

Constitution and By-Laws

OF THE CROW TRIBE OF INDIANS

ADOPTED JULY 14TH, 2001



APPROVED BY:

SECRETARY OF THE INTERIOR

NEAL McCALEB

SIGNED: DECEMBER 4TH, 2001

Table of Contents – Crow Constitution

PREAMBLE	1
ARTICLE I — GOVERNING BODY.....	1
ARTICLE II — TERRITORY	2
ARTICLE III — MEMBERSHIP.....	2
Section 1. Membership Criteria	
Section 2. Dual Membership Prohibited	
Section 3. Enrollment Ordinance	
ARTICLE IV — EXECUTIVE BRANCH OF GOVERNMENT.....	2
Section 1. Executive Officers	
Section 2. Executive Officer Compensation	
Section 3. Enumerated Powers	
Section 4. General Duties.	
Section 5. Chairman’s Duties and Authorities	
Section 6. Secretary’s Duties.	
ARTICLE V — LEGISLATIVE BRANCH OF GOVERNMENT	5
Section 1. Membership	
Section 2. Powers and Duties	
Section 3. Meetings	
Section 4. Speaker of the House	
Section 5. Secretary of the Legislature	
Section 6. Proposed Legislation	
Section 7. Executive Branch Chairman’s Proposed Legislation	
Section 8. Approval and Veto of Legislation	
Section 9. Conflict of Interest	
ARTICLE VI — ELECTIONS	7
Section 1. Executive Branch Elections	
Section 2. Legislative Branch Elections	
Section 3. Eligible Voters	
Section 4. Candidate Requirements	
Section 5. Election Ordinance	
ARTICLE VII — VACANCIES	8
Section 1. Executive Branch	
Section 2. Legislative Branch	
ARTICLE VIII —REMOVAL AND RECALL.....	9
Section 1. Executive Branch	
Section 2. Legislative Branch	
Section 3. Recall.	
ARTICLE IX — REFERENDUM AND INITIATIVE	10
Section 1. Referendum	
Section 2. Initiative	
ARTICLE X — JUDICIAL BRANCH OF GOVERNMENT	11
ARTICLE XI — BILL OF RIGHTS.....	11
Section 1.	
Section 2.	
Section 3.	
Section 4.	
ARTICLE XII — AMENDMENTS.....	12
ARTICLE XIII — ADOPTION	12
ARTICLE XIV — SEVERABILITY	12
ARTICLE XV— APPROVAL.....	13

**CONSTITUTION
AND BYLAWS
OF THE
CROW TRIBE OF INDIANS
CROW INDIAN RESERVATION, CROW AGENCY**

PREAMBLE

We, the adult members of the Crow Tribe of Indians located on the Crow Indian Reservation as established by the Fort Laramie Treaties of 1851 and 1868, in an effort to enforce and exercise our treaty rights, our inherent sovereign rights, to secure certain privileges and retain inherent powers do hereby adopt this Constitution to create a governing body to represent the members of the Crow Tribe of Indians, to promote the general welfare of the Crow Tribe and to provide for the lawful operation of government.

ARTICLE I — GOVERNING BODY

The traditional name of the government of the Crow Tribe of Indians of the Crow Indian Reservation shall be the Apsaalooke Nation Tribal General Council hereinafter known formally as the Crow Tribal General Council. The Crow Tribal General Council as governing body of the Crow Tribe of Indians hereby establishes three branches of government, the Executive, Legislative and Judicial Branches, which shall exercise a separation of powers. The Crow Tribal General Council shall consist of all adult enrolled members of the Crow Tribe of Indians eighteen (18) years of age or older who are entitled to vote. Descendant members of the Crow Tribe shall not be included in the Crow Tribal General Council of the Crow Tribe. The Crow Tribal General Council shall meet biannually for the purpose of receiving information from the Executive and Legislative Branches. The Crow Tribal General Council shall vote, by secret ballot, on all petitions forwarded by the Executive or Legislative Branches for removal of a Tribal Official or an Executive Branch member or to vote on a referendum or initiative in accordance with Article IX of this Constitution.

Any rights or powers heretofore vested in the Crow Tribe of Indians but not expressly referred to in this Constitution shall not be lost by reason of their omission from this Constitution but may be exercised by the Crow Tribal General Council through the adoption of appropriate amendments to this Constitution.

