

Port Gamble Indian Community

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



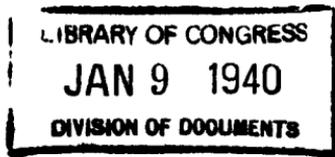
CONSTITUTION AND BY-LAWS
OF THE
PORT GAMBLE INDIAN COMMUNITY
WASHINGTON



APPROVED SEPTEMBER 7, 1939



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CONSTITUTION AND BY-LAWS OF THE PORT GAMBLE INDIAN COMMUNITY, WASHINGTON

PREAMBLE

We, the members of the Port Gamble Band of Clallam Indians, in order to establish a legal community organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, do ordain and establish this Constitution and By-laws for the Port Gamble Indian Community.

ARTICLE I—TERRITORY

The jurisdiction of the Port Gamble Indian Community shall extend to the territory within the confines of the Port Gamble Reservation as established by Proclamation dated June 16, 1938, and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Port Gamble Indian Community shall consist of:

(a) All persons of Indian blood who are members of the Port Gamble Band of Clallam Indians whose names appear on the official census roll as of January 1, 1939, provided that such roll may be corrected by the Community Council, with the approval of the Secretary of the Interior, within two years after approval of this Constitution and By-laws; and

(b) All children born to any member who is a resident of the Port Gamble Indian Community at the time of the birth of said children.

SEC. 2. The governing body shall have the power to promulgate ordinances subject to review by the Secretary of the Interior, governing future membership and the adoption of new members when the resources of the Community make such adoptions feasible.

ARTICLE III—THE GOVERNING BODY

SECTION 1. The governing body of the Port Gamble Indian Community shall be the Community Council, which shall be composed of all qualified voters of the Port Gamble Band of Clallam Indians. A majority of the eligible voters shall constitute a quorum.

SEC. 2. The Community Council shall elect from its own members by secret ballot (a) a chairman, (b) a vice-chairman, (c) a secretary, (d) a treasurer, and (e) such other officers and committees as may be deemed necessary.

SEC. 3. The Community Council shall meet on the first Monday of January and July.

SEC. 4. Within sixty days after the ratification and approval of this Constitution and By-laws, the Community Council shall be called for the purpose of electing the officers named herein, and it may transact such other business as may be necessary. The officers elected at this meeting shall serve until the July meeting, at which time their successors shall be chosen. Thereafter, officials shall be chosen at the July meeting.

SEC. 5. The Chairman, or 25 per cent of the qualified voters, may by written notice, call special meetings of the Community Council.

SEC. 6. The Business Committee shall consist of the chairman, vice-chairman, secretary, and treasurer of the Community Council, and shall perform such duties as may be authorized by that Council.

ARTICLE IV—POWERS OF THE COMMUNITY COUNCIL

SECTION 1. *Enumerated Powers.*—The Community Council of the Port Gamble Indian 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.
- (d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Community prior to submission of such estimates to the Bureau of the Budget and to Congress.
- (e) To manage all economic affairs and enterprises of the Port Gamble Indian 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 Port Gamble Indian Community; providing for the manner of making, holding and revoking assignments of tribal land or interests therein; providing for the levying of taxes and the appropriation of available funds of the Community for public purposes; providing for the licensing of nonmembers 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 the enforcement of such ordinances upon the reservation.
- (g) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution, subject to review by the Secretary of the Interior.
- (h) 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.
- (i) To adopt resolutions not inconsistent with this Constitution and attached By-laws regulating the procedure of the Community

Council and of other Community organizations of the Port Gamble Indian Community.

SEC. 2. *Future Powers*.—The Community Council may exercise such further powers as may in the future be delegated to it 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 Port Gamble Band of Clallam Indians but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the members of the Port Gamble Indian Community through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. *Manner of Review*.—Any resolution or ordinance, which by the terms of this Constitution shall be subject to review by the Secretary of the Interior, shall be presented to the Superintendent in charge 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 Secretary 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 Community Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him within ten days after its enactment, he shall advise the Community Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by majority vote, refer the ordinance or resolution 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 V—BILL OF RIGHTS

SECTION 1. *Suffrage*.—All members of the Port Gamble Band of Clallam Indians over the age of twenty-one (21) years shall have the right to vote in all Community elections.

