

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS OF THE
SOKAOGON CHIPPEWA COMMUNITY
" MINNESOTA



APPROVED NOVEMBER 9, 1938



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Sokaogon
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CONSTITUTION AND BY-LAWS OF THE SOKAOGON CHIPPEWA COMMUNITY

PREAMBLE

We, the members of the Mole Lake Band of Chippewa Indians, in order to establish our tribal organization; secure the benefits of the Indian Reorganization Act; and promote the welfare of ourselves and our descendants, do ordain and establish this Constitution and By-laws.

ARTICLE I—NAME

This organization shall be known as "The Sokaogon Chippewa Community."

ARTICLE II—TERRITORY

The jurisdiction of this Community shall extend to all lands purchased now or hereafter by the United States for the benefit of the Mole Lake Band of Chippewa Indians in Wisconsin.

ARTICLE III—MEMBERSHIP

SECTION 1. The following shall be members of the Sokaogon Chippewa Community:

(a) Recognized members of the Mole Lake Band of Chippewa Indians whose names appear on the 1937 Census list of the Mole Lake Band.

(b) Children born to members of the Community.

SEC. 2. Any person of Indian blood may be adopted into the Community by a majority vote of the adult members of the Community at an election in which at least 30 per cent of those entitled to vote shall vote. The Tribal Council shall have power to enact ordinances, which shall be subject to the approval of the Secretary of the Interior, governing future membership and adoption into the Community.

ARTICLE IV—GOVERNING BODY

SECTION 1. The governing body of the Sokaogon Chippewa Community shall be a Tribal Council, composed of a Chairman, a Vice-Chairman, a Treasurer, and two councilmen, to be elected by popular referendum.

SEC. 2. The Tribal Council shall appoint a tribal Secretary and such boards and committees as may be deemed necessary. No tribal Secretary shall be appointed for a longer term than two years.

SEC. 3. The officers and councilmen shall be elected as follows: the Chairman, Vice-Chairman, and Treasurer shall be elected for a term of two years; the two councilmen shall be elected for a term of one year.

SEC. 4. Any member of the Community 21 years of age or over may be elected or appointed to the Tribal Council, provided he has maintained a continuous residence in the Community for at least one year immediately preceding his election or appointment.

SEC. 5. Any member of the Community who is 21 years of age or over shall be entitled to vote in any election at which he presents himself at the polls on election day during the official voting hours.

SEC. 6. The present Business Committee shall call, hold, and supervise the first Tribal Council election under such rules and regulations as the committee may provide. The Tribal Council shall provide by ordinance, the date and manner of holding future elections.

ARTICLE V—VACANCIES AND REMOVAL

SECTION 1. The Tribal Council may by an affirmative vote of three, expel any member of the Council for neglect of duty, or gross misconduct: *Provided*, That the accused shall be given an opportunity to answer any and all charges at a designated Council meeting. The decision of the Council shall be final.

SEC. 2. The Tribal Council shall fill vacancies in its membership caused by death, removal, resignation, or otherwise, such appointment to be in force and effect until the next annual election.

ARTICLE VI—REFERENDUM

Any enacted or proposed ordinance, resolution or any other regulative act of the Tribal Council shall be submitted to a referendum of the qualified voters of the Community upon a petition signed by not less than 30 per cent of the eligible voters of the Community.

ARTICLE VII—POWERS

SECTION 1. *Enumerated Powers.*—The Tribal Council shall exercise the following powers, subject to any limitations imposed by the Constitution and laws of the United States and this Constitution and By-laws.

- (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 approved by the Secretary of the Interior;
- (c) To veto any sale, disposition, lease, or encumbrance of Community lands, interests in lands, or other Community assets;
- (d) To be advised of and to make recommendations upon all appropriation estimates or Federal projects for the benefit of the 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 Community in accordance with the terms of a charter that may be issued to the Community by the Secretary of the Interior;
- (f) To make and enforce rules and regulations, subject to the approval of the Secretary of the Interior, governing the manner of making, holding, and revoking assignments of Community land or interests therein.

(g) To make and enforce rules and regulations governing the preservation of the wild-life and natural resources of the Community; and providing for the exclusion of persons coming within the territorial jurisdiction of the Community for the purpose of fishing, hunting and harvesting wild rice, who are not legally entitled to do so.

(h) To charter subordinate organizations for economic purposes and to regulate the activities of such organizations by ordinances which shall be subject to approval by the Secretary of the Interior, 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;

(i) To adopt resolutions not inconsistent with this Constitution and By-laws regulating the procedure of the Tribal Council itself and of other agencies, officials and organizations of the Community.

(j) A general election on any matter of interest to the tribe as a whole shall be held upon a petition therefor signed by at least 50 per cent of the members of the tribe.

SEC. 2. *Future Powers.*—The Tribal Council may exercise such further powers as may in the future be delegated to the Council by members 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. *Reserve Powers.*—Any rights and powers heretofore vested in the Mole Lake Band of Chippewa Indians but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Sokaogon Chippewa Community through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VIII—AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Community at an election called for that purpose by the Secretary of the Interior: *Provided*, That at least 30 per cent 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 upon the receipt of a petition submitted by the Tribal Council, signed by not less than one-third of the resident qualified voters of the Community.

BY-LAWS OF THE SOKAOGON CHIPPEWA COMMUNITY

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. *Duties of the Chairman.*—It shall be the duty of the Chairman to preside at all Council meetings; to perform the duties generally assigned to the position of chairman and to promote the interests and general welfare of the Community. The Chairman shall countersign all checks drawn against the funds of the Community by the Treasurer.

SEC. 2. Duties of the Vice-Chairman.—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. Duties of the Secretary.—It shall be the duty of the Secretary to handle all correspondence and keep a correct record of the minutes of all Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction copies of all minutes of regular and special meetings of the Council and to perform such other duties as the Council may request.

SEC. 4. Duties of the Treasurer. The Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council, whether they be Community 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 designate and shall make and preserve a faithful record of such funds and shall report on all receipts and disbursements and the amount and nature of all funds in his possession or custody at each regular meeting of the Council and such other time as requested.

He shall not pay out or otherwise disburse any funds in his possession or custody, except as authorized by resolution, duly enacted by the Council.

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

ARTICLE II—MEETINGS

The Tribal Council shall meet semi-annually with members of the Community on the first Saturday of May and November and at such other times as the Council may provide by resolution. The Tribal Council is further authorized to hold such other meetings as may be provided by resolution, at which members of the Community may be auditors, except executive sessions of the Council.

ARTICLE III—RATIFICATION

This Constitution and By-laws, when adopted by a majority vote of the qualified voters of the Mole Lake Band of Chippewa Indians voting at a special election called by the Secretary of the Interior, in which at least 30 per cent of those entitled to vote shall vote, shall be submitted to the Assistant 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 August 25, 1938, by the Assistant Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the Mole Lake Band of Chippewa Indians and was on October 8, 1938, duly adopted by a vote of 61 for, and 1 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian

Reorganization Act of June 15, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

WILLARD L. ACKLEY,
Chairman of Election Board.

JAMES B. POLER,
Secretary of Election Board.

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

I, Oscar L. Chapman, the Assistant 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 Mole Lake Band of Chippewa Indians, Wisconsin.

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 these Indians.

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

Approval recommended November 3, 1938.

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

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., November 9, 1938.

