

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS OF THE
KEWEENAW BAY INDIAN COMMUNITY
MICHIGAN



APPROVED DECEMBER 17, 1936



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out of treaties, and from the right to hold office in the Community. The same limitations are to be extended to the children of adopted members, except where one parent is a member by birth of the Community.

ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Keweenaw Bay Indian Community shall be the Tribal Council.

SEC. 2. The Tribal Council shall consist of twelve councilmen to be elected by popular ballot as follows: Six councilmen from the L'Anse district and six councilmen from the Baraga district.

SEC. 3. The Tribal Council shall have power to change the districts and the representation from each district based on community population, such change to be made by ordinance, but the total number of delegates as provided for in Section 2, Article III, of this Constitution, shall not be changed.

SEC. 4. After each popular election the Tribal Council shall elect from within its own number a President, a Vice-President, a Secretary, an Assistant Secretary, a Treasurer and such other officers and committees as may be deemed necessary. The five officers named and so elected from the Tribal Council shall be known as the Executive Council.

SEC. 5. The Tribal Council of the Keweenaw Bay Indian Community shall be the sole judge of the qualifications of its members.

ARTICLE IV—NOMINATIONS AND ELECTIONS

SECTION 1. The first election of a Tribal Council under this Constitution shall be called and supervised by the present business and advisory committee within thirty days after the ratification and approval of this Constitution and thereafter elections shall be held each year, on the third Saturday prior to the expiration of office of the members of the Tribal Council.

SEC. 2. At the first election four councilmen shall be elected for a period of one year, and four councilmen for a period of two years, and four councilmen for a period of three years; and after the first election each councilman shall be elected for a period of three years.

SEC. 3. The Tribal Council or an election board appointed by the Tribal Council shall determine rules and regulations governing elections.

SEC. 4. The L'Anse and Baraga districts shall formulate their own rules and regulations regarding nominations and candidates for the Tribal Council, such nominees being elected by majority vote of the entire tribe. Each district will be required to file the names of proposed candidates with the Tribal Secretary at least fifteen days prior to election. It shall be the duty of the Secretary of the Tribal Council to post at least ten days before election the names of all candidates for the Council.

SEC. 5. The Tribal Council or a board appointed by the Council shall certify to the election of the members of the Council immediately after the election returns.

SEC. 6. Any member of the Keweenaw Bay Indian Community who is twenty-one years of age or over and who maintains residence

on the reservation, and presents himself at the polls on election day, shall be entitled to vote in the district in which he resides.

SEC. 7. Any enrolled member of the Keweenaw Bay Indian Community, twenty-five years of age or over and who is at least one-fourth degree Indian blood and shall have resided within the district from which elected for at least one year immediately preceding his nomination, shall be eligible for election to the Tribal Council.

ARTICLE V—VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or official shall die, resign, permanently leave the reservation, or be removed from office, the Council shall declare the position vacant and appoint a successor from the district which has lost a representative to fill the office until the next general election, when a successor shall be elected for the unexpired term, provided that the person chosen to fill such vacancy shall be qualified.

SEC. 2. Any councilman who is proven guilty of improper conduct or gross neglect of duty, may be expelled from the Council under the following procedure:

Should a complaint in writing from fifty members of the Tribe against a member of the Tribal Council be presented to the Council, it shall be the duty of the Tribal Council, if the grounds for such complaint is considered of sufficient merit, to appoint a committee of five members of the Tribe, independent of its own membership and those making such complaints, to hold a public hearing and make written report to the Tribal Council of its findings, a copy of such report to be furnished the accused. Upon receipt of such report by the Tribal Council, it shall meet in executive session to consider such report, grant a hearing and hear testimony of the accused. The Tribal Council may expel a member found guilty of gross neglect of duty or improper conduct by a two-thirds vote.

ARTICLE VI—POWERS AND DUTIES OF THE TRIBAL COUNCIL

SECTION 1. The Tribal Council shall have the power, subject to any limitations imposed by the Statutes or the Constitution of the United States, and subject to all express restrictions upon such powers contained in this Constitution and attached By-laws:

(a) To regulate the uses and disposition of tribal property, to protect and preserve the tribal property, wild life and natural resources of the Community, to cultivate Indian arts, crafts and culture, to administer charity, to protect the health, security, and the general welfare of the Keweenaw Bay Indian Community.

