

RECEIVED

FEB 08 2023

**KIOWA TRIBE
KIOWA INDIAN COUNCIL MEETING
APRIL 1, 2023
RED BUFFALO HALL, CARNEGIE, OK
RESOLUTION No. 3 KICCY2023**

^{Posted}
DATE RECEIVED: 2/28/2023

DATE APPROVED: 04/06/2024

A RESOLUTION OF THE KIOWA INDIAN COUNCIL INITIATING THE PROCESS OF CALLING OF THE PEOPLE FOR THE PURPOSE OF AMENDING ARTICLE IV OF THE KIOWA CONSTITUTION OF 2017 CHANGING THE REQUIEREMNTS FOR MEMBERSHIP

- WHEREAS,** the Kiowa Indian Council is a branch of the Kiowa tribal government composed of all Members of the Tribe age eighteen and older; and
- WHEREAS,** the Kiowa Indian Council is empowered to represent the Kiowa people through the exercise of those reserved powers delineated at Article V, Section 3 of the Kiowa Constitution of 2017, along with those powers not otherwise explicitly delegated to, or implied in the other branches of the Kiowa Tribal government; and
- WHEREAS,** the Kiowa Indian Council has heard from many elder Kiowa members who desire that changes be made to the Kiowa Constitution to allow many of their children and grandchildren not presently eligible for membership to become eligible to enroll for membership; and
- WHEREAS,** the Kiowa Indian Council is cognizant of the fact that due to marriage outside the Kiowa and Kiowa Captive bloodlines, the blood quantum of our Kiowa people continues to decline, leading to the elimination of many young Kiowa people from being eligible to be admitted to our membership; and
- WHEREAS,** the Kiowa Indian Council recognizes that tribal membership numbers will also continue to decline unless we act to open our membership to more of our young people who are critical to our struggle to preserve our language, our customs and our Kiowa way; and
- WHEREAS,** the Kiowa Indian Council is vested with the constitutional authority to initiate the process to amend the Constitution of the Kiowa Tribe by submitting a resolution to the KIC Coordinator to be placed at the yearly Kiowa Indian Council Meeting in April where the proposed amendments will be placed before the voters if sufficient support for those changes is found among our people; and

NOW THEREFORE BE IT RESOLVED; That the Kiowa Indian Council hereby approves the following Amendment question to be placed on ballot, Article IV Membership, Section 1, Qualifying Membership "Exhibit A". Amendment NO. 2 "Exhibit B" and NO.1. "Exhibit C" Amendment NO.3 Article IV Membership

Be amended to read:

“EXHIBIT A”

AMENDMENT NO. 1

ARTICLE IV - MEMBERSHIP

Section 1. Qualifying Membership. The membership of the Tribe shall consist of the following persons, regardless of their residence:

(a) Upon approval of this Constitution, all original allottees of Kiowa Indian blood and/or Kiowa Captive blood shall be entitled to be enrolled as Members of the Tribe; provided, they are not disqualified for membership under Section 6 of this Article.

(The opening phrase of this provision is no longer needed or appropriate to maintain with the desired changes. As such, the body of part (a) above is to be replaced by the following.

All original allottees of Kiowa Indian blood and/or Kiowa Captive blood shall be entitled to be enrolled as Members of the Tribe; provided, they are not disqualified for membership under Section 6 of this Article.

“EXHIBIT B”

AMENDMENT NO. 2

ARTICLE IV - MEMBERSHIP

Section 2. Allottee Blood Quantum. All persons identified in Section 1(a) of this Article shall be deemed to possess four-fourths degree Kiowa Indian and/or Kiowa Captive blood for the purposes of computing eligibility of their descendants for membership under Section 1(b) of this Article.

This provision should be changed to address the status of all persons who are Members of the Kiowa Tribe and not just Allottees to avoid confusion and the potential for conflicting interpretations. The title is modified, and the body of Section 2 is replaced by the following:

Section 2. Blood Quantum/Degree. All persons who are Members of the Kiowa Tribe on the date of the adoption of this Amendment #2 to the Kiowa Constitution of 2017 shall be deemed to possess four-fourths degree of Kiowa Indian and/or Kiowa Captive blood for the purposes of computing the eligibility of their descendants for membership under Section 1(b) of this Article.

“EXHIBIT C”

AMENDMENT NO. 3

ARTICLE IV - MEMBERSHIP

Section 3. Acceptable Evidence. Persons whose parent or parents are not recorded on official records as Kiowa Indian(s) or Kiowa Captive(s) must prove by other acceptable evidence that they possess the required degree of Kiowa Indian and/or Kiowa Captive blood. Changes in degree of Indian blood from that shown in any records may be made in accordance with procedures established by the Legislature by law; provided, that any changes in blood degree shall be subject to the approval of the Bureau of Indian Affairs or its authorized representative.