ARTICLE II — TERRITORY

The jurisdiction of the Crow Tribal General Council shall extend to all lands within the exterior boundaries of the Crow Indian Reservation including those lands within the original boundaries of the Crow Indian Reservation as determined by federal statutes and case law and to such other lands as may hereafter be acquired by or for the Crow Tribe of Indians.

ARTICLE III — MEMBERSHIP

Section 1. Membership Criteria. The Crow Tribal General Council shall have the inherent authority to determine membership of the Crow Tribe of Indians. Membership shall be determined as follows:

- a) all persons who possess one-quarter (1/4) Crow Indian blood or more; or
- b) all those persons who are enrolled as Crow Indians on the date of passage of this Constitution; or
- c) all descendants of such Crow Indians referred to above with the enrollment status and benefits of such descendants determined by the Crow Tribal Enrollment Ordinance.

Section 2. Dual Membership Prohibited. No person who is or becomes a member of another tribe, band or group of Indians shall be eligible for enrollment in the Crow Tribe of Indians unless he/she shall first relinquish in writing all rights to membership in such other tribe, band or group of Indians.

Section 3. Enrollment Ordinance. The Crow Tribal General Council shall have the power to adopt ordinances, consistent with this Constitution, governing future membership and loss of membership of members of the Crow Tribe of Indians.

ARTICLE IV — EXECUTIVE BRANCH OF GOVERNMENT

Section 1. Executive Officers. The Crow Tribal General Council shall elect from its membership by secret ballot an Executive Branch of Government which shall consist of a Chairperson, Vice-Chairperson, Secretary and Vice-Secretary. Each Executive Officer shall be elected by the qualified voters in an election held in accordance with an Election Ordinance duly adopted by the Crow Tribe. The Executive Branch of the Crow Tribe shall operate as a separate and distinct branch of the Crow Tribal Government and shall exercise a separation of powers from the other branches of the Crow Tribal Government. Members of the Executive Branch shall serve a four (4) year term or until their successors are duly elected and installed. No person may serve as Tribal Chairman, Vice-Chairman, Secretary or Vice-Secretary for more than two (2) four (4) year terms. A person may not serve in other Executive Branch positions after serving two (2) four (4) year terms as Tribal Chairman. A person may serve two (2) four (4) year terms in the positions of Vice-Secretary, Secretary and Vice-Chairman and still serve in the

other Executive Branch positions of a higher level for up to two (2) terms. A person may not serve in lower level positions after completing terms in a higher level position.

Section 2. Executive Officer Compensation. The Executive Branch Officials shall serve the Tribe on a salaried, full-time basis with salaries commensurate with services and hours provided. Tribal Officials shall also be entitled to compensation for travel and expenses. Further, all Executive Branch Officials will receive no additional or personal benefits for their service to the Tribe.

Section 3. Enumerated Powers. The Executive Branch shall exercise the following powers and responsibilities herein provided, subject to any limitations imposed upon such powers by the statutes and laws of the United States:

- a) represent the Crow Tribe of Indians in negotiation with Federal, State and local governments and other agencies, corporations, associations, or individuals in matters of welfare, education, recreation, social services and economic development affecting the Crow Tribe of Indians;
- b) administer and oversee all functions of the Executive Branch of the Crow Tribal Government including the hiring, firing, and staffing of all agencies, departments, and instrumentalities of the Executive Branch in accordance with established written policy;
- c) engage in any business that will further the economic well-being of the members of the Tribe and undertake any economic development activity which does not conflict with the provisions of the Constitution;
- d) administer any funds within the control of the Tribe and make expenditures from available funds for tribal purposes, including salaries and expenses of Tribal Officials or employees and prepare an annual budget for the operation of the Tribal Government, including separate budgets for the Legislative and Judicial Branches, for approval by the Legislative Branch of the government and the Secretary of the Interior;
- e) employ legal counsel for the protection and advancement of the rights of the Crow Tribe and its members;
- f) negotiate and approve or prevent any sale, disposition, lease or encumbrance of Tribal lands, interests in lands or other Tribal assets, including buffalo, minerals, gas and oil;
- g) enforce all laws, ordinances, resolutions, regulations or guidelines passed by the Legislative Branch providing for the levying of taxes and licensing of members and non-members for various purposes;

