on the frontier came to an end. In 1833, the tribe was removed to Iowa.

They lived there for only 13 years, then were moved to the Osage River Reservation in Kansas for a 23-year stay. Although Sac and Fox warriors had been able to drive the Sioux from their Iowa lands during their stay there, and to win fights in Kansas with Comanche, Cheyenne, Iowa, Osage, and other tribes, the inexorable westward movement of white settlers resulted in still another removal of the Sac and Fox in 1869, this time to Indian territory (Oklahoma). Keokuk, and later his son, Moses, continued to lead the conciliatory faction of the tribes, but most of the Fox opposed the many cessions of land to the government and, under the leadership of Chief Poweshiek, returned to Iowa in 1850 to join a small number who had steadfastly refused to leave.

Today the Sac and Fox of Missouri in Kansas has 420 members, of whom 55 live in the area. Their reservation borders the Iowa Reservation on the west. All that remains of the allotted land on this reservation is 44.6 acres. There are 453 acres of tribal land.

Prairie Band of Potawatomi

Rich in cultural tradition, the Prairie Band of Potawatomi currently reside on 77,400 acres in an 11-square-mile area in Jackson County, Kansas. Non-American Indians residing within the reservation boundaries own approximately 52,486 acres, all of which are on the Jackson County tax rolls. 1999 tribal membership totaled 4,559 members, with 480–500 living on the reservation, 1,000 within state boundaries, and the remainder across the United States.

The Prairie Band of Potawatomi have captivating stories to tell about the tribe's history. The stories of old say the tribe was originally located on the eastern seaboard and migrated westward—so slowly that probably no single generation was conscious of the migration.

The Potawatomi were allied with the Ojibwa and Odawa tribes in the 1500s, using this coalition for mutual benefit in hunting, territorial expansion, and defense against other tribes. In time, the Potawatomi formed their own tribe and used the name "People of the Place of the Fire." The tribe was an autonomous group living and prospering from what the land could produce, such as the rich hunting and fishing resources of the Great Lakes. Additionally, the Potawatomi cultivation of corn, pumpkin, and beans produced a relatively plentiful, stable food supply, and villages increased in size and number, but that changed with the expansion of the 13 colonies or "13 fires."

Land became a central issue with the colonies, and removal of American Indian tribes from their original homelands became a policy of the U.S. government. This led the Potawatomi to make temporary stops in Missouri's "Platte country" in the mid-1830s and the Council Bluffs area of Iowa in the

1840s. The tribe controlled up to five million acres at both locations. As a result, the Potawatomi developed an ability to adapt to new environments.

In 1846, the Potawatomi tribe arrived in the area known as the "Great American Desert." The reservation then was 30 miles square, including part of Topeka, and was promised by treaty to be the home of the Potawatomi for all time. But few tribes have not had their boundaries changed since their reservation was established, which is evident by the present size of the Potawatomi reservation.

Within the last decade, the tribe has experienced a revitalization, improving social, educational, environmental, infrastructure, and cultural leadership programs, due in large part to the introduction of gaming.

In January 1997, the tribe entered into management and development agreements with Harrah's Kansas Casino Corporation. Harrah's provides expertise for the development, design, and contracting of the construction, furnishing, and equipping of the facility. Harrah's has been granted the exclusive right to manage, operate, and maintain the permanent facility and to train members and others in the facility's operation and maintenance.

The ownership and operation of casino gaming is subject to extensive state and local regulation; both state and local governments have the authority to suspend or revoke licenses. As a condition of obtaining and maintaining a gaming license, the casino must comply with the terms of the compact. The new facility has created more than 1,000 jobs, generating several million dollars in wages and revenue. Through its casino, the tribe is the largest employer in Jackson County.

The tribe, through gaming revenue, has improved the level of services provided to the reservation and its members, including economic development, general operations of the tribe, enhancement services to the elderly, youth programs, and increased employment opportunities.

Tribal gaming benefits these programs and allows tribal members to live successful lives, provide for their families, and possess hope and pride in the tribe's future. The Prairie Band Potawatomi can once again look optimistically to the future and to the preservation of a valued culture.