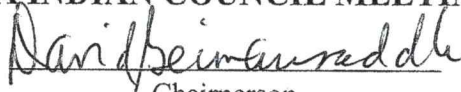
(The last sentence of this provision is outdated, as the Bureau of Indian Affairs no longer has final authority over the determination of the membership of the Kiowa Tribe, or amendments to the Kiowa Constitution. Section 3 will be replaced with the following new Section 3 which places this responsibility on the Kiowa Tribal Enrollment Office.)

Section 3. Acceptable Evidence. Persons whose parent or parents are not recorded on official records as Kiowa Indian(s) or Kiowa Captive(s) must prove by other acceptable evidence that they possess the

required degree of Kiowa Indian and/or Kiowa Captive blood. Changes in degree of Indian blood from that shown in any records may be made in accordance with procedures established by the Legislature by law; provided, that any changes in blood quantum or degree shall be subject to the approval of the Kiowa Tribal Enrollment Office or its authorized representative in accordance with this provision and applicable tribal law.

BE IT FURTHER RESOLVED, that this resolution shall be the policy of the Kiowa Tribe until it is withdrawn or modified by subsequent resolution.

2023 KIOWA INDIAN COUNCIL MEETING OF THE KIOWA TRIBE


Chairperson

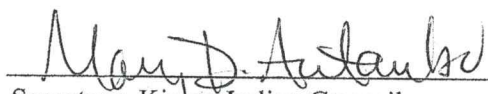
ATTEST:

KIOWA INDIAN COUNCIL, RESOLUTION NO. KIC-CY-0003-2023

CERTIFICATION

The foregoing resolution was duly voted upon by the 2023 Annual Kiowa Indian Council of the Kiowa Tribe; was present at the duly called Annual Kiowa Indian Council Meeting held on the 6 day of April, 2024, and that the foregoing resolution was adopted by the affirmative vote:

For: 128 Opposed: 30 Abstention: 15


Secretary, Kiowa Indian Council

Kiowa Indian Council Coordinator, 

"EXHIBIT A"
AMENDMENT NO. 1
ARTICLE IV - MEMBERSHIP

Section 1. Qualifying Membership. The membership of the Tribe shall consist of the following persons, regardless of their residence:

- (a) Upon approval of this Constitution, all original allottees of Kiowa Indian blood and/or Kiowa Captive blood shall be entitled to be enrolled as Members of the Tribe; provided, they are not disqualified for membership under Section 6 of this Article.

(The opening phrase of this provision is no longer needed or appropriate to maintain with the desired changes. As such, the body of part (a) above is to be replaced by the following.

All original allottees of Kiowa Indian blood and/or Kiowa Captive blood shall be entitled to be enrolled as Members of the Tribe; provided, they are not disqualified for membership under Section 6 of this Article.

"EXHIBIT B"

AMENDMENT NO. 2

ARTICLE IV - MEMBERSHIP

Section 2. Allottee Blood Quantum. All persons identified in Section 1(a) of this Article shall be deemed to possess four-fourths degree Kiowa Indian and/or Kiowa Captive blood for the purposes of computing eligibility of their descendants for membership under Section 1(b) of this Article.

This provision should be changed to address the status of all persons who are Members of the Kiowa Tribe and not just Allottees to avoid confusion and the potential for conflicting interpretations. The title is modified, and the body of Section 2 is replaced by the following:

Section 2. Blood Quantum/Degree. All persons who are Members of the Kiowa Tribe on the date of the adoption of this Amendment #2 to the Kiowa Constitution of 2017 shall be deemed to possess four-fourths degree of Kiowa Indian and/or Kiowa Captive blood for the purposes of computing the eligibility of their descendants for membership under Section 1(b) of this Article.

"EXHIBIT C"

AMENDMENT NO. 3

ARTICLE IV - MEMBERSHIP

Section 3. Acceptable Evidence. Persons whose parent or parents are not recorded on official records as Kiowa Indian(s) or Kiowa Captive(s) must prove by other acceptable evidence that they possess the required degree of Kiowa Indian and/or Kiowa Captive blood. Changes in degree of Indian blood from that shown in any records may be made in accordance with procedures established by the Legislature by law; provided, that any changes in blood degree shall be subject to the approval of the Bureau of Indian Affairs or its authorized representative.

(The last sentence of this provision is outdated, as the Bureau of Indian Affairs no longer has final authority over the determination of the membership of the Kiowa Tribe, or amendments to the Kiowa Constitution. Section 3 will be replaced with the following new Section 3 which places this responsibility on the Kiowa Tribal Enrollment Office.)

Section 3. Acceptable Evidence. Persons whose parent or parents are not recorded on official records as Kiowa Indian(s) or Kiowa Captive(s) must prove by other acceptable evidence that they possess the required degree of Kiowa Indian and/or Kiowa Captive blood. Changes in degree of Indian blood from that shown in any records may be made in accordance with procedures established by the Legislature by law; provided, that any changes in blood quantum or degree shall be subject to the approval of the Kiowa Tribal Enrollment Office or its authorized representative in accordance with this provision and applicable tribal law.

