

Lac du Flambeau Reservation Wisconsin

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

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CORPORATE CHARTER
OF THE
LAC DU FLAMBEAU BAND OF LAKE
SUPERIOR CHIPPEWA INDIANS OF THE
LAC DU FLAMBEAU RESERVATION
WISCONSIN

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RATIFIED MAY 8, 1937



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**CORPORATE CHARTER OF THE LAC DU FLAMBEAU
BAND OF LAKE SUPERIOR CHIPPEWA INDIANS OF
THE LAC DU FLAMBEAU RESERVATION, WISCONSIN**

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

Whereas, the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation in Wisconsin constitutes a recognized Indian tribe organized under a Constitution and By-laws ratified by the Tribe on July 18, 1936, and approved by the Secretary of the Interior on August 15, 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 Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation to be effective from and after such time as it may be ratified by a majority vote in an election in which at least 30 percent of the adult Indians living on the Reservation shall vote.

*Corporate
Existence.*

1. In order to promote the economic development of the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation in Wisconsin by conferring upon said Tribe certain corporate rights, powers, privileges and immunities, and imposing upon such organized community the responsibility of voluntary cooperative group action; to secure for the members of the Tribe the means of an economic independence; and to provide for the proper exercise by the Tribe of various functions and responsibilities heretofore performed and assumed 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 Lac du Flambeau Band of Lake Superior Chippewa Indians."

*Perpetual
Succession.*

2. The Lac du Flambeau Band of Lake Superior Chippewa Indians shall, as a Federal Corporation have perpetual succession.

Membership.

3. The Lac du Flambeau Band of Lake Superior Chippewa Indians 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 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, water rights, oil, gas, and other mineral rights, now or hereafter held by the Tribe within the boundaries of the Lac du Flambeau Reservation.

(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 Lac du Flambeau 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 Lac du Flambeau Reservation shall be made by the Tribal Council for a longer term than five years, and all such leases must be approved by the Secretary of the Interior or by his duly authorized representative; but mining and other leases may be made for longer periods as authorized by law and by the Constitution and By-laws of the Tribe.

(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 Lac du Flambeau 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. 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.

- (5) No distribution of corporate property to members shall be made except out of net income.
- (c) To issue certificates of interest in corporate property in exchange for restricted Indian lands, the forms of such certificates 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 other governmental agencies, from any member or association of members of the Tribe, or from any other source 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 no such indebtedness may be incurred except from the Indian Credit Fund, without the approval of the members of the Tribe residing on the Reservation in a referendum vote and the express approval of the Secretary of the Interior, and no such indebtedness to which the Tribe may subject itself shall exceed \$50,000.
- (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 Wisconsin, including agreements

with the State of Wisconsin for the rendition of public services; *Provided*, That all contracts involving payment of money by the corporation in excess of \$1,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative and all such contracts, except contracts with the United States, shall be subject to a referendum vote of the members of the Tribe residing on the Reservation.

- (g) To pledge or assign chattels or future tribal income due or to become due to the Tribe; *Provided*, That such assignments of tribal income, other than assignments to the United States shall not extend more than ten years from the date of execution, and shall not exceed one-half of the net income of the Tribe from any one source; *And provided further*, That any such agreement of pledge or assignment shall be subject to a referendum vote of the members of the Tribe residing on the Lac du Flambeau Reservation and 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 said 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 the request of the 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 9 of this Charter, the Secretary of the Interior, if he shall approve such request shall thereupon submit the question of such termination to the Tribe for

referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 per cent of the adult members of the Tribe residing on the reservation shall vote. If at any time after five years from the effective date of this Charter, such request shall be made and the Secretary shall disapprove it or fail to approve or disapprove it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior 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 Lac du Flambeau Band of Lake Superior Chippewa Indians, as heretofore constituted, 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 owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

*Reserve
Fund.*

8. Forty per cent of net income from corporate enterprises shall be placed in a reserve fund, annually, until said reserve fund equals not less than 20 per cent of the capital investment in such corporate enterprises. Thereafter the amount of net income to be devoted to the reserve fund may be optional, except that amounts expended therefrom shall be replaced in the same manner that the fund was created. This fund shall be used only for repairs, replacements, improvements, and expansion of corporate enterprises.

*Corporate
Dividends.*

9. The Tribe may issue to each of its members a non-transferable certificate of interest in corporate property and corporate enterprises evidencing the equal share of each of such members of the Tribe in the corporate assets of the Tribe and may make a dividend distribution among such members of profits of corporate enterprises over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the cost of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purposes. No such distribution of profits shall be made amounting to a distribution of more than one-half of the accrued surplus, or made without the approval of the Secretary of the Interior. No distribution of the

financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

*Corporate
Accounts.*

10. 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. The Treasurer of the Tribe shall be the custodian of all moneys which come under the jurisdiction or control of the Tribal Council as provided in the Constitution and By-laws of the Lac du Flambeau Band of Lake Superior Chippewa Indians.

*Amend-
ments.*

11. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the 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 per cent of the eligible voters shall vote.

*Ratifica-
tion.*

12. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Lac du Flambeau Band of Lake Superior Chippewa Indians living on the Lac du Flambeau Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Great Lakes Agency and the President of the Tribal Council of the Band.

Submitted by the Secretary of the Interior for ratification by the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation in a popular referendum to be held on May 8, 1937.

CHARLES WEST,

Acting Secretary of the Interior.

WASHINGTON, D. C., *May 4, 1937.*

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on May 4, 1937, by the Secretary of the Interior to the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation, Wisconsin, was duly submitted for ratification to the adult Indians living on the reservation and was on May 8, 1937, duly ratified by a vote of 100 for, and 16 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

GEORGE W. BROWN,

*President of the Tribal Council of the Lac du Flambeau
Band of Lake Superior Chippewa Indians.*

J. C. CAVILL,

Superintendent of the Great Lakes Agency.