




attached and incorporated herein by this reference. Accordingly, on March 11, 2005, NASCA was reinstated.

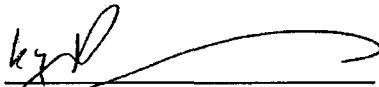
2. In order to meet the religious and spiritual needs of the Inmates at NSP, Defendants shall allow access to Native American Medicine Men and spiritual leaders. Defendants shall allow access to facilities for spiritual and religious services at reasonable times to be agreed upon by the parties. The Inmates at NSP shall be allowed two Pow-Wows each year (one will count as the symposium and one will count as the banquet), absent safety and security concerns which may arise, at which they may have and use traditional ceremonial foods, such as fry bread, corn, berry dish, water, or beef, which comply with departmental policy. With respect to the ceremonial foods, the Inmates at NSP will first request the foods through the NSP food service department using the regular five-week master menu which shall include a variety of ethnic food, and shall submit the request well in advance of the Pow-Wow according to facility requirements. In the event the Inmates at NSP are unable to secure the ceremonial foods through the aforementioned procedure, then the use of food items for sacramental purposes will be allowed provided the following criteria are satisfied:

- a. The theological tenets of the faith group require the use of the item for valid observation of the sacrament.
- b. Community standard practice for that faith group must support the use of the food item.
- c. Special handling procedures are not required (i.e. refrigerated storage and kitchen preparation).
- d. The item is available from a commercial source through mail order or delivery.

- e. Depending on the faith group tenets, these items may be available through the canteen or through the kitchen. If they are not, they may be introduced into the institution for the observation of that sacramental observation.
3. Defendants shall permit the Inmates at NSP time each week that they may use for religious education or study, which may include, but is not limited to, study of the proper rituals, demeanor, and respect for the Native American religion and worship ceremonies. Plaintiffs understand that NSP will allow all interested inmates to participate in Native American Religious ceremonies. Inmates at NSP who participate in Native American Ceremonies may report to the NSP administration anyone who is being disruptive to those ceremonies. After receipt of such report, the NSP administration will take appropriate action.
  4. The Department of Correctional Service's tobacco free regulations will not allow the Inmates at NSP to use tobacco for religious purposes or for creation of ties. Defendants and Plaintiffs hereby agree that Inmates at NSP will use Chinshasha in Native American ceremonies and as a substitute for tobacco in creating ties. The Defendants further agree that any Chinshasha held as of the date of this settlement agreement by NSP shall be divided amongst those Inmates at NSP who request it for use in Native American ceremonies or for making prayer ties until it is gone. Thereafter, the parties agree that Inmates at NSP shall not be allowed to donate Chinshasha to other inmates. However, funds for purchase of Chinshasha or Chinshasha itself may be donated to the faith group community or to an individual practitioner within the spiritual faith group by outside agencies or outside individuals.

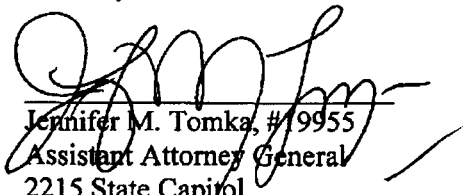
5. Plaintiffs' waive any right to attorneys' fees or costs to which they might be entitled for all work on the above captioned matter leading up to and concluding with the acceptance and entry of this settlement.

  
Bassel E. Kasaby, #22315  
300 South 19<sup>th</sup> Street, #212  
Omaha, Nebraska 68102-1921

  
Jonathan M. Cohn, #22251  
300 South 19<sup>th</sup> Street, #212  
Omaha, Nebraska 68102-1921

Attorneys for Plaintiffs

Jon Bruning, #20351  
Attorney General

  
Jennifer M. Tomka, #19955  
Assistant Attorney General  
2215 State Capitol  
Lincoln, Nebraska 68509

Attorneys for Defendants

**NATIVE AMERICAN SPIRITUAL**

**AND**

**CULTURAL AWARENESS**

**(NASCA)**

**CONSTITUTION**

**AND**

**BY - LAWS**

## CONSTITUTION

### ARTICLE I

#### NAME AND PURPOSE

- Section 1. The name of the organization shall henceforth be known as the NATIVE AMERICAN SPIRITUAL AND CULTURAL AWARENESS (NASCA) group.
- Section 2. The purpose of this Native American self-betterment club shall be to initiate cultural studies of various Native American Indian tribes, and to provide suitable programs and opportunities for developing self improvement within the NASCA group, with emphasis on communication, identification, and orientation to social expectations and community adjustments, and to assist staff Religious Coordinators in arranging meetings with Native American Religious Leaders.
- Section 3. To retain the culture of traditional Indian and Tribal customs through practicing these important values.
- Section 4. To converge all members of different Indian Tribes as one nation. To work towards a better relationship among Native Americans and the rest of the inmate population.

