

ATTACHMENT 3

CONSTITUTION
of the
LAC NOIR TRIBE OF AMERICAN INDIANS
OF LOUISIANA

PREAMBLE

We, the people of Lac-Noir Tribe of American Indians, formally known as the Natchitoches Tribe of Louisiana, in the presence of almighty God and pursuant to the inherent tribal sovereignty possessed by our People from time immemorial, and recognized by the French Government in 1758, do hereby ordain and establish this Constitution in order to effect a fair and well-ordered government, provide for the welfare of our people and our posterity and ensure to ourselves the rewards of our ancestral heritage, cultural traditions and political integrity.

ARTICLE I

Name and Geographical Area

Section 1. The name of the body established hereunder shall be The Lac-Noir Tribe of American Indians of Louisiana (hereafter called, the "Tribe") and shall be constituted all those persons who are established, pursuant to Article III herein, to be members of the tribe.

Section 2. The jurisdiction of the Tribe shall extend to:

A. Lands water and other resources as may be hereafter acquired by the Tribe whether within the state of Louisiana or otherwise, including lands which, through ownership by the Tribe, are taken in trust by the Secretary of the Interior for the beneficial use of the tribe and its members.

B. All Tribal members, wherever domiciled, to the fullest extent permitted by applicable laws of the United States of America.

Section 3. This Constitution shall apply to lands owned by the Tribe, except the provisions herein contained shall be without effect with regard to the jurisdictional powers of state government in relation to Tribal land not placed in trust with the Secretary of the Interior.

ARTICLE II

Effect and Purpose

Section 1. This Constitution shall be the supreme law of the Tribe. No law effected subsequent to the ratification of this document pursuant to Article XV, below, shall be valid except to the extent such law is consistent herein or with an amendment hereto effected pursuant to the provisions of Article XIII, below.

Section 2. It is the purpose of this Constitution to assure the preservation of all existing and future powers of the Tribe and rights of its members arising from any source whatever, to establish and preserve the authority of Tribal members to manage the affairs of the Tribe and to protect and promote the Tribe's best interests.

ARTICLE III

Membership of the Tribe

Section 1. Members of the Tribe shall be any person who possesses at least one sixty-fourth ($1/64$) degree or more of any American Indian, and at least one of their ancestors was the slave of an Euro-American, and:

A. At the time of ratification of this Constitution, be a citizen of The United States of American.

B. Affirmatively establishes to the satisfaction of the Tribal Council that he or she eligible for enrollment pursuant or Article III, of this document.

Section 2. An individuals degree of Indian blood of any federally- recognized American Indian Tribe may be included in his or her total degree of Indian blood, provided, however, that no member of the Tribe may be an enrolled member of any other federally- recognized American Indian Tribe.

Section 3. A parent or legal guardian may file an application for membership on behalf of a person under eighteen (18) years of age.

Section 4. This Constitution may be amended pursuant to the provisions of Article XIII, below, to change the blood quantum required for membership in the Tribe, provided such amendment is affected in an election called for that purpose by the Secretary of the Interior.

Section 5. The Tribal Council shall have sole authority to determine eligibility for enrollment as a member of the Tribe. No decree of any court purporting to determine membership in the Tribe, paternity or degree of Indian blood, shall be recognized by the Tribe as determinative of membership in the Tribe, although such a ruling shall be considered by the Tribal Council when application is made by or on behalf of an applicant for Tribal membership.

Section 6. This Tribe consists of decadences of many different tribes and races, and because of this fact, racism will not be tolerated.

Article IV

Voting

Section 1. All Tribal members have the right to vote in elections of the Tribe, unless;

A. They are under eighteen (18) years of age.

B. They are found to be mentally challenged, by the Tribal Council.

C. They are convicted felons.

D. They do not use illegal drugs, must successfully pass drug screening tests if requested by Tribal Council.

Section 2. Upon approval of this Constitution by the Secretary of the Interior, all elections will be done with mail in ballots.

Section 3. Tribal Council representatives shall be elected by voting members of each distinct family unit, the Chairman (Primary Chief) and Vice-Chairman will be appointed by the Tribal Council. All elected or appointed officials must be voting members of the Tribe.

Section 4. Tribal elections and appointments will be conducted by secret ballot and voting results shall be certified by an independent organization.

Section 5. All election results and appointments will be published within ninety (90) days of the closing of each election or appointment.

