

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER OF THE  
MAKAH INDIAN TRIBE OF  
THE MAKAH INDIAN RESERVATION  
WASHINGTON



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# CORPORATE CHARTER OF THE MAKAH INDIAN TRIBE OF THE MAKAH INDIAN RESERVATION

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

Whereas, the Makah Indian Tribe of the Makah Indian Reservation in the State of Washington constitutes a recognized Indian Tribe organized under a Constitution and By-laws ratified by the members of the Makah Tribe on April 18, 1936, and approved by the Secretary of the Interior on May 16, 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 Makah Indian Tribe of the Makah 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 30 per cent of the eligible voters vote.

*Corporate  
Existence.*

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

*Perpetual  
Succession.  
Member-  
ship.*

2. The Makah Indian Tribe shall, as a Federal corporation, have perpetual succession.

3. The Makah Indian Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

*Management.*

4. The Makah Indian Tribal Council established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

*Corporate Powers.*

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

- (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 Tribe of any land, or interests in land, including water power sites, now or hereafter held by the Tribe.
- (2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the boundaries of the Makah Reservation.
- (3) No leases, permits (which terms shall not include land assignments to members of the Tribe) or timber-sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Makah Reservation shall be made by the Tribe for a longer term than five 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.
- (4) 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 Makah 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 Tribe, 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 Tribe: *Provided*, That the amount of indebtedness to which the Tribe may subject itself, aside from loans from the Indian credit fund, shall not exceed \$3,000, 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 Tribe 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, 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 all contracts involving payment of money by the corporation in excess of \$300 in any one fiscal year 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 tribal income due or to become due to the Tribe: *Provided*, That such agreements of pledge or assignment shall not extend more than five years from the date of execution and shall not amount for any one year to more than one-half the net tribal income in the preceding year: *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 Tribe.
- (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 Tribe or by the United States to the levy of any judgment, lien, or attachment upon the property of the Tribe 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 request of the Makah Indian Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) (3), 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 Tribe. The termination shall be effective upon ratification by a majority vote of the adult members of the Tribe residing on the reservation, at an election in which at least 30 per cent of the eligible voters vote. If at any time after ten years from the date of approval of this Charter, the Secretary shall disapprove a request for the termination of any such power, or fail to approve or disapprove it within 90 days after its receipt, the question of its termination may then be submitted by the Secretary or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the reservation, and if the termination is approved by two-thirds of the eligible voters it shall be effective.

*Corporate Property.*

7. No property rights of the Makah Indian Tribe shall be in any way impaired by anything contained in this Charter, and the tribal 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 Tribe shall not be subject to any corporate debts or liabilities without such owner's consent. Any existing lawful debts of the Tribe

- shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.
- Corporate Dividends.* 8. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe, and may distribute in the form of special per capita benefits, such as pensions for the old and disabled, death, hospital and sick benefits, as well as for any special needs that may develop, among the recognized members of the Tribe, such income of the Tribe over and above sums necessary to defray corporate obligations to members of the Tribe or to other persons, 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 tribal government, the needs of charity, or other corporate purpose. Any such distribution of profits 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 Tribe shall be distributed except as provided herein.
- Corporate Accounts.* 9. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, 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 Tribe 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 resolution of the Tribal Council which, if approved by the Secretary of the Interior, shall be effective when 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 Makah Indian Tribe living on the Makah Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the superintendent of the Taholah Agency and the chairman and secretary of the Makah Indian Tribal Council.

Submitted by the Secretary of the Interior for ratification by the Makah Indian Tribe of the Makah Reservation in a popular referendum to be held on February 27, 1937.

HAROLD L. ICKES,  
*Secretary of the Interior.*

[SEAL]

WASHINGTON, D. C., *February 8, 1937.*

## CERTIFICATION

Pursuant to section 17 of the act of June 18, 1934 (48 Stat. 984), this Charter, issued on February 8, 1937, by the Secretary of the Interior to the Makah Indian Tribe of the Makah Indian Reservation, was duly submitted to the adult Indians living on the Reservation and was on February 27, 1937, duly ratified by a vote of 75 for and 2 against, in an election in which over 30 per cent of those entitled to vote cast their ballots.

FRANK SMITH,  
*Chairman, Makah Indian Tribal Council.*  
LA VERNE ULMER,  
*Secretary, Makah Indian Tribal Council.*

NELS O. NICHOLSON,  
*Superintendent, Taholah Agency.*

