

Constitution of the Mendota Mdewakanton Dakota Tribal Community of the State of Minnesota

Preamble

We, the Mendota Mdewakanton Dakota Tribal Community of the State of Minnesota, in order to organize for the common welfare of ourselves and our posterity, and to insure domestic tranquility; to conserve and develop our resources, both natural and man-made; to form enterprises and other Tribe organizations; to provide for the cultural awareness of our people; to enjoy certain rights of sovereignty; to provide for the educational needs and the health care of our people, do ordain and establish this Constitution according to the act of Congress, dated 18 June, 1934 (48 USC 984).

The purpose for which this Tribe has been organized is exclusively religious, charitable, scientific, literary, and educational within the meaning of section 501(c)(3) of the Internal Revenue code of 1986 or the corresponding provision of any future United States Internal Revenue Law.

Article I – Tribal Lands

This Constitution shall apply to any and all present and future lands acquired by the Secretary of the Interior for the Tribe or by the Tribe. The jurisdiction of this Constitution shall extend to all lands held in trust by the United States for the Tribe as well as any/all the lands acquired or purchased by the Tribe or its members, in the name of the Tribe, and for the Tribe's use.

Article II – Membership

Section 1:

The members of the Tribe may not be dually enrolled with any other federally recognized Tribal band or group of Indigenous Americans. All applicants enrolled elsewhere must sign a conditional relinquishment before application will be considered. Tribal membership need not be relinquished however, until the Mendota Mdewakanton Dakota Tribe has been federally recognized and approved by the Department of Interior as a Tribe. Tribal membership will be categorized as: Descendancy or Lineal. Tribal members are defined as follows:

Descendancy Members: Lineal descendants of Dakota (Mdewakanton, Sisseton, Wahpeton, or Wapekute) who were located in Mendota, Minnesota as set forth in the below censuses, who are at least 18 years of age:

- 1) [James McLaughlin's 1899 "Census of Mdewakanton Sioux of Minnesota"](#)
- 2) [Mendota Indian Census for the years 1900 and 1930](#)
- 3) [Any one or more of U.S. Censuses for Mendota for the years 1900 through 1930](#)

These members shall be considered full voting members and have the right to vote on all issues after becoming active members.

NOTE: Charter Members are descendancy members, whose names appear, or are entitled to appear, on the official census roll of the Mendota Mdewakanton Dakota Tribe of Minnesota as of May 1, 1997, provided that within one year from the adoption and approval of this Constitution and Bylaws, additions and deletions may be made in said roll and supplement by the Tribal members subject to the approval of the Secretary of the Interior.

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Lineal Members: All minor children born to any recognized member of the Mendota Mdewakanton Dakota Tribe. Also, children of the Tribal members who were legally given up for adoption may apply for lineal membership through their biological parent(s) once parentage has been determined to the satisfaction of the Tribal court or other similar judicial agency. Lineal members are under 18 years of age and have no voting rights. Lineal members shall automatically become descendency members when they turn 18 years of age. When they turn 18, it's the parent's responsibility to make sure the child applies for membership, fills out the application and pays the application fee. Contributions are due, unless they are exempt.

Formal application procedures must be followed, including completion of an application that is submitted to the Membership Committee. The Membership Committee determines an applicant's eligibility based on the following criteria:

One must prove that you are a lineal descendant of the Dakota (Mdewakanton, Sisseton, Wahpeton, or Wapekute) people. Your Dakota ancestor must have resided in Mendota, Minnesota and be listed on any [James McLaughlin's 1899 "Census of Mdewakanton Sioux of Minnesota"](#)

1. [Mendota Census for the years 1900 and 1930](#)
- ~~2.~~ [Any one or more of U.S. Censuses for Mendota for the years 1900 through 1930](#)
3. [James McLaughlin's 1899 "Census of Mdewakanton Sioux of Minnesota"](#)

Once an applicant has been proven to meet the eligibility requirements, the Membership Committee shall automatically enroll that individual in the Tribe. No membership vote is required.

Section 2:

The members of this Tribe realize that there are persons within their Tribe who may not be of qualified lineage to establish membership within the definitions of this Constitution. The members of the Tribe have determined however, that these Tribal residents should also be considered as "members" of the Tribe in some capacity for their relationship to other members or because of their contributions to the Tribe for preservation of the culture, language, or Tribe at large.

This Tribe has defined quasi-membership categories for the inclusion of Tribe "residents".

Formal application procedures must be followed, including completion of an application that is submitted to the Membership Committee.

Adopted Members: A person who has significantly contributed to the enrichment, development, or preservation of the Tribe or its culture. A current Tribal member must initiate requests for Adoption. The application must include a written statement of explanation submitted to the Tribal Council and Membership as to how the potential adoptee has contributed to the Tribe and the voting Membership shall be notified 30 days prior to when the proposed Adopted membership will be voted.

Adopted Members are considered full members of the Tribe and have the same rights and obligations as Descendency members; however, this does not apply to their descendants.

Adopted members application approval must be made by 2/3 of the voting membership present at the meeting with a minimum of nine (9) voting members attending.

