

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER OF THE
LOWER BRULE SIOUX TRIBE
" SOUTH DAKOTA



RATIFIED JULY 11, 1936



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1936

CORPORATE CHARTER OF THE LOWER BRULE SIOUX TRIBE

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

Whereas, the Lower Brule Sioux Tribe of the Lower Brule Reservation in South Dakota is a recognized Indian Tribe organized under a constitution and by-laws ratified by the tribe on October 5, 1935, and approved by the Secretary of the Interior on November 27, 1935, 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 Lower Brule Sioux Tribe to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the Lower Brule Reservation in an election at which at least thirty percent of those entitled to vote shall vote.

Corporate Existence.

1. In order to further the economic development of the Lower Brule Sioux Tribe 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 Lower Brule Sioux Tribe."

Perpetual Succession. Membership.

2. The Lower Brule Sioux Tribe shall, as a Federal corporation, have perpetual succession.
3. The Lower Brule Sioux Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter entitled to membership in the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

Management.

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

(1)

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 now or hereafter held by the Tribe, nor shall the Tribe take legal title to any land or other property which the United States holds in trust for the Tribe.
 - (2) No leases or permits (which terms shall not include land assignments to members of the Tribe) covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Lower Brule Reservation shall be made by the Tribe for a longer term than ten years, and all such leases or permits must be approved by the Secretary of the Interior or by his duly authorized representatives; but mineral leases or any lease 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 conflicts with regulations authorized by section 6 of the Act of June 18, 1934, or in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Lower Brule Reservation.
 - (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 mem-

bers 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 Funds, shall not exceed forty 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 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, partnership, association, or corporation, with any municipality or any county, or with the United States or the State of South Dakota, including agreements with the State of South Dakota for the rendition of public services; provided that any contract involving payment of money by the corporation in excess of \$2,000 in any one fiscal year other than a contract for the use of the revolving loan fund established under section 10 of the Act of June 18, 1934 (48 Stat. 984) 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 under any notes, leases, or other contracts, whether or not such notes, leases or contracts are in existence at the time, or from any other source, provided that such agreements of pledge or assignment except to the Federal Government shall not extend more than ten years from the date of execution and shall not cover more than one-half of the net tribal income in any one year, and provided further than 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 appropriate corporate funds as may be required by the Tribal Council in carrying out its duties and exercising its powers under this charter and the Tribal Constitution and By-laws; and review by the Secretary of the Interior of any such appropriations shall not be necessary except as may be required by the terms of this charter or where an appropriation made before July 1, 1940, is in excess of \$2000, anything to the contrary in section 1 (g) in Article VI of the Tribal Constitution notwithstanding.
- (j) 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; nor shall the grant or exercise of such power be deemed or construed to be a consent to be sued in respect of any land within the exterior boundaries of the Lower Brule Reservation, or a consent to the alienation, attachment, or encumbrance of any such land.
- (k) 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. At any time after ten years from the effective date of this charter, upon the request of the Tribal Council of the Tribe for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) (2), 5 (c), 5 (d), 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 to the Tribe for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least thirty percent of the adult members of the Tribe residing on the reservation shall vote. If at any time after ten years from the effective date of this charter, such request shall be made and the Secretary of the Interior shall disapprove it or fail to approve or disapprove it within ninety 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, shall be effective.

Corporate Property.

7. No property rights of the Lower Brule Sioux Tribe, 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.

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 per capita, among the recognized members of the tribe, all income or profits of corporate enterprises and activities 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 cost of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. Any such distribution of profits or 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. The financial assets of the tribe shall not be distributed among the members on a per capita or pro rata basis except as provided above or as authorized by Congress.

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 resolutions of the 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 Lower Brule Sioux Tribe living on the Lower Brule Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Crow Creek Agency and the Chairman of the Lower Brule Sioux Tribal Council.

Submitted by the Secretary of the Interior for ratification by the Lower Brule Sioux Tribe in a popular referendum to be held on July 11, 1936.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *June 29, 1936.*

CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934, (48 Stat. 984), this charter, issued on June 29, 1936, by the Secretary of the Interior to the Lower Brule Sioux Tribe of the Lower Brule Reservation was duly submitted for ratification to the adult Indians living on the reservation and was on July 11, 1936, duly ratified by a vote of 66 for and 39 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

REUBEN ESTES,
Chairman of Tribal Council.

JAMES H. HYDE,
Superintendent, Crow Creek Agency.

