

CONSTITUTION OF THE OTTAWA TRIBE OF OKLAHOMA

PREAMBLE

We, the people of the Ottawa Tribe of Oklahoma, a sovereign Indian nation and federally recognized Indian tribe, in order to promote the common good and well-being of all members and to ensure the Tribe's governmental authority and political integrity, do hereby adopt this Constitution as the supreme law of this Tribe pursuant to the Thomas-Rogers Oklahoma Indian Welfare Act of 1936. This Constitution shall supersede and repeal the Constitution and Bylaws of the Ottawa Tribe of Oklahoma approved by the Acting Secretary of the Interior on October 10, 1938 and ratified on November 30, 1938, and the Constitution and Bylaws of the Ottawa Tribe of Oklahoma approved by the Acting Deputy Commissioner of Indian Affairs on October 15, 1979 and ratified on December 19, 1980.

ARTICLE I – NAME

The name of this federally recognized Indian Tribe shall be the "Ottawa Tribe of Oklahoma".

ARTICLE II – TERRITORY AND JURISDICTION

Section 1. Territory The territory of the Ottawa Tribe of Oklahoma shall include, to the fullest extent possible consistent with federal law, all lands, water, property, airspace, surface rights, subsurface rights, and other natural resources in which the Ottawa Tribe of Oklahoma now or in the future has any interest, which are located within the jurisdiction of the Ottawa Tribe of Oklahoma, and such other land or interest in land that may be subsequently acquired by the Ottawa Tribe of Oklahoma.

Section 2. Jurisdiction The jurisdiction of the Ottawa Tribe of Oklahoma shall extend over all Tribal members and over all persons, subjects, property and all activities occurring within its territory as defined by this Article. The jurisdiction of the Ottawa Tribe of Oklahoma shall also, consistent with applicable federal law, extend outside the exterior boundaries of the Ottawa Tribe of Oklahoma.

ARTICLE III – MEMBERSHIP

Section 1. Qualifications The membership of the Ottawa Tribe of Oklahoma shall consist of the following persons:

- (a) All persons of Ottawa Indian blood whose names appear on the official roll of the Tribe as of August 3, 1956, and/or the official Census Roll of January 1, 1940.

- (b) All persons of Ottawa Indian blood born since August 3, 1956, both of whose parents are members of the Tribe.
- (c) Any child of Ottawa Indian blood born to a member of the Ottawa Tribe and an enrolled member of any other federally recognized Indian tribe whose parents choose to enroll said child with the Ottawa Tribe of Oklahoma, so long as that child is not enrolled as a member of any other tribe.
- (d) Any child of a member of the Ottawa Tribe may be admitted to membership by a majority vote of the Ottawa Business Committee.
- (e) Any person who is a descendent of a member of the Ottawa Tribe of Oklahoma may be admitted to membership by a majority vote of the Ottawa Business Committee.

Section 2. Dual Enrollment No person who is a member of any other federally recognized Indian tribe shall be a member of the Ottawa Tribe of Oklahoma.

Section 3. Enrollment Policy The Ottawa Business Committee shall prescribe rules and regulations covering enrollment policy consistent with this Constitution.

Section 4. Loss of Membership The Ottawa Business Committee, subject to approval by the Ottawa General Council, shall as necessary prescribe rules and regulations, consistent with this Constitution, for the loss of membership.

ARTICLE IV – ORGANIZATION OF THE OTTAWA TRIBAL GOVERNMENT

The government of the Ottawa Tribe of Oklahoma shall consist of the Ottawa General Council, the Ottawa Business Committee, and the Ottawa Tribal Court.

ARTICLE V - OTTAWA GENERAL COUNCIL

Section 1. Establishment The supreme governing body of this Tribe shall be the Ottawa General Council, composed of all members of the Ottawa Tribe of Oklahoma eighteen (18) years of age and over.

Section 2. Powers of the Ottawa General Council The Ottawa General Council shall have all powers vested in the Tribe through its inherent sovereignty. It shall execute these powers in accordance with established customs of the Tribe and subject to the express limitations contained in this Constitution or applicable laws. These powers include but are not limited to the following:

- (a) Elect Tribal officials;
- (b) Exercise the power of initiative and referendum;

- (c) Recall elected Tribal officials;
- (d) Amend this Constitution in accordance with Article XVII;
- (e) Approve or deny trust status for any other tribe or entity within the Ottawa Tribe of Oklahoma's jurisdiction;
- (f) Approve or deny taking any land or assets out of trust status; and
- (g) Make advisory recommendations to the Ottawa Business Committee for consideration.

