

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS



CONSTITUTION AND BYLAWS
OF THE
LUMMI TRIBE OF THE
LUMMI RESERVATION,
WASHINGTON.



APPROVED APRIL 2, 1948



~~174.~~

~~2074~~

Law Office

Indian

Tricks

Lummi Tribe

of the

Lummi Res.

Washington

1

c.4

2074

CONSTITUTION AND BY-LAWS

OF THE

LUMMI TRIBE OF THE LUMMI RESERVATION, WASHINGTON

PREAMBLE

We, the members of the Lummi Tribe of Indians of the Lummi Reservation in the State of Washington, in order to form a tribal organization and promote our common welfare, do hereby establish this Constitution and By-laws.

ARTICLE I—PURPOSE

Our purpose shall be to promote and protect the interests of the Lummi Indians and to preserve peaceful and cooperative relations among the members of the Lummi Tribe, to cooperate with the Office of Indian Affairs, officers and appointees.

ARTICLE II—MEMBERSHIP

SECTION 1. Membership of the Lummi Tribe shall consist of:

(a) All persons of Indian blood whose names appear upon the January 1, 1947 official census roll of the Lummi Tribe on file at the Tulalip Indian Agency, Tulalip, Washington, and any children born to any member of the Lummi Tribe who is a resident of the reservation at the time of the birth of said child;

(b) All other persons of Indian blood now resident upon the Lummi Reservation who are accepted by the General Council as members of the Lummi Tribe.

SEC. 2. Within a period of five years from the time that the constitution and by-laws takes effect corrections may be made in the membership roll by the Lummi Business Council with the approval of the Secretary of the Interior.

SEC. 3. The Lummi Business Council shall have the power to enact resolutions or ordinances subject to the approval of the Secretary of the Interior governing adoption and abandonment of membership.

ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Lummi Tribe shall be a Business Council of eleven members elected by popular vote of the adult members of the tribe.

SEC. 2. The term of office of each councilman shall be three years unless otherwise provided herein.

SEC. 3. The Business Council so organized shall elect from within its own number (1) a Chairman, (2) a Vice-Chairman, (3) a Secretary, and (4) a Treasurer, and may appoint or employ such other officers or committees as may be deemed necessary.

SEC. 4. All enrolled or otherwise recognized members of the Lummi Reservation twenty-one (21) years of age or over who have maintained legal residence in Whatcom County, Washington, for a period of sixty days immediately prior to any election are qualified voters at such election and shall be qualified to hold office after one year's residence upon the Lummi Reservation. Such residence, however, shall not be required as qualification for voting upon amendments to the Constitution and By-laws.

SEC. 5. After the ratification and approval of this Constitution and By-laws, the first Business Council under this Constitution shall be the present Council, who shall cast lots in order that the terms of office of the present members can be determined for one, two or three years, after which three councilmen shall be elected the first week in January of each year.

ARTICLE IV—VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or other official shall die, resign, be removed or recalled from office, permanently leave the Reservation or be found guilty of a felony or a misdemeanor involving dishonesty in any Indian, State or Federal court, the Business Council shall declare the position vacant and shall call a special election to fill the unexpired term.

SEC. 2. The Business Council, may, by a majority vote, expel any councilman or officer for neglect of duty and gross misconduct. Before any vote for expulsion is taken in the matter, such member or official shall be given a written statement of the charges against him at least ten days before the meeting of the Business Council, before which he is to appear. He shall be given an opportunity to answer any and all charges at the designated Council meeting. The decision of the Business Council shall be final.

SEC. 3. Any councilman who shall absent himself from three successive meetings without being excused for cause, shall forfeit all rights to his office.

ARTICLE V—POWERS AND DUTIES OF THE BUSINESS COUNCIL

SECTION 1. The Business Council shall have the following powers, subject to any limitation imposed by Federal Statutes or by the Constitution of the United States:

(a) To administer all tribal property by ordinance subject to the approval of the Commissioner of Indian Affairs;

(b) To borrow money, subject to the approval of the Commissioner of Indian Affairs, from the Indian credit fund or from any other governmental agency, and to pledge or assign future tribal income as security for such loans;

(c) To collect and expend any Lummi tribal funds within the exclusive control of the Tribe, and to recommend the expenditure of any other tribal funds;

(d) To purchase in the name of the Lummi Indian Tribe any land or other property the Council may deem beneficial to said Lummi Indian Tribe;

(e) To enforce approved regulations for the protection of tribal property, wild life and natural resources of the Lummi Tribe;

(f) (1) To provide assessments or license fees upon non-members doing business or obtaining special privileges within the reservation, subject to the approval of the Commissioner of Indian Affairs;

(2) To promulgate and enforce assessments or license fees upon members exercising special privileges or profiting upon general resources of the reservation;

(g) To negotiate with the Federal, State and local governments on behalf of the tribe;

(h) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the tribe and of the Commissioner of Indian Affairs;

(i) To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets;

(j) To exclude from the restricted land of the Lummi Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to the approval of the Commissioner of Indian Affairs;

(k) To promulgate and enforce ordinances, which shall be subject to the approval of the Commissioner of Indian Affairs, governing the conduct of members of the Lummi Tribe, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers;

(l) To safeguard and promote the peace, safety, morals, and general welfare of the Lummi Reservation by regulating the conduct of trade and the use and disposition of property upon the reservation, provided that any ordinance directly affecting non-members of the

Lummi Tribe shall be subject to the approval of the Commissioner of Indian Affairs;

(m) To adopt resolutions regulating the procedure of the Business Council itself and subordinate tribal organizations and tribal officials over whom it has jurisdiction;

(n) To delegate to subordinate boards or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

SEC. 2. *Future Powers.* The Lummi Business Council may exercise such further powers as may in the future be delegated to the Council.