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Honorary Member: A person who has significantly contributed to the enrichment, development, and/or preservation of the Tribe or its culture. A current Tribal member must initiate requests for Honorary Membership. The application must include a written statement of explanation as to how the potential honoree has contributed to the Tribe.

Honorary Members do not have voting rights, are not eligible to hold office, nor receive per capita payments.

The Tribal Council will approve honorary member's applications with a majority vote.

Section 3:

Any person found to have been enrolled under fraudulent or erroneous means will have their name(s) stricken from the membership records and will lose all privileges, rights, and obligations as a member of the Tribe.

Further, any person properly enrolled as a member of the Tribe under Article II of this Constitution, who is later found to be enrolled with another federally recognized Tribal band or group, must either relinquish all other membership or have their name(s) stricken from the membership records of the Mendota Mdewakanton Dakota Tribe.

Article III – Governing Body

The governing body of the Mendota Mdewakanton Dakota Tribe shall consist of a voting membership, a Tribal council and a three-person judiciary (Tribal Court). The purpose of the two separate governmental entities is to create a more balanced form of government and to supply a method of checks and balances within that government to ensure objectivity and equality. The Voting Membership shall be composed of all persons qualified to vote in the Tribal elections and shall have a sitting Tribal Council administering to the daily needs of the Tribe. The Tribal Council may consist of a maximum of nine (9) members who shall annually elect the following officers: Chair, Vice Chair, Secretary, Treasurer, and Historian. This Tribal Council shall perform such duties as may be authorized by the Voting Membership. Members of the Tribal Council shall be elected to office and shall hold their elected positions for a period of three (3) years or until their successors may be duly elected and installed. Officers of the Tribal Council shall be considered officers of the Tribe with powers that bind the Tribe in legal transactions providing the Tribe shall first approve all such binding transactions, unless such approval shall jeopardize the health or welfare of the Tribe.

Officers of the Tribal Council shall not hold that office for more than nine (9) consecutive annual terms.

The duties and responsibilities of these officers shall be defined in the Bylaws of the Tribe and are subject to change by an affirmative vote of two-thirds (2/3) of the voting membership present at the meeting with a minimum of nine (9) voting members attending. Voting may be conducted at the Voting Membership meeting and by proxy. All proxy votes not returned by the date assigned shall be considered an affirmative vote.

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The Tribal Court shall consist of a Chief Justice and two (2) Associate Judges appointed by the Voting Membership. The Chief Justice shall, at a minimum, be a member in good standing of the Minnesota Bar – admission to the Federal Bar as well is preferable. The Associate Judges should have completed law school and received a *juris doctorate* – admission to the Minnesota or Federal Bar is preferable. The duties and responsibilities shall be outlined in the Tribal Bylaws. These positions do not require Tribal membership or Indigenous American heritage as pre-requisites to appointment.

The Tribal Court will serve at the discretion of the Tribe and may be removed at any time with or without cause. Removal from office of any other officer or judiciary is subject to the Bylaws of the Tribe.

Article IV – Elections

Elections of Tribal Council Members shall be conducted under generally accepted elections rules and any additional regulations prescribed by the Voting Membership. All active Tribe members, who are 18 years of age or older, have the right to vote in Tribal elections. Voting may be conducted at the voting place assigned or by proxy. All proxy votes not returned by the date assigned will be considered an affirmative vote.

All active Tribal members, who are at least 21 years of age, have no felony convictions within the past ten (10) years, and may be duly bonded, are eligible to hold office. The Chair's office requires that the applicant be at least 25 year of age, with no felony convictions, and the ability to be bonded. No more than two (2) ¹collateral family members (parent-children, siblings, aunt/uncle-niece/nephew) may serve as officers at the same time.

Article V – Powers

Section 1:

Enumerated powers. The Voting Membership shall exercise the following powers and may delegate such powers to the elected Tribal Council, subject to any limitations imposed by the Constitution or statutes of the United States, and subject further to all expressed restrictions upon such powers contained in the Constitution or Bylaws.

- (a) To negotiate and contract with federal, state, and local governments on behalf of the Tribe, and advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Tribe.
- (b) To employ counsel for the protection and advancement of the rights of the Tribe and its members, which employment and fee is subject to the approval by the Secretary of the Interior and in accord with the provisions of Section 16 of the Reorganization Act, 25 U.S.C. 476.
- (c) To approve or veto any sale, disposition, lease, or encumbrance of Tribal lands, interest in land, or other Tribal assets.
- (d) To advise the Secretary of the Interior relative to the roll members of the Tribe.

¹Voted in at the March 14, 1999 General Council (Voting Membership) meeting.