- h) exclude from the restricted lands of the Crow Tribe of Indians persons not legally entitled to reside therein, under ordinances which shall be adopted by the Legislative Branch;
- i) purchase, under condemnation proceedings in courts of competent jurisdiction, land or other property needed for public purposes, under ordinances which shall be adopted by the Legislative Branch;
- j) protect and preserve the property, wildlife, and natural resources including air and water of the Tribe in accordance with ordinances adopted by the Legislative Branch; and
- k) negotiate and approve limited waivers of sovereign immunity when such a waiver is necessary for business purposes in accordance with Article V, Section 2 (f) of this Constitution.

Section 4. General Duties. The general duties of the Executive Branch Officials shall be:

- a) to implement all laws, resolutions, codes and policies duly adopted by the Legislative Branch;
- b) to provide for the fiscal management of the Executive Branch and prepare complete financial reports for the Crow Legislative Branch on a quarterly basis and biannual reports for the Crow Tribal General Council. The Executive Branch shall set the financial budget for the Legislative and Judicial Branches.

Section 5. Chairman's Duties and Authorities. The specific duties and authorities of the Chairman shall be:

- a) to appoint Cabinet members including a Comptroller who shall be bonded, Chief Executive Officer and other such Cabinet positions adopted by Tribal Ordinance, Resolution or Policy who shall all serve in subordinate positions to the Tribal Officials;
- b) to appoint committee members to Executive Branch committees;
- c) to delegate, at his prerogative, his authority, in writing, to the Vice-Chairman when the Chairman is unavailable due to illness or death in the family. The Tribal Chairman may also, at his prerogative, delegate his authority to the Vice-Chairman in writing from time to time for specific purposes or projects and for specific periods of time. An automatic delegation of authority from the Chairman to the Vice-Chairman shall occur if the Chairman is unavailable or absent for a period of five working days.

Section 6. Secretary's Duties. The specific duties and authorities of the Secretary of the Executive Branch shall be:

- a) to keep records of all actions of the Executive Branch, insure proper reports in accordance with this Constitution are forwarded to the Crow Tribal General Council; and
- b) to delegate, at his prerogative, his authority, in writing, to the Vice-Secretary when the Secretary is unavailable due to illness or death in the family. The Secretary may also, at his prerogative, delegate his authority to the Vice-Secretary in writing from time to time for specific purposes or projects and for specific periods of time. An automatic delegation of authority from the Secretary to the Vice-Secretary shall occur if the Secretary is unavailable or absent for a period of five working days.

ARTICLE V — LEGISLATIVE BRANCH OF GOVERNMENT

Section 1. Membership. The Crow Tribal General Council shall elect three members from each of the established districts within the Crow Reservation known as Valley of the Giveaway or Big Horn, Black Lodge, Valley of the Chiefs or Lodge Grass, Arrow Creek or Pryor, Center Lodge or Reno, and Mighty Few or Wyola, to serve as legislators comprising the Legislative Branch of the Crow Tribal government. The Legislative Branch of the Crow Tribe shall operate as a separate and distinct branch of the Crow Tribal Government and shall exercise a separation of powers from the other branches of the Crow Tribal Government. The initial election of the Legislative members shall be held within sixty (60) days of approval of this Constitution. Thereafter, the members of the Legislative Branch shall be elected by qualified voters in an election held in accordance with an Election Ordinance duly adopted pursuant to Article VI, Section 5 of this Constitution. One (1) representative from each district will serve an initial term of two (2) years and two (2) representatives shall serve initial four (4) year terms. After completion of the initial terms, election for members of the Legislative Branch shall occur after four (4) years from the commencement of each initial term, resulting in staggered terms for the Legislative Branch members.

