

CONSTITUTION AND BYLAWS

CONSTITUTION AND BYLAWS
of the
SQUAXIN ISLAND TRIBE
of the
SQUAXIN ISLAND INDIAN
RESERVATION, WASHINGTON

PREAMBLE

We, the people of the Squaxin Island Indian Tribe of the Squaxin Island Indian Reservation in the State of Washington, in order to establish our tribal organization, to develop our community resources, to administer justice and to promote the economic and social welfare of ourselves and our descendants, do hereby establish this constitution and bylaws.

ARTICLE I - TERRITORY

The territory in which the Squaxin Island Tribe has a beneficial ownership interest includes that portion of the Squaxin Island Reservation remaining in an unallotted status at the time of the approval of this constitution and bylaws, and any other lands which may be acquired for or by, and held in the name of, the Squaxin Island Tribe. The jurisdiction of the tribe over such lands, and over the allotted lands within the original boundaries of the Squaxin Island Reservation, shall not be inconsistent with applicable Federal and State laws. However, nothing in this Article shall be construed as restricting the treaty hunting and fishing rights of members, including the right to fish in usual and accustomed places.

ARTICLE II - MEMBERSHIP

Section 1. The membership of the Squaxin Island Tribe shall consist of:

(a) All persons of Indian blood whose names appear on the official census roll of the tribe as of January 1, 1940, and their children born between January 1, 1940, and the date of approval of this constitution.

(b) All original Squaxin Island Allottees and their direct descendants who are of 1/8 degree or more Indian blood.

(c) All persons whose names appear on Charles Roblin's Schedule of Unenrolled Indians of the Squaxin Island Tribe as of January 1, 1919, and their direct descendants who are of 1/8 degree or more Indian blood.

(d) Any persons who have relinquished their rights or membership in the Squaxin Island Tribe prior to the approval of this constitution and bylaws will be considered members of the Squaxin Island Tribe if, within one year from the date of approval of this constitution, they submit official evidence that they have given up their membership in any other tribe.

(e) All persons of 1/8 degree or more Indian blood born to any member of the Squaxin Island Tribe, after the date of approval of this constitution and bylaws.

(f) Corrections may be made in the tribal membership roll by the tribal council at any time, with the approval of the Secretary of the Interior or his authorized representative.

Sec. 2. An application for membership by adoption from any person of 1/8 degree or more Indian blood regardless of tribe, may be approved by a majority of members at a regu-

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lar or special general council meeting, and must also be approved by the Secretary of the Interior.

ARTICLE III - POWERS OF THE GOVERNING BODY

Section 1. The governing body of the Squaxin Island Indian Tribe shall be known as the Squaxin Island Tribal Council. The Council shall have the following powers and duties subject to any limitations imposed by applicable State laws or statutes of the United States and the regulations of the Secretary of the Interior:

(a) To negotiate with Federal, State and local governments and others on behalf of the tribe and to advise and consult with representatives of the United States government on all activities which may affect the tribe.

(b) To acquire, manage, lease, or use tribal real property and other tribal assets, together with all improvements which may be acquired by the tribe from the United States government or elsewhere, with the approval of the Secretary of the Interior wherever required by Federal law.

(c) To prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe.

(d) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, so long as such approval is required by law.

(e) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress.

(f) To administer any funds within the control of the tribe and to make expenditures of available funds for tribal purposes in accordance with a budget approved by the tribal council. All expenditures of the tribal funds under the control of the tribal council shall be made only by resolution duly approved by the tribal council in regular or special meetings, and the amount so expended shall be a matter of record available to all tribal members and to the Bureau of Indian Affairs at all reasonable times.

(g) To determine its own rules of procedures.

(h) To promulgate and enforce ordinances governing the conduct of members of the Squaxin Island Tribe. (Amended 11/20/98)

(i) To take such actions as are necessary to carry into effect any of the foregoing powers and duties.

ARTICLE IV - MANNER OF REVIEW

Section 1. Any resolution or ordinance, which by the terms of this constitution is subject to review by the Secretary of the Interior, shall within 10 days of its enactment be presented to the Superintendent or Officer in Charge of the Agency exercising jurisdiction, who shall within 15 days after its receipt, approve or disapprove it.

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Sec. 2. If the Superintendent or Officer in Charge approves any resolution or ordinance which is subject to review, it shall thereupon become effective, but he shall transmit the enactment bearing his endorsement to the Secretary of the Interior, who may within 90 days of the receipt, rescind the resolution or ordinance for any cause by notifying the Squaxin Island Tribal Council of his veto.