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- (e) To manage all economic affairs and enterprises of the Tribe, except where limited by contract, federal regulations, or through establishment of an autonomous board, committee, or agency.
- (f) To appropriate for public purposes of the Tribal available funds within the exclusive control of the Tribe and, subject to review by the Secretary of the Interior, any other available Tribal funds.
- (g) To publicize and enforce ordinances, subject to review by the Secretary of the Interior, which provide for taxes, assessments, of license fees upon non-members doing business within the reservation, or obtaining special rights or privileges.
- (h) To publicize and enforce ordinances that are intended to safeguard and promote the peace, safety, morals, and general welfare of the Tribe by regulating the conduct of trade and the use and disposition of property upon the reservation, providing that any ordinance directly affecting non-members shall be subject to approval by the Secretary of the Interior.
- (i) To adopt resolutions regarding the operation and procedures of the Tribal Council itself and of other Tribal committees, agencies, and officials.
- (j) To encourage and foster the arts, crafts, traditions, language and culture of the Mendota Mdewakanton Dakota Tribe/Oyate.
- (k) To create subordinate organizations for Tribal development purposes and to regulate the activities of all such organizations.
- (l) To protect, develop, and preserve the property, wildlife and natural resources of the Tribe.
- (m) To delegate to subordinate boards, or Tribal officials, or to cooperative associations that are open to all members of the Tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.
- (n) To establish autonomous boards and agencies, and to enter with other Indigenous American communities, reservations, Tribes or boards in the establishment of autonomous boards and agencies for the benefit of the Tribe to further develop the housing, economy, social welfare, transportation, communications, education, health and culture of the Tribe. All such board and agencies shall be established upon ratification of the Tribe.
- (o) To join and participate in international, national, regional, state, and local associations which have the purpose of the advancement of the welfare of the Indigenous American people and to appoint members of the Tribe as representatives to such associations.
- (p) To join and participate in intergovernmental or inter-Tribal organizations which have purposes compatible to the Tribe and to pay participation fees and make contributions to such organizations and elect or appoint members of the Tribe as representatives to such organizations.

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Section 2:

Any resolution or ordinance, which, by terms of this Constitution, is subject to review by the Secretary of the Interior, shall be presented to the Area Director of this jurisdiction who shall, within ten (10) days thereafter, approve or disapprove the same. If the Area Director shall approve any ordinance or resolution, it shall thereupon become effective. But the Area Director shall transmit a copy of the same, bearing his endorsement, to the SI, who may, within ninety (90) days from the date of its enactment, rescind the action of the Area Director for any cause by notifying the Tribal Council of such decision.

If the Area Director shall refuse to approve any resolution or ordinance submitted to the Director within ten (10) days of its enactment, he shall advise the Tribal Council of his reasons therefore. If these reasons appear to the Tribal Council as insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior. The Secretary of the Interior may, within ninety (90) days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

If the Area Director takes no action to approve or disapprove any resolutions or ordinances within thirty (30) days of its being presented to the Area Director, the Tribe shall consider the resolution or ordinance approved, and notify the Area Director of the same.

Section 3:

Future Powers: The Tribal Council may exercise such further powers as may be delegated to the Tribe by the Secretary of the Interior, or by any duly authorized official or agency of the government or by any member of the Tribe.

Section 4:

Reserved Powers: Any rights and powers heretofore vested in the members of the Mendota Mdewakanton Dakota Tribe of Minnesota in respect to any interests or affairs of the 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 Tribe through the adoption of appropriate bylaws and constitutional amendments.

Article VI – Bill of Rights

All members of the Tribe shall be accorded equal opportunities to participate in the economic resources and activities of the Tribe. All members of the Tribe may enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly, association, and due process of the law as guaranteed by the Constitution of the United States.

Further, the Tribe shall recognize the rights and freedoms of other non-members who enter into Tribal territory as peaceful, law abiding citizens. These rights shall be deemed common to all persons under the laws of the United States.

Article VII – Ratification

This Constitution shall be legally adopted by majority vote of at least two-thirds (2/3) of those eligible to vote in the Mendota Mdewakanton Dakota Tribe based on membership records. The voting will take place at a special election called for that purpose by the Secretary of the Interior, and the vote

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totals shall be submitted to the Secretary of the Interior for his approval. Once approval has been granted, this Constitution shall be effective from the date of the approval.

Article VIII – Amendment

Any voting member may bring a Constitutional amendment proposal before the Policy Committee for review and acceptance. The Committee will present the proposal to the Tribal Council for inclusion in the order of business at a Voting Membership meeting. A majority vote of the qualified voters of the Tribe will be required for approval and induction into the Constitution. The election must be authorized for that purpose by the Secretary of the Interior, and at least two-thirds (2/3) of those entitled to vote must have voted in such an election. No amendment shall become effective until the Secretary of the Interior has approved it.

Article IX – Dissolution

Upon dissolution of this Tribe, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, or corresponding section of any future Federal tax code, or shall be distributed to the federal, state, or local government for a public purpose. Any such assets not so disposed of, shall be disposed of by a court of competent jurisdiction in the county in which the principal office of the organization is then located, exclusively for such purposes.

Tribal Approval

The Mendota Mdewakanton Dakota Tribal Community hereby approves the Constitution as written. The signatures of the Tribal Council members below designate such approval.

Chair

Date:

Vice Chair

Date:

Secretary

Date:

Treasurer

Date:

Historian

Date:

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Member at Large

Date:

Member at Large

Date: