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**UNITED STATES**  
**DEPARTMENT OF THE INTERIOR**  
**OFFICE OF INDIAN AFFAIRS**

**CONSTITUTION AND BYLAWS OF THE**  
**CHIPPEWA CREE INDIANS OF THE**  
**ROCKY BOY'S RESERVATION**  
**MONTANA**

APPROVED NOVEMBER 23, 1935

UNITED STATES

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CONSTITUTION AND BYLAWS OF THE CHIPPEWA CREE  
INDIANS OF THE ROCKY BOY'S RESERVATION,  
MONTANA

**PREAMBLE**

We, the original and adopted members of the Rocky Boy's Band of Chippewas enrolled upon the Rocky Boy's Reservation in the State of Montana, in order to exercise our rights to self-government, to administer all tribal affairs to the best advantage of the individual members, and to preserve and increase our tribal resources, do ordain and establish this Constitution of the Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana.

**ARTICLE I-TERRITORY**

The jurisdiction of the Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana, shall extend to the territory within the Rocky Boy's Reservation as established by act of September 7, 1916 (39 Stat. 739), amending the Act of February 11, 1915 (38 Stat. 807), in the State of Montana, and to such lands as have been or may hereafter be acquired and added to the Reservation by law.

**ARTICLE II-MEMBERSHIP**

SECTION 1. The membership of the Chippewa Cree Tribe shall consist as follows:

(a) All members of the Rocky Boy's Band of Chippewas enrolled as of June 1, 1934.

(b) All children born to any member of the Chippewa Cree Tribe of the Rocky

Boy's Reservation who is a resident of the reservation at the time of the birth of said children.

(c) All children of one-half or more Indian blood born to a nonresident member of the tribe.

(d) Any person shall lose his membership if after the adoption of this Constitution he is away from the reservation for a period of ten years unless within that period he applies to the Business Committee for extension of his membership and the Business Committee acts favorably upon such application. Any extension of membership shall be construed to include all absentee children of such member. Likewise, loss of membership by the parent shall be construed to include loss of membership by his absentee children.

SECTION 2. Any Indian, one-half blood or more and a resident of Montana, not a member of any other reservation, may become a member of this organization provided that two-thirds or more of the eligible voters cast their ballots at such election, and provided further that two-thirds of those voting at such election vote in favor of such adoption. All elections to membership shall be confirmed by the Secretary of the Interior.

### **ARTICLE III-ORGANIZATION OF GOVERNING BODY**

SECTION 1. The governing body of the Chippewa Cree Tribe shall be known as the "Business Committee."

SECTION 2. The Business Committee shall consist of nine members, who shall be known as "Representatives" and chosen from the districts which they represent.

SECTION 3. The electoral districts and the representation of each are designated as follows:

Sangrey -----	2 representatives.
Haystack -----	2 representatives.
Parker -----	2 representatives.
Duck Creek -----	1 representative.
Sandy Creek -----	1 representative.

There shall also be a representative from the reservation at large.

The present Business Committee shall designate the boundaries of each district prior to the election of the first Business Committee as provided in this Constitution, and the Business Committee hereafter shall have the authority to change the boundaries of the districts provided that any such change in districts shall be subject to approval of the voters at the annual election.

SECTION 4. The Business Committee so organized shall elect from within its own number (1) a Chairman, and from within or outside of its own number (2) Secretary, (3) Treasurer, and (4) such other officers and committees as may be deemed necessary. The Business Committee shall determine the term of office for each of these officials and for any other officials or committees that may be appointed.

SECTION 5. The first election of representatives shall be held within 30 days after ratification of this Constitution and approval thereof by the Secretary of the Interior, and shall be called and supervised by the Superintendent of the reservation.

SECTION 6. The term of office of each representative shall be two years, except, at the first election, the term of one of the two representatives from the Sangrey, Haystack, and Parker districts, and the representative of the Duck Creek District shall expire 14 days after the first annual election held as provided hereafter, and the term of the remaining representatives shall expire 14 days after the second annual election; and thereafter, the term of each representative shall be two years from the date of entrance in office.

Of the representatives from the Sangrey, Haystack, and Parker districts elected at the first election, those receiving the highest votes shall serve 2-year terms and those receiving second highest votes shall serve 1-year terms, unless prior to the first election the present Rocky Boy's Tribal Council shall establish some alternative manner of allotting the different terms of office.

SECTION 7. The general election of representatives to the Business Committee shall be held annually on the last Saturday in June.