Iowa Tribe of Kansas and Nebraska

Iowa, or "Ayuwha," apparently a term borrowed by the French from the Dakota, means "Sleepy Ones." The Iowa people are of Sioux stock and closely related to the Otoe and Missouri. They moved about a great deal, mostly in Iowa and Minnesota.

By treaties signed in 1824, 1830, and 1837, the Iowa ceded claims to their lands in Missouri and Iowa. By the Prairie du Chien Treaty of 1825, they surrendered land claims in Minnesota. A 1836 treaty assigned part of the tribe a reservation along the Great Nemaha River in present Brown County, Kansas, and Richardson County, Nebraska. Part of the tribe moved later to another tract in central Oklahoma, which by agreement in 1890 was allotted to the tribe in severalty, the surplus acreage being opened to settlement by whites. The original reservation was reduced treaties in 1854 and 1861 (the latter treaty provided for the cession of certain land in Kansas to the United States for the Sac and Fox).

According to a Sioux tradition, the ancient Iowa lived in the country about the mouth of the Minnesota River, just south of the Cheyenne. In 1701, Le Suer found the Iowa people near the mouth of the Blue Earth River in Minnesota, although in 1685 they were located near the Pawnee, on the plains. In 1761 they were on the east side of a village 18 leagues up the Platte River on the southeast side. In this area they traded with whites from St. Louis, their chief articles being skins of beaver, otter, deer, raccoon, and bear. In 1829 the Iowa were living on the Platte River in Iowa, 15 miles from the Missouri State line. By 1880 they were brought under jurisdiction of the American Indian agencies.

The Iowa ceded all their lands in Missouri to the U.S. government in 1824, and in 1836 were assigned a reservation in Kansas. A part of the tribe later moved to another tract in central Oklahoma, just north of the Kickapoo and west of the Sac and Fox. In 1890 this land was allotted to the group in severalty.

In 1760 the population of the Iowa was reported at 1,000. In 1804 Lewis and Clark reported 800 Iowa, smallpox having killed many members of the tribe in 1803. The 1884 report of the commissioner of Indian affairs showed 143 at the Potawatomi and Great Nemaha Agency in Kansas. Today, the Iowa of Kansas and Nebraska have 2,580 members, of whom 450 live in the area.

The present reservation is in Brown County, Kansas, and Richardson County, Nebraska, northeast of Hiawatha, Kansas, and south of Rulo, Nebraska. The reservation is irregular in shape, bordered on the north by the Nemaha River and partially on the east by the Missouri River. There are 416 acres of allotted land and 1,272 acres of tribal land.

Appendix

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

CONSTITUTION AND BY-LAWS OF
THE KICKAPOO TRIBE OF INDIANS
OF THE KICKAPOO RESERVATION
IN KANSAS

APPROVED FEBRUARY 26, 1937



(As approved February 16, 1937
and amended to October 10, 1980)

KICKAPOO TRIBAL PRESS
HORTON, KANSAS: 1980

CONSTITUTION AND BY-LAWS OF THE KICKAPOO TRIBE OF INDIANS OF THE KICKAPOO RESERVATION IN KANSAS

PREAMBLE

We, the people of the Kickapoo Tribe in Kansas in order to form a recognized representative council to handle our tribal affairs; in order to take advantage of the benefits of the Indian Reorganization Act of June 18, 1934, and in order to improve the economic condition of members of the tribe, do establish this Constitution and By-laws.

ARTICLE I—TERRITORY

The jurisdiction of the Kickapoo Tribe shall extend to the territory within the confines of the Kickapoo Reservation as defined under the Treaty of May 18, 1854, and to such other lands as may be hereafter added thereto under any law of the United States.

ARTICLE II—MEMBERSHIP

***SECTION 1.** The membership of the Kickapoo Tribe shall consist of:

(a) All persons of Indian blood whose names appear on the official census roll of the Kickapoo Tribe as of January 1, 1937, provided that within one year from the adoption and approval of Amendment No. I to this Constitution and By-laws corrections may be made in the said roll by the Tribal Council subject to the approval of the Secretary of the Interior.

