

**Constitution and By-Laws
of the
Catawba Indian Nation**

CONSTITUTION AND BY-LAWS OF THE CATAWBA NATION OF SOUTH CAROLINA

PREAMBLE

We, the members of the Catawba Indian Nation of South Carolina, in order to set up an effective tribal organization, to improve our social and economic welfare, and to secure to ourselves and our posterity the benefits of organization, do hereby establish and ordain this constitution and by-laws for the Catawba Indian Nation.

Article I – Territory

The jurisdiction of the Catawba Nation shall extend to the land within the boundaries of the present Indian reservation in South Carolina, and to such other lands as may hereafter be acquired for the mutual benefits of its' members.

Article II – Membership

Section 1. The membership of the Catawba Nation of South Carolina shall consist of:

- a) All persons of Indian blood whose names appear on the tribal roll of July 1, 1943, as recognized by the State of South Carolina, and all those whose names appear on the February 7, 1962 final roll as recognized by the Bureau of Indian Affairs and the U. S. Department of Interior.
- b) All children of blood descended born to any enrolled member of the Catawba Nation.

Section 2. The General Council, hereinafter provided for, shall have the power to pass ordinances, covering future membership, subject to approval of the State of South Carolina.

Article III – Governing Body

Section 1. The governing body of the Catawba Nation of South Carolina shall be the General Council which shall be composed of all qualified voters of the Catawba Nation.

Section 2. All enrolled members of the Catawba Nation, male and female, who are 18 years of age or over shall be qualified voters at any tribal meeting.

Section 3. The General Council, by secret ballot, shall elect from its own members (a) a Chief, (b) an Assistant Chief, (c) a Secretary Treasurer, and (d) two Committee men who shall ex officio, serve as the Executive Committee of the Nation, as provided in Section 5 of this Article and Section 3, Article I of the by-laws.

Section 4. The General Council shall meet on the first Saturday of January and the first Saturday of July of each year. Within 30 days after the ratification and approval of this constitution and by-laws, a General Council of the Nation shall be called by the present chief for the purpose of electing the officers named herein, and it shall transact such other business as may be necessary. The officers elected at this meeting shall thereupon take office and serve until the _____ meeting, at which time their successors shall be chosen. Thereafter, officials shall be chosen at the July meeting of every four years. The Chief, or 15 per cent of the qualified voters of the Nation, by written notice may call special meetings of the General Council. Eighty-six qualified voters of the Nation shall constitute a quorum at any special or regular meeting.

Section 5. There shall be an Executive Committee consisting of the Chief, Assistant Chief, Secretary-Treasurer, and the two Committeemen provided for in Section 3 of this Article, which Committee shall perform such duties as may from time to time be conferred on it by the General Council.

Article IV – Powers of the General Council

Section 1. The General Council of the Catawba Nation shall exercise the following powers, subject to any limitations imposed by this constitution and 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;
- c) To veto any sale, disposition, lease, or encumbrance of Catawba lands, interests in lands, or other Catawba assets of the Nation;
- d) To pass and enforce ordinances, providing for the supervision and management of Catawba lands, including provisions for assignments of Catawba lands to the members;
- e) To protect and preserve the property, wildlife, and natural resources of the Nation;
- f) To adopt resolutions regulating the procedures of the General Council itself and of other Catawba agencies and Catawba officials;
- g) To regulate the use and disposition of Catawba property and funds.

Section 3. Reserved Powers – Any rights and powers heretofore vested in the Catawba Nation of South Carolina, but not expressly referred to in this constitution, shall not be abridged by this Article, but may be exercised by the people of the Nation through the adoption of appropriate by-laws and constitutional amendments.

Article V – Vacancies and Removal

Section 1. In case of a vacancy of any office caused by death, resignation, permanent removal from the State, or expulsion from office, such vacancy shall be filled at the next General Council meeting of the Nation, or by special meeting called by Executive Committee.

Section 2. In case of misconduct, immorality, or neglect of duty by any tribal officer, eight per cent of members of the Tribe may, by written petition, prefer charges against any such official at a regular or special meeting of the General Council. The accused shall be notified in advance of such meeting of the charges and shall have an opportunity to defend himself at such meetings. A majority vote of all eligible voters shall be necessary to remove an official from office.