Section 6. The Tribal Council shall establish a Tribal Election Board, and appoint voting members, which shall be responsible for;

- A. Ensuring fairness and uniformity in Tribal elections.
- B. Giving advance notice of elections, reasons for elections.
- C. Publishing of results of elections and appointments.
- D. Certification of candidates for Tribal office, both elected and appointed.
- E. Appointment of independent organization for the mediation and disposition of election disputes.
- F. Maintenance of a list of qualified voters.

ARTICLE V

Rights of the People

Section 1. This Constitution shall have no effect with regard to rights, protections and benefits to which Tribal members may otherwise be entitled by the Constitution of the United States of America.

Section 2. There shall be no official religion of the Tribe and no requirement concerning religious affiliation shall be established by the Tribe. The right of Tribal members to freely exercise their religious beliefs shall not be abridged by this Constitution or any action by the Tribal Chairman or Tribal Council.

ARTICLE VI

Powers and Organization of the Tribal Government

Section 1. Subject to any and all enactments of laws of the United States of America and upon approval of this Constitution by the Secretary of the Interior, the Tribal government shall be comprised of two (2) branches, an Executive division, comprised of the offices of Tribal Chairman and Vice-Chairman, and a Legislative division, comprised of the Tribal Council.

Section 2. The Tribe reserves for itself the power to establish, and upon approval by a majority of Tribal Council representatives, a Judicial division at any time subsequent to the effectuation of this Constitution.

Section 3. The Tribal Chairman, Vice-Chairman, Tribal Council representatives, Judges and Treasurer shall be deemed officers of the Tribe.

Section 4. Financial agreements into which the Tribal Council enters shall be binding against the Tribe throughout the term of repayment of any lawful debt of the Tribe.

ARTICLE VII

The Executive Branch

Section 1. The Tribal Chairman shall serve as the chief Executive of the Tribe. The Chairman shall be charged with binding responsibility for the execution of all official papers of the Tribe, the implementation of laws finally effected by the Tribal Council and the conduct of matters of the Executive Branch in a manner consistent with laws of the United States of America and of the Tribe.

Section 2. The Vice-Chairman of the Tribe shall assist the Chairman in the execution of matters charged to the responsibility of the Executive Branch and shall act as Tribal Chairman in the absence of the Chairman. The Vice-Chairman shall be bound by the provisions of Section 1. of this Article.

Section 3. Any voting member of the Tribe who is at least forty (40) years of age, and at least one-eighth (1/8) degree American Indian blood and resides within the United States of America shall be deemed eligible to hold the office of Chairman or Vice-Chairman of the Tribe.

Section 4. The Tribal officers serving as Chairman and Vice-Chairman on the date on which this Constitution is first approved by the Secretary of the Interior shall serve out their respective terms of office. Upon the expiration of the term of office of the Chairman and Vice-Chairman a Tribal Council meeting shall be conducted in order to elect a new Tribal Chairman and Vice-Chairman in procedures established pursuant to Article IV, Section 3, above.

Section 5. The Tribal Chairman And Vice-chairman shall be elected for a term of ten (10) years and shall assume office on the day after the election results are published. Duly elected Chairman and Vice-Chairman shall serve until their respective successors are elected and installed, unless such person has been removed from office pursuant to Article XI, below.

Section 6. The Tribal Chairman shall establish reasonable salaries and benefits of employment and shall present the annual Executive division budget for approval by the Tribal Council not less than sixty (60) days prior to the beginning of the Tribe's fiscal year.

Section 7. Except under extraordinary circumstances and in instances in which a conflict of interest exists to prevent the Tribal Chairman from exercising the authority otherwise granted pursuant to this provision, the Tribal Chairman shall have exclusive responsibility consistent with personnel policies and procedures which he or she shall present for approval by the Tribal Council. However no provision of personnel policies or procedures of the Tribe shall disempower the Tribal Chairman from expeditiously removing a Tribal employee charged in a court of competent jurisdiction with defrauding or attempting to defraud the Tribe.

Section 8. The Tribal Chairman shall manage, administer and direct the operation of Tribal programs, activities and services on which he or she shall make a report not less than annually to the Tribal Council. The Tribal Chairman shall determine official working hours of Tribal employees and shall have authority to set forth Tribally-recognized holidays and to proclaim holidays special to the Tribe. Shall negotiate with Federal, State, local governments and private parties on behalf of the Tribe.

Section 9. Subject to approval by the Secretary of Interior, the selection of legal counsel of the Tribe shall be initiated by the Tribal Chairman and referred for approval by the Tribal Council.