(b) To employ legal counsel for the protection and advancement of the rights of the Keweenaw Bay Indian Community and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To negotiate with the Federal, State, and local governments on behalf of the Community and to advise and consult with the representatives of the Departments of the Government of the United States on all matters affecting the affairs of the Keweenaw Bay Indian Community.

(d) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, and tribal assets, which may be authorized or exe-

cuted by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other agency of the Government, provided that no tribal lands shall be sold or encumbered, or leased for a period in excess of five years, except for governmental purposes, and except that mineral leases, and leases to associations, or members, may be made for such longer periods as may be authorized by law.

(e) To advise with the Secretary of the Interior with regard to all appropriation estimates, or Federal projects, for the benefit of the Keweenaw Bay Indian Community, prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(f) To manage all economic affairs and enterprises of the Keweenaw Bay Indian Community in accordance with the terms of a charter to be issued by the Secretary of the Interior.

(g) To make assignments of tribal lands to members of the Keweenaw Bay Indian Community in conformity with Article VII of this Constitution.

(h) To appropriate for tribal use any available tribal funds, provided, that any appropriation in excess of \$10,000 in any one fiscal year shall be of no effect until approved at a popular referendum.

(i) To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which would provide for taxes, assessments, or license fees upon non-members doing business within the reservation, or obtaining special rights or privileges, and such ordinances may also be applied to members of the Keweenaw Bay Indian Community, without such review, provided such ordinances have been approved by a referendum of the Keweenaw Bay Indian Community.

(j) To exclude from the restricted lands of the Reservation persons not legally entitled to reside thereon, under ordinances which shall be subject to review by the Secretary of the Interior.

(k) To enact resolutions or ordinances not inconsistent with Article II of this Constitution governing adoptions and abandonment of membership, subject to review by the Secretary of the Interior.

(l) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Keweenaw Bay Indian Community, and providing for the maintenance of law and order and the administration of justice by the establishment of an Indian Court, and a definition of its powers and duties.

(m) To purchase land from members of the Keweenaw Bay Indian Community for public purposes under condemnation proceedings in courts of competent jurisdiction.

(n) To promulgate and enforce ordinances which are intended to safeguard and promote the peace, safety, morals, and general welfare of the Keweenaw Bay Indian Community by regulating the conduct of trade and the use and disposition of property upon the reservation, providing that any ordinance directly affecting non-members shall be subject to review by the Secretary of the Interior.

(o) To charter subordinate organizations for economic purposes, and to regulate the activities of such organizations by ordinances which shall be subject to review by the Secretary of the Interior.

(p) To regulate the inheritance of real and personal property, other than allotted lands, within the Keweenaw Bay Indian Community, subject to review by the Secretary of the Interior.

(*q*) To regulate the domestic relations of members of the Keweenaw Bay Indian Community.

(*r*) To recommend and provide for the appointment of guardians for orphans, minor members of the Keweenaw Bay Indian Community, and mental incompetents, subject to review by the Secretary of the Interior, and to administer tribal and other funds or property which may be transferred or entrusted to the Tribe or Tribal Council for this purpose.

(*s*) To create and maintain a Community fund by accepting grants or donations from any person, State, or the United States, or by tribal enterprises.

(*t*) To delegate to subordinate boards or to cooperative associations which are open to all members of the Keweenaw Bay Indian Community, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(*u*) To adopt resolutions or ordinances to effectuate any of the foregoing powers.

SEC. 2. Any resolution or ordinance, which, by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation, who shall, within ten days thereafter, approve or disapprove the same, and if such ordinance or resolution is approved, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety days from the date of enactment, rescind said ordinance or resolution for any cause, by notifying the Council of such action. If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the Council of his reasons therefor, and the Council, if such reasons appear to be insufficient, may refer it to the Secretary of the Interior, who may within ninety days from its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. The Council of the Keweenaw Bay Indian Community may exercise such further powers as may in the future be delegated to it by the Federal Government, either through order of the Secretary of the Interior, or by Congress, or by the State Government, or by any member of the Keweenaw Bay Indian Community.

SEC. 4. Any rights and powers heretofore vested in the L'Anse, Lac Vieux Desert, and Ontonagon Bands of Chippewa Indians, residing within the original confines of the L'Anse Reservation, but not expressly referred to in this Constitution shall not be abridged by this article but may be exercised by the members of the Keweenaw Bay Indian Community through the adoption of appropriate By-laws and constitutional amendments.