Section 3. Annual Meetings Regular meetings of the Ottawa General Council shall be held annually on the first Saturday of May for purposes of conducting elections, receiving reports, and transacting any other business that may come before the Tribe.

Section 4. Special Meetings Special meetings of the Ottawa General Council shall be called by the Chief pursuant to the following methods:

- (a) By decision of the Chief at his or her discretion;
- (b) Upon the written request of a majority of the Ottawa Business Committee, signed by the requesting majority and presented to the Chief; or
- (c) Upon the written request of twenty (20) members of the Ottawa General Council, signed by the requesting twenty (20) members and presented to the Chief.

Section 5. Meeting Venue The Ottawa Business Committee shall indicate by resolution where meetings of the Ottawa General Council shall take place.

Section 6. Notice of Meetings The Secretary/Treasurer will give notice of the time and place of all annual and special meetings of the Ottawa General Council. Such notice shall be posted in a prominent place at the Tribal administration building and published in area newspapers. Notice for the annual meeting shall be at least thirty (30) days prior to the date of the meeting, and notice for all special meetings shall be at least ten (10) days prior to the date of the meeting.

Section 7. Quorum Twenty (20) members of the Ottawa General Council shall constitute a quorum at any meeting of the Ottawa General Council. No business shall be transacted by the Ottawa General Council unless a quorum is present.

ARTICLE VI - OTTAWA BUSINESS COMMITTEE

Section 1. Establishment The elected, representative governing body of the Ottawa Tribe of Oklahoma shall be the Ottawa Business Committee. The Ottawa Business

Committee, subject to any limitation set forth in this Constitution, and except for those powers expressly reserved to the Ottawa General Council or delegated to another Tribal entity by this Constitution, shall be empowered to enact legislation, transact business, and otherwise speak or act on behalf of the Ottawa Tribe of Oklahoma in all matters on which the Tribe is empowered to act, now or in the future.

Section 2. Membership and Duties The Ottawa Business Committee shall be composed of five (5) elected members of the Tribe consisting of a Chief, Second Chief, Secretary/Treasurer, and two Council Members, all of whom shall be full voting members of the Ottawa Business Committee. Specific duties of the members of the Ottawa Business Committee shall be as follows:

(a) Chief- It shall be the duty of the Chief to preside at all meetings of the Ottawa General Council and the Ottawa Business Committee. The Chief shall be the designated primary Tribal official, as that role pertains to point-of-contact representation of the Tribe with all third parties, as the conduct of Tribal business shall require. Upon the direction of the Ottawa Business Committee, manifested by a Tribal enactment indicating a majority vote of the Ottawa Business Committee in favor, the Chief shall have general supervision of the day-to-day affairs of the Tribe.

(b) Second Chief- In the absence of the Chief, or during removal proceedings of the Chief, the Second Chief shall perform the duties of the Chief. In case of a vacancy, the Second Chief shall assume the office of the Chief *pro tem*, until such time as a new Chief is elected and has taken the office of the Chief.

(d) Secretary/Treasurer- The Secretary/Treasurer or his/her designate as approved by the Ottawa General Council / Business Committee shall make out the order of business, issue notices, and correctly record the proceedings of all meetings of the Ottawa General Council and the Ottawa Business Committee. In the absence of the Chief and Second Chief, the Secretary/Treasurer shall call meetings of the Ottawa General Council and Ottawa Business Committee to order until a chairperson *pro tem* is selected. The Secretary/Treasurer shall conduct correspondence of the Ottawa Tribe of Oklahoma as directed by the Ottawa General Council and Ottawa Business Committee. The Secretary/Treasurer shall authenticate and certify all records of the Ottawa General Council and Ottawa Business Committee.

The Secretary/Treasurer shall be the designated custodian of all official Tribal records and shall maintain such records and papers pertaining to the Ottawa Tribal government, Ottawa General Council, and Ottawa Business Committee. All official Tribal records and papers shall remain the property of the Ottawa Tribe of Oklahoma.

Section 3. Terms of Office The terms for all members of the Ottawa Business Committee shall be three (3) years, and each member shall hold office until their successors are duly elected. Members of the Ottawa Business Committee elected under the 1980 Constitution shall continue to serve out their elected terms as the initial members of the Ottawa Business Committee.

Section 4. Qualifications of Ottawa Business Committee Members

Any member of the Ottawa Tribe of Oklahoma who is at least twenty-five (25) years of age on the date of the election and who meets the Code of Ethics for the Business Committee shall qualify as a candidate for the Ottawa Business Committee.