Section 10. The Tribal Chairman shall have powers of administrative veto and to submit legislation for consideration by the Tribal Council.

Section 11. The Tribal Chairman shall advise the Secretary of the Interior and the Congress of the United

States of America of the wishes of the Tribe with regard to federal projects or appropriations for the benefit of the tribe.

Section 12. To prepare Tribal operating budget for review and approval by Tribal Council.

ARTICLE VIII

The Legislative Branch

Section 1. The power to enact laws of the Tribe shall be within the exclusive province of the Tribal Council.

Section 2. The Tribal Council shall consist of one member from each distinct family unit, with a maximum of twenty-five (25) members. Provided that the Tribal Council shall have responsibility for assigning new members to an existing family unit or the creation of a new family unit. The Tribal Council shall have responsibility for reapportionment based on population whenever necessary.

Section 3. Members of the Tribal Council must be at least forty (40) years of age, voting members of the Tribe, and at least one-eighth (1/8) degree Indian blood. Tribal Council members are elected for a term of ten (10) years and shall assume office on the day after the election results are published. Tribal Council members shall serve until respective successors are elected and installed, unless such person has been removed from office pursuant to Article XI, below.

Section 4. The Tribal Council representatives in office on the date on which this Constitution is first approved by the Secretary of the Interior shall serve out the remainder of their terms of office. Upon expiration of such terms office, a general election shall be conducted in order to elect Tribal Council representatives in procedures established pursuant to Article IV, Section 6., above.

Section 5. In its first regular session of every year, the Tribal Council shall organize and elect officers, including a Speaker of the Council who shall preside over Tribal Council meetings. All officers must be voting members. One person may hold more than office, including Chairman and Vice-Chairman. Officers shall retain all voting and other rights and privileges of a Tribal Council representative if a member.

Section 6. The Tribal Council shall exercise the following powers, subject to any limitations imposed by the applicable statutes of the United States of America and subject further to all express restrictions upon such powers contained in this Constitution. These powers are not subject to review by the Secretary of the Interior, except where specifically required by law.

1. To review actions of all officers, including Chairman and Vice-Chairman.
2. To determine the disposition of Tribal assets not held in trust by the Secretary of the Interior.
3. To appoint subordinate officials, committees and boards, and to prescribe their duties and powers, including Chairman and Vice-Chairman.
4. To regulate its own procedures and to preside over impeachment of Tribal officials.
5. To promote the health, peace, morals, education and general welfare of the Tribe and its members.
6. To provide for the maintenance of law and order.
7. To override an administrative veto effected by the Tribal Chairman by at least two-thirds (2/3) vote of installed Tribal Council members.

8. To pass ordinances necessary or incidental to the exercise of any of the foregoing powers.

9. To determine the disposition of Tribal trust assets, including acquisition, leasing and encumbrance, and to pledge Tribal assets as security in financial matters, subject to applicable federal laws and not held in trust by the Secretary of the Interior.

10. To levy dues, fees and taxes on non-members residing or doing business on lands of the Tribe.

11. To enact civil codes and ordinances governing the conduct of all persons domiciled or doing business on lands of the Tribe and or on the lands for any purpose and to enact criminal codes governing the conduct of anyone using Tribal lands for any reason.

12. To pass ordinances and resolutions necessary or incidental to the exercise of any of the foregoing powers.

Section 7. The Tribal Council shall select, on the basis of professional qualification, a Legislative Secretary, who shall record minutes of all the Tribal Council and committee meetings. Preference shall be given to voting Tribal members.

A. The Legislative Secretary shall be a voting Tribal member and shall serve as an employee of the Tribe's Legislative Branch. The salary of the Legislative Secretary shall be established and approved by the Tribal Council.

B. All materials developed and maintained by the Legislative Secretary shall be the property of the Tribe and public records of the Tribe. Tribal members shall be allowed access to all such materials within the normal business hours of the Tribe.

Section 8. The Tribal Council shall select on the basis of professional qualification, a Tribal Treasurer who shall serve as Tribe's Chief Financial Officer. Preference shall be given to voting Tribal members.

A. The Tribal Treasurer's salary shall be established and approved by the Tribal Council.

B. The Tribal Treasurer shall work under the joint supervision of the Tribal Council and the Tribal Chairman.

Section 9. The presence of at least one-half of the installed Tribal Council representatives at a duly called meeting of the Council shall constitute a quorum.

Section 10. A simple majority of votes of total installed Tribal Council representatives shall be necessary to enact a resolution, ordinance, regulation or rule or effect any other decision of the Tribal Council.

