

# Local Government Information Tutorial - Tribal Constitution and Bylaws



**Brendan Smyth, Local Government Specialist 3**

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

LeGIT  
6/5/2025

# LGS 3 Brendan Smyth



## Who I am!

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

# A Little Bit of History

Indian Reorganization Act of 1934

Alaska Native Claims Settlement Act (ANCSA) 1971

Alaska National Interest Lands Conservation Act (ANILCA) 1980

Indian Civil Rights Act 1968



## History

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

# Indian Reorganization Act

<https://www.uaf.edu/tribal/academics/112/unit-2/indianreorganizationact1934.php>

## ANCSA

<https://www.uaf.edu/tribal/academics/112/unit-3/alaskanativeclaimssettlementactanca1971.php>

## ANILCA

<https://www.uaf.edu/tribal/academics/112/unit-3/tribalhuntingandfishingrightssubsistenceanilca1980.php>

## Indian Civil Rights Act of 1968

Google search!



## Links to Information

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

# IRA Council Differences

The difference from IRA to non-IRA Councils is that the constitution is created in tandem with the Federal Government for IRA Councils and not for non-IRA Councils.

## ARTICLE 5—RIGHTS OF MEMBERS

**SECTION 1. *Right to Vote.***—All members of the Village 21 years of age or over shall have the right to vote in Village meetings and elections.

**SEC. 2. *Right to Speak and Meet Freely.***—Members of the Village shall have the right to speak and meet together freely in a peaceable way.

**SEC. 3. *Right to Share in Benefits.***—Members of the Village shall have equal chance to share in the benefits of the Village.

## ARTICLE 6—CHANGES IN THE CONSTITUTION

Changes in this Constitution and By-laws may be made if the changes are approved by the Secretary of the Interior and by a majority vote of the Village members voting in an election called by the Secretary of the Interior at which at least 30 percent of the voting membership take part.

## BY-LAWS OF THE NATIVE VILLAGE OF TUNUNAK

-----

4

at least 30 percent of the voting membership take part. The persons entitled to vote are all the adult native residents in the Village of Tununak.

### APPROVAL

This Constitution and By-laws is hereby approved by the Assistant Secretary of the Interior and submitted for acceptance or rejection by the group of Eskimos having a common bond of living together in the Village of Tununak, Alaska, in an election called and held under the instructions of the Secretary of the Interior.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and by-laws will be inapplicable to the Village of Tununak, Territory of Alaska, from and after the date of adoption of this constitution. All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

[SEAL] OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.  
WASHINGTON, D. C., May 23, 1939.

### CERTIFICATION OF ADOPTION

Pursuant to an order, approved May 23, 1939, by the Assistant Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the group of Eskimos having a common bond of residence in the Village of Tununak, Territory of Alaska, and was on Jan. 20, 1947, duly ratified by a vote of 58 for, and 0 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

PAUL ARBERG,  
Chairman, Election Board.  
MRS. RUTH C. MYERS,  
Government Representative.

### CONSTITUTION AND BY-LAWS OF THE NATIVE VILLAGE OF TUNUNAK, ALASKA

We, a group of Eskimos having the common bond of living together in the Village of Tununak, Territory of Alaska, in order to have better life and greater security, make for ourselves this Constitution and By-laws, by authority of the act of Congress of June 18, 1934, as amended by the acts of June 15, 1935, and May 1, 1936.

### ARTICLE 1—NAME

This organization shall be called the "Native Village of Tununak".

### ARTICLE 2—MEMBERSHIP

**SECTION 1. *First Members.***—All persons whose names are on the list of native residents, made according to the instructions of the Secretary of the Interior for organization in Alaska, shall be members of the Village.

**SEC. 2. *Children of Members.***—All children of any members shall be members of the Village.

**SEC. 3. *Loss of Membership.***—Any member may willingly give up his membership, or his membership may be taken away for good reason by the Village, or if he moves away from the Village, intending not to return, he shall lose his membership.

**SEC. 4. *New Membership.***—Any person who has lost his membership and any other native person may be made a member if he sets up a home in the Village.

**SEC. 5. *Membership Rules.***—The Village may make rules to govern membership, either for the purpose of carrying out this Article or covering membership matters not taken care of in this Article.

### ARTICLE 3—GOVERNING BODY

**SECTION 1. *Choice of Governing Body.***—At a general meeting following the acceptance of this constitution, the Village membership shall decide what kind of governing body it wishes to set up to speak and act for the Village and to use the powers of the Village. If there is a governing body already set up in the Village, at the time this Constitution is accepted, the membership may decide to keep the governing body, or it may choose a new form of government.

58671-02

(1)



# IRA Council Example

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

# Non-IRA Tribal Council Constitution

Non-IRA Councils are treated equally under Federal Law, but do not have to go through the Department of the Interior for their constitutions. They follow their own processes outlined in their constitutions.

Northway Tribe (not IRA) example:

<https://northwayvillagecouncil.org/wp-content/uploads/2021/12/Constitution-of-NVC.pdf>



## Non-IRA Council Example

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

# Database for Tribes

Here is a database that can be used to search if a tribe is an IRA or non-IRA tribe:

<https://www.ncai.org/tribal-directory/region/alaska-region/page/1>



## Database of IRA/Non-IRA Councils

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT



# Government Code/By-Laws

After a tribe passes a constitution, most will then create a set of codes or by-laws that guide them further. For example, the Northway Tribal Council has a Constitution and an Operations Code.

In recent years, the tribal governments of the Interior worked with Tanana Chiefs Conference to get these new codes adopted. Other regions might work with their own regional health corporations to adopt these codes.

In the codes, the tribes further outline elections and other general government type activities.



## After Constitution

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT



# Differences Between Governments

The main differences between city and tribal governments are :

- Cities are part of the State of Alaska and governed by the Alaska Statutes. Tribes are separate and have their own governments.
- Cities have local government authority. Tribes have more control over their members and to some extent, their land.
- Tribes have distinct cultural and historical backgrounds to their lands; cities might have this to some extent, but not as much.
- Tribes that are on the list from BIA: <https://www.bia.gov/service/tribal-leaders-directory>



## Differences Between Governments

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

## In closing

- Alaska tribal entities have constitutions and bylaws to help guide their local governments like municipalities have a code and ordinances.
- The two different types of tribal governments in Alaska are IRA and Non-IRA council governments.
- Thank you! And if you are interested in the history of Alaska and of Native American law history, read the information from the University of Alaska Fairbanks open-source course. I very briefly discussed the topics. There is a lot more to learn!



## Closing

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

Thank you!



## Local Government Information Tutorial

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

LeGIT

6/5/2025