

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BYLAWS OF THE
RED CLIFF BAND OF LAKE SUPERIOR
"CHIPPEWA INDIANS
WISCONSIN



APPROVED JUNE 1, 1936



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CONSTITUTION AND BYLAWS OF THE RED CLIFF BAND OF LAKE SUPERIOR CHIPPEWA INDIANS OF WISCONSIN

PREAMBLE

We, the members of the Red Cliff Band of Lake Superior Chippewa Indians in the State of Wisconsin, in order to reestablish our tribal organization; to conserve our tribal property; to develop our common resources; to promote the welfare of ourselves and our descendants; to form business and other organizations; to enjoy certain rights of home rule; and to provide for our people education in vocational and trade schools and institutions of higher learning do ordain and establish this constitution and bylaws.

ARTICLE I.—TERRITORY

The jurisdiction of the Red Cliff Band of Lake Superior Chippewa Indians shall extend to the territory within the original confines of the Red Cliff Reservation as defined under the treaty of September 30, 1854, and to such other lands within or without such boundaries, as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II.—MEMBERSHIP

SECTION 1. The following shall be members of this organization:

(a) Persons of Indian blood whose names appear on the official allotment roll of 1896 and census roll of 1934 of the Red Cliff Band of Lake Superior Chippewa Indians of Bayfield, Wis.

(b) All children born to any member of the Red Cliff Band who is a resident of the reservation at the time of the birth of such children.

SEC. 2. Adoption or reinstatement of Indians, not members of the organization, shall be made by written application to a membership committee, who shall, upon proper investigation, make their recommendations to the tribal council for their consideration and determination. The decision of the tribal council in all membership hearings shall be subject to a referendum vote of the people at the next annual or special election.

SEC. 3. The tribal council shall have power to promulgate ordinances, subject to the review of the Secretary of the Interior, covering future membership including adoptions and the loss of membership.

SEC. 4. No property rights shall be acquired or lost through membership in this organization, except as provided herein.

ARTICLE III.—GOVERNING BODY

SECTION 1. The governing body of the Red Cliff Band of Lake Superior Chippewa Indians shall be a tribal council composed of nine members who shall be chosen at an election as herein provided.

SEC. 2. Members of the tribal council shall be elected by popular ballot for a term of 1 year from date of installation in office or until their successors shall have been regularly elected and qualified, except as provided in section 1 of article IV.

SEC. 3. Each adult member of the organization shall be entitled to cast one vote and the nine candidates receiving the highest number of votes shall be declared elected.

SEC. 4. Immediately after the election of members of the council, members so elected shall assemble at the council hall and perfect the tribal council organization by electing from their own members a chairman, vice chairman, secretary, and treasurer. They shall also appoint such other boards, officers, and employees as may be necessary.

ARTICLE IV.—NOMINATIONS AND ELECTIONS

SECTION 1. The first election of a tribal council under this constitution shall be called, held, and supervised by the present tribal committee within 30 days after the approval of this constitution and bylaws by the Secretary of the Interior, and thereafter elections shall be held every year on the first Tuesday after the first Monday in July, except that members of the tribal council elected in the first election shall hold office until July 1937.

SEC. 2. Any qualified member of the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin may announce his or her candidacy or be nominated for the council. The secretary of the tribal council shall be notified in writing of all candidacies and nominations at least 15 days prior to the election. It shall be the duty of the secretary of the tribal council to post, at least 10 days before election, the names of all candidates for the council who have met these requirements.

SEC. 3. Any member of the tribe who is 21 years of age or over and who presents himself at the polls on election day shall be entitled to vote.

SEC. 4. The tribal council shall determine rules and regulations governing all elections by proper ordinance.

SEC. 5. The tribal council, or a board appointed by the tribal council, shall certify to the election of the members of the council within 3 days after the election returns.

SEC. 6. The tribal council, or a board appointed by the tribal council, shall designate the polling places and appoint all election officials.

ARTICLE V.—VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. Upon receipt of a petition signed by one-third of the eligible voters calling for the recall of any member of the council, it shall be the duty of the council to call an election on such recall petition. No member may be recalled in any such election unless at least 30 percent of the legal voters shall vote at such election.