Section 11. Regular sessions of the Tribal Council shall be held once every three months, at a time and place to be designated by the Tribal Council.

Section 12. The Tribal Council may schedule special sessions whenever a matter or matters of importance require(s) resolution prior to the next regular Tribal Council session. The Tribal Chairman may call a special session at any time he or she deems necessary.

Section 13. All Tribal Council representatives will be notified by registered return receipt mail at least one (1) week prior to such special Tribal Council meeting. Representatives may attend by conference call.

Section 14. Tribal members shall be welcome to attend and participate, subject to procedural constraints, in proceedings of the Tribal Council, provided however, that the provisions of Article XI, Section 1., below shall apply with regard to impeachment proceedings.

Section 15. When determined by a majority of representatives present, the Tribal Council may meet in Executive Session from which all non-Tribal members may be excluded. Notice that Executive Session was convened shall be noted in the Tribe's public record.

Section 16. Roll call votes recording how each representative of the Tribal Council voted in every matter before the Tribal Council shall be recorded in the minutes of Tribal Council proceedings.

Section 17. The first Tribal Council shall devise Rules of Order pursuant to which the Tribal Council shall conduct its proceedings, provided such Rules of Order incorporate the following order of business;

- A. Call to Order;
- B. Roll call;
- C. Reading of minutes of last session;
- D. Unfinished business;
- E. Reading of reports of Committees;
- F. Reading of report of Chairman on all Tribal projects;
- G. New business, including comments from any Tribal members in attendance; and
- H. Adjournment

Rules of Order herein prescribed may be amended by a two-thirds (2/3) majority vote of installed Tribal Council members at any regular Tribal Council meeting.

ARTICLE IX

Judicial Branch

Section 1. The Tribal Council shall if and when a judicial department is needed. Such branch of the Tribal government shall be comprised of a police department and a Tribal Court.

Section 2. Upon the initial establishment of the Judicial Branch, the Tribal Chairman, subject to the approval of the Tribal Council, shall initiate the appointment of Tribal Court Judge(s) and Clerk(s). The Tribal Court's Presiding Judge shall be well versed in the laws of the United States of America concerning American Indians. Preference will be given to candidates who are Tribal members. The Presiding Judge will not be permitted to hold any other Tribal Office.

Section 3. The Tribal Court shall exercise jurisdiction over all persons and matters to the fullest extent permitted by applicable laws of the United States of America.

Section 4. The Presiding Judge of the Tribal Court shall adopt Rules of Procedure and develop an organizational plan, which may include a Tribal Court of Appeals and a Tribal Juvenile Court.

Section 5. The Presiding Judge shall establish an annual budget for the judicial division of the Tribe, which shall allow for the transcription of all decisions of the Tribal Court to establish the Court as a court of record and shall include salaries and employment benefits for Judicial Branch employees. The annual budget of the Tribal Court shall be presented for approval by the Tribal Council not less than thirty (30) days prior to the beginning of the Tribe's fiscal year.

Section 6. Preference shall be given Tribal members in the selection of all employees of the Judicial Branch of the Tribe.

Section 7. All Judges of the Tribal Courts shall be subject to impeachment as provided in Article XI, Section 1., below.

Section 8. All proceedings before the Tribal Court shall be transcribed and made a part of the Tribe's public record.

Section 9. Decisions of the Tribal Courts shall be final and not subject to appeal before any other judicial authority except the Supreme Court of the United States of America, or through resolution of the Tribal Council by affirmative action.

ARTICLE X

Vacancies in office

Section 1. In case of death, resignation or lawful removal of the Tribal Chairman, the Vice-Chairman shall be immediately sworn in to the office of Chairman, pursuant to Article XIV, below.

Section 2. In the event the Vice-Chairman succeeds to the office of Chairman, pursuant to Section 1. of this Article, the Speaker of the Council shall automatically succeed to the office of Vice-Chairman and an election to elect a new Tribal Council representative to fill the seat vacated shall be conducted within thirty (30) days following such succession.

Section 3. In case of death, resignation or lawful removal of a Tribal Council representative, an election to elect a new Tribal Council representative to fill the seat vacated shall be conducted within thirty (30) days following such event.

ARTICLE XI

Removal of Tribal Officials

Section 1. Impeachment

A. Any elected or appointed Tribal official who is finally convicted in a court of competent jurisdiction of any offense involving moral turpitude shall automatically be removed from office.