Article VI – Laws Enforced by Executive Committee

1. The General Council resolves that the existing reservation cannot be reduced in size or terminated.

2. The General Council resolves the Catawba General Council and Executive Committee Records are the property of the General Council and not of any member or officer.
3. The General Council resolves that residences placed on Catawba property must be at least 300 yards from other residences not separated by roads, and does not affect the existing residences.
4. The General Council resolves that non-Indian spouses of deceased or divorced Catawbas who do not have children may not reside on the reservation longer than six months and may be compensated for water systems or residences left as incurred costs to that spouse and the deceased.
5. The General Council resolves that residents of and visitors to the Catawba Reservation are subject to the constitution, by-laws, and resolutions of the Catawba Nation. Authority of enforcement is vested in the Executive Committee.
6. The General Council resolves that applications have to be presented to the Executive Committee and approved before new home sites and facilities can be claimed and utilized on the reservation. Such residences must be registered to enrolled members.
7. The General Council resolves that reservation property can only be claimed and utilized by application for one year, home and small acreage, approved by the Executive Committee.
8. The General Council resolves that members claiming Reservation property must furnish proof of that property utilized on a regular approval basis or the control of that property reverts back to the control and supervision of the Executive Committee.
9. The General Council resolves the authority to Executive Committee to developing and controls of new residences on the reservation in compliance to existing laws.

BY-LAWS OF THE CATAWBA INDIAN NATION OF SOUTH CAROLINA

Article 1 – Duties of Officers

Section 1. The duties of officers of the General Council shall be as follows:

- a) The Chief of the Nation shall preside at all meetings of the General Council. He shall also be the presiding officer at any public meeting which shall be only called in accordance with this constitution. He shall at all times have general supervision of the affairs of the General Council and Executive Committee and such matters as naturally pertain to the general welfare of the community. It shall also be the duty of the Chief to countersign all checks drawn against any funds of the organization by the Treasurer.

- b) The Assistant Chief in the absence of the Chief shall preside at all meetings of the General Council and shall act in his stead in all matters pertaining to the office of Chief.
- c) The Secretary-Treasurer of the General Council shall conduct all the Nation correspondence and shall keep an accurate record of all matters transacted at General Council meetings and Executive Committee meetings.

He shall accept, receive, receipt for, preserve and safeguard all tribal funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Council shall direct and shall make and preserve a faithful record of such funds, and shall record all receipts and expenditures and the amount and nature of all funds in his possession and custody at each regular meeting of the General Council. An audit of accounts shall be made once a year and at such time as the General Council may require. He shall not pay out or otherwise disburse any funds in his possession or custody except in accordance with a resolution duly passed by the General Council. He shall be required to give sufficient bond satisfactory to the Tribal Council.

Section 2. The duties of all officials of the Tribal Council and the Executive Committee shall be clearly set forth by resolution of the Tribal Council at the time of their creation and appointment. Such officers and committees shall report to the General Tribal Council from time to time as required.

Section 3. The Executive Committee – It shall be the duty of the Executive Committee, established pursuant to Section 3, Article III of this Constitution, to act on behalf of the General Tribal Council at such time as said Council is not in possession and to have charge of all routine matters which shall arise during such recess, including the administration of ordinances concerning lands under this constitution and such other matters as may be delegated to it by the General Council. It shall designate the time and place of its meetings and it shall determine the rules of its proceedings and keep a journal thereof, which shall be open to members of the nation at all reasonable hours. The Executive Committee shall make a report at each regular and special session of the Council.

Article II – Adoption

This constitution and by-laws, when adopted by a majority vote of the voters of the Catawba Nation of South Carolina, voting at a special election called by Elected Chief, in which at least 15

per cent of those entitled to vote shall vote, and shall be in force from the date of such approval by a majority vote.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved August 30, 1975, by the TRIBAL COUNCIL, the attached constitution and by-laws was submitted for ratification to the members of the Catawba Nation of South Carolina and was _____. Duly ratified by a vote of 48 for and 0 against, in an election in which at least 15 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).

NAMES OF EXECUTIVE OFFICERS

Gilbert B. Blue, Chief

Samuel Beck, Asst. Chief

Frances Wade, Sec. Treasurer

Carson T. Blue, Committee

Heyward Canty, Sr., Committee