

Bad River Band of Chippewa Indians
Wisconsin. UNITED STATES

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
BAD RIVER BAND OF CHIPPEWA
INDIANS
OF THE
BAD RIVER RESERVATION
WISCONSIN



RATIFIED MAY 21, 1938

[Faint, illegible text]



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1938

CORPORATE CHARTER OF THE BAD RIVER BAND OF CHIPPEWA INDIANS OF THE BAD RIVER RESERVATION

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

Whereas, the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation in Wisconsin is a recognized Indian tribe organized under a Constitution and By-laws ratified by the Band on May 23, 1936 and approved by the Secretary of the Interior on June 20, 1936 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 Band have petitioned that a charter of incorporation be granted to such Band, subject to ratification by a vote of the adult Indians living on the Reservation;

Now, therefore, I, Oscar L. Chapman, Assistant 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 Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation to be effective from and after such time as it may be ratified by a majority vote in an election in which at least 30 per cent of the adult Indians living on the Reservation shall vote.

Corporate Existence.

1. In order to further the economic development of the Bad River Band of Chippewa Indians of the Bad River Reservation in Wisconsin by conferring upon the said Band certain corporate rights, powers, privileges and immunities; to secure for the members of the Band the means of an assured economic independence; and to provide for the proper exercise by the Band of various functions heretofore performed by the Department of the Interior, the aforesaid Band is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Bad River Band of Chippewa Indians."

Perpetual Succession. Membership.

2. The Bad River Band of Chippewa Indians shall, as a Federal Corporation, have perpetual succession.
3. The Bad River Band of Chippewa Indians shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Band, as provided by its duly ratified and approved Constitution and By-laws.

Management.

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

Corporate Powers.

5. The Band, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Band, 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, except to the United States, of any land, or interests in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Band within the boundaries of the Bad River Reservation.

(2) No mortgage may be made by the Band of any standing timber on any land now or hereafter held by the Band within the boundaries of the Bad River Reservation.

(3) No leases, permits (which terms shall not include land assignments to members of the Band) or timber sale contracts covering any land or interests in land now or hereafter held by the Band within the boundaries of the Bad River Reservation shall be made by the Band for a longer term than ten years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mining leases may be made for longer periods when authorized by law.

(4) No action shall be taken by or in behalf of the Band which in any way operates to destroy or injure the tribal timber, or other natural resources of the Bad River Reservation. All leases, permits, and timber sale contracts relating to the use of tribal timber lands shall conform to regulations of the Secretary of the Interior authorized by section 6 of the Act of June 18, 1934

with respect to sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

- (5) No distribution of corporate property to members shall be made except out of net income.
- (c) To issue certificates of interest in corporate property in exchange for restricted Indian lands, the forms for such certificates 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 members of the Band, or from any other source, 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 Band: *Provided*, That the amount of indebtedness to which the Band may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed \$5,000, 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 Band 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, association, or corporation, with any municipality or any county, or with the United States or the State of Wisconsin, provided that any contracts involving payment of money in excess of \$1,000 in any one year by the corporation shall be effective only when approved by 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 Band: *Provided*, That such assignments of tribal

income, other than assignments to the United States, shall not extend more than five years from the date of execution and shall not cover more than one-half the net tribal income from any one source: *And provided further*, That any such pledge or assignment 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 corporation.
- (i) 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 Band or by the United States to the levy of any judgment, lien or attachment upon the property of the Band other than income or chattels specially pledged or assigned.
- (j) To exercise such further incidental powers not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Upon the request of the Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) (3), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 9 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Band for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 per cent of the adult members of the Band residing on the Reservation shall vote. If at any time after five years from the effective date of this Charter, such request shall be made and the Secretary shall disapprove it or fail to approve or disapprove it within 90 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 Band actually living within the Reservation and if the termination is approved by two-thirds of the eligible voters it shall be effective.
7. No property rights of the Bad River Band of Chippewa Indians as heretofore constituted, shall be in any way impaired by anything contained in

Termination of Supervisory Powers.

Corporate Property.

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 Band shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Band shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

Reserve Fund.

8. Forty per cent of net income from corporate enterprises shall be placed in a reserve fund, annually, until said reserve fund equals not less than 25 per cent of the capital investment in such corporate enterprise. Thereafter the amount of net income to be devoted to the reserve fund may be optional, except that amounts expended therefrom shall be replaced in the same manner that the fund was created. This fund shall be used only for repairs, replacements, improvements, and expansion of corporate enterprises.

Corporate Dividends.

9. The Band may issue to each of its members a non-transferable certificate of interest in corporate property and corporate enterprises evidencing the equal share of each of such members of the Band in the corporate assets of the Band and may make a dividend distribution among such members of profits of corporate enterprises 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 enterprise, the expenses of tribal government, the needs of charity, or other corporate purposes. No such distribution of profits shall be made amounting to a distribution of more than one-half of the accrued surplus without the approval of the Secretary of the Interior. No distribution of the financial assets of the Band shall be made except as provided herein or as authorized by Congress.

Corporate Accounts.

10. The officers of the Band shall maintain accurate and complete public accounts of the financial affairs of the Band, 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.

11. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Tribal Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members of the Band residing on the Reservation at a popular referendum in which at least 30 per cent of the eligible voters shall vote.

Ratification.

12. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Bad River Band of Chippewa Indians

residing on the Bad River Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Great Lakes Agency and the Chairman and Secretary of the Tribal Council.

Submitted by the Assistant Secretary of the Interior for ratification by the Bad River Band of Chippewa Indians.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *April 5, 1938.*

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on April 5, 1938 by the Assistant Secretary of the Interior to the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the State of Wisconsin, was duly submitted for ratification to the adult Indians living on the reservation and was on May 21, 1938 duly adopted by a vote of 105 for, and 80 against, in an election in which over 30 per cent of those entitled to vote cast their ballots.

GEORGE P. PARKER,
Chairman of the Tribal Council.

FRANK G. SMART,
Secretary of the Tribal Council.

J. C. CAVILL,
Superintendent, Great Lakes Agency.

○