SECTION 8. Representatives may receive not to exceed \$3 per diem while attending business meetings paid from available tribal funds within the exclusive control of the Business Committee or funds raised by tribal taxation.

## **ARTICLE IV-ELECTIONS AND NOMINATIONS**

SECTION 1. Any resident member twenty-one years of age at the time of election shall be eligible to vote at any general election.

SECTION 2. General elections of district representatives shall be by districts, and the Business Committee shall designate the polling places for each district.

SECTION 3. All voting shall be by secret ballot.

SECTION 4. Members to be eligible for office of representatives must have the following

qualifications:

District Representative must be a member (man or woman) who has resided two years on his or her selection or the selection of his wife or her husband and within the District two years immediately prior to election and must be at least 25 years of age. The Representative at Large must be a member at least 65 years of age.

SECTION 5. Any man or woman eligible to become a member of the Business Committee who wishes to run for office shall register with the Secretary of the Business Committee as a candidate fifteen days before date of election, and a list of candidates shall be posted in each district.

SECTION 6. Each district shall elect its district representatives and the reservation as a whole shall elect the Representative at Large.

SECTION 7. The candidate receiving the largest number of votes shall be elected.

SECTION 8. Elected representatives shall enter office fourteen days from the date of the general election.

SECTION 9. All elections shall be held in accordance with the rules and regulations laid down by the Business Committee.

SECTION 10. The Business Committee shall be the sole judge of the qualifications of its members.

## **ARTICLE V-VACANCIES AND REMOVAL FROM OFFICE**

SECTION 1. If a representative or official shall die, resign, permanently leave the reservation, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal Court, the Business Committee shall declare the position vacant and shall call a district special election to fill such vacancy.

SECTION 2. The Business Committee may by an affirmative vote of six members expel any member for neglect of duty or gross misconduct provided that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated Committee meeting. It is further stipulated that any such member shall be given a written statement of the charges against him at least five days before the meeting at which he is to appear.

## **ARTICLE VI-POWERS OF THE COMMITTEE**

SECTION 1. The Business Committee of the Chippewa Cree Tribe of the Rocky Boy's Reservation shall exercise the following powers subject to any limitations imposed by the Statutes or the Constitution of the United States, and subject further to all express restrictions on such powers contained in this Constitution and the attached Bylaws.

- (a) To negotiate with the Federal, State, and local Governments on behalf of the tribe and to advise and consult with representatives of the Interior Department on all activities of the Department that may affect the Rocky Boy's Reservation.
- (b) To employ legal counsel for the protection and advancement of the Chippewa Cree Tribe and its members, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.
- (c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets including oil, gas, and minerals which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs or any other official or agency of Government, provided that no tribal lands shall ever be sold, encumbered, or leased for a period exceeding five years, except for Governmental purposes.
- (d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Rocky Boy's Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.
- (e) To approve applications for selections of land in conformity with Article VI of this Constitution.
- (f) To manage all economic affairs and enterprises of the Chippewa Cree Tribe, including tribal lands, tribal timber, tribal saw mill, tribal flour mill, tribal community store, and any other tribal activities, in accordance with the terms of a charter which may be issued to the tribe by the Secretary of the Interior.
- (g) To charter subordinate organizations for economic purposes and regulate the activities of all cooperative associations of members of the Chippewa Cree Tribe.
- (h) To appropriate for public purposes of the Reservation any available tribal funds, provided that any such appropriation made prior to July 1, 1940, shall be subject to review by the Secretary of the Interior.
- (i) To levy taxes upon members of the Chippewa Cree Tribe and to require the performance of community labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon nonmembers doing

business within the reservation.

(j) To exclude from the restricted lands of the Rocky Boy's Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior.

(k) To enact resolutions or ordinances not inconsistent with Article I of this Constitution governing adopting and abandonment of membership.

(l) To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior governing the conduct of members of the Rocky Boy's Reservation 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.

(m) To administer all estates and determine heirs in accordance with ordinances of the tribe which shall be subject to the approval of the Secretary of the Interior.

(n) To encourage and foster the arts, crafts, culture, and traditions of the Chippewa Cree Tribe.

(o) To acquire and use for public purposes any part of a selection provided that adequate compensation is paid by the Business Committee to the holder of such selection.

(p) To regulate the domestic relations of members of the tribe.

(q) To provide for the appointment of guardians for minors and mental incompetents by ordinances or resolutions subject to approval of the Secretary of the Interior.

(r) To make rules and regulations governing all elections provided for in this Constitution.

