

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS OF THE
SAGINAW CHIPPEWA INDIAN TRIBE
OF MICHIGAN



APPROVED MAY 6, 1937



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CONSTITUTION AND BY-LAWS OF THE SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN

PREAMBLE

We, the Indians residing on the Isabella Reservation in the State of Michigan, in order to reestablish our tribal organization, to conserve our tribal property, to develop our common resources, do adopt and establish this Constitution in accordance with existing law.

ARTICLE I—NAME OF ORGANIZATION

This organization shall be known as the Saginaw Chippewa Indian Tribe of Michigan. Said organization is to be composed of the descendants of members of the Saginaw, Swan Creek, and Black River Bands of Chippewa Indians residing on the Isabella Reservation on June 1, 1934, and at the time of the adoption of this Constitution, and all other persons recognized as Indians under Section 19 of the Act of June 18, 1934 (48 Stat. 984), who are residing on the Isabella Reservation at the time of the adoption of this Constitution.

ARTICLE II—TERRITORY

The jurisdiction of the Saginaw Chippewa Indian Tribe of Michigan shall extend to the territory within the original confines of the Isabella Reservation established by the treaty of October 18, 1864 (14 Stat. 657), and to other lands within or without such boundaries as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE III—MEMBERSHIP

SECTION 1. Membership in the Saginaw Chippewa Indian Tribe of Michigan shall consist of: (a) All persons whose names appear on any or all of the allotment rolls of November 10, 1883, November 13, 1885, and November 7, 1891, their descendants and all other Indians entitled to reside on the Isabella Reservation: *Provided*, That no person may be a member of the Tribe unless he is a resident of the Reservation at the time of the adoption of this Constitution and By-laws. (b) All future-born children of at least one-quarter degree of Indian blood born to any member who is a resident of the Reservation at the time of the birth of said children.

SEC. 2. The Tribal Council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, covering the adoption of new members, and to prepare, within 1 year from the adoption of this Constitution, a revised roll of the members of this organization, to become official when approved by the Tribal Council and by the Secretary of the Interior.

ARTICLE IV—GOVERNING BODY

SECTION 1. The governing body under this Constitution shall be the Tribal Council, which shall be composed of 10 headmen, who shall be chosen by ballot by the qualified voters of the organization.

SEC. 2. The entire Council shall be elected from within the Reservation until such time as a sufficient number outside the Reservation have become members of the organization by adoption to constitute a group of 100, or more, voting members. Each additional group of 100 members, or more, shall then be entitled to elect from within or from outside of the Reservation 1 of the 10 headmen as a representative upon the Tribal Council.

SEC. 3. Each 100 members referred to in Section 2 of this Article shall represent a definite voting district. They shall elect their own representative.

SEC. 4. As the membership increases the Council shall maintain and regulate, by ordinance, the proper quota for each of the 10 voting precincts in the tribal organization, so that each community may have an equal representation upon the Council.

SEC. 5. The Tribal Council, so elected, shall elect from its number one Tribal Chief, one Subchief, one Tribal Secretary, and one Tribal Treasurer. Said officers, when so elected by the Tribal Council, shall be known as the Executive Council. The Tribal Council shall appoint all necessary subordinate officers, boards, and committees.

SEC. 6. The Executive Council shall exercise the powers and duties delegated to it by the Tribal Council, which reserves the right of review over the actions of the Executive Council.

SEC. 7. The present Business Committee shall provide the regulations for nominations and the conduct of the first election, and thereafter the Tribal Council shall make such provisions for all elections, by proper ordinance.

SEC. 8. After the first election members of the Tribal Council shall be elected every 2 years, in the month of November, the date and manner of election to be provided by the Tribal Council as provided in Section 7 of this Article.

SEC. 9. Regular meetings of the Tribal Council shall be held in the months of March and September of each year, on the dates of said months designated by the Tribal Council, or at such other times as the Council may by resolution provide. Special meetings may be called by the Tribal Chief, or by a majority of the Tribal Council in writing, and when so called the Tribal Council shall have power to transact business as in a regular meeting.

SEC. 10. Six members of the Tribal Council shall constitute a quorum for the transaction of business at any regular or special meeting.

SEC. 11. Any enrolled member of the Saginaw Chippewa Indian Tribe of Michigan who is 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 in the district in which he resides during the official voting hours.

SEC. 12. Any person elected to the Tribal Council must be a member of the Saginaw Chippewa Indian Tribe of Michigan, 25 years of age or over, and a resident of the district from which elected

for at least 1 year immediately preceding such election. No person shall be qualified to hold office who is an employee of the Indian Service, or who has been convicted of a felony.

SEC. 13. The Tribal Council shall be the sole judge of the qualifications of its own members.

SEC. 14. The Tribal Council shall have the power to remove from office any officer or headman charged with improper conduct or gross neglect of duty, after giving notice to the accused officer or headman and an opportunity for him to answer the charge. When it shall be deemed by the people as a whole that a member of the Tribal Council is not giving satisfactory service, the Tribal Council, upon the petition of at least 30 percent of the eligible voters in the organization, shall call an election, at which it shall be determined whether the designated officer shall be recalled from office.