Section 2. Powers and Duties. The powers and duties of the Legislative Branch shall be:

- a) to promulgate and adopt laws, resolutions, ordinances, codes, regulations, and guidelines in accordance with this Constitution and federal laws for the governance of the Crow Tribe of Indians and for providing for the manner of the sale, disposition, lease or encumbrance of tribal lands, interests in land, or other assets of the Crow Tribe of Indians; for providing for the levying of taxes, licensing of members and non-members for various purposes; for the exclusion of persons not legally entitled to reside or remain within the exterior boundaries of the Crow Indian Reservation;

- b) to adopt legislation, not inconsistent with this Constitution, which is necessary in exercising the duties conferred upon the three branches of government;
- c) to adopt legislation chartering instrumentalities of the Crow Tribe for the purposes of economic development, housing, education or other purposes not inconsistent with this Constitution;
- d) to grant final approval or disapproval of items negotiated by the Executive Branch of Government pertinent to the sale, disposition, lease or encumbrance of Tribal lands, interests in lands or mineral assets provided that a process for such approval or disapproval may be established by legislation;
- e) to grant final approval or disapproval of an annual budget prepared by the Executive Branch of Government; and
- f) to grant final approval or disapproval of limited waivers of sovereign immunity by the Executive Branch of Government when waivers are necessary for business purposes provided that a process for such approval or disapproval may be established by legislation.

Section 3. Meetings. The Legislative Branch of the Crow Tribal Government shall meet quarterly during the second week of January, April, July and October at the Crow Tribal Administration Offices. The Legislative Branch shall be compensated on an hourly rate basis for their services and entitled to expenses in accordance with Tribal policy. The meetings of the Legislative Branch shall be conducted in accordance with the most current version of the Robert's Rules of Order and any rules of conduct duly adopted by the Legislature. A quorum for the Legislative Branch shall be twelve (12) members plus the Speaker of the House. Legislators may not vote by proxy. Upon a tie vote of the legislators, the Vice-Chairman of the Executive Branch shall vote to break the tie.

Section 4. Speaker of the House. At the initial session of the Legislature, the members shall select a Speaker of the House to serve until the following January. Thereafter elections for Speaker of the House shall be each January. The Speaker of the House shall be entitled to vote. The Speaker of the House shall conduct all sessions of the Legislative Branch. Upon the unavailability or absence of the Speaker, the members may select a Speaker of the House pro tem for the one session, or a portion of the session, only.

Section 5. Secretary of the Legislature. At the initial session of the Legislature, the members shall select a Secretary of the Legislature to serve until the following January. Thereafter elections for Secretary of the Legislature shall be each January. The Secretary of the Legislature shall be entitled to vote. The Secretary of the Legislature shall provide notices of meeting times, dates and location to all other members of the Legislative Branch in accordance with rules established and adopted by the Legislative Branch. The Secretary of the Legislature shall keep

minutes of all meetings and official records of the Legislative Branch. The Secretary of the Legislature shall prepare all proposed legislation for distribution to all members of the Legislative Branch.

Section 6. Proposed Legislation. Each member of the Legislature shall bring any proposed legislation to the legislative body for consideration at the initial session of the Crow Tribal Legislature. Thereafter, Members of the Legislature shall hold a District meeting at least thirty (30) days prior to the commencement of each legislative session. The District Representative shall provide notice of district meetings at least ten (10) days prior to the meeting and in accordance with policy established by the Legislature. At least fifteen (15) days prior to the commencement of the legislative session, each member may submit proposed legislation, with a petition bearing signatures, addresses and enrollment numbers of at least ten percent (10%) of the District's eligible voters, as recorded in the voter registration roles of each District, to the Secretary of the Legislature. The Secretary of the Legislature shall provide notice to all members of the Legislature, ten (10) days prior to the commencement of the session, with a list of proposed legislation for consideration by the Legislature as duly submitted by the members of the Legislature.

Section 7. Executive Branch Chairman's Proposed Legislation. The Chairman of the Executive Branch shall submit proposed legislation to the Secretary of the Legislature at least fifteen (15) days prior to the commencement of the Legislature.

Section 8. Approval and Veto of Legislation. All legislation passed by the Legislature must be approved by the Chairman of the Executive Branch to become effective. The Chairman has a right to veto any legislation passed by the Legislature. Upon a veto of any proposed legislation by the Chairman, the Legislature has the power to override the veto if the proposed legislation is approved by two-thirds (2/3) of the members of the Legislature. Upon an override of the Chairman's veto, the Chairman may submit the subject legislation to the Crow Tribal General Council for a referendum vote in accordance with Article IX, Section 1 of this Constitution.