(b) All children born during the period from January 1, 1937, the date of the census roll, to the effective date of Amendment No. I, (September 19, 1960), to any member of the Kickapoo Tribe who is a resident of the Reservation at the time of the birth of said children; provided that children born off the reservation during that period to any member of the Kickapoo Tribe may be admitted to membership by a majority vote of the tribal members in general council.

(c) All children of one-fourth degree or more of Kickapoo blood born on or after the effective date of Amendment No. I, both of whose parents are members of the Kickapoo Tribe of Kansas.

(d) All children of one-fourth degree or more of Kickapoo Indian blood born on or after the effective date of Amendment No. I of a marriage between a member of the Kickapoo Tribe of Kansas and any other person; provided such child is admitted to membership by a majority vote of the tribal members in general council.

* Amendment I, approved September 19, 1960

SECTION 2. The Kickapoo Tribe shall have the power to adopt persons of one-fourth degree or more Indian blood who are residing within the boundaries of the jurisdiction of the Potawatomi Area Field Office of the Bureau of Indian Affairs, and who are intermarried with members of the tribe, subject to the approval of the Secretary of the Interior, provided that such persons relinquish their membership in any other tribe.

SECTION 3. The Tribal Council shall have the power to make ordinances, subject to review by the Secretary of the Interior governing the adoption of other persons of Indian blood, and governing future membership.

ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Kickapoo Tribe shall be the Tribal Council which shall be composed of seven members elected by the tribe.

SECTION 2. The election shall be held annually on the first Monday in October. Within 30 days after the adoption and approval of this Constitution and By-laws the present Business Committee shall call, hold and supervise an election for members of the Tribal Council. The four persons receiving the highest number of votes shall serve until their successors are elected at the second annual election and the three receiving the next highest number of votes shall serve until their successors are elected at the first annual election which shall be held on the first Monday in October following the approval of this Constitution and By-laws. After this first election called by the Business Committee, the Councilmen elected at each annual election shall serve for two years.

SECTION 3. After each election of Councilmen the Tribal Council shall meet and organize for business by electing from its own number a Chairman, a Vice-Chairman, a Secretary and a Treasurer, and by appointing from the members of the Council or the tribe such other officials, committees or boards as may be deemed necessary.

***SECTION 4.** All members of the tribe who are 21 years of age or over shall be qualified voters in General Council meetings and tribal elections.

****SECTION 5.** Any member of the tribe, 21 years of age or over, shall be qualified to hold office as Councilman.

ARTICLE IV—VACANCIES AND REMOVAL OF COUNCILMEN

SECTION 1. Upon a petition signed by 30 percent of the qualified voters of the tribe stating a complaint against a member of the Tribal Council and asking for his recall, the Tribal Council shall call a meeting of the tribe to vote on whether or not the Councilman shall be recalled. At such meeting the accused Councilman shall be given an opportunity to speak in his own

* Amendment II, approved June 8, 1962

** Amendment III, approved June 8, 1962

defense. If such Councilman is recalled, the tribe shall proceed to elect a person to fill the unexpired term.

SECTION 2. The Tribal Council may by a vote of five of its members remove a Councilman for neglect of duty or misconduct in office, after giving such Councilman notice of the charge and an opportunity to be heard.

SECTION 3. Vacancies in the Tribal Council caused by removal, death or resignation may be filled by the Tribal Council by appointment of a member of the tribe to serve as Councilman for the unexpired term.

ARTICLE V—POWERS OF THE TRIBAL COUNCIL

SECTION 1. Enumerated powers.—The Tribal Council of the Kickapoo Tribe shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States.

(a) To negotiate with the Federal, State, and local governments;

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior;

(c) To veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other assets of the tribe;

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Kickapoo Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress;

(e) To make and enforce ordinances, which shall be subject to review by the Secretary of the Interior, providing for the manner or making, holding and revoking assignments of tribal land or interests therein;

(f) To provide for the levying of taxes and the appropriation of available tribal funds for public purposes of the Kickapoo Tribe;

(g) To lease tribal land in accordance with law;

(h) To regulate the procedure of the Council itself and other tribal agencies and of tribal meetings and elections.

(i) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards, committees, or officials of the tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

^{persons}
*(j) To govern the conduct of ~~Indians~~ on the reservation; and to provide for the maintenance of law and order and the administration of justice by establishing appropriate courts on the reservation and defining their duties and powers. All codes and ordinances enacted by the Tribal Council pursuant to this authority shall be subject to the approval of the Secretary of the Interior.

