

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS OF THE
FOREST COUNTY POTAWATOMI
COMMUNITY
WISCONSIN



APPROVED FEBRUARY 6, 1937



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CONSTITUTION AND BY-LAWS OF THE FOREST COUNTY POTAWATOMI COMMUNITY

PREAMBLE

We, the Wisconsin Potawatomes residing on lands reserved by the United States for Wisconsin Potawatomes in Forest County, Wisconsin, grateful to Almighty God for his fostering care, in order to re-establish our tribal organization, to conserve and develop our common resources and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this Constitution for the Forest County Potawatomi Community.

ARTICLE I—TERRITORY

The jurisdiction of the Forest County Potawatomi Community shall embrace lands purchased by the United States for the occupancy and use of the Wisconsin Potawatomes residing in Wisconsin, and any additional lands bought by the Federal Government or the Community under any law of the United States, except as otherwise provided by law.

ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Forest County Potawatomi Community shall consist of:

(a) All persons of Indian blood whose names appear on the official census roll of the Wisconsin Potawatomes on file in the Indian Office, as of April 1, 1934, as supplemented to January 1, 1936, and who were residing on lands reserved by the United States for the Wisconsin Potawatomi in Forest County, Wisconsin, on the date of approval of this Constitution, and their descendants who were so residing at that time.

(b) All children of one-fourth ($\frac{1}{4}$) or more Indian blood born to any member of the Community, provided such member is a resident of the Reservation at the time of birth of said children.

(c) All children of one-fourth ($\frac{1}{4}$) or more Indian blood, both of whose parents are members of the Tribe.

SEC. 2. The General Tribal Council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership, loss of membership, and the adoption of new members and to prepare within one year from the adoption of this Constitution, a revised roll of members of this organization to become official when approved by the General Tribal Council at an election called for that purpose, and by the Secretary of the Interior.

ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Forest County Potawatomi Community shall be the General Tribal Council which shall be composed of all qualified voters of the Community.

SEC. 2. Any enrolled member of the Community who is twenty-one (21) years of age or over shall be entitled to vote at any election at which he presents himself at the polls on election day during the official voting hours.

SEC. 3. The General Tribal Council shall elect from its male members who are twenty-five (25) years of age or over, by secret ballot, a Chairman; a Vice-Chairman; a Secretary; a Treasurer; and two councilmen, the six so elected to constitute the Executive Council, which shall exercise the powers and duties delegated to it by the General Council which reserves the right of review of the actions of the Executive Council.

SEC. 4. The General Tribal Council shall meet on the first Monday of April and November of each year. The annual election shall be held at the time of the November meeting.

SEC. 5. Within thirty days after the ratification and approval of this Constitution and By-laws, a general tribal council shall be called by the present Business Committee for the purpose of electing the officers named herein, and to transact such other business as may be necessary.

SEC. 6. The officers elected at the first election under this Constitution shall meet as soon as possible thereafter to determine by lot which three shall serve until the November election in 1937 and which three shall serve until the November election in 1938, and to organize for business.

SEC. 7. After the first election, the annual election shall be held at the November meeting of the General Tribal Council, at which time successors to those whose terms of office expire at that time shall be elected for a term of two (2) years.

SEC. 8. The Chairman of the Executive Council, or any ten qualified voters may, by written notice posted at least ten days in advance of the meeting, call a special meeting of the General Tribal Council.

SEC. 9. One-third of the resident qualified voters of the Community shall constitute a quorum at any regular or special meeting of the General Tribal Council.

SEC. 10. The present Business Committee shall provide the regulations for nominations and the conduct of the first election, and thereafter the Executive Council shall make such provision for all elections.

ARTICLE IV—REFERENDUM

Upon a petition of at least thirty percent of the resident eligible voters of the Forest County Potawatomi Community, any enacted or proposed ordinance, resolution or other regulative act of the Executive Council shall be submitted to a referendum of the resident qualified voters.

ARTICLE V—POWERS OF THE GENERAL TRIBAL COUNCIL

SECTION 1. *Enumerated Powers.*—The General Tribal Council of the Forest County Potawatomi 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 tribal assets of the Community;
- (d) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Forest County Potawatomi 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 Forest County Potawatomi Community in accordance with the terms of a Charter that may be issued to 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 Community, providing for the manner of making, holding, and revoking assignments of Community 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 non-members coming upon the Reservation for purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the Community of persons not so licensed and establishing proper agencies for law enforcement upon the territory embraced in the jurisdiction of this Constitution.
- (g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the 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 the attached By-laws, regulating the procedure of the Council itself and of other tribal agencies, tribal officials, or tribal organizations of the Forest County Potawatomi Community.

SEC. 2. Future Powers.—The General Tribal Council may exercise such further powers as may in the future be delegated to the Council by any member 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 Wisconsin Potawatomes residing on the land reserved for Wisconsin Potawatomes in Forest County, Wisconsin, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Forest County Potawatomi Community through the adoption of appropriate By-laws and constitutional amendments.

SEC. 4. 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 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 Secre-

tary of the Interior, who may, within ninety days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Council of such rescission.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten days after its enactment, he shall advise the Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolutions to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VI—AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Community voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent of those entitled to vote shall vote at 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 receipt of a petition signed by one-third of the resident qualified voters, members of the Community.

BY-LAWS OF THE WISCONSIN POTAWATOMIES OF FOREST COUNTY

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. The Chairman of the Council shall preside over all meetings of the Council, shall perform the usual duties of a Chairman, and exercise any authority delegated to him by the Council. He shall vote only in the case of a tie.

SEC. 2. The Vice-Chairman shall assist the Chairman when called upon to do so and in the absence of the Chairman he shall preside. When so presiding, he shall have all the rights, privileges and duties as well as the responsibilities of the Chairman.

SEC. 3. The Secretary of the Council shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction and the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the Council.

SEC. 4. The Treasurer of the Council shall accept, receive, receipt for, preserve and safeguard all tribal funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Council shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody, at each regular meeting of the General Tribal Council, and at such other times as requested by the Council or the Executive Council.

He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Council.

The Treasurer shall be required to give a bond satisfactory to the Council and to the Commissioner of Indian Affairs.

SEC. 5. The duties of all appointive boards or officers of the Community shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such boards and officers shall report to the Council from time to time as required, and their activities and decisions shall be subject to the review of the Council upon the petition of any person aggrieved.

ARTICLE II—EXECUTIVE COUNCIL MEETINGS

The Executive Council shall meet regularly on the first Monday of January, April, July and November, and at such other times as the Council may by resolution provide.

ARTICLE III—RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when adopted by a majority vote of the adult Indians of the Wisconsin Potawatomes, residing on the land reserved for Wisconsin Potawatomes in Forest County, Wisconsin, voting at a special election called by the Secretary of the Interior, in which at least thirty percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved October 8, 1936, by the Secretary of the Interior, the attached Constitution and By-laws were submitted for ratification to the Wisconsin Potawatomes residing on lands reserved by the United States for the Wisconsin Potawatomes in Forest County, Wisconsin, and were on November 14, 1936, duly adopted by a vote of 44 for, and 5 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 15, 1935, (49 Stat. 378).

HENRY RITCHIE,

Chairman of Election Board.

ISAAC GEORGE,

Secretary of the Election Board.

J. C. CAVILL,

Superintendent in charge of the Reservation.

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 Forest County Potawatomi Community.

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 Forest County Potawatomi Community.

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

Approval recommended December 10, 1936.

JOHN COLLIER,

Commissioner of Indian Affairs.

HAROLD L. ICKES,

Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *February 6, 1937.*