Section 5. Regular Meetings Unless otherwise provided by resolution, regular meetings of the Ottawa Business Committee shall be held no less than once per quarter, the exact date and time to be set by the Chief.

Section 6. Special Meetings Special meetings of the Ottawa Business Committee shall be called pursuant to the following methods:

- a) By decision of the Chief, at his or her discretion;
- b) Upon the written request of a majority of the Ottawa Business Committee, signed by the requesting majority and presented to the Chief. If the Chief fails to call a special meeting within five (5) days after receipt of the written request, any Ottawa Business Committee member shall be empowered to call such a meeting; or
- c) In the case of a removal action, as required by Article IX, Section 1, of the Constitution.

Section 7. Notice of Meeting The Secretary/Treasurer will give notice of the time and place of all meetings of the Ottawa Business Committee. Notice of all regular meetings, including the order of business, shall be posted in a prominent place at the Tribal administration building at least ten (10) days prior to the date of the meeting. Notice of all special meetings shall be given to all Ottawa Business Committee members at least twenty-four (24) hours prior to the date of the meeting.

Section 8. Quorum Three (3) members of the Ottawa Business Committee shall constitute a quorum at any meeting of the Ottawa Business Committee. No business shall be transacted by the Ottawa Business Committee unless a quorum is present.

Section 9. Code of Ethics The Ottawa Business Committee shall adopt a Code of Ethics governing the standards of conduct of all Tribal officials, subordinate committees, commissions, boards, and agents. The Code of Ethics shall be adopted and submitted to the Ottawa General Council for ratification within (12) months of the adoption of this Constitution. Thereafter, any amendments or revisions of the Code of Ethics adopted by the Ottawa Business Committee shall be submitted to the Ottawa General Council for ratification within ninety (90) days of adoption.

Section 10. Ordinances and Resolutions All enactments of the Ottawa Tribe of Oklahoma shall be formalized pursuant to the following:

- a) **Ordinances:** All final decisions on matters of permanent interest to the Ottawa Tribe of Oklahoma necessary to the orderly governing of Tribal affairs shall be embodied in an ordinance, and noted in the minutes, and shall be available for inspection by all tribal members during normal business hours.
- b) **Resolutions:** All final decisions on matters of temporary interest to the Ottawa Tribe of Oklahoma necessary to the orderly governing of Tribal affairs shall be embodied in a resolution, and noted in the minutes, and shall be available for inspection by all Tribal members during normal business hours.
- c) **Form:** All ordinances and resolutions shall be dated, numbered, and shall include a certificate showing the presence of a quorum, the number of members voting for and against the proposed enactment, and shall indicate the specific Constitutional authority for such action.

Section 11. Powers of Ottawa Business Committee The Ottawa Business Committee shall have the power to:

- a) represent the Tribe and act in all matters that concern the welfare of the Tribe and to make decisions not inconsistent with or contrary to this Constitution.
- b) protect all rights guaranteed to the Ottawa Tribe of Oklahoma by treaty.
- c) protect, promote and provide for the public health, peace, education and general welfare of the Tribe and its members.
- d) protect and preserve the persons, property, natural resources of Ottawa Tribe of Oklahoma.
- e) encourage the preservation of the language, culture, and traditions of the Ottawa Tribe of Oklahoma.
- f) negotiate and enter into contracts or obligations with the federal, state, local, and tribal governments, and with individuals, associations, corporations, enterprises, or organizations essential to the transaction of Tribal business.
- g) enact laws, ordinances, and resolutions necessary or incidental to its legislative powers.
- h) purchase, accept or sell any land or property for the Tribe.
- i) protect Ottawa Tribal lands, Jurisdictional lands, interests in land, Tribal funds, or other Tribal assets.

- j) levy and collect taxes, duties, fees, and assessments.
- k) employ legal counsel for the protection and advancement of the rights of the Tribe in accordance with applicable federal laws.
- l) appropriate and regulate the use of Tribal funds for tribal and public purposes of the Ottawa Tribe of Oklahoma.
- m) adopt, approve, and amend an annual budget and to authorize the expenditure of funds in accordance with the budget.
- n) appoint and regulate such subordinate councils, committees, commissions, boards, and agents as the business of the Tribe may require. An Ottawa Business Committee member may be appointed to any such subordinate council, committee, commission, or board as an ex-officio non voting member.
- o) regulate all business activities within the jurisdiction of the Ottawa Tribe of Oklahoma, and to manage all Tribal affairs and enterprises.
- p) make and use a common Tribal seal and alter the same.
- q) take any and all actions necessary and proper, consistent with this Constitution, for the exercise of the foregoing powers and duties, including those powers and duties not enumerated above, and for all other powers and duties now or hereafter delegated to the Ottawa Business Committee, or vested in the Tribe by federal law or through its inherent sovereignty.