SEC. 2. *Economic Rights*.—All members of the Community shall be accorded equal opportunities to participate in the economic resources and activities of the Community.

SEC. 3. *Civil Liberties*.—All members of the Community shall enjoy without hindrance, freedom of worship, conscience, speech, press, assembly, and association.

ARTICLE VI—AMENDMENTS

SECTION 1. 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 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.

SEC. 2. At any regular or special Community Council meeting, amendments to this Constitution and By-laws may be proposed to

be acted upon at the next semiannual Community Council meeting. If approved by a majority vote at such meeting, the proposed amendment shall be submitted to the Secretary of the Interior, who shall thereupon call an election upon the proposed amendment.

BY-LAWS OF THE PORT GAMBLE INDIAN COMMUNITY

ARTICLE I

It shall be the duty of the Chairman to preside over all meetings of the Community Council and carry out all orders of the Council. All members of the Council and all subordinate officers shall assist the Chairman in all proper ways to carry out the orders of the Council.

ARTICLE II

The Community Council Secretary shall keep a full report of all proceedings of each regular and special meeting of the Community Council and of the Business Committee, and shall perform such other duties of like nature as the Community Council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the Superintendent in charge of the reservation and to the Commissioner of Indian Affairs.

ARTICLE III

The Community Council Treasurer shall be the custodian of all moneys which may come under the jurisdiction or into the control of the Community Council. He shall pay out money in accordance with the orders and resolutions of the Community Council. He shall keep account of all receipts and disbursements, and shall report the same to the Community Council at each regular meeting. He shall be bonded in such an amount as the Community Council may by resolution, approved by the Commissioner of Indian Affairs, provide. The books of the Council Treasurer shall be subject to audit or inspection at the direction of the Community Council or the Commissioner of Indian Affairs. Until the Treasurer is bonded, the Business Committee may make such provision for the custody and disbursement of funds as shall guarantee their safe and proper disbursement and use.

ARTICLE IV

The subordinate officers of the Community Council shall perform such duties as the Community Council may from time to time provide by resolution.

ARTICLE V

It shall be the duty of the Community Council and each member thereof to promote the general welfare of members of the Community, and to carry out the provisions and purposes of this Constitution and By-laws.

ARTICLE VI

Each officer elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof, by which oath he shall

pledge himself to support and defend the Constitution of the United States and this Constitution and By-laws:

Oath: "I, _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my people, in accordance with this Constitution and By-laws."

ARTICLE VII

The order of business at any regular or special meeting of the Community Council shall be as follows:

1. Call to order by the Chairman.
2. Roll call.
3. Reading of minutes of previous meeting.
4. Reports of committees.
5. Report of the Treasurer.
6. Reading of communications.
7. Unfinished business.
8. New business.
9. Adjournment.

ARTICLE VIII

The Community Council shall have the power to elect delegates to sit in a Central General Council of Northwest Indians.

ARTICLE IX

Ratification of Constitution and By-Laws.—This Constitution and By-laws, when adopted by a majority vote of the voters of the Port Gamble Band of Clallam 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 Secretary of the Interior for his approval, and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved July 6, 1939, by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Port Gamble Band of Clallam Indians and was on August 5, 1939, duly ratified by a vote of 32 for, and 7 against, in an election in which more than 30 per cent 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).

(S.) HARRY FULTON, JR.,
Chairman, Election Board.

(S.) CYRUS WEBSTER,
Secretary, Election Board.

(S.) O. C. UPCHURCH,
Superintendent, Tulalip 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 Port Gamble Indian Community in Washington.

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 members of the Port Gamble Indian 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 June 15, 1939.

FRED H. DAIKER,

Assistant to the Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,

Assistant Secretary of the Interior

[SEAL]

WASHINGTON, D. C., *September 7, 1939.*