Section 9. Conflict of Interest. Any member of the Legislature who stands to gain a personal benefit from any proposed legislation shall remove himself from all discussion and the vote on the legislation. Upon a member's recusal from consideration of proposed legislation due to a conflict of interest, the member shall not be counted for purposes of establishing a quorum.

ARTICLE VI — ELECTIONS

Section 1. Executive Branch Elections. The current Tribal Officials, constituting the Executive Branch of the Crow Tribal Government, in office at the time of approval of this Constitution by the Secretary of the Interior or his authorized representative, shall remain in office until their successors are duly elected in November, 2004 and seated in December, 2004. Thereafter, elections for all Executive Branch positions shall be held every four (4) years in the month of November with inauguration into office in December.

Section 2. Legislative Branch Elections. The Crow Tribal General Council shall hold an election

of members of the Legislative Branch within sixty (60) days of approval of this Constitution by the Secretary of Interior or his authorized representative. The initial election of the Legislative Branch shall occur after eligible candidates file a written notice of candidacy with a \$250.00 filing fee with the Secretary of the Executive Branch within thirty (30) days of approval of this Constitution and after proper notice is posted in each Crow Reservation District. The election of members of the Legislative Branch of government shall be by secret ballot voting in each of the Crow Reservation Districts. The duly elected members of the Legislative Branch shall be officially seated thirty (30) days after election. Thereafter, all elections for members of the Legislative Branch of the Crow Tribal Government shall be in accordance with a duly adopted election ordinance.

Section 3. Eligible Voters. Crow Tribal General Council members who are eighteen (18) years of age or older at the time of election shall be entitled to vote in any election of the Executive Branch, Legislative Branch, committee elections and referendum votes. Descendant members of the Crow Tribe shall not be entitled to vote.

Section 4. Candidate Requirements. All candidates for all branches of the Crow Tribal Government must physically reside within the exterior boundaries of the Crow Reservation for at least one year and must be thirty (30) years of age for any Executive Branch position and twenty-five (25) years of age for any Legislative Branch position. Candidates must further possess a high school diploma or a General Equivalency Diploma, unless over 55 years of age and all candidates shall have no felony convictions. Candidates for the Legislative Branch cannot be employed by the Executive Branch and members of the Legislature are prohibited from employment by the Crow Tribe. No person elected into any position in any branch of the Crow Tribal Government may be employed by the United States Government Bureau of Indian Affairs, Indian Health Service or other federal agencies.

Section 5. Election Ordinance. The Legislative Branch of the Crow Tribal Government shall adopt a comprehensive election ordinance within six (6) months following the effective date of this Constitution. Such ordinance shall prescribe procedures for the conduct of elections, nominations, secret balloting, and resolving election disputes. Provisions shall also be included regarding the conduct of recall and referendum elections. Elections to amend this Constitution shall be conducted in accordance with Article XII of this Constitution.

ARTICLE VII — VACANCIES

Section 1. Executive Branch. If an officer of the Executive Branch of the Crow Tribal Government shall die, resign, be removed or recalled, or be convicted of a felony while in office, the Chairman of the Executive Branch, or his official designee, shall immediately declare the office vacant and direct the Secretary of the Executive Branch, or his official designee, to hold an election within sixty (60) days of the declaration of vacancy to elect a successor to fill the unexpired term. The election shall occur in accordance with the duly adopted election ordinance. If the position of Chairman shall become vacant, the Vice-Chairman shall act as Chairman until the election of a new Chairman. If the position of Secretary shall become vacant, the Vice-Secretary shall act as Secretary until the election of a new Secretary.

Section 2. Legislative Branch. If an officer of the Legislative Branch of the Crow Tribal Government shall die, resign, be removed or recalled, or be convicted of a felony while in office, the Speaker of the House of the Legislative Branch, or his official designee, shall immediately declare the office vacant and direct the Secretary of the Executive Branch, or his official designee, to hold an election in the appropriate district within sixty (60) days of the declaration of vacancy to elect a successor to fill the unexpired term. The election shall occur in accordance with the duly adopted election ordinance.