ARTICLE V—REFERENDUM

Upon petition of at least 30 percent of the eligible voters of the Saginaw Chippewa Indian Tribe of Michigan any enacted or proposed ordinance, resolution, or any other regulative act of the Tribal Council shall be submitted to a referendum of the resident qualified voters.

ARTICLE VI—POWERS OF THE TRIBAL COUNCIL

SECTION 1. The Tribal Council of the Saginaw Chippewa Indian Tribe of Michigan shall exercise the following powers, subject to any limitation imposed by the Statutes or the Constitution of the United States, and this Constitution:

- (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 tribal assets of the tribe.
- (d) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Saginaw Chippewa Indian Tribe of Michigan, prior to the submission of such estimates to the Bureau of the Budget and to the Congress.
- (e) To manage all economic affairs and enterprises of the Saginaw Chippewa Indian Tribe of Michigan, in accordance with the terms of a charter that may be issued to the organization 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 organization, providing for the manner of making, holding, and revoking assignments of tribal land or interests therein.
- (g) To create and maintain a tribal council fund by accepting grants or donations from any person, State, or the United States, and levying taxes or assessments against members or nonmembers for the use of property and facilities which belong to the organization.
- (h) To charter subordinate organizations subject to review by the Secretary of the Interior, and to delegate to such organizations, or to any subordinate boards or officials of the organization, any of

the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

(2) To adopt resolutions not inconsistent with this Constitution and the attached By-laws regulating the procedure of the Tribal Council itself, and of other tribal agencies, tribal officials, or tribal organizations of the Saginaw Chippewa Indian Tribe of Michigan.

SEC. 2. The Tribal Council may exercise such further powers as may in the future be delegated to it by members of the Tribe, or by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. Any rights and powers heretofore vested in the Indians residing on the Isabella Reservation in the State of Michigan but not expressly referred to in this Constitution shall not be abridged by this Article, but may be exercised by the Saginaw Chippewa Indian Tribe of Michigan 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 jurisdiction, who shall, within 10 days thereafter, approve or disapprove the same.

If the Superintendent shall approve said 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 Tribal Council of such action.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him within 10 days after its enactment he shall advise the Tribal Council of his reasons therefor. If these reasons appear to the Tribal Council insufficient it may, by 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.

SEC. 5. The Tribal Council shall have power to fill any vacancy for an unexpired term that may occur by death, resignation, forced absence, or removal from office, of a Tribal Council member: *Provided*, That the person so appointed shall qualify according to Section 12, Article IV of this Constitution.

ARTICLE VII—AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the tribal organization voting at an election called for that purpose by the Secretary of the Interior: *Provided*, That at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall be 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 organization.

BY-LAWS

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. The Tribal Chief shall preside at all meetings of the Tribal Council and perform the usual duties of a presiding officer, and shall exercise any authority delegated to him by the Tribal Council. He shall countersign all checks drawn by the Tribal Treasurer. He shall be ex-officio a member of all Boards and Committees. He shall vote only in case of a tie.

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

SEC. 3. The Tribal Secretary shall conduct all correspondence of the Tribal Council, and shall keep an accurate record of all proceedings of the Tribal Council and Executive Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction copies of the minutes of regular and special meetings of the Tribal Council and of the Executive Council.

SEC. 4. The Tribal Treasurer shall receive, receipt for, and safeguard all funds in the custody of the Tribal Council, whether they be tribal funds or special funds for which the Tribal Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Tribal 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 Tribal Council, or of 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 Tribal Council.

The Tribal Treasurer shall give a bond satisfactory to the Tribal Council and to the Commissioner of Indian Affairs when required for the handling of Federal funds or when, in the opinion either of the Tribal Council or of the said Commissioner, there are sufficient funds in the treasury to warrant such action.

SEC. 5. The duties of all appointive boards or officers created by the Tribal Council shall be clearly defined by resolution of the Tribal Council at the time of their creation or appointment. Such boards and officers shall report to the Tribal Council from time to time as required and their activities and decisions shall be subject to review by the Tribal Council.

ARTICLE II—EXECUTIVE COUNCIL MEETINGS

SECTION 1. The Executive Council shall meet regularly on the first Monday of January, April, July and November, and at other times on the call of the Tribal Chief. It shall be the duty of the Tribal Chief to call a special meeting of the Executive Council upon request of three members of the Executive Council.

SEC. 2. Three members of the Executive Council shall constitute a quorum to transact business at all regular and special meetings.

ARTICLE III—RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and these By-laws, when adopted by a majority vote of the Indians residing on the Isabella Reservation in the State of Michigan voting at a special election called by the Secretary of the Interior, in which at least 30 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 March 8, 1937, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the adult Indians residing on the Isabella Reservation and was on March 27, 1937, duly ratified by a vote of 109 for and 3 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).

ELIJAH ELK,
Chairman of Election Board.
JOHN JACKSON,
Secretary of Election Board.

FRANK CHRISTY,
Superintendent in charge of the Reservation.

I, Charles West, Acting 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 Saginaw Chippewa Indian Tribe of Michigan.

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 and by-laws are hereby declared inapplicable to the Saginaw Chippewa Indian Tribe of Michigan.

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

Approval recommended: April 26, 1937.

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

CHARLES WEST,
Acting Secretary of the Interior.

WASHINGTON, D. C., May 6, 1937.

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