### ARTICLE II

#### OBJECTIVES

- Section 1. To study the customs and traditional values of all Federally recognized Indian Tribes living in the United States of America. To compare and evaluate social values in both Native and non-native Americans.
- Section 2. To do research and obtain pertinent data for developing recommendations for vocational training and educational criteria for jobs within the institution in preparation for future release.
- Section 3. To assist any new Native American or other arrivals, acquainting them with all Native American programs. To also encourage them to attend all Native American functions.
- Section 4. To take advantage of the assistance of many Indian Tribes, groups, and centers in the Native American communities to develop and initiate programming to provide resident placement, employment, and employment training for NASCA member parolees and releasees.
- Section 5. To contact individuals, groups, and organizations for assisting with the needs of a released NASCA member in the areas of employment, resident placement, and other helpful information. To invite reliable, resourceful, and responsible people

from outside the community to participate in the group discussions of matters pertinent to the NASCA member inmates.

- Section 6. To cooperate with the administrative staff of the Institution as determined by the stipulations as agreed to by the State of Nebraska and the Department of Correctional Services, the By-Laws and Constitution of the NASCA organization, and the administrative policies and procedures of the institution and the Department of Correctional Services.

### ARTICLE III

#### MEMBERSHIP

- Section 1. All inmates from the general population within the institution shall be eligible for membership.
- Section 2. The membership of the NASCA organization shall be recognized in two (2) components:
- A) Members shall consist of any general population inmate who expresses an interest in Native American issues and is willing to comply with established expectations cited herein.
  - B) Honorary members shall consist of any person not residing within the institution that has provided services and assistance above and beyond normal. (Must be nominated and voted in by the NASCA membership).

### ARTICLE IV

#### OFFICERS

- Section 1. The elected officers of the NASCA organization shall be as follows:
- A) Chairman,
  - B) Vice-Chairman,
  - C) Secretary,
  - D) Treasurer.
- Section 2. The Sergeant-at-Arms, Public Relations, and any other NASCA committee shall be established as an appointed position to be determined after the election of officers and the new NASCA Executive Board has been seated. These positions shall be appointed by the NASCA Executive Board. The term of each appointed position shall be for a period of four (4) years, or until such time as the inmate

holding the position resigns, is paroled, discharged, transferred, incapacitated, or removed from the position for cause.

## ARTICLE V

### ELECTIONS

- Section 1. The Chairman, Vice-Chairman, Secretary, and Treasurer shall be elected by secret ballot.
- Section 2. The voting procedures in the election of officers are applicable to all members.
- Section 3. Elections shall be held on a staggered basis during the last week in December during a regular meeting. The Chairman, Vice-Chairman, Secretary, and Treasurer shall be elected on a staggered basis, one each year, starting with Treasurer, then Secretary, then Vice-Chairman, and concluding with Chairman.
- Section 4. The majority of the legal ballots cast shall decide the election.
- Section 5. The term of office of each elected officer shall be for a period of four (4) years, or until such time as the officer resigned, is paroled, discharged, transferred, incapacitated, or recalled from office. If the elected officer is not able to serve out their full term, they may appoint as their replacement any active NASCA member in good standing.
- Section 6. The new officer shall take office at the first regular meeting following the election.
- Section 7. The candidate for office shall be nominated from the floor and shall be members of NASCA.
- Section 8. In event of a vacancy in the office of Chairman, for any reason, the Vice-Chairman shall succeed to the office of the Chairman and serve out the term in that capacity until the next election. The new Chairman may then appoint their replacement for Vice-Chairman any active NASCA member in good standing.
- Section 9. In the event of simultaneous vacancies in the NASCA Executive Board in the offices of Chairman and Vice-Chairman, the exiting officers may appoint as their replacement any active NASCA member in good standing.