ARTICLE VIII — REMOVAL AND RECALL

Section 1. Executive Branch. An Executive Branch Official may submit a petition to expel any other member of the Executive Branch who is suspected of improper conduct or of gross neglect of duty as specifically defined by the Crow Tribal General Council, by its Legislative Branch, in adopted policy. Such policy shall include the following:

- a) indictment or charged with a felony crime;
- b) serious illness which interferes with the ability to fulfill Council responsibilities;
- c) misuse of tribal funds;
- d) abuse of authority; and
- e) abuse of drugs and/or alcohol.

The petition may not be submitted to the Crow Tribal General Council without the unanimous vote of the remaining officials not named in the petition. The properly submitted petition by the Executive Branch, with a complete statement of the charges against him/her, shall be provided to the subject Official at least ten (10) days before a scheduled hearing on the petition before the Crow Tribal General Council. The hearing before the Crow Tribal General Council on the removal petition shall be conducted by the Chairman of the Executive Branch or his designee. The hearing shall allow the Official named in the petition full opportunity to address allegations against him/her. Following the hearing, the Crow Tribal General Council shall vote upon the removal petition by secret ballot. The removal petition must pass by a two-thirds (2/3) majority vote. A removal petition election shall not be valid unless at least twenty-five percent (25%) of the Crow Tribal General Council vote in the removal petition election. The decision of the Crow Tribal General Council shall be final. No member of the Executive Branch shall preside over the meeting at which his removal is being considered.

Section 2. Legislative Branch. A Legislative Branch Official may submit a petition to expel any other member of the Legislative Branch who is suspected of improper conduct or of gross neglect of duty as specifically defined by the Crow Tribal General Council, by its Legislative Branch, in adopted policy. Such policy shall include the following:

- a) indictment or charged with a felony crime;
- b) serious illness which interferes with ability to fulfill Council responsibilities;
- c) misuse of Tribal funds;
- d) abuse of Authority; and
- e) abuse of Drugs and/or Alcohol.

The petition may not be submitted to the Crow Tribal General Council without a two-thirds (2/3) majority vote of the remaining legislators not named in the petition. The properly submitted petition by the Legislative Branch, with a complete statement of the charges shall be provided to the subject Legislator at least ten (10) days before a scheduled hearing on the petition before the Crow Tribal General Council. The hearing before the Crow Tribal General Council on the removal petition shall be conducted by the Chairman of the Executive Branch or his designee. The hearing shall allow the Legislative Member named in the Petition full opportunity to address allegations against him/her. Following the hearing, the Crow Tribal General Council shall vote upon the removal petition by secret ballot. The removal petition must pass by a two-thirds (2/3) majority vote. A removal petition election shall not be valid unless at least twenty-five percent (25%) of the Crow Tribal General Council vote in the removal petition election. The decision of the Crow Tribal General Council shall be final.

Section 3. Recall. Upon receipt of a petition signed by at least twenty-five percent (25%) of the Crow Tribal General Council demanding a recall of any member of the Executive or Legislative Branches of government, it shall be the duty of the Secretary of the Executive Branch to call a special election at a Crow Tribal General Council meeting on the question of the recall within thirty (30) days from the date of the filing of a valid petition. The person subject to the recall petition shall be provided ten (10) days notice of the petition prior to the Crow Tribal General Council meeting called to vote upon the recall petition. At the Crow Tribal General Council meeting, the officer or member subject to the recall petition shall be given an opportunity to answer any or all charges prior to the vote of the petition. The recall petition must pass by a two-thirds (2/3) majority vote. A recall petition election shall not be valid unless at least twenty-five percent (25%) of the total number of members of the Crow Tribal General Council vote in the recall petition election. The election shall be held in the manner prescribed by tribal ordinance.

ARTICLE IX — REFERENDUM AND INITIATIVE

Section 1. Referendum. The Tribal Secretary of the Executive Branch shall, upon receipt of a petition signed by not less than twenty-five percent (25%) of the qualified voters, submit any enacted or proposed tribal legislation to a referendum of the Crow Tribal General Council. The Tribal Secretary also shall submit any legislation vetoed by the Chairman of the Tribe that has been overridden by the Legislature to a referendum of the Crow Tribal General Council only upon the Chairman's request. The decision of a two-thirds (2/3) majority of the voters voting in the referendum shall be final and binding, provided that at least twenty-five percent (25%) of the total number of members of the Crow Tribal General Council have voted in such election. The Tribal Secretary shall call the referendum within thirty (30) days from the date of receipt of a valid petition. The vote shall be by secret ballot.

