WHEREAS: the Kiowa Tribe is a sovereign nation since time immemorial and is federally recognized as a Tribal Government by the United States; and,

WHEREAS: The Kiowa Tribe is organized under a Constitution approved by tribal membership on April 17, 2017, and approved by the Secretary of the Interior, U.S. Bureau of Indian Affairs on May 5, 2017; and,

WHEREAS: Article V, section 3(b) of the Constitution grants the Kiowa Indian Council the power to set policy for the Tribe, and shall have all other powers and duties specifically provided by the Constitution

WHEREAS: We, the members of the Kiowa Indian Council of the Kiowa Tribe, under the authority granted to the Kiowa Indian Council by the Constitution of the Kiowa Tribe, in order to preserve for ourselves and our children the inherent sovereign rights of our Indian nations, governed under the laws of the Kiowa Constitution, to preserve Kiowa cultural values, and promote the health, safety and welfare of the Kiowa people, do hereby establish and submit the following resolution; and

WHEREAS: Section 3. Impeachment and Removal of a Chairman and Vice-Chairman. The Legislature shall have the power to impeach and remove a Chairman or Vice-Chairman for good cause beyond a reasonable doubt by a unanimous vote of the Legislature. The Legislature shall have the burden of proving good cause beyond a reasonable doubt. A Chairman or Vice-Chairman subject to removal shall be provided with adequate notice, be informed of the charges in writing, be given an opportunity to address the Legislature in public hearing, and be given an opportunity to contest the charges, and prepare and present a defense including
WHEREAS:

Section 3. Impeachment and Removal of a Chairman and Vice-Chairman. The Legislature shall have the power to impeach and remove a Chairman or Vice-Chairman for good cause beyond a reasonable doubt by a unanimous vote of the Legislature. The Legislature shall have the burden of proving good cause beyond a reasonable doubt. A Chairman or Vice-Chairman subject to removal shall be provided with adequate notice, be informed of the charge, in writing, be given an opportunity to address the Legislature in a public hearing and be given an opportunity to contest the charges, and prepare and present a defense including presenting witnesses and other evidence. The process to seek the impeachment and removal of the Chairman and Vice-Chairman shall not extend beyond ninety days.

This is the removal of the words “The Chairman and Vice-Chairman shall not be subject to impeachment and removal at the same time.” This is a conflict of interest and a move that abolishes the separation of powers, simply put, it allows the Chairman’s and Vice-Chairman’s positions to be an open invitation for wrong doing during times when those two positions are supposed to be working in agreement therefore if one is doing wrong, they both may be doing wrong and it would not be right to allow one to continue on doing wrong while being protected by those words in the Constitution and those words do not benefit the majority of the Kiowa Tribal members nor do they serve any other purpose or protections to the Kiowa Tribal members from those who might choose to take corrupt actions while in office and in fact this statement “The Chairman and Vice-Chairman shall not be subject to impeachment and removal at the same time” serves no legitimate purpose or protections to the Kiowa Tribal members and actually only serves as protection for the corrupt.

WHEREAS:

Section 4. Impeachment and Removal of a Judge or Justice. The Legislature shall have the power to impeach and remove a Judge or Justice for good cause by a unanimous vote of the Legislature. The Legislature shall have the burden of proving good cause beyond a reasonable doubt. A Judge or Justice subject to impeachment and
presenting witnesses and other evidence. The process to seek the impeachment and removal of the chairman or Vice-Chairman shall not extend beyond ninety days. The Chairman and Vice-Chairman shall not
removal shall be provided with adequate notice, be informed of the charges in writing, be given an opportunity to address the Legislature in a public hearing and be given an opportunity to contest the charges and prepare and present a defense including presenting witnesses and other evidence. The process to seek the impeachment and removal of the Judge or Justice shall not exceed beyond ninety days. No more than one Judge or Justice shall be subject to impeachment and removal at the same time.

Section 4. Impeachment and Removal of a Judge or Justice. The Legislature shall have the power to impeach and remove a Judge or Justice for good cause by a unanimous vote of the Legislature. The Legislature shall have the burden of proving good cause beyond a reasonable doubt. A Judge or Justice subject in impeachment and removal shall be provided with adequate notice, be informed of the charges in writing be given an opportunity to address the Legislature in a public hearing, and be given an opportunity to contest the charges, and prepare and present a defense including presenting witnesses and other evidence. The process to seek the impeachment and removal of the Judge or Justice shall not exceed beyond ninety days.

WHEREAS: Section 6. (b) No recall petition shall be initiated against any elected official until six months has elapsed from their inauguration into office.

NOW THEREFORE BE IT RESOLVED; that the Kiowa Indian Council hereby; this is the removal of the words, “No more than one Judge or Justice shall be subject to impeachment and removal at the same time.” The argument is the same as Section 3. As those words serve no legitimate purpose and does nothing but gives and open door to corruption and offers the corrupt protections from proper accountability which does absolutely nothing for the Kiowa tribal members except place them in danger by offering an open door to those who might choose to take corrupt actions.

Proposed is to completely remove this Article XII Section 6(b). The argument is the same as Sections 3 & 4 of Article XII. This creates an open door policy that would allow anyone who might choose to take corrupt actions that can in fact harm the Kiowa Tribe and its members giving corruption a whole 6 months to do so as well as strips them of their Rights to protection and hinders their ability to protect themselves and their Nation by tying their hands giving them absolutely no way to take actions and to protect themselves and their nation for 6 full months. This is in open door for 6 months of free reign, therefore should be excluded and removed completely from the Kiowa Constitution.
BE IT FURTHER RESOLVED, that this resolution shall be the policy of the Kiowa Tribe until it is withdrawn or modified by subsequent resolution.

2019 KIOWA INDIAN COUNCIL OF THE KIOWA TRIBE

________________________
Chairperson

ATTEST:

________________________
Secretary, Kiowa Indian Council

KIOWA INDIAN COUNCIL, RESOLUTION NO._____:  

CERTIFICATION  

The foregoing resolution was duly voted upon by the 2019 Annual Kiowa Indian Council of the Kiowa Tribe; was present at the duly called Annual Kiowa Indian Council Meeting held on the 6th day of April 2019, and that the foregoing resolution was adopted by the affirmative vote:

For:_______ Opposed:_______ Abstention: _______

________________________
Secretary, Kiowa Indian Council