## ARTICLE VI

### GOVERNMENT AND POLICY

- Section 1. While requiring that each member perform his duties as a member of NASCA, this NASCA group shall be non-partisan, nor shall any member use the name of



the Native American Spiritual and Cultural Awareness (NASCA) group for personal self promotion. To do so may result in removal from the organization upon the showing of good cause for removal.

- Section 2. The government of this group shall be vested in the Executive Board of the NASCA group.
- Section 3. The appointed associate secretary, Legal Advisor, Sergeant-at-Arms, and the Public Relations Director of NASCA shall be included on the Executive Board, and shall execute their office according to the articles and provisions as set forth in the NASCA Constitution and By-Laws.

#### ARTICLE VII

##### MEETINGS

- Section 1. The regularly scheduled meeting of the NASCA club shall be held on a weekly basis and at a specified date, place, and time.
- Section 2. Special meetings may be called by the Chairman and the NASCA Executive Board.
- Section 3. Two-thirds (2/3) of the NASCA's membership shall constitute a quorum for the purpose of transacting all business and holding all elections. A majority vote of the quorum present is required to conduct the NASCA business at hand.

#### ARTICLE VIII

##### REGULATION OF ARTS AND CRAFTS

- Section 1. It is understood by all NASCA members that all arts and crafts at NSP are sold through the NSP Inmate Hobby Association.

#### ARTICLE IX

##### AMENDMENTS TO THE CONSTITUTION

- Section 1. No amendments shall be made to this Constitution unless at a regular meeting of the group, and by a majority vote of the quorum present.
- Section 2. No amendment shall be made to this Constitution unless a formal notice of the proposed amendment has been given at the previous regular meeting of the group.
- Section 3. Any and all amendments shall only be proposed by a member of the NASCA membership.

- Section 4. No amendment to this Constitution shall be valid as a result of coercion and or intimidation by any one person, group of people, or the institutional staff.
- Section 5. No amendment shall be made which shall conflict with the stipulations as agreed to by the State of Nebraska and the Department of Correctional Services, and the administrative policies and procedures of the institution and the Department of Correctional Services.

## ARTICLE X

### SPECIAL EVENTS

- Section 1. To have representatives of the NASCA organization, with the approval of the administration staff, able to participate in any Native American activity, and to coordinate with other groups, including groups and organizations from the outside, to stage the programming for the purpose of "good cause" for all the members of the NASCA organization.
- Section 2. The NASCA organization shall assist coordinating with the institutional staff special activities to be sponsored by the NASCA group. These special activities shall include Pow-wows and any other activity as determined to be necessary for the betterment of the NASCA organization.

## ARTICLE XI

### PROCEDURES FOR REVISING THE CONSTITUTION AND BY-LAWS

- Section 1. The Constitution and the By-Laws are the main governing body of the NASCA group and therefore, safeguards are included to prevent and guard against unnecessary revisions by any one person or group of persons. It is understood that these constitution and by-laws exist within and are superceded by DCS policies and procedures.
- Section 2. To revise any part of the Constitution and By-Laws the following steps shall be taken without fail and fulfilled before being authorized to alter any of the regulations of the NASCA organization statutes:
- A) A letter of explanation must be composed by the NASCA Chairman and witnessed by the NASCA Executive Board, and a copy sent to the Warden, the Deputy Warden, and to the outside supporting parties. This letter must explain why the changes are needed and how they will merit a beneficial effect to the welfare of the NASCA group and its membership.
  - B) There shall be no action taken of any kind until the notified parties have responded to the letter of intent. Should supplementary explanations be

required, the NASCA Chairman shall provide any and all required information and again include the intended changes in the letter.

- C) When these responses are received, then formal announcement is made to the full membership at large that confirmation has been received, and that the letters received be made available to all NASCA members for their own reading.
- D) When the changes are completed, and the NASCA Constitution and By-Laws reflect the changes, they must be submitted to the same parties to indicate and ensure that the changes have been made and for approval by institutional administration.

Section 3. The changes must be consistent with the overall context of the Constitution and By-Laws. These new revisions shall only be initiated every three (3) years. Any other action to change or to revise the Constitution and By-Laws, by any party, shall be void and not binding to the NASCA group and the NASCA membership.