Section 2. Initiative. Members of the Crow Tribal General Council reserve the power to independently propose tribal legislation. Any proposed initiative measure shall be presented to the Secretary of the Executive Branch accompanied by a petition signed by not less than twenty-five percent (25%) of the total number of members of the Crow Tribal General Council. Upon receipt of such a petition, the

Secretary of the Executive Branch shall call a special election for the purpose of allowing the Crow Tribal General Council to vote on the initiative measure. The election shall be held within thirty (30) days from the date of receipt of a valid petition. The decision of a two-thirds (2/3) majority of the voters voting in the initiative shall be final and binding, provided that at least twenty-five percent (25%) of the total number of members of the Crow Tribal General Council have voted in such election.

ARTICLE X — JUDICIAL BRANCH OF GOVERNMENT

A Judicial Branch of the Crow Tribal Government shall consist of all courts established by the Crow Law and Order Code and in accordance with this Constitution. The Judicial Branch shall have jurisdiction over all matters defined in the Crow Law and Order Code. The Judicial Branch shall be a separate and distinct branch of government from the Legislative and Executive Branches of Crow Tribal Government. The election process for the Judicial Branch judges shall be in accordance with the Crow Law and Order Code. Qualifications for the Judicial Branch Judges shall be established in the Crow Law and Order Code. The Judicial Branch shall have no power to review Executive Branch decisions made within the scope of the enumerated powers of the Executive Branch. The Judicial Branch shall have a limited review of legislation passed by the Legislative Branch to determine whether the subject legislation is consistent with or in conflict with this Constitution.

ARTICLE XI — BILL OF RIGHTS

Section 1. The rights to freedom of worship, conscience, speech, press, assembly and association of members of the Crow Tribe of Indians shall not be abridged or hindered without due process of law.

Section 2. This Constitution shall not in any way alter, abridge, or otherwise jeopardize the rights and privileges of the members of the Crow Tribe of Indians as citizens of the United States.

Section 3. The individual property rights of any member of the Crow Tribe of Indians shall not be altered, abridged or otherwise affected except as specifically provided in this Constitution.

Section 4. In accordance with Title II of the Indian Civil Rights Act of 1968 (82 Stat. 77), the Crow Tribe of Indians in exercising its powers of self-government shall not:

- a) make or enforce any law prohibiting the full exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
- b) violate the right of the people to be secure in their persons, houses, papers and effects against unreasonable search and seizure, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- c) subject any person for the same offense to be twice put in jeopardy;
- d) compel any person in any criminal case to be a witness against him/herself;

- e) take any private property for a public use without just compensation;
- f) deny to any person in a criminal proceeding the right to a speedy trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, to have the assistance of counsel for his defense at his/her own expense;
- g) require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of one (1) year or a fine of \$1000 or both;
- h) deny to any person within its jurisdiction the equal protection of its law or deprive any person of liberty or property without due process of laws;
- i) pass any bill of attainder or ex post facto law;
- j) deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

ARTICLE XII — AMENDMENTS

This Constitution may be amended by a two-thirds (2/3) vote of the Crow Tribal General Council provided that at least thirty percent (30%) of the Crow Tribal General Council vote in an election called for the purpose of amending the Constitution. The process to propose amendments to this Constitution shall be defined by the Legislative Branch in legislation which complies with the requirements of this Article of the Constitution. No amendment shall become effective until approved by the Secretary of the Interior or his duly authorized representative.

ARTICLE XIII — ADOPTION

This Constitution, when adopted by a majority vote of the qualified voters of the Crow Tribal General Council voting at an election called for that purpose shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of his approval.

ARTICLE XIV — SEVERABILITY

If any provision of this Constitution shall in the future be declared invalid by a Court of competent jurisdiction, the invalid portion shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XV- APPROVAL

I, Secretary of the Interior, or designee, do hereby approve this Constitution of the Crow Tribe of Indians in accordance with Article XV of this Constitution. It is effective as of July 14, 2001 provided, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to federal law.


Secretary of Interior or Designee
Washington, D.C.

Date: DEC 04 2001