SEC. 2. The tribal council may by an affirmative vote of six members expel any member for neglect of duty or gross misconduct provided that the accused member shall be given full and fair oppor-

tunity to reply to any and all charges at a designated council meeting. It is further stipulated that any such member shall be given a written statement of the charges against him at least 5 days before the meeting at which he is to appear. Impeachment shall result in disqualifying a member of the council from holding any office of trust in the Red Cliff tribal organization.

SEC. 3. The tribal council shall have power to fill all vacancies caused by death, removal, resignation, or otherwise, such appointment to be in force and effect until the next general election.

ARTICLE VI.—POWERS

SECTION 1. The tribal council shall exercise the following powers, subject to any limitations imposed by the Constitution or statutes of the United States, and subject further to all express restrictions upon such powers contained in this constitution and the attached bylaws.

(a) To negotiate with the Federal, State, and local Governments on behalf of the tribe and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Red Cliff Band.

(b) To employ counsel for the protection and advancement of the rights of the tribe 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 approve or veto any sale, disposition, lease, or encumbrance of tribal lands and tribal assets which may be authorized or executed 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 5 years, except for governmental purposes and except that mining leases may be made for such longer periods as may be authorized by law.

(d) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the tribe in accordance with the terms of a charter which may be issued to the tribe by the Secretary of the Interior.

(f) To appropriate for public purposes of the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin available tribal council funds, and subject to review by the Secretary of the Interior, any other available tribal funds.

(g) To levy taxes upon members of the tribe and to require the performance of labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon non-members doing business within the reservation: *Provided, however*, That any such assessment upon members of the tribe shall have the approval of the majority of the voters at the next annual or at a special election called for this purpose at which 30 percent of the eligible voters vote.

(h) To purchase lands of members of the tribe for public purposes, under condemnation proceedings in courts of competent jurisdiction.

(i) To safeguard and promote the peace, safety, morals, and general welfare of the tribe by regulating the conduct of trade and the use and disposition of property upon the reservation: *Provided*, That any ordinance directly affecting nonmembers of the tribe shall be subject to review by the Secretary of the Interior.

(j) To regulate the inheritance of property, real and personal, other than allotted lands within the territory of the Red Cliff Reservation, subject to review by the Secretary of the Interior.

(k) To regulate the manner of making nominations and holding elections for tribal officers.

(l) To adopt resolutions regulating the procedure of the tribal council itself and of other tribal agencies and tribal officials.

(m) To encourage and foster the arts, crafts, traditions, and culture of the Red Cliff Band, and to protect and preserve the wildlife and natural resources of the reservation.

(n) To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations of members of the tribe by ordinance: *Provided*, That any such ordinance shall be subject to review by the Secretary of the Interior.

(o) To delegate to subordinate boards, or tribal officials, or to cooperative associations, which are open to all members of the tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

(p) To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior governing the conduct of members of the Red Cliff Band of Lake Superior Chippewas of Wisconsin and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.

(q) To provide for the appointment of guardians for minors, aged persons, and mental incompetents by ordinance or resolution, subject to review by the Secretary of the Interior.

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 10 days thereafter, approve or disapprove the same. If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the tribal council of such decision.

If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within 10 days of its enactment, he shall advise the tribal council of his reasons therefor. If these reasons appear to the tribal council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. *Future powers.*—The tribal council may exercise such further powers as may in the future be delegated to the tribe by the Secretary of the Interior, or by any duly authorized official, or

agency of the State or Federal Government, or by individual members of the band.

SEC. 4. *Reserved powers.*—Any rights and powers heretofore vested in the Red Cliff Band, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Red Cliff Band of Lake Superior Chippewa Indians, through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE VII.—REFERENDUM

Any exercise of enumerated powers lodged in the tribal council shall be subject to referendum vote to the people upon a written petition signed by not less than 25 percent of the total number of voters in the last annual election, provided that not less than 30 percent of the eligible voters shall participate in any such referendum.

ARTICLE VIII.—LAND

SECTION 1. Allotted lands, including heirship lands, within the Red Cliff 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 State of Wisconsin or of the Federal Government or by the tribe 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 Red Cliff Tribe. 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 dispose of 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 Red Cliff Band 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 of the Red Cliff Band of Lake Superior Chippewa Indians and all lands which may hereafter be acquired by the Red Cliff Band of Lake Superior Chippewa Indians, or by the United States in trust for them, shall be held as tribal lands, and no part of such lands shall be mortgaged or sold.