B. Any elected official of the Tribe who is found by the Tribal Council to be guilty of improper conduct or gross neglect of duty or to have failed to perform the duties of his office for a period of one hundred (100) days unless previously excused therefrom by the Tribal Council, may be expelled by the affirmative vote of not less than one-half (1/2) of installed Tribal Council representatives, provided that the accused official shall first be given full and fair opportunity to answer to any and all charges at a special meeting of the Tribal Council.

C. A written statement of the charges against such official shall be mailed certified and return receipt or delivered or delivered through personal service to his or her last known place of residence at least ten (10)

days before the meeting at which he is to appear.

D. All witnesses requested by such official shall be subpoenaed by the Tribal Council.

E. When the Tribal Council is meeting for impeachment proceedings, all witnesses shall testify under oath or affirmation.

F. The terms, "improper conduct", "crime involving moral turpitude" and "gross neglect of duty" shall be defined and rules of procedure for impeachment proceedings determined by enactment of the Tribal Council.

G. Any officer against whom impeach proceedings are conducted shall be suspended from the exercise of the duties of his or her office during the pendency of such proceedings.

H. The decision of the Tribal Council in matters of impeachment shall be final.

Section 2. Recall

A. Every elected official of the Tribe shall be subject to recall by voters of the distinct family unit from which he or she is elected subject to the following.

1. Recall of a Tribal official may be initiated by petition signed by a number of qualified voters exceeding thirty percent (30%) of the votes cast for that office at the last election. A recall petition must be filed with the Legislative Secretary who shall, within five (5) working days following receipt of such petition serve notice on the official by mailing notice to or through personal service to his or her last known address.

2. Every recall petition must include a concise statement not exceeding five Hundred (500) words which sets forth the grounds on which the official is sought to be removed from office.

3. Each person signing a recall petition must include the date of his or her signing and their enrollment number. The mark of a person unable to write his or her name shall be witnessed by two persons who shall attest thereto by signing their names.

4. The person circulating a recall petition must sign an oath, as prescribed by the Tribal Council, attesting to the eligibility of the signatures collected thereon.

B. An official subject to recall may, within ten (10) days following their receipt of such petition, offer his or her resignation which shall be automatically accepted upon receipt.

C. The official subject to a recall petition may file with the Tribal Council a statement in response and/or defense of the claims made against him or her of not more than five hundred (500) words.

D. An election shall be ordered within fourteen (14) days following the filing of a validly executed recall petition concerning an official who has not voluntarily resigned from office. A recall election shall be ordered by the Tribal Council to be held not less than twenty-one (21) days and not more than thirty-one (31) days following such order by the Tribal Council to determine whether the official shall be recalled. If the official resigned then this election will be called to determine his or her replacement.

E. Both the statement asserting the grounds on which the official has been made subject to recall and the official's responsive statement to such claims shall be printed on the ballot of the recall election.

F. No official subject to recall shall continue to serve on the Tribal Council until the result of said election is officially declared.

G. An official who successfully withstands a recall election may not be made subject to a subsequent recall election.

H. A recall election may be held at a special election or concurrently with any other election. But cannot be held less than six (6) months prior to the regular election for the office in question.

ARTICLE XII

Oath of Office

All elected or appointed officials of the Tribe shall take the following oath when sworn into office;

"I _____, do solemnly swear that I will support and defend the Constitution of the Lac Noir Tribe of American Indians of Louisiana, and the Constitution of the United States of America against all enemies; that I will faithfully and impartially carry out the duties of my office to the best of my ability; and I will promote and protect the best interest of the Lac Noir Tribe of American Indians of Louisiana in accordance with its Constitution and its Amendments, so help me God"

ARTICLE XIII

Amendment

Section 1. This Constitution may be amended by a majority vote of the installed Tribal Council representatives.

Section 2. This Constitution may be amended by a majority vote of the qualified voters of the Lac Noir Tribe of American Indians of Louisiana voting in an election called for that purpose by the Tribal Council or by the Secretary of the Interior. The Tribal Council or the Secretary of the Interior shall call an election on any proposed amendment upon receipt of a petition signed by thirty percent (30%) of the total number of qualified voters of the Tribe. The petition and the voting pamphlet must contain the entire text of the amendment for which ratification is sought. The amendment shall become effective after voting results are certified, pursuant Article IV, Section 4, above.

ARTICLE XIV

Effective Date

This Constitution shall become effective when approved by a majority of the qualified voters of the Tribe.

ARTICLE XV

Ratification

Signed and dated by the following Tribal Council representatives.