

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS
FOR THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION
MONTANA



APPROVED DECEMBER 13, 1935



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CONSTITUTION AND BY-LAWS FOR THE BLACKFEET TRIBE OF THE BLACKFEET INDIAN RESERVATION OF MONTANA

We, the adult members of the Blackfeet Indian Tribe, pursuant to the authority vested in us by section 16 of the act of June 18, 1934 (48 Statutes at Large, page 986), and amendments thereto, do hereby organize for the common welfare of said tribe and the members thereof, and for such purpose do adopt the following constitution for the government, protection, and common welfare of the said tribe and members thereof.

ARTICLE I—TERRITORY

The jurisdiction of the Blackfeet Tribe shall extend to the territory within the confines of the Blackfeet Reservation boundaries as defined in the agreement of September 26, 1895; and to such other lands as may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II—MEMBERSHIP

SECTION 1. The members of the Blackfeet Tribe shall consist as follows:

(a) All persons of Indian blood whose names appear on the official census roll of the tribe as of January 1, 1935.

(b) All children born to any blood member of the Blackfeet Tribe maintaining a legal residence within the territory of the reservation at the time of such birth.

SEC. 2. The tribal council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of new members.

ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Blackfeet Tribe shall consist of a council known as the Blackfeet Tribal Business Council.

SEC. 2. This council shall consist of thirteen members, duly elected from the four districts of the Blackfeet Reservation. The four districts of the reservation are designated as follows: Agency district; Seville district; old agency district; Heart Butte district.

The voters of the old agency district shall elect three councilmen.

The voters of the Heart Butte district shall elect three councilmen.

The voters of the Seville district shall elect three councilmen.

The voters of the agency district shall elect four councilmen.

The present tribal council shall designate the boundaries of each district prior to the election of the first council, as provided in this constitution, and the council hereafter shall have the authority to

change the boundaries of the districts, provided the proportionate representation in the council based on the number of people in each district is maintained as nearly as possible.

SEC. 3. In lieu of the districts as herein described the tribal council shall have the power to establish communities, and the basis of representation on the tribal council from such communities, subject to popular vote.

SEC. 4. (a) The tribal council so organized shall elect from its membership: (1) A chairman; (2) a vice-chairman.

(b) The tribal council shall elect from within or outside of its own membership: (1) A secretary; (2) a sergeant-at-arms; (3) such other officers and committees as may be deemed necessary.

ARTICLE IV—ELECTIONS AND NOMINATIONS FOR THE TRIBAL COUNCIL

SECTION 1. The first elections of the tribal council hereunder shall be called and supervised by the present tribal council within thirty (30) days after the ratification and approval of this constitution. Members of this tribal council shall be elected for a term of two (2) years by the respective voters of each district. Thereafter their successors shall be chosen every two years, which elections shall be held on the third Tuesday prior to the expiration of their terms of office.

SEC. 2. Each qualified candidate for the tribal council shall file notice of his candidacy with the secretary of the tribal council at least fifteen (15) days prior to the election. The list of candidates shall be posted by the secretary of the tribal council, in the respective districts, not less than ten (10) days prior to the election.

SEC. 3. All elections shall be held in accordance with the rules and regulations laid down by the tribal council, or an election board appointed by the tribal council.

SEC. 4. The places of voting shall be designated by the tribal council.

SEC. 5. All elections shall be by secret ballot.

SEC. 6. It shall be the duty of the members of the tribal council, or a board appointed by them, to certify to the election of the duly elected tribal council members. This shall be done within 5 days after each election.

SEC. 7. Any member of the Blackfeet Tribe, twenty-one (21) years of age or over, shall be eligible to vote at any election when he or she presents himself or herself at a polling place within his or her voting district.

ARTICLE V.—VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a council member or official shall die, resign, permanently leave the reservation, or shall be removed for cause, the council shall declare the position vacant and shall elect to fill the unexpired term, provided that the person elected to fill the unexpired term shall be a resident of the district in which the vacancy occurred.

