

*Kalispel Indian Community*

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS



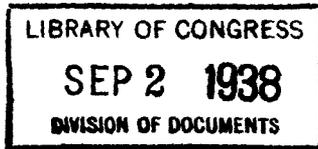
CONSTITUTION AND BY-LAWS OF THE  
KALISPEL INDIAN COMMUNITY OF  
THE KALISPEL RESERVATION  
WASHINGTON



APPROVED MARCH 24, 1938.



Law  
Office  
Indian Tribes  
Kalispel.  
Community  
Wash.  
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F. R. O. 1958-9-23

# CONSTITUTION AND BY-LAWS OF THE KALISPEL INDIAN COMMUNITY OF THE KALISPEL RESERVATION

## PREAMBLE

We, the Kalispel Band of Indians of the Kalispel Reservation in the State of Washington, in order to establish a legal tribal organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, do hereby ordain and establish this Constitution and By-Laws.

## ARTICLE I—TERRITORY

The jurisdiction of the Kalispel Indian Community shall extend to the territory within the confines of the Kalispel Reservation, as established by Executive Order dated March 23, 1914, and to such other lands 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 membership of the Kalispel Indian Community shall consist of:

(a) All persons of Indian blood whose names appear on the official census roll of the Kalispel Indians as of April 1, 1935: *Provided*, That such roll may be corrected within one year after approval of this Constitution and By-laws by the Kalispel Community Council with the approval of the Secretary of the Interior.

(b) All children born to any member of the Kalispel Indian Community who is a resident of the Kalispel Reservation at the time of the birth of said children.

SEC. 2. The Community Council shall have the power to promulgate ordinances subject to review by the Secretary of the Interior, covering future membership and the adoption of new members, but new members may be adopted only when the resources of the Kalispel Reservation are such as to justify the admission of new members.

## ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Kalispel Indian Community shall be the Community Council, which shall be composed of all the qualified voters of the Community. A majority of the eligible voters shall constitute a quorum.

SEC. 2. All enrolled members of the Kalispel Indian Community who are 21 years of age or over, and who have maintained legal residence in the Community for a period of one year immediately prior to any election, are qualified voters in such election.

SEC. 3. The Community Council shall elect from its members by secret ballot (a) a Chairman, (b) a Vice-chairman, (c) a Secre-

tary, (d) a Treasurer, and (e) such other officers and committees as may be deemed necessary.

SEC. 4. Regular meetings of the Community Council shall be held on the first Tuesday of each quarter at a designated building or hall where official records shall be kept.

SEC. 5. Within 30 days after the ratification and approval of this Constitution and By-laws, a Community Council meeting shall be held for the purpose of electing the officers named herein, and the Council may transact such other business as may be necessary. The officers elected at this meeting shall serve until the July meeting in 1938, at which time their successors shall be chosen. Thereafter, officials shall be chosen at the July meeting.

SEC. 6. The Chairman, or 25 per cent of the qualified voters, may by written notice, call special meetings of the Community Council.

SEC. 7. The Business Committee shall consist of the Chairman, Secretary and Treasurer of the Community Council, and shall perform such duties as may be authorized by that Council.

#### ARTICLE IV—POWERS OF THE COMMUNITY COUNCIL

SECTION 1. *Enumerated Powers.*—The Community Council of the Kalispel Indian Community shall exercise the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States:

(a) To negotiate with the Federal, State and local governments.

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other Community assets of the Kalispel Indian Community.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Kalispel Indian Community 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 Kalispel Indian Community in accordance with the terms of a charter that may be issued to the members of the Community by the Secretary of the Interior.

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Kalispel Indian Community, providing for the manner of making, holding and revoking assignments of tribal land or interests therein; providing for the levying of taxes and the appropriation of available tribal funds for public purposes; providing for the licensing of nonmembers coming upon the reservation for the purpose of hunting, fishing, trading, or other business, and for the exclusion from the territory of the Kalispel Indian Community of persons not so licensed, and establishing proper agencies for the enforcement of such ordinances upon the Kalispel Reservation.

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the Kalispel Indian Community, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(h) To adopt resolutions not inconsistent with this Constitution and By-laws, regulating the procedure of the Community Council itself and of other tribal agencies, tribal officials, or tribal organizations of the Kalispel Indian Community, and exercising such duties as are conferred upon the Council by the attached By-laws.

SEC. 2. *Future Powers*.—The Community Council may exercise such further powers as may in the future be delegated to the Council by members of the Community or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal government.