ARTICLE VII - OTTAWA TRIBAL COURT

Section 1. Establishment The judicial authority of the Ottawa Tribe of Oklahoma shall be vested in the Ottawa Tribal Court. The Ottawa Tribal Court shall be defined in an ordinance enacted by the Ottawa Business Committee.

Section 2. Jurisdiction The jurisdiction of the Tribal courts shall extend to all cases and controversies within the jurisdiction of the Tribe, in law or equity, arising under this Constitution, or the laws of the Tribe, or which are vested in the Tribal courts by federal law or by virtue of the Tribe's inherent sovereignty, and the Tribal courts shall have original jurisdiction in all such cases.

Section 3. Court of Indian Offenses This Article shall only be effective upon the enactment of enabling legislation by the Ottawa Business Committee. Until this Article becomes effective, the judicial authority of the Ottawa Tribe of Oklahoma shall be exercised by the Court of Indian Offenses. The jurisdiction of the Court of Indian Offenses shall include, but not be limited to, civil, criminal and juvenile matters.

ARTICLE VIII – ELECTIONS

Section 1. Elections Defined Tribal elections shall be defined as all regular elections for Tribal officers, all special elections for Tribal officers, initiative elections, referendum elections, recall elections, and elections to amend this Constitution.

Section 2. Regular Elections Regular elections shall be held annually on the first Saturday in May for the purpose of electing Tribal officers.

Section 3. Special Elections Special elections shall be held when called by the Ottawa Business Committee, or as provided for in this Constitution.

Section 4. Election Ordinance All Tribal elections shall be conducted in accordance with an Election Ordinance enacted by the Ottawa Business Committee that shall be consistent with this Constitution. Such ordinance shall provide for secret balloting, majority election, tie votes, absentee balloting, procedures for handling protests and resolving election disputes and all necessary procedures for all elections.

Section 5. Election Committee An Election Committee, appointed by the Ottawa Business Committee, shall conduct and administer all Tribal elections in accordance with the Election Ordinance and this Constitution. The Election Committee shall consist of five (5) Ottawa Tribal members, all of whom shall be at least eighteen (18) years of age on the date of their appointment. No elected Tribal officer or candidate for Tribal office shall at the same time serve on the Election Committee.

ARTICLE IX - REMOVAL, RECALL AND FORFEITURE

Section 1. Removal The Ottawa Business Committee shall have the authority to initiate the removal of any of its members, for justifiable cause, by a majority vote of the Ottawa Business Committee. Any member of the Ottawa Business Committee may present evidence of such cause at any meeting of the Ottawa Business Committee. The presiding officer of the Ottawa Business Committee not affected by the removal shall call a meeting of the Ottawa Business Committee within fifteen (15) days to find if justifiable cause exists for removal. Should the Ottawa Business Committee find no cause for removal, the process shall terminate. Should the Ottawa Business Committee find cause for removal, the presiding officer shall call for a removal election. The election must be held within ninety (90) days and be consistent with Article VIII of this Constitution.

In the event either the accused or the accuser requested an investigation into the matter, it shall be the duty of the Grievance Committee to conduct such investigation and within twenty (20) days of the request for an investigation provide its findings to the affected body for its use in making a final determination.

In the event an official is accused of violating the Code of Ethics while in office and the respective body refuses to invoke the removal process, such charges may be submitted in writing to the Grievance Committee. Upon its receipt of written charges, it shall be the

duty of the Grievance Committee to determine whether such charges have sufficient substance to warrant serious consideration.

If so, the Grievance Committee shall conduct a hearing within 30 days of its receipt of written charges. The same advance notification and rights of the accused apply as set forth in the Section. If the accused refuses to attend such hearing, it may be grounds for forfeiture of office. If the accuser fails to attend, the charges may be dismissed. The Grievance Committee shall decide whether the accused shall be cleared of the charges or removed from office.

In the event a member of the Grievance Committee is the subject of removal action, the Business Committee shall be responsible for conducting procedure stipulated above.