ARTICLE VII—LAND

SECTION 1. *Allotted lands.*—Allotted lands, including heirship lands, within the L'Anse Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the Federal or State

Government, or by the Community itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Community. Likewise, it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land, may with the approval of the Secretary of the Interior, voluntarily convey his land to the Keweenaw Bay Indian Community either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Tribal lands.—The unallotted lands of the Community, and all lands which may hereafter be acquired by the Community or by the United States in trust for the Community shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Community, or leased, or otherwise used by the Community, as hereinafter provided.

SEC. 3. Leasing of tribal lands.—Tribal lands may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to Indian cooperative associations, and, secondly, to individual Indians who are members of the Community. No lease of tribal lands to non-members shall be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the Community is able and willing to use the land and to pay a reasonable fee for such use.

All action of the Tribal Council in the regulation and leasing of tribal land shall be consistent with the rules and regulations prescribed by the Secretary of the Interior in accordance with section 6 of the Act of June 18, 1934.

SEC. 4. Grant of "standard assignments."—In any assignment of tribal lands which are now owned by the Community or which hereafter may be acquired for the Community by the United States or purchased by the Community out of tribal funds, preference shall be given, first, to heads of families which are entirely landless and secondly to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than an economic unit of agricultural land, or other land or interests in land of equal value, such economic unit to be determined from time to time by the Tribal Council.

No allotted member of the Community who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian. The Tribal Council, may, if it sees fit, charge a fee of not to exceed five dollars (\$5.00) on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as standard assignments.

If any member of the Community holding a standard assignment of land shall for a period of one year fail to use the land so assigned or shall use such land for any unlawful purpose such assignment may be cancelled by the Tribal Council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4, of this article.

Upon the death of any Indian holding a standard assignment his heirs or other individuals designated by him, by will or written request, shall have a preference in the reassignment of the land, provided such persons are members of the Community who would be eligible to receive a standard assignment.

SEC. 6. Grant of "exchange assignments."—Any member of the Community who owns an allotment or any share of heirship land or deeded land may voluntarily convey his interest in such land to the Community in exchange for an assignment to the same land or other land of equal value. If the assignee prefers he may receive, in lieu of a specific tract of land, a proportionate share in a larger unit of land or other interest.

Assignments under this section shall be known as exchange assignments.

SEC. 7. Leasing of exchange assignments.—Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the Keweenaw Bay Indian Community, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians in the same manner as allotted lands.

SEC. 8. Inheritance of "exchange assignments."—Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Tribal Council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heirs or devisees who are not members of the Keweenaw Bay Indian Community, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than an economic unit of land or interests in land, such unit to be determined from time to time by the Tribal Council.

(c) Such lands may not be subdivided into units too small for economic use as may be determined by the Tribal Council, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Council shall issue to the eligible heirs or devisees, interests in tribal lands of the same value as their interests in the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of section 4 of this article.

SEC. 9. Use of unassigned community land.—Community land which is not assigned, including community timber reserves, shall be managed by the Tribal Council for the benefit of the members

of the entire Community, and any cash income derived from such land shall accrue to the benefit of the Community as a whole.

SEC. 10. *Inheritance of improvements.*—Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Community or otherwise disposed of under such regulations as the Tribal Council shall provide. No permanent improvements shall be removed from the land without the consent of the Tribal Council.

SEC. 11. *Exchange of assignment.*—Assignments may be exchanged between members of the Community by common consent in such manner as the Tribal Council shall designate.

SEC. 12. *Use of community funds.*—Community funds may be used with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

(a) Land within the L'Anse Reservation or adjacent to the boundaries thereof which is not now in Indian ownership may be purchased by or for the Community.

(b) Restricted land, which is in heirship status at the time of the adoption and approval of this Constitution, may be purchased by or for the Community, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment thereof to be made as may be agreed upon.

(c) Land owned by any member of the Keweenaw Bay Indian Community who is over the age of 60 years, or who is physically incapacitated, may be transferred by its owner to the Keweenaw Bay Indian Community in exchange for a pension of not more than twice the annual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(d) Land in excess of an economic unit as determined by the Tribal Council owned by any member of the Keweenaw Bay Indian Community may be purchased by or for the Community with the consent of the owner, payments to be made under such terms as may be agreed upon.

(e) Land owned by any member of the Keweenaw Bay Indian Community who desires to leave the reservation permanently may be purchased by the Keweenaw Bay Indian Community, under such terms as may be agreed upon.