SEC. 3. Tribal lands shall not be allotted to individual Indians but such tribal lands as are not required for school, agency, or other administrative use may be assigned by the tribal council to members, or may be leased or otherwise used by the tribe as hereinafter provided.

SEC. 4. Tribal lands may be leased by the tribal council with the approval of the Secretary of the Interior in accordance with law. Preference shall be given, first, to cooperative associations of members of the tribe; and secondly, to individual Indians who are mem-

bers of the Red Cliff Band of Lake Superior Chippewa Indians. No lease of tribal lands to a nonmember shall be made by the tribal council unless it shall appear that no cooperative association of members of the tribe or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

SEC. 5. In any assignment of tribal lands which are now owned by the tribe, or which may hereafter be acquired for the tribe by the United States or purchased by the tribe out of tribal funds, or which may be designated for the use of the tribe, 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 by the tribal council. Assignments under this section shall be for the primary purpose of establishing homes for landless Indians and shall be known as standard assignments.

No member of the tribe 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, levy a service charge not to exceed \$15 on approval of all standard assignments made under this section.

SEC. 6. If any person holding a standard assignment of land shall for a period of 1 year fail to use the lands so assigned or shall use the land for any unlawful purpose, his assignment may be canceled by the tribal council after due notice and opportunity to be heard. Such land may then be available for reassignment.

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 preference in the reassignment of the land, provided such persons are eligible to receive a standard assignment.

SEC. 7. Any member of the Red Cliff Band of Lake Superior Chippewa Indians who owns an allotment of land or any share in heirship land or any deeded land, may, with the approval of the Secretary of the Interior, voluntarily transfer his interest in such land, to the tribe and receive therefor an assignment in the same land or other land of equal value, or he may receive a proportionate share in a larger unit of land.

Assignments made under this section shall be known as "exchange assignments."

SEC. 8. Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations of members, to individual members of the tribe, or if no individual member or cooperative association of members is able and willing to rent the land, such assignments may be leased to non-Indians in the same manner as allotted land.

SEC. 9. Upon the death of a holder of an exchange assignment such lands 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 heir or devisee who is not a member of the Red Cliff Band, except that a life assign-

ment may be made to the surviving spouse or child of the holder of such assignment.

(b) Such lands may not be reassigned to any heir or devisee who already owns or holds more than an economic unit of agricultural land or other lands of equal value, such unit to be determined from time to time by the council.

(c) No agricultural land shall be subdivided into units smaller than 2½ acres. When interests in assignments shall involve smaller areas than the amount herein set out, the tribal council may issue to such heir or devisee a proportionate share in other agricultural units or other interests in land of equal value.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment the same as other tribal lands.

Sec. 10. Improvements of any character made upon assigned land are hereby recognized to be the property of the assignee. Such improvements may be willed to and inherited by members of the Red Cliff Band of Lake Superior Chippewas. When improvements are not possible of fair division, the tribal council shall dispose of them under such regulations as it may provide to protect the interest of said heirs. No permanent improvements may be removed from any tribal or assigned land without the consent of the tribal council.

Sec. 11. No member of the Red Cliff Band of Lake Superior Chippewas may use or occupy tribal lands except under an assignment or lease.

Sec. 12. Unassigned land shall be managed by the tribal council for the benefit of the members of the entire tribe.

Sec. 13.—Tribal funds may be used by the council, with the consent of the Secretary of the Interior, to acquire land for the Red Cliff Band.

Sec. 14. Applications for assignment of land shall be made in writing. Such applications shall be submitted to the tribal council at regular or special meetings. The application will be placed in the hands of a proper committee who will call the matter up for action at the next regular meeting of the tribal council. Any member of the tribe may object in writing to a proposed assignment. In the event of objection, the chairman of the tribal council shall set a date for a hearing, advising both the applicant and the objector. The action of the tribal council shall be final.

Sec. 15. The tribal council shall be empowered to consolidate inherited land holdings by purchase, exchange, transfer, gift, or voluntary relinquishment, including the right to reassign same in the public interest.

Sec. 16. The secretary of the tribal council shall furnish the superintendent or other officer in charge of the agency a complete record of all action taken by the tribal 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 tribe.

Sec. 17. 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 IX.—AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the Red Cliff Band voting at an election called for that purpose by the Secretary of the Interior, provided that at least 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 receipt of a written resolution of the council signed by at least 7 members thereof.