SEC. 3. *Reserved Powers.* Any rights and powers heretofore vested in the tribe but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Lummi Reservation through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. *Manner of review by the general council.* The Chairman of the Lummi Business Council shall call a general council annually on election day, at which time he shall report in detail to the council what has been done during the past year and set forth the plans of the Council for the coming year. This shall be freely discussed by the general council and the wishes of the general council may be expressed by resolution or ordinance which shall govern the future action of the Lummi Business Council, or repeal or amend any past action of the Council, as of the date of such repeal or amendment.

The chairman shall call special meetings of the general council upon the written request of twenty (20) voters.

ARTICLE VI—AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Lummi Tribe voting at an election called for that purpose. It shall be the duty of the Commissioner of Indian Affairs to call an election upon the request of two-thirds ($\frac{2}{3}$) vote of the Business Council or upon receipt of a petition signed by thirty eligible voters of the tribe.

BY-LAWS OF THE LUMMI TRIBE

ARTICLE I—THE BUSINESS COUNCIL

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

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

SEC. 3. *Secretary of the Business Council.* The Secretary of the Business Council shall conduct all correspondence and keep a complete and accurate record of all matters transacted at 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 Business Council.

SEC. 4. *Treasurer of the Business Council.* The Treasurer of the Business Council shall be the custodian of all moneys which may come into the control of the Council. He shall pay out money when duly authorized and instructed by the Business Council. He shall keep an account of all receipts and disbursements, and shall report same to the Business Council at each regular meeting.

The books of the Treasurer shall be subject to audit or inspection at the direction of the Business Council.

The Business Council may make such provisions for the custody and disbursement of funds as shall guarantee their safe and proper disbursement and use.

SEC. 5. *Appointive Officers.* The duties of all appointive committees and officers appointed by the Business Council shall be clearly defined by resolution of the Business Council at the time of their creation or appointment. Such committees or officers shall report from time to time, as required, to the Business Council, and their activities and decisions shall be subject to review by the Business Council upon the petition of any person aggrieved.

ARTICLE II—TIME AND PLACE OF MEETINGS AND PROCEDURE

SECTION 1. Regular meetings of the Business Council shall be held on the first Friday of each month in the Library of the Lummi Reservation School. Special meetings may be called by written notice signed by the Chairman or by a petition signed by a majority of council members, or by a petition signed by ten percent (10%) or more of legal voters, and when so called, the Business Council shall have power to transact business as in a regular meeting.

SEC. 2. *Quorum.* No business shall be transacted unless a quorum is present. A quorum shall consist of six (6) members of the Council, or a majority of the Council membership.

SEC. 3. *Order of Business.* The following order of business is established for all meetings: (Robert's Rules of Order).

1. Call to order by Chairman
2. Roll call
3. Ascertainment of a quorum
4. Reading of the Minutes of the last meeting
5. Adoption of minutes by a vote or common consent
6. Unfinished business
7. New business
8. Informal discussion of local business
9. Adjournment.

ARTICLE III—RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws shall be in full force and effect whenever a majority of the adult voters of the Lummi Tribe voting in an election called for that purpose by the Commissioner of Indian Affairs in which at least thirty percent (30%) of the eligible voters, shall have ratified such Constitution and By-laws, and the Commissioner of Indian Affairs shall have approved same.

CERTIFICATE OF ADOPTION

Pursuant to an order approved on November 13, 1947, by the Acting Commissioner of Indian Affairs, the attached Constitution and Bylaws was submitted for ratification to the members of the Lummi Tribe of the Lummi Reservation, Washington, and was on January 2, 1948, duly approved by a vote of 134 for, and 3 against, in an election in which over thirty percent of those entitled to vote cast their ballots in accordance with Article III of the Bylaws.

GEORGE JAMES

Chairman, Election Board.

FLORENCE H. KINLEY

Secretary, Election Board

HELENA JEFFERSEN

Election Board Member

F. A. GROSS

Superintendent, Tulalip Agency

APPROVAL

This Constitution and By-laws, having been proposed and duly ratified by members of the Lummi Tribe of the Lummi Reservation in the State of Washington, on January 2, 1948, at a referendum duly called by the Acting Commissioner on Indian Affairs is herewith approved.

JOHN H. PROVINSE

Assistant Commissioner of Indian Affairs

Washington, D. C., April 2, 1948.