SEC. 13. *Method of making assignments.*—Applications for assignments shall be filed with the Secretary of the Council, and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit.

Notices of all applications received by the Secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located for not less than twenty (20) days before action is taken by the Council. Any member of the Community wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the Council, and may if he so desires appear at or before the Council to present evidence. The Secretary of the Council shall furnish the Superintendent or other officers in charge of the agency a complete record of all action taken by the Council on applications for assignment of land, and a complete record of

assignments shall be kept in the agency office and shall be open for inspection by members of the Community.

The Tribal Council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE VIII—AMENDMENTS

SECTION 1. This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Community voting at an election called for that purpose by the Secretary of the Interior provided that at least thirty (30) percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon presentation of a petition signed by two-thirds of the eligible voters of the Community.

BY-LAWS OF THE KEWEENAW BAY INDIAN COMMUNITY

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. The President of the Tribal Council shall preside at all meetings of the Council. He shall at all times have general supervision of the affairs of the Tribal Council and such matters as naturally pertain to the general welfare of the Community. It shall also be the duty of the President to countersign all checks drawn against any funds of the organization by the Treasurer. He shall be ex-officio member of all subordinate boards and committees.

SEC. 2. In the absence of the President, the Vice-President shall preside at all meetings of the Tribal Council and shall act in his stead in all matters pertaining to the office of President.

SEC. 3. The Secretary shall keep an accurate record of all proceedings of the Tribal Council and furnish copies thereof to the Superintendent of the jurisdiction. He shall attend to the keeping of the official records of the Tribal Council and shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the Tribal Council. All official records of the Tribal Secretary shall be open to inspection by the members of the Community at all times. The Secretary shall be ex-officio member of all subordinate boards and committees.

SEC. 4. The Assistant Secretary shall perform all duties that pertain to the office of the Secretary whenever the Secretary needs assistance.

SEC. 5. The Treasurer of the Tribal Council shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Council, whether they be tribal funds or such funds for which the Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Council shall direct, and shall make and preserve a faithful record of such funds and shall report on all funds in his possession and custody at each regular meeting of the Tribal Council, and at such other times as required by the Tribal

Council, or the Executive Council. He shall not pay out or otherwise disburse any funds in his possession or custody except in accordance with a resolution passed by the Council.

The Treasurer shall be required to give a bond satisfactory to the Council and to the Commissioner of Indian Affairs. The books of the Treasurer shall be audited at least once a year by direction of the Tribal Council.

SEC. 6. The subordinate officers, boards and committees of the Tribal Council shall perform such duties as the Tribal Council shall, by resolution, from time to time provide.

ARTICLE II—OATH

SECTION 1. All officers when elected shall be duly installed and subscribe to an oath of office to support the Constitution of the United States and this Constitution. Such officers may be sworn in by any officer qualified to administer an oath.

ARTICLE III—MEETINGS

SECTION 1. Stated meetings of the Tribal Council shall be held the first Saturday of January, April, July, and October, and at such other times as the Council may by ordinance provide. Called meetings shall be held at the discretion of the President, or upon request of three members of the Tribal Council. Three days' written notice shall be given to all Council members.

SEC. 2. Seven members shall constitute a quorum.

SEC. 3. The Tribal Council shall prescribe such rules of order for its meetings as it desires.

SEC. 4. The meetings of the Tribal Council except executive sessions shall be public to the Community.

ARTICLE IV—ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when ratified by a majority vote of the qualified voters of the L'Anse, Lac Vieux Desert and Ontonagon Bands of Chippewa Indians, residing within the original confines of the L'Anse Reservation, voting at a special election called for the purpose by the Secretary of the Interior, provided that at least thirty per cent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and if approved, shall be effective from the date of the approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved October 15, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the L'Anse, Lac Vieux Desert, and Ontonagon Bands of Chippewa Indians, residing within the original confines of the L'Anse Reservation, and was on November 7, 1936, duly adopted by a vote of 239 for, and 18 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accord-

ance 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).

JOHN E. THOMAS,
Chairman of Election Board.
WILLIAM CURTIS,
Secretary of Election Board.

J. C. CAVILL,
Superintendent.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Keweenaw Bay Indian Community.

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 or By-laws are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended December 9, 1936.

WILLIAM ZIMMERMAN, JR.,
Assistant Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.
[SEAL]

WASHINGTON, D. C., *December 17, 1936.*

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