Section 4. The NASCA Constitution and By-Laws shall be protected and preserved by the NASCA members, for the welfare of the NASCA organization and the NASCA membership.

Section 5. Copies of the Constitution and By-Laws shall be sent to the administration to be kept on file for the protection of the NASCA organization. Any other types of action taken without following the necessary steps to revise, shall be void and not applicable nor binding to the NASCA Constitution and By-Laws or its membership.

## **BY-LAWS**

### **ARTICLE I**

Section 1. It is understood that the NASCA members will be conscientious of the NASCA organization at all times and will conduct themselves in an honorable manner reflecting the history, culture, and heritage of the Native Americans of the Federally recognized Tribes of the United States of America. They will be courteous and respectful to other NASCA members.

Section 2. The NASCA members shall conduct themselves with the honor and dignity in accordance with the goals and the purposes of the NASCA Constitution and By-Laws.

### **ARTICLE II**

#### **SPECIFIC RESPONSIBILITIES**

Section 1. All NASCA members will assist each other in setting up the meeting place and assisting each other in the cleaning up after each NASCA meeting as approved by the Club Sponsor/Captain.

### ARTICLE III

#### RIGHTS AND PRIVILEGES

Section 1. All members shall be entitled to be heard in all matters; to have a voice in all discussions; to have a vote in all elections and in all other matters regarding the NASCA organization and its programming.

Section 2. All members are eligible to be nominated and elected to any of the four offices and to enjoy all rights and privileges of the NASCA Constitution and By-Laws.

### ARTICLE IV

#### MEMBERSHIP

Section 1. All inmates from the general population within the institution shall be eligible for membership.

Section 2. The membership of the NASCA organization shall be recognized in two (2) components:

- A) A designated member is available to all inmates within the institution. A member may be removed from NASCA for conduct detrimental to the welfare of the group and contrary to the objectives of NASCA.
- B) A designated **Honorary Member** shall consist of individuals from outside the institution that have provided services and assistance above and beyond normal.
  - (1) An Honorary Member must be nominated by a member and voted in by the NASCA membership.
  - (2) An Honorary Member shall not be eligible to vote in any NASCA business.

Section 3. All members of the NASCA organization shall be required to pay dues in the amount of one dollar per month. Exceptions will be considered for some of the members who are elders (over 50 years), and those who do not make more than twenty-five (25) dollars a month in state pay, and those members that want to contribute with donations of time and other resources. Performing a duty for the

club on a monthly basis is acceptable.

- Section 4. Members may be dropped from NASCA's roster after missing three (3) consecutive meetings, and failure to pay dues.
- Section 5. Members may be dropped from the NASCA roster for conducting themselves in a manner that is contrary to and construed to be detrimental to the welfare of the NASCA group and its objectives.
- Section 6. Any member whose name is considered for deletion from the NASCA roster shall be notified no less than one (1) week prior to this proposed action. They will be given a chance to present their case to the NASCA membership for reconsideration.
- Section 7. Members who have been dropped from the NASCA roster may have their names reinstated provided they meet with the approval of the NASCA Executive Board and with the majority of the members during a regular meeting.

#### ARTICLE V

##### DUTIES OF OFFICERS

- Section 1. All officers shall familiarize themselves with the NASCA Constitution and By-Laws and use them in executing their office.
- Section 2. No officer shall allow himself to be influenced by any other organization, or other inmates in the institution that would be detrimental and contrary to the aims and goals of the NASCA organization.
- Section 3. The specific duties of each office are as follows:
- A) The office of **CHAIRMAN**. The Chairman shall preside over all meetings; shall form NASCA committees; advocate and have all knowledge of NASCA's correspondence; to arrange for the publication of a NASCA Newsletter and any and all other duties which are required of the office of NASCA Chairman.
  - B) The office of the **VICE-CHAIRMAN**. The Vice-Chairman shall have all the powers and perform all the functions of the Chairman in his absence. He shall have charge of all of the special departments of work appointed to him by the Chairman.
  - C) The office of the **SECRETARY**. The Secretary shall record the minutes of each meeting of the group. He shall read the minutes of the previous meeting; he shall maintain an accurate membership roster; distribute written notice to all members informing them of special meetings,

business meetings, and elections; he shall maintain all records entrusted to his office; perform all duties as are usually attached to the office of Secretary.