SEC. 3. *Reserved Powers*.—Any rights and powers heretofore vested in the Kalispel Band of Indians of the Kalispel 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 Community through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. *Manner of Review*.—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 in charge of the reservation, who shall, within ten 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 his 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 Community Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him within ten days after its enactment, he shall advise the Community Council for his reasons therefor. If these reasons appear to the 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.

## ARTICLE V—LAND

SECTION 1. *Allotted Lands*.—Allotted lands, including heirship lands, within the Kalispel 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 Washington, or of the Federal government, or by the Kalispel Indians themselves. 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 Kalispel Indian 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 Kalispel 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. *Community Land.***—The unallotted lands of the Kalispel Reservation, and all lands which may hereafter be acquired by the Kalispel Indian Community or by the United States in trust for the Community, shall be held as Community lands, and no part of such land shall be mortgaged or sold. Community lands shall not be allotted to individual Indians but may be assigned to members of the Community, or leased, or otherwise used by members of the Community as hereinafter provided.

**SEC. 3. *Leasing of Community Lands.***—Community lands may be leased by the Business Committee, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law. In the leasing of Community lands, preference shall be given, first, to Indian cooperative associations, and secondly, to individual Indians who are members of the Kalispel Indian Community.

**SEC. 4. *Grant of Standard Assignments.***—In any assignment of Community lands which are now owned by the Kalispel Indian Community or which hereafter may be acquired for the Community by the United States or purchased by the Kalispel Indian Community out of Community 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 interest in land of equal value.

No member of the Kalispel Indian 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 Business Committee may, if it sees fit, charge a fee not to exceed \$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.

**SEC. 5. *Tenure of Standard Assignments.***—If any member of the Kalispel Indian Community holding a standard assignment of land shall, for a period of two years fail to use the land so assigned, or use such land for any unlawful purposes, his assignment may be cancelled by the Business Committee, 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 by 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 Kalispel Indian Community who owns any restricted or unrestricted land or any interest therein may, with the approval of the Secretary

of the Interior, voluntarily transfer 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 grazing unit.

Assignments made 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 Kalispel 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 assignments, his interest shall be reassigned by the Business Committee to his heirs, or devisees, subject to the following conditions:

(a) Such land may not be reassigned to any heir or devisee who is not a member of the Kalispel 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 grazing land or other land or interest in lands of equal value, to be determined from time to time by the Business Committee.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than 160 acres, and no area of agricultural land shall be subdivided into units smaller than ten acres 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 Business Committee shall issue to each heir or devisee an interest in tribal land or property of the same value as his interest 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. *Inheritance of Improvements.***—Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Kalispel Indian Community, or otherwise disposed of under such regulations as the Business Committee shall provide. No permanent improvements shall be removed from the land without the consent of the Business Committee.

**SEC. 10. *Exchange of Assignments.***—Assignments may be exchanged between members of the Community by common consent in such manner as the Business Committee shall designate.

**SEC. 11. *Use of Unassigned Community Land.***—Community land which is not assigned, including Community timber reserves, shall be managed by the Business Committee for the benefit of the members of the Kalispel Indian Community, and any cash income derived from such land shall accrue to the benefit of the Community as a whole. All action of the Business Committee with respect to such

lands shall be in conformity with departmental regulations for the protection of Indian range and timber resources authorized by section 6 of the Act of June 18, 1934.

**SEC. 12. *Purchase of Land by Community.***—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 Kalispel Reservation or adjacent to the boundaries thereof which is not now in Indian ownership, may be purchased by or for the Kalispel Indian 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 Kalispel Indian Community, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.

(c) Land owned by any member of the Community who is over the age of 60 years, or who is physically incapacitated, may be transferred by its owner to the Kalispel 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 Community funds.

(d) Land owned by any member of the Community in excess of 80 acres of agricultural land or a proportionate area of other land may be purchased by the Kalispel Indian 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 Community who desires to leave the Community permanently may be purchased by the Kalispel Indians under such terms as may be agreed upon.

**SEC. 13. *Method of Making Assignments.***—Application for assignments shall be filed with the Secretary of the Business Committee 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 within the Community for not less than 20 days before action is taken by the Business Committee. Any member of the Kalispel Indian 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 Business Committee and may, if he so desires, appear before the Business Committee to present evidence. The Secretary of the Business Committee shall furnish the Superintendent or other officer in charge of the agency a complete record of all action taken by the Business Committee upon applications for assignments 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 Business Committee shall draw up one or more forms for standard assignments, which shall be subject to the approval of the Secretary of the Interior.

#### ARTICLE VI—AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Kalispel Indian Community voting at

an election called for that purpose by the Secretary of the Interior: *Provided*, That at least 30 per cent 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 20 eligible voters of the Community.