ARTICLE IV - MEMBERSHIP

Section 1. Qualifying Membership. The membership of the Tribe shall consist of the following persons, regardless of their residence:

- (a) Upon approval of this Constitution, all original allottees of Kiowa Indian blood and/or Kiowa Captive blood shall be entitled to be enrolled as Members of the Tribe; provided, they are not disqualified for membership under Section 6 of this Article.

TO BE REPLACED BY THE FOLLOWING:

All original allottees of Kiowa Indian blood and/or Kiowa Captive blood shall be entitled to be enrolled as Members of the Tribe; provided, they are not disqualified for membership under Section 6 of this Article.

- (b) Descendants of persons identified in Section 1(a) of this Article shall be eligible for enrollment; provided, they file an application for enrollment with the Enrollment Office and possess at least one-fourth degree Kiowa Indian and/or Kiowa Captive blood. Upon determination by the Enrollment Office that an individual meets the requirements for membership, the individual shall be enrolled as a Member of the Tribe.

Section 2. Allottee Blood Quantum. All persons identified in Section 1(a) of this Article shall be deemed to possess four-fourths degree Kiowa Indian and/or Kiowa Captive blood for the purposes of computing eligibility of their descendants for membership under Section 1(b) of this Article.

TO BE REPLACED BY THE FOLLOWING:

Section 2. Blood Quantum/Degree. All persons who are Members of the Kiowa Tribe at the date of the adoption of this Amendment #1 to the Kiowa Constitution of 2017 shall be deemed to possess four-fourths degree Kiowa Indian and/or Kiowa Captive blood for the purposes of computing the eligibility of their descendants for membership under Section 1(b) of this Article.

Section 3. Acceptable Evidence. Persons whose parent or parents are not recorded on official records as Kiowa Indian(s) or Kiowa Captive(s) must prove by other acceptable evidence that they possess the required degree of Kiowa Indian and/or Kiowa Captive blood. Changes in degree of Indian blood from that shown in any records may be made in accordance with procedures established by the Legislature by law; provided, that any changes in blood degree shall be subject to the approval of the Bureau of Indian Affairs or its authorized representative.

TO BE REPLACED BY THE FOLLOWING:

Section 3. Acceptable Evidence. Persons whose parent or parents are not recorded on official records as Kiowa Indian(s) or Kiowa Captive(s) must prove by other acceptable evidence that they possess the required degree of Kiowa Indian and/or Kiowa Captive blood. Changes in degree of Indian blood from that shown in any records may be made in accordance with procedures established by the Legislature by law; provided, that any changes in blood quantum or degree shall be subject to the approval of the Kiowa Tribal Enrollment Office or its authorized representative in accordance with this provision.

Section 4. Application Process. Applications for membership must be supported by birth certificates or authenticated copies thereof and/or other records, as required by the circumstances of each application as required by law. All evidence submitted with an application for membership shall be retained by the Records Management Office.

Section 5. Adoption. Persons adopted by Kiowa Tribal Members shall not be eligible for membership in the Tribe unless they otherwise qualify for enrollment.

Section 6. Dual Enrollment Restriction. Persons who are enrolled as a member of another tribe shall not be eligible for enrollment with the Tribe if such person has, by virtue of such enrollment, received benefits of land or money. Any person who is enrolled as a member of another tribe and who has not received benefits of land or money shall be eligible for membership in the Tribe; provided, that such person files with both Tribes a formal relinquishment of membership in the other tribe.

Any person found to be enrolled as a member of another Indian tribe shall be notified of such dual enrollment status by certified mail, return receipt requested. If such person has not received benefits of land or money as defined in Section 6 above, such person shall be given ninety days from the date of receipt of the notice in which to elect the tribe in which they wish to retain their membership. In the event such person does not notify the Enrollment Office as specified above, the name of such person shall be removed from the membership roll.

Section 7. Enrollment Officer. The Chairman shall nominate an Enrollment Officer who shall be subject to confirmation by the Legislature; provided, that if the Legislature takes no action on the nomination within thirty days of presentment, then the nomination shall be deemed confirmed. The Enrollment Officer shall implement the laws enacted by the Legislature regarding membership.

Section 8. Membership Laws. The Legislature shall have the power to enact laws governing the loss of membership and future membership, including adoptions, consistent with this Constitution.

Section 9. Minors and Relinquishment of Membership. Notwithstanding the provision of Article IV, Section 6, any person who, as a minor, accepted land or monetary benefits as a member of another Indian tribe, shall have the option of relinquishing membership in the other Indian tribe and becoming a Member of the Tribe, no later than one year after such person attains the age of eighteen.