

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
SWINOMISH INDIAN TRIBAL COMMUNITY
WASHINGTON



RATIFIED JULY 25, 1936



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CORPORATE CHARTER OF THE SWINOMISH INDIAN TRIBAL COMMUNITY

A FEDERAL CORPORATION CHARTERED UNDER THE ACT OF
JUNE 18, 1934

Whereas, the Swinomish Indian Tribal Community of the Swinomish Reservation in the State of Washington constitutes a recognized Indian Tribe organized under a constitution and by-laws ratified by the Indians of the Swinomish Reservation on November 23, 1935, and approved by the Secretary of the Interior on January 27, 1936, pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the tribe have petitioned that a charter of incorporation be granted to such tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Swinomish Indian Tribal Community of the Swinomish Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation, at an election in which at least thirty percent of the eligible voters vote.

*Purposes
and
Corporate
Existence.*

1. In order to further the economic development of the Swinomish Indian Tribal Community of the Swinomish Reservation in the State of Washington by conferring upon the said Community certain corporate rights, powers, privileges and immunities; to secure for the members of the Community an assured economic independence; and to provide for the proper exercise by the Community of various functions heretofore performed by the Department of the Interior, the aforesaid Community is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Swinomish Indian Tribal Community."

*Perpetual
Succession.
Membership.*

2. The Swinomish Indian Tribal Community shall, as a Federal corporation, have perpetual succession.
3. The Swinomish Indian Tribal Community shall be a membership corporation. Its member shall consist of all persons now or hereafter members of the Community, as provided by its duly ratified and approved Constitution and By-laws.

Management.

4. The Swinomish Indian Senate established in accordance with the said Constitution and By-laws of the Community, shall exercise all of the corporate powers hereinafter enumerated.

Corporate Powers.

5. The Community, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Community, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Constitution and By-laws of the Community:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Community of any land or interests in land, now or hereafter held by the Community.

(2) No leases, permits (which terms shall not include land assignments to members of the Community) or timber sale contracts covering any land or interests in land now or hereafter held by the Community shall be made by the Community for a longer term than ten years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(3) No action shall be taken by or in behalf of the tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Swinomish Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such

condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

- (c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.
- (d) To borrow money from the Indian Credit Fund in accordance with the terms of section 10 of the Act of June 18, 1934, (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Community, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Community: *Provided*, That the amount of indebtedness to which the Community may subject itself, aside from loans from the Indian Credit Fund, shall not exceed five thousand dollars, except with the express approval of the Secretary of the Interior.
- (e) To engage in any business that will further the economic well-being of the members of the Community or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.
- (f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, partnership, association, or corporation, with any municipality or any county, or with the United States or the State of Washington, including agreements with the State of Washington for the rendition of public services: *Provided*, That any contract involving payment of money by the corporation in excess of \$500 shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.
- (g) To pledge or assign chattels or future income due or to become due to the Community: *Provided*. That such agreements of pledge or assignment, other than agreements with the United States, shall not extend more than ten years from the date of execution and shall not cover more than one-half the income from any source: *And provided further*, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

- (h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Corporation.
- (i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Community or by the United States to the levy of any judgment, lien or attachment upon the property of the Community other than income or chattels specially pledged or assigned.
- (j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

Termination of Supervisory Powers.

6. Upon the request of the Swinomish Indian Senate for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) (2), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 8 of this charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Community. The termination shall be effective upon ratification by a majority vote of the adult members of the Community residing on the reservation, at an election in which at least thirty per cent of the eligible voters vote. At any time after ten years from the date of approval of this charter if the Secretary shall disapprove a request for the termination of any such power, or fail to approve or disapprove it within ninety days after its receipt, the question of its termination may then be submitted by the Secretary or by the Swinomish Indian Senate to popular referendum of the adult members of the Community actually living within the reservation, and if the termination is approved by two-thirds of the eligible voters, it shall be effective.
7. No property rights of the Swinomish Indian Tribal Community shall be in any way impaired by any thing contained in this charter, and the Community ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Community shall not be subject to any corporate debts or liabilities.

Corporate Property.

without such owner's consent. Any existing lawful debts of the Community shall continue in force, except as such debts may be satisfied or canceled pursuant to law.

- Corporate Dividends.* 8. The Community may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Community and may distribute per capita, among the recognized members of the Community, all income of the community over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of the Community government, the needs of charity, or other corporate purposes. Any such distribution of income in any one year, amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No financial assets of the Community shall be distributed except as provided herein.
- Corporate Accounts.* 9. The officers of the Community shall maintain accurate and complete public accounts of the financial affairs of the Community, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Community to the Commissioner of Indian Affairs.
- Amendments.* 10. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Community Council which if approved by the Secretary of the Interior, to be effective shall be ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 percent of the eligible voters vote.
- Ratification.* 11. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Swinomish Indian Tribal Community living on the Swinomish Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Tulalip Agency and the Chairman and Secretary of the Swinomish Indian Senate.

Submitted by the Secretary of the Interior for ratification by the Swinomish Indian Tribal Community in a popular referendum to be held on July 25, 1936.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., July 2, 1936.

CERTIFICATE OF ELECTION

This is to certify that in the election called by the Secretary of the Interior for the ratification of Charter for the Swinomish Indian Community the result was: For ratification, 63; against ratification, none.

Eligible voters, 148.

SAM KADIM,
Chairman of Swinomish Senate.
CLARA JAMES, Clerk.

To COMMISSIONER OF INDIAN AFFAIRS
(Through Supt. O. C. Upchurch).

Approved.

O. C. UPCHURCH.