## BY-LAWS OF THE KALISPEL INDIAN COMMUNITY OF THE KALISPEL RESERVATION

### ARTICLE I—DUTIES OF OFFICERS

SECTION 1. It shall be the duty of the Chairman to preside over all meetings of the Community Council and to carry out all proper orders of the Council. All members of the Community Council and all subordinate officers shall assist the Chairman in all proper ways to carry out the orders of the Council.

SEC. 2. The Council Secretary shall keep a full report of all proceedings of each regular and special meeting of the Community Council and of the Business Committee and shall perform such other duties of like nature as the Council shall from time to time by resolution provide and shall transmit copies of the minutes of each meeting to the Superintendent in charge of the reservation.

SEC. 3. The Council Treasurer shall be the custodian of all moneys which come under the jurisdiction or into the control of the Community Council. He shall pay out money only in accordance with orders and resolutions of the Council. He shall keep account of all receipts and disbursements and shall report the same to the Council at each regular meeting. He shall be required to furnish a bond satisfactory to the Community Council and the Commissioner of Indian Affairs in an amount which the Community Council may by resolution provide. The books of the Council Treasurer shall be subject to audit or inspection at the direction of the Community Council or the Commissioner of Indian Affairs. Until the Council Treasurer is bonded, the Business Committee may make such provisions for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

SEC. 4. The subordinate officers of the Community Council shall perform such duties as the Council may from time to time provide by resolution.

SEC. 5. The order of business at any regular or special meeting of the Council shall be as follows:

1. Council called to order.
2. Roll Call.
3. Reading of minutes of previous meeting.
4. Reports of Committees.
5. Report of Council Treasurer.
6. Reading of communications.
7. Unfinished business.
8. New business.
9. Adjournment.

## ARTICLE II—PROPERTY REGULATIONS

It shall be the duty of the Community Council to pass rules and regulations to prevent unauthorized prospecting or mining of any kind upon the Kalispel Reservation and to see that such rules and regulations are properly enforced.

## ARTICLE III—PUBLIC WELFARE

SECTION 1. *Community Welfare.*—(a) The Community Council shall determine in a careful manner what constitutes just cause for aid or assistance to the indigent members of the Kalispel Indian Community, and shall make proper provisions for recommendation to proper agencies of individuals needing relief.

(b) The Community Council shall designate persons who shall administer welfare work among members of the Community, and the solicitation and expenditure of welfare funds shall be conducted in a systematic manner so that the right to do so may not be abused. The Community Council thereby shall render assistance or aid to the aged, the physically handicapped, and to all others in actual need of assistance.

SEC. 2. *Education.*—The Community Council shall encourage and promote among the members of the Community by every practical means, a proper system of education for members of all ages in such subjects as Home Economics, Hygiene, Child Care and Training, etc., cooperating with State and Federal departments and agencies which seek to promote such work.

## ARTICLE IV—ORDINANCES AND RESOLUTIONS

SECTION 1. All ordinances and resolutions shall be recorded and available at all times for the information and education of the Kalispel Indians.

SEC. 2. Every ordinance shall begin with the words: "*Be it enacted by the Community Council of the Kalispel Indian Community \* \* \**"

SEC. 3. Every resolution shall begin with the words: "*Be it resolved by the Community Council of the Kalispel Indian Community \* \* \**"

## ARTICLE V—RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when adopted by a majority vote of the voters of the Kalispel Band of Indians of the Kalispel Reservation, voting at a special election called by the Secretary of the Interior, in which at least 30 per cent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval and shall be in force from the date of such approval.

## CERTIFICATION OF ADOPTION

Pursuant to an order, approved January 21, 1938 by the Assistant Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the members of the Kalispel Band of Indians of the Kalispel Reservation and was on February 26, 1938

duly approved by a vote of 33 for, and none against, in an election in which over 30 per cent 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 (49 Stat. 378).

ANTOINE PEUSE,  
*Chairman, Election Board.*  
FRANK NICK,  
*Secretary, Election Board.*

A. G. WILSON,  
*Superintendent, Northern Idaho Agency.*

I, Oscar L. Chapman, the Assistant 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 Kalispel Indian Community of the Kalispel 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 by-laws are hereby declared inapplicable to the Kalispel Indian Community of the Kalispel Reservation.

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

Approval recommended March 18, 1938.

WILLIAM ZIMMERMAN, JR.,  
*Acting Commissioner of Indian Affairs.*

OSCAR L. CHAPMAN,  
*Assistant Secretary of the Interior.*

[SEAL]

WASHINGTON, D. C., *March 24, 1938.*