SECTION 2. Future powers.—The Tribal Council may exercise such further powers as may in the future be delegated to the Council by any member of the tribe or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

* Amendment V, approved October 10, 1979

SECTION 3. Reserved powers.—Any rights and powers heretofore vested in the Kickapoo Tribe but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Kickapoo Tribe through the adoption of appropriate by-laws and constitutional amendment.

SECTION 4. Manner of review.—Any resolution or ordinance which by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation who shall, within ten days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, annul the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten days after its enactment, he shall advise the Tribal Council of his reasons therefore. If these reasons appear to the Tribal Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VI—REFERENDUM

SECTION 1. Upon petition by 30 percent of the qualified voters of the tribe protesting any action of the Tribal Council, the Tribal Council shall call a special meeting of the tribe to vote on whether the action of the Council shall be vetoed or upheld. The action of the tribe shall be final.

ARTICLE VII—AMENDMENTS

This Constitution and By-laws 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 30 per cent 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 upon receipt of a request from the Tribal Council or a petition signed by one-third of the qualified voters.

BY-LAWS OF THE KICKAPOO TRIBE OF INDIANS OF THE KICKAPOO RESERVATION IN KANSAS

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. Chairman of the Tribal Council.—The Chairman shall preside over all meetings of the Council and of the tribe, and shall perform the usual duties of a Chairman, and exercise any authority delegated to him by the Council.

SECTION 2. Vice-Chairman of the Tribal Council.—The Vice-Chairman shall assist the Chairman when called upon to do so and in the absence of the Chairman he shall preside. When so presiding, he shall have all the rights, privileges and duties as well as the responsibilities of the Chairman.

SECTION 3. Secretary of the Tribal Council.—The Secretary shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at tribal council meetings, which record shall be available to the Superintendent of the jurisdiction and the Commissioner of Indian Affairs, upon their request.

SECTION 4. Treasurer of the Tribal Council.—The Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the care of the Council. He shall deposit all funds in such depository as the Tribal Council shall direct 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 possession and custody, at such times as are requested by the Tribal Council. He shall not pay out or otherwise disburse any funds in his possession or care except in accordance with a resolution duly passed by the Tribal Council. When in the opinion of the Tribal Council or the Commissioner of Indian Affairs, sufficient funds have accumulated to the Tribal Council Treasury to make it advisable to bond the Treasurer, he shall be required to give a bond satisfactory to the Tribal Council and Commissioner of Indian Affairs.

ARTICLE II—MEETINGS

SECTION 1. Regular meetings of the Tribal Council shall be held in October, January, April, and July on such date and at such place as may be designated by the Tribal Council, and at such other regular times as the Council may decide. Special meetings of the Council may be called by the Chairman at any time.

SECTION 2. Five members of the Tribal Council shall constitute a quorum.

SECTION 3. The Tribal Council shall call a regular meeting of the tribe in January and June of every year at which meeting the Council shall report its activities in the preceding six months and take up matters of general tribal interest. Special meetings of the tribe in addition to those required under the Constitution may be called in the discretion of the Tribal Council.

***SECTION 4.** Twenty-five qualified voters of the tribe shall constitute a quorum at any tribal meeting.

ARTICLE III—RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when adopted by a majority vote of the voters of the Kickapoo Tribe voting at a special election called by the Secretary of the Interior, in which at least 30 per cent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved December 18, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the Kickapoo Tribe of the Kickapoo Reservation in Kansas, and was on January 23, 1937, duly ratified by a vote of 70 for, and 8 against, in an election which over 30 per cent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378).

ALEX ALLEN
Chairman of Election Board.
ROBERT MASQUAT
Secretary of Election Board.

H.E. BRUCE, *Superintendent.*

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and ByLaws of the Kickapoo Tribe in Kansas.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or By-laws are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended February 18, 1937.

WILLIAM ZIMMERMAN, JR.
Assistant Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.
SEAL

WASHINGTON, D.C., *February 26, 1937.*

* Amendment IV, approved June 8, 1962

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