- D) The office of the **TREASURER**. The Treasurer shall keep an accurate account of all funds of the group and record all funds received. He shall collect the membership dues, and he shall announce the current balance at each meeting. He shall notify the members of any purchases made by the Executive Board and the group. All checks must be approved by the Executive Board and will be signed by the Treasurer and club sponsor.

## ARTICLE VI

### COMMITTEES

- Section 1. Directly after each NASCA election, the NASCA Chairman shall appoint all standing committees and announce them at the following meeting immediately after taking office.
- Section 2. Reappointment of all Standing or Special NASCA committees shall be at the discretion of the NASCA Chairman as directed by the Constitution and the By-Laws.
- Section 3. The NASCA Chairman shall create new offices for any special duties which are important and necessary for the betterment of the NASCA organization.
- A) Associate Secretary
  - B) Public Relations Director
  - C) Sergeant-at-Arms
  - D) Cultural Historian Director
  - E) NASCA Historian
- Section 4. There also shall be appointments to the Standing Committees.
- A) Arts and Crafts Committee
  - B) Religious and Spiritual Committee
  - C) Sports Committee
  - D) Education Committee
  - E) Singing and Dancing Committee
- Section 5. There also shall be appointments to the Special Committees.
- A) Election Committee
  - B) Pow-wow Committee

## ARTICLE VII

### EXECUTIVE BOARD

- Section 1. The Executive Board shall consist of the Chairman, the Vice-Chairman, Secretary, Treasurer, the Public Relations director, and the Sergeant-at-Arms.
- Section 2. The Executive Board shall attend to the affairs of the NASCA organization during the interim of meeting dates of the club. The acts of the Executive Board shall not conflict with the actions taken by the NASCA membership.
- Section 3. Regular Executive Board meetings should be held weekly. If that is not possible, the Board should attempt to meet at least two (2) times a month. Special meetings shall be arranged with the institutional staff when there are concerns and NASCA business that requires their input.
- Section 4. A special Executive Board meeting may be called by a Chairman and/or upon the request of the other members of the Executive Board.

### ARTICLE VIII

#### AMENDMENTS TO THE BY-LAWS

- Section 1. Amendments to these By-Laws must follow the same procedure as outlined in the NASCA Constitution in **ARTICLE XI**, and must be consistent with the objectives and goals of the NASCA organization.
- Section 2. No amendment to these By-Laws shall be made by any one person, nor shall any amendment be made by using intimidation and coercion of any kind, and changes to the By-Laws shall be for the overwhelming welfare of the NASCA organization and membership.

### ARTICLE IX

#### PROCEDURES FOR REVISING THE BY-LAWS

- Section 1. The Constitution and By-Laws are the main governing body of the NASCA group and therefore, safeguards are included to prevent and guard against unnecessary revisions by any one person or group of persons.
- Section 2. To revise any part of the Constitution and By-Laws the following steps shall be taken without fail and fulfilled before being authorized to alter any of the regulations of the NASCA organizational statutes.
- A) A letter of explanation must be composed by the NASCA Chairman and witnessed by the NASCA Executive Board, and a copy sent to the

Warden, Deputy Warden, and to the outside supporting parties. This letter must explain why the changes are needed and how they will merit a beneficial effect to the welfare of the NASCA membership.

- B) No actions can be taken until these parties have responded to the letter of intent. Should supplementary explanations be required, the Chairman shall provide the information and also include the intended changes in the letter.
- C) When these responses are received, then formal announcement is made to the membership at large that confirmation has been received, and that the letters received are available to all NASCA members for their own reading.
- D) When the changes are completed, and the NASCA Constitution and By-Laws reflect the changes they must be submitted to the same parties to indicate that the changes have been made and for approval by institutional administration.

Section 2. The changes must be consistent with the overall context of the Constitution and By-Laws. These revisions can only be initiated every 3 (3) years. Otherwise, the action of the revising parties shall be void and not binding. The Constitution and By-Laws shall be protected and preserved for the welfare of the NASCA organization and membership.

Section 3. Copies of the Constitution and By-Laws shall be sent to the administration to be kept on file for the protection of the NASCA organization. Any other types of action taken without the necessary steps shall be void and not applicable nor binding to the NASCA Constitution and By-Laws or the NASCA membership.