SEC. 2. The tribal council may expel a member by nine (9) or more members of the council voting for expulsion. Before any vote for expulsion is taken on the matter, such member shall be

given an opportunity to answer any and all charges at a designated council meeting; and the decision of the tribal council shall be final.

ARTICLE VI.—POWERS OF THE COUNCIL

SECTION 1. *Enumerated powers.*—The council of the Blackfeet Reservation shall exercise the following powers, subject to any limitations embodied in the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and the attached by-laws.

(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 Blackfeet Tribe.

(b) To employ legal counsel for the protection and advancement of the rights of the Blackfeet Tribe and its members; the choice of counsel and the fixing of fees to be approved by the Secretary of the Interior.

(c) To prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands or other tribal assets, without the consent of the tribe.

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

(e) To manage all economic affairs and enterprises of the Blackfeet Reservation, including all oil leases on tribal lands and the disposition of all oil royalties from tribal lands, in accordance with the terms of a charter to be issued to the Blackfeet Tribe by the Secretary of the Interior.

(f) To make assignments of tribal lands to members of the Blackfeet Tribe in conformity with article VII of this constitution.

(g) To select subordinate boards, tribal officials and tribal employees, not otherwise provided for in this constitution, and to prescribe their tenure and duties, and to make expenditures from available tribal funds for public purposes, including salaries or other remunerations of tribal officials or tribal employees. Such salaries or remunerations shall only be paid for services actually authorized in a regular and legal manner and actually rendered; and the amount, or amounts, so paid shall be a matter of public record at all times.

(h) To regulate and license all business or professional activities conducted upon the reservation, subject to the approval of the Secretary of the Interior and to levy assessments for public purposes, provided that any assessments upon non-members trading or residing within the jurisdiction of the tribe shall be subject to the approval of the Secretary of the Interior.

(i) To exclude from the land owned by the tribe or its members persons not legally entitled to reside thereon, under ordinances which shall be subject to review by the Secretary of the Interior.

(j) To requisition community labor for public purposes of the tribe and to purchase land from members of the tribe under condemnation proceedings in courts of competent jurisdiction, subject to review by the Secretary of the Interior.

(k) To promulgate ordinances for the purpose of safeguarding the peace and safety of residents of the Blackfeet Indian Reservation, and to establish minor courts for the adjudication of claims or disputes arising amongst the members of the tribe, and for the trial and punishment of members of the tribe charged with the commission of offences set forth in such ordinances.

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

(m) To encourage and foster Indian arts, crafts, culture, and traditions.

(n) To enact ordinances not inconsistent with article II of this constitution, governing adoption and abandonment of membership, and to keep at all times a correct roll of the Blackfeet Reservation.

(o) To provide for the appointment of guardians for minors and mental incompetents, by ordinances or resolutions, subject to the approval of the Secretary of the Interior.

(p) To promulgate rules and regulations governing fishing, hunting, and trapping on the Blackfeet Reservation.

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

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

SEC. 2. *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 of the reservation, who shall, within ten (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 his endorsement, to the Secretary of the Interior, who may, within ninety (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 ten (10) days after its enactment, he shall advise the Blackfeet Tribal Business Council of his reason thereof. 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 ninety (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 council of the Blackfeet Reservation may exercise such further powers as may in the future be delegated to the council by the members of the tribe or the Secretary of the Interior or by any other duly authorized official or agency of the State or Federal Government.

SEC. 4. *Reserved powers.*—Any right and powers heretofore vested in the tribe or band of the Blackfeet Reservation, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Blackfeet Reservation

through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VII—LAND

SECTION 1. *Allotted lands.*—Allotted lands, including heirship lands, within the Blackfeet 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 Montana 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 Blackfeet 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 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 or her land to the Blackfeet Tribe, 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.*—The unallotted lands of the Blackfeet Reservation, and all lands which may hereafter be acquired by the Blackfeet Tribe or by the United States in trust for the Blackfeet Tribe, including tribal timber reserve, shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Blackfeet Tribe, or leased, or otherwise used by the tribe as hereinafter provided.

SEC. 3. *Leasing of tribal lands.*—Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

No lease of tribal land to a nonmember shall be made by the tribal council unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the tribal council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SEC. 4. *Grant of "standard" assignments.*—In any assignment of tribal lands which now are owned by the tribe or which hereafter may be acquired for the tribe by the United States or purchased by the tribe out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and second, to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than forty (40) acres of irrigated agricultural land, one hundred and sixty (160) acres of dry agricultural land or three hundred and twenty

(320) acres of grazing land, or other land or interests in land of equal value.

No allotted 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, charge a fee of not to exceed \$2.00 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 tribe holding a standard assignment of land shall for a period of one (1) year fail to use the land so assigned or shall use such land for any unlawful purposes, his assignment may be cancelled by the tribal council 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 Blackfeet Tribe who would be eligible to receive a "standard" assignment.

SEC. 6. *Grant of "exchange" assignments.*—Any member of the tribe who owns an allotment or any share of heirship land or any deeded lands within the reservation may voluntarily transfer his interest in such lands to the tribe 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 tribe, 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 assignment, such land 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 Blackfeet Tribe, except that a life assignment may be made to the surviving child, widower or widow of the holder of an assignment.

(b) 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 eighty (80) acres, and no area of agricultural land shall be subdivided into units smaller than 2½ 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 tribal council shall issue to such heirs or devisees grazing permits or other interests in tribal lands of the same value as the assignment of the decedent.

(c) Such lands may not be reassigned to any heir or devisee holding under allotment or assignment more than two sections of grazing land or other land of equal value.

(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 Blackfeet Tribe or otherwise disposed of under such regulations as the tribal council shall provide. No permanent improvements shall be removed from the land without the consent of the tribal council.

SEC. 10. *Exchange of assignments.*—Assignments may be exchanged between members of the Blackfeet Tribe by common consent in such manner as the tribal council shall designate.

SEC. 11. *Use of unassigned tribal land.*—Tribal land which is not leased or assigned, including tribal timber reserves, shall be managed by the tribe for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole.

SEC. 12. *Purchase of land by tribe.*—Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

(a) Land within the Blackfeet Reservation or adjacent to the boundaries thereof which is not now in Indian ownership may be purchased by or for the Blackfeet Tribe.

(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 tribe, 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 tribe who is over the age of sixty (60) years or is physically incapacitated and who is without dependents may be transferred by its owner to the tribe in exchange for a pension upon such terms as may be agreed upon.

(d) Land owned by any member of the tribe who desires to leave the reservation permanently may be purchased by the tribe, 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 council 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 in the district in which the land is located for not less than twenty (20) days before action is taken by the council. Any member of the tribe 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 council, and may, if he so desires, appear before the council to present evidence. The sec-

retary of the council shall furnish the superintendent or other officer in charge of the agency a complete record of all action taken by the 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.

The 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 VIII—BILL OF RIGHTS

SECTION 1. *Suffrage*.—Any member of the Blackfeet Tribe, twenty-one (21) years of age or over, shall be eligible to vote at any election when he or she presents himself or herself at a polling place within his or her voting district.

SEC. 2. *Economic rights*.—All members of the tribe shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SEC. 3. *Civil liberties*.—All members of the tribe may enjoy without hindrance freedom of worship, conscience, speech, press, assembly, and association.

SEC. 4. *Rights of accused*.—Any member of the Blackfeet Tribe accused of any offense shall have the right to a bond, open and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses on his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than thirty days' imprisonment. Excessive bail shall not be required and cruel punishment shall not be imposed.

ARTICLE IX—REFERENDUM

Upon a petition of at least one-third ($\frac{1}{3}$) of the eligible voters of the Blackfeet Tribe, or upon the request of a majority of the members of the tribal council, any enacted or proposed ordinance or resolution of the council shall be submitted to popular referendum, and the vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding on the tribal council.

ARTICLE X—AMENDMENTS

This constitution and by-laws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (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, at the request of two-thirds ($\frac{2}{3}$) of the council, or upon presentation of a petition signed by one-third ($\frac{1}{3}$) of the qualified voters, members of the tribe.

**BY-LAWS OF THE BLACKFEET TRIBAL BUSINESS COUNCIL OF
MONTANA**

ARTICLE I

To be eligible for membership on the Blackfeet Indian Tribal Council, it will be necessary that the Indian be a member of the Blackfeet Tribe, living on the Blackfeet Reservation for at least six (6) months prior to the date of election at which he or she may become a candidate. The council in office shall determine whether or not he or she is an eligible candidate for the district which he or she proposes to represent.

**ARTICLE II—INSTALLATION OF ELECTED BUSINESS COUNCIL
CANDIDATES**

The newly elected candidates to the tribal council shall be installed in office at the first regular meeting of the council after certificate of their election has been issued.

ARTICLE III—POLLING PLACES

Polling places shall be established as follows until otherwise provided by ordinance of the tribal council: Browning district; Seville district; Heart Butte district; Old Agency district; Agency Community Hall, Babb Ranger Station; Agency Community Hall; Heart Butte Community Hall, Little Badger Community Hall; Old Agency Community Hall.

ARTICLE IV—JUDGES AND CLERKS

On each election day there shall be employed and stationed at each polling place three (3) election judges and two (2) clerks, who shall be named by the council in office. The judges shall judge the election and the clerks will record and tally votes.

ARTICLE V—MEETINGS

A regular council meeting shall be called on the first Thursday of each month and special meetings may be called by the chairman of the council at such times as are deemed necessary. Meetings will be held at the community hall in Browning. They will be open to the general public and from time to time the public will be invited to participate in the discussion of matters of importance to the tribe.

ARTICLE VI—DUTIES OF OFFICERS

Chairman.—The chairman shall preside at all council meetings.

Vice chairman.—Should the chairman not be present at a meeting the vice chairman shall preside in his stead.

Secretary.—The secretary shall call the roll at the opening of each meeting. He then shall read the minutes of the previous meeting. The minutes shall be approved by the council, after which it shall be the secretary's duty to call to the attention of the council any unfinished business of the previous meeting. Further, the secretary shall read to the council all communications which, during the month

have been received by said council. It shall be the duty of the secretary to answer all correspondence after it has been discussed and a decision made by the council.

Sergeant-at-arms.—It shall be the duty of the sergeant-at-arms to keep order at all council meetings.

ARTICLE VII—PROCEDURE OF ADOPTION

This constitution and the attached bylaws, when adopted by a majority vote of the voters of the Blackfeet Tribe voting at a special election called by the Secretary of the Interior, in which at least thirty (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.

CERTIFICATE OF ADOPTION

Pursuant to an order, approved October 19, 1935, by the Secretary of the Interior, the attached constitution and by-laws were submitted for ratification to the members of the Blackfeet Tribe of the Blackfeet Reservation and were on November 13, 1935, duly accepted by a vote of 884 for and 157 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 14, 1935 (Pub., No. 174, 74th Cong.).

JOSEPH W. BROWN,
Chairman of Election Board.

JOSEPH W. BROWN,
Chairman of Blackfeet Tribal Business Council.

LEO M. KENNERLY,
Secretary.

WARREN L. O'HARA,
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 by-laws of the Blackfeet Tribe of the Blackfeet 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 Blackfeet Tribe of the Blackfeet 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.

A. C. MONAHAN,
Acting Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., December 13, 1935.