(s) To adopt ordinances governing hunting and fishing within the confines of the reservation.

(t) 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 power.

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 Reservation, who shall, within ten (10) 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 (90) days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Business Committee of such decision.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten (10) days after its, enactment, he shall advise the Business Committee of the Rocky Boy's Reservation of his reasons therefor. If these reasons appear to the Business Committee insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

**SECTION 3. *Future powers*** .-The Business Committee of the Rocky Boy's Reservation may exercise such further powers as may in the future be delegated to the Business Committee by the members of the Tribe, the Secretary of the Interior or by any other duly authorized official or agency of government.

**SECTION 4. *Reserved powers*** .-Any rights and powers heretofore vested in the tribe or band of the Rocky Boy's Reservation but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Rocky Boy's Reservation through the adoption of appropriate bylaws and constitutional amendments.

## **ARTICLE VII-POPULAR PARTICIPATION IN GOVERNMENT**

**SECTION 1.** All regular meetings of the Business Committee shall be open to the public, but visitors may not interfere with proceedings, and may only speak with the consent of the Chairman.

**SECTION 2.** All resolutions and ordinances of the Business Committee shall be placed in writing and posted in public places, and copies shall also be placed with each representative.

## **ARTICLE VIII-REFERENDUM**

**SECTION 1.** Upon a petition of at least one-half of the eligible voters of the Chippewa Cree Tribe or upon the request of a majority of the members of the Business Committee, any

enacted or proposed ordinance or resolution of the Business Committee shall be submitted to popular referendum, and the vote of a majority of the qualified voters in such referendum shall be conclusive and binding on the Committee, provided three-fourths or more of the eligible voters participate in such referendum.

## **ARTICLE IX-TRIBAL LANDS**

SECTION 1. No lands now within the reservation boundary, held in trust for the tribe, may be alienated nor may title pass to any individual.

SECTION 2. Any head of a family who is a member shall be entitled to the use of not more than 160 acres of land, such land to be known as "a selection."

SECTION 3. Applications for selections shall be presented in writing to the Business Committee.

SECTION 4. The applicant shall be investigated by the Business Committee before action may be taken on his application.

SECTION 5. The applicant upon approval of application shall reside upon selection and do a reasonable amount of improvement for two years before selection is finally approved.

SECTION 6. All selections approved by the Superintendent of the reservation at the time of the approval of this Constitution shall remain in effect.

SECTION 7. If any man has allowed his selection to run down, and has made no effort to keep up improvements and make a reasonable use of his land, the Business Committee shall have the right to cancel his selection after due hearing, and to reassign his land to an eligible member of the tribe provided that such member shall pay to the former occupant of the land the value of all his improvements as determined by an appraisal board appointed by the Business Committee. This valuation of the board shall be subject to review and modification by the Business Committee upon appeal by the man who loses his selection. The Business Committee may allow the man to remain in his house without the use of the land and reassign the land to any other eligible member.

SECTION 8. Tribal lands not assigned as selections may be used in common for grazing purposes by all members in accordance with ordinances or resolutions enacted by the Business Committee, or may be leased by the Business Committee with the approval of the Secretary of the Interior in accordance with law. Preference shall be given, first, to Indian cooperative associations, and secondly, to individual Indians who are members of the Chippewa Cree Tribe. No lease of tribal lands to a nonmember shall be made by the Business Committee unless it shall appear that no Indian cooperative association or individual member

of the tribe is able and willing to use the land and to pay a reasonable fee for such use, provided no individual member of the tribe or cooperative association shall be given any preference as to the use of tribal land unless the stock of such individual member or association is restricted stock and bears the ID brand.

SECTION 9. Improvements of any character made upon selections may be willed to and inherited by members of the Chippewa Cree Tribe. When improvements are not possible of fair division, the Business Committee shall dispose of them under such regulations as it may provide. No permanent improvements may be removed from any land without the consent of the Business Committee.

## **ARTICLE X-AMENDMENTS**

SECTION 1. This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent 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 presentation of a petition signed by two-thirds of the eligible voters of the tribe.

## **BYLAWS**

SECTION 1. Organization of Business Committee and Duties of Officers:

(a) The officers of the Business Committee shall be the Chairman, Secretary, and Treasurer, and such other officers as may be hereafter designated by the Business Committee.

(b) The Chairman, Secretary, and Treasurer shall be elected by the Business Committee upon nomination and by secret ballot.

(c) The Superintendent of the reservation shall preside at the first meeting of the Business Committee until the Chairman has been elected and installed.