BYLAWS OF THE RED CLIFF BAND OF WISCONSIN

ARTICLE I.—DUTIES OF OFFICERS

SECTION 1. The duties of the officers of the tribal council shall be as follows:

(a) The chairman of the tribal council shall preside at all meetings of the council. He shall also be the presiding officer of any general council meeting. 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. He shall execute all the rules, regulations, and orders of the council, and shall have power to call to his assistance any official or member of the tribe whenever he deems it necessary for the proper enforcement of any orders of the tribal council, countersign all checks drawn by the treasurer, and shall perform all other duties that may be provided by the council and such other duties as pertain to his office.

(b) The vice chairman shall assist the chairman when called on so to do, and in the absence of the chairman shall preside, and when so presiding shall have all the privileges, duties, and responsibilities of the chairman.

(c) The secretary shall be the custodian of the official records, books, papers, and documents of the tribe; he shall keep a record of all the proceedings, resolutions, and of all the activities of the council; shall handle all correspondence; and shall perform all other duties required of his office by the tribal council.

(d) The treasurer of the tribal council shall accept, receive, receipt for, preserve, safeguard all funds in the custody of the council whether they be tribal funds or special 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 receipts and expenditures and the amount and nature of all funds in his possession and custody, at each regular meeting of the tribal council, and at such other times as requested by the council or the executive committee. He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the council. The treasurer shall be required to give a bond satisfactory to the council and the Commissioner of Indian Affairs.

SEC. 2. It shall be the duty of the tribal council to cause the records and books of the treasurer and other officials to be audited by a competent auditing committee once every year, such committee to make their report under oath, and the same shall comprise an itemized statement of all receipts and disbursements, and for what purposes, and they shall be compensated for such service in such amount as the tribal council shall by resolution provide, subject to the approval of the Secretary of the Interior.

SEC. 3. The tribal council shall meet on the first Monday of each month.

SEC. 4. The meeting of the tribal council shall be public, except all executive sessions, and the tribal council shall provide rules of order for their meeting.

SEC. 5. Special meetings of the council may be called by the chairman when deemed necessary, or by a petition signed by a majority of the council upon 3 days' notice thereof, giving the reason for such meeting and the nature of the business to be transacted thereat.

SEC. 8. A majority of the tribal council shall constitute a quorum to do business at all regular and special meetings.

ARTICLE II.—QUALIFICATIONS OF OFFICERS

SECTION 1. Members of the council must be at least 25 years of age, and residents of the Red Cliff Reservation, and it is further provided that the tribal council shall be the judge of the qualifications of its own members.

SEC. 2. No classified Federal employee under civil service shall be eligible to hold tribal office under this constitution.

SEC. 3. Any person elected to office under this constitution must be at least 25 years of age, a resident member of the tribe for at least 1 year immediately previous to his election.

ARTICLE III.—OATH OF OFFICE

All officials, whether elected or appointed, 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 IV.—SALARIES

SECTION 1. Tribal officials shall be paid such salaries from available tribal funds as the tribal council shall decide. All proposals for salaried positions by the tribal council shall be referred to the Secretary of the Interior for final decision.

SEC. 2. The members of the tribal council, boards, and committees shall be paid for expenses incurred in the interest of the community when previously authorized by the tribal council.

ARTICLE V.—ADOPTION OF CONSTITUTION AND BYLAWS

This constitution and bylaws, when ratified by a majority of the qualified voters of the Red Cliff Band of Lake Superior Chippewa Indians, voting at a special election called for the purpose by the

Secretary of the Interior, provided that at least 30 percent of the qualified voters shall vote in such election, shall be submitted to the Secretary of the Interior, and if approved, shall be effective from the date of approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved March 18, 1936, by the Secretary of the Interior, the attached constitution and bylaws were submitted for adoption to the adult members of the Red Cliff Band of Lake Superior Chippewa Indians and were on April 18, 1936, duly adopted by a vote 138 for, and 1 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 (Public, No. 147, 74th Cong.).

MARTIN BUFFALO,
Chairman of Election Board.

MARTIN BUFFALO,
Chairman of the Tribal Council.

ALEX F. ROYE,
Secretary of the Tribal Council.

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 bylaws of the Red Cliff Band of Lake Superior Chippewa Indians of the Red Cliff Reservation.

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 bylaws are hereby declared inapplicable to the Red Cliff Band of Lake Superior Chippewa Indians of the Red Cliff Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

Approval recommended May 26, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., June 1, 1936.