Section 2. Recall The members of the Ottawa General Council shall have the right to recall any elected official for justifiable cause. The right of recall shall be limited to one (1) official per recall, and cannot be used against an official within six (6) months of the end of term. The recall starts with a valid petition stating the cause for recall, signed by at least one-hundred (100) members of the Ottawa General Council, and presented to the Election Committee. Upon receipt and validation of the petition for recall, the Election Committee must call for an election within ninety (90) days, consistent with Article VIII of this Constitution.

Section 3. Forfeiture Any member of the Ottawa Business Committee shall automatically forfeit his or her position upon:

- (a) Absence without being excused by the Ottawa Business Committee from three (3) consecutive meetings of the Ottawa Business Committee;
- (b) Conviction of a felony by a court of competent jurisdiction while in office;
- (c) Conviction of a crime involving dishonesty by a court of competent jurisdiction while in office; or
- (d) Adjudication of incompetency by a court of competent jurisdiction.

ARTICLE X- GRIEVANCE COMMITTEE

Section 1. The Grievance Committee shall consist of five (5) tribal members who shall be elected by the Ottawa General Council and shall not include any members of the Ottawa Business Committee. The Grievance Committee shall resolve grievances of tribal members relating to the conduct of tribal officials pursuant to Article IX; ensure that the individual rights of tribal members which have been guaranteed by the Indian Civil Rights Act of April 11, 1968 (82 Stat. 77) are not violated; and shall hear disputes arising under any provision of the Ottawa Constitution or any resolution of the Ottawa Business

Committee. The Grievance Committee shall be impartial in its handling of complaints. It shall neither solicit support for or against any grievance submitted to the committee. Accordingly, its members shall not sign petitions involving complaints to be submitted, nor shall members of that committee circulate such petitions.

Section 2. The Grievance Committee shall be elected for a term of three (3) years at the annual election of the Ottawa Business Committee and in accordance with Article VIII. The Grievance Committee shall choose from among its membership a Chairman and a Secretary and such other officers as it deems necessary. The Grievance Committee shall adopt a resolution which shall establish the duties of its members and its procedures.

Section 3. The Grievance Committee shall investigate complaints of misconduct or other acts of the officers of the Tribe, conducting a hearing with all parties present. If, by a vote of at least three (3) members, the Grievance Committee determines that the evidence substantiates the complaint, the committee shall call a special meeting of the Ottawa General Council to act upon said complaint. The Ottawa General Council shall have the power, by a majority vote, after giving the accused a hearing, to remove him/her from office and proceed to elect a successor in accordance with Article XI. Should a member of the Grievance Committee be the subject of a complaint, he/she shall not participate in the investigation.

If, within twenty (20) days after receipt of a valid petition under Section 6 of this Article, asking for removal or recall of an elected tribal official, a meeting of the Grievance Committee has not been duly conducted with at least three (3) members of the Grievance Committee present, the designated spokesman for the petitioners shall call and conduct a special meeting of the Ottawa General Council. The Ottawa General Council shall act on the complaint in the petition and its decision shall be final.

Section 4. When the Grievance Committee receives a complaint of a rights violation, it shall conduct a hearing with all parties present. If, by a vote of at least three (3) members, the Grievance Committee determines that the evidence presented is sufficient to substantiate the complaint, the committee shall call a special meeting of the Ottawa General Council to act upon the complaint. The decision of the Ottawa General Council is final.

Section 5. When the Grievance Committee receives a complaint of a dispute arising under any provision of the Ottawa Constitution or a resolution of the Ottawa Business Committee, it shall conduct a hearing with all parties present. If the Grievance Committee determines by a vote of at least three (3) members that the evidence substantiates the complaint, the committee shall call a special meeting of the Ottawa General Council to act upon the complaint. The Grievance Committee shall make its recommendation to the Ottawa General Council and the decision of the Ottawa General Council shall be final.

Section 6. Grievance Committee hearings under Sections 3, 4 and 5 of this Article may be called at the discretion of the Chairman and shall be called by him/her upon receipt of

a written request of a majority of the Grievance Committee or upon receipt of a petition signed by at least twenty (20) members of the Ottawa General Council.