(d) The Superintendent of the reservation shall administer the Oath of Office to all representatives.

(e) In the absence of any officer at a meeting, the Business Committee shall elect a temporary officer for that meeting.

(f) The Chairman of the Committee shall preside over all meetings of the

Committee, shall perform all duties of a Chairman and exercise any authority delegated to him by the Committee. He shall only vote in case of a tie.

(g) The Secretary of the Business Committee shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at the business meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction and the Commissioner of Indian Affairs copies of all minutes of regular and special meetings of the Business Committee.

It shall be his duty to have the minutes permanently bound and ready for inspection at all times. It shall also be his duty to receive all petitions, applications, and other business papers and prepare same for presentation to the Business Committee.

(h) The Treasurer of the Business Committee shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Committee whether same be tribal funds or special funds for which the Committee is acting as trustee or custodian. Checks and drafts shall be made to Treasurer, Business Committee, and shall be endorsed for deposit only. He shall deposit all such funds in a bank or elsewhere as directed by the Committee 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 or custody, such report being made in writing to the Committee at regular meetings and at such other times as requested by the Committee.

He shall not pay out or otherwise disburse any funds in his possession or custody or in the possession or custody of the Business Committee except when properly authorized so to do by resolution duly passed by the Committee.

All checks shall be signed by the Treasurer and countersigned by the Secretary, and all checks issued prior to July 1, 1940, shall be approved by the Superintendent of the Reservation.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Committee and at such other times as the Committee or the Commissioner of Indian Affairs may direct.. The Treasurer shall be required to give a surety bond satisfactory to the Committee and the Commissioner of Indian Affairs. The Treasurer shall be present at all special or regular meetings of the Committee.

## SECTION 2. *Meetings*

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(a) The Business Committee shall hold regular meetings for business on the last

Friday of each month, at nine a.m., at the office of the Rocky Boy's Agency.

(b) Special meetings may be called at any time by the Chairman upon ten hours written notice delivered to representatives.

(c) A quorum of seven representatives shall be present at any meeting before the Business Committee may be officially called to order. Only representatives shall have the right to vote.

(d) In case of the absence of the Chairman, the Secretary shall act until a temporary Chairman has been elected.

### SECTION 3. *Order of business*

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(a) Roll call.

(b) Reading of the minutes of previous meeting.

(c) Treasurer to report business transactions.

(d) Secretary to present any bills, requisitions, claims, etc.

(e) Hearing of applications petitions, complaints, and other business properly coming before the Committee.

(f) Any other business.

(g) Adjournment.

### SECTION 4. *Manner of placing business before Committee*

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(a) District representatives shall receive all applications, petitions, complaints, etc., which must be in written form, originating in their district, and shall, wherever possible, file same ten days before the next meeting with the Secretary.

(b) No official action may be taken on any business except as it shall go through the prescribed channels.

### SECTION 5. *Procedure for*

(a) This Constitution and Bylaws attached hereto shall be in full force and effect whenever a majority of the adult voters of Rocky Boy's Band of Chippewas voting at an election called by the Secretary of the Interior in which at least thirty percent (30%) of the eligible voters shall vote, shall have ratified such Constitution and Bylaws and the Secretary of the Interior shall have approved same, as provided in Act of June 18, 1934, as amended by the Act of June 15, 1935.

### **CERTIFICATION OF ADOPTION**

Pursuant to an order, approved October 18, 1935, by the Secretary of the Interior, the attached Constitution and Bylaws were submitted for ratification to the members of the Rocky Boy's Band of Chippewas of the Rocky Boy's Reservation and were on November 2, 1935, duly adopted by a vote of 128 for, and 23 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 (Pub. No. 147, 74th Cong.).

**JOHN PARKER,**

*Chairman of Election*

*Board*

**MALCOLM MITCHELL,**

*Chairman of Rocky Boy's  
Business Committee*

**JOE CORCORAN,**

*Secretary*

**EARL WOOLDRIDGE,**

*Superintendent*

I, Harold L. Ickes, the 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 Bylaws of the Chippewa Cree Tribe of the Rocky Boy's

Reservation.

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 or Bylaws are hereby declared inapplicable to the Chippewa Cree Tribe of Rocky Boy's Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended November 15, 1935.

**JOHN COLLIER,**

*Commissioner of Indian  
Affairs*

**HAROLD L. ICKES,**

*Secretary of the Interior*

**WASHINGTON, D. C.,** *November 23,*  
*1935*