ARTICLE XI - VACANCIES

Any position on the Ottawa Business Committee will be considered vacant should a member die while in office, resign from office (provided such resignation is written and presented to the officer of the Ottawa Business Committee who is expected to preside at the next meeting of that body), is removed, recalled, or has forfeited their position. If a vacancy should occur in any office of the Ottawa Business Committee for any reason, the Ottawa Business Committee shall declare the position vacant and the office shall be filled as follows:

- (a) If the vacancy occurs in the office of the Chief, the Second Chief shall immediately succeed to the office of the Chief *pro tem*, until such time as a new Chief is elected and has taken the office of the Chief.
- (b) The Ottawa Business Committee shall call and cause to be held a special election, consistent with Article VIII, Section 4, to fill the vacancy for the unexpired term.

ARTICLE XII - INITIATIVE AND REFERENDUM

Section 1. Initiative The power of the Ottawa General Council to independently propose ordinances or resolutions affecting the Ottawa Tribe of Oklahoma, and adopt or reject them by popular vote, constitutes the authority of initiative. The process of initiative is set in motion by the presentation of the proposed ordinance or resolution, along with a valid petition signed by at least one hundred (100) members of the General Council in favor of the measure, to the Ottawa Business Committee. Upon receipt of the measure and petition, the Ottawa Business Committee shall either adopt the initiative measure by a majority vote without alteration or call a special initiative election within ninety (90) days of submittal of the measure and petition, with such election conducted according to Article VIII of this Constitution. A majority in favor of those voting shall be required to adopt the proposed measure, provided that at least one hundred (100) members of the General Council cast votes in such an election. If the proposed measure is adopted by such vote, the measure shall be binding on the Tribe and shall remain in full force and effect until it is amended or rescinded by subsequent initiative or referendum or expires by the terms of the measure.

Section 2. Referendum The power of the Ottawa General Council to adopt or reject by popular vote any ordinance or resolution affecting the Ottawa Tribe of Oklahoma, either proposed or adopted by the Ottawa Business Committee, constitutes the authority of referendum. The Ottawa Business Committee shall, either at its discretion or upon receipt of a valid petition signed by at least one hundred (100) members of the Ottawa General Council, submit any proposed or adopted ordinance or resolution to a vote of the Ottawa

General Council by calling a special referendum election. If a referendum is initiated upon the receipt of a valid petition, the Ottawa Business Committee shall call such a referendum election within ninety (90) days of submittal of the petition, with such election conducted according to Article VIII of this Constitution. A majority in favor of those voting shall be required to adopt or reject the measure, provided that at least one hundred (100) members of the Ottawa General Council cast votes in such an election. If the proposed measure is adopted by such vote, the result shall be binding on the Tribe and shall remain in full force and effect until it is amended or rescinded by subsequent initiative or referendum or expires by the terms of the measure.

ARTICLE XIII - BILL OF RIGHTS

The protections guaranteed to persons by Title II of the Civil Rights Act of 1968 (82 Stat. 77) against actions of an Indian entity in the exercise of its powers of self-government shall apply to the members of the Ottawa Tribe of Oklahoma. Nothing in this Constitution shall authorize or empower the Ottawa Tribe of Oklahoma, while exercising its power of self-government, to:

- (a)** Make or enforce any law prohibiting the free 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 seizures, 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 himself or herself;
- (e)** Take any private property for a public use without just compensation;
- (f)** Deny any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witness against him or her, to have compulsory process for obtaining witnesses in his or her favor, and at his or her own expense to have the assistance of counsel for his or her defense;
- (g)** Require excessive bail, impose excessive fines, or inflict cruel and unusual punishment;
- (h)** Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
- (i)** Pass any bill of attainder or *ex post facto* law; or

(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 XIV - SAVINGS CLAUSE

All enactments of the Tribe adopted prior to the effective date of this Constitution shall continue in full force and effect to the extent that they are consistent with this Constitution.

ARTICLE XV - SEVERABILITY

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

ARTICLE XVI – ADOPTION

This Constitution, when adopted by a majority vote of the Ottawa General Council voting at a special election called for that purpose by the Secretary of the Interior, in which at least thirty percent (30%) of the Ottawa General Council shall vote, shall be submitted to the Secretary for his approval and, if approved, shall be effective from the date of such approval.

ARTICLE XVII – AMENDMENTS

Amendments to this Constitution may be proposed by a majority vote of the Ottawa Business Committee, or upon receipt of a petition requesting such amendment(s) signed by one hundred (100) members of the Ottawa General Council. Amendment(s) are deemed adopted if approved by a majority vote of the Ottawa General Council, voting at an election called for that purpose by the Secretary of the Interior in accordance with 25 CFR Part 81, provided that at least thirty percent (30%) of the eligible voters of the Ottawa General Council shall vote in such election. No amendment shall become effective until it has been approved by the Secretary of the Interior.