Sec. 3. If the Superintendent or Officer in Charge disapproves any resolution or ordinance which is subject to review, he shall within 15 days after its receipt, advise the Squaxin Island Tribal Council of his reasons therefor, and if these reasons appear to the council insufficient, it may, by vote of the majority of all members, refer the resolution or ordinance to the Secretary of the Interior and if approved by him in writing, it shall become effective.

ARTICLE V - ELECTIONS

Section 1. The Squaxin Island Tribal Council shall consist of a Chairman, a Vice-Chairman, and a Secretary, a Treasurer, and three members at large, designated as First, Second, and Third Council Members. All shall serve for a three-year term. Those officers and members elected at the annual meeting in January, 1965, shall form the first tribal council under this constitution and bylaws. (Amended 11/20/98)

Sec. 2. Beginning with the 1999 election, the officers and members of the tribal council will be divided into three classes; Class I, Class II, and Class III. Class I will consist of the secretary and treasurer; Class II will consist of the Vice-Chair and third council member; and

Class III will consist of the Chairman, council member 1 and council member 2. The term of the initial Class I members will be one year. The term of the initial Class II members will be two years. The term of the initial Class III members will be three years. Following the initial terms, all members of each Class will be elected for a three year term staggered by Class.

The initial terms and quorum requirements will begin at the January 1999 General Election. (Added 11/20/98)

Sec. 3. Nominations for council positions shall be made from the floor and votes are to be cast for their election by secret ballot at the annual meeting in the spring of each year. Procedures to be followed in this election will be in accordance with an electoral code adopted by the general council. There must be at least two candidates for each position and the candidate receiving the highest number of votes shall be elected. (Amended 2/10/00; amended 11/20/98)

Sec. 4. The election will take place after all annual reports and old business have been presented. Newly elected officers will assume their duties immediately and serve until their successors have been duly elected. (Amended 11/20/98)

Sec. 5. Any enrolled member of the tribe eighteen (18) years or older, shall have the right to vote; and provided he has been domiciled within a fifty-mile radius from any point on Squaxin Island for one year immediately preceding the election, he shall be eligible to serve on the tribal council. (Amended 11/20/98)

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Sec. 6. All election disputes, including the determination of the qualifications of any voter, if questioned, will be resolved by the general council. (Amended 11/20/98)

ARTICLE VI - DUTIES OF OFFICERS

Section 1. The Chairman of the tribal council shall preside over tribal and general council meetings. He shall be allowed to vote only in case of a tie. He shall countersign all checks involving the expenditure of tribal funds and exercise any authorities specifically delegated to him by the tribal council. He shall sign all correspondence.

Sec. 2. The Vice-Chairman of the tribal council 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

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have all the rights, privileges, and duties, as well as the responsibilities of the Chairman.

Sec. 3. The Secretary shall prepare all tribal correspondence and shall not sign notices or documents unless authorized by the tribal council. It shall be the duty of the Secretary to keep a complete and accurate record of all matters transacted at council meetings and to submit copies of minutes of all meetings of the tribal council and general council to the Western Washington Agency. He shall mail notices of special meetings to all qualified voters at least 10 days prior to such meetings.

Sec. 4. The Treasurer shall have custody of and be responsible for all funds in the control of the tribal council. The Treasurer shall deposit all funds in Federally insured banks as directed by the tribal council and shall keep and maintain adequate and correct records of such funds and of business transactions of the tribe. The Treasurer shall report on all receipts and expenditures and the amount and nature of all funds on hand at the annual general council meeting, and upon the request of the tribal council. The Treasurer shall not pay out or authorize payment of any funds except when properly authorized to do so by a resolution of the tribal council. All checks shall be signed by the Treasurer and countersigned by the Chairman. The tribal council shall decide when the amount of funds being handled by the Treasurer has become large enough to justify the need for an annual audit. It shall then require that the books and records of the Treasurer be audited either by a competent auditor or by a Federal employee appointed by the Secretary of the Interior or his authorized representative. The Treasurer will be required to have a surety bond satisfactory to

the tribal council and to the Superintendent of the Agency. The surety bond will be obtained at the expense of the Squaxin Island Indian Tribe.

Sec. 5. The tribal council shall appoint such committees and other personnel as required and shall outline their duties and responsibilities by proper resolution.

ARTICLE VII - VACANCIES AND REMOVAL

Section 1. If any member of the council shall die, resign, move from the area designated under Article V, Section 4 of this constitution, or shall be found guilty of a felony or misdemeanor involving dishonesty, in any Indian, Federal or State court, a vacancy in his office shall automatically be created and at its next regular or special meeting the tribal council shall appoint someone to fill the office until the next annual meeting, at which time a successor shall be elected pursuant to Article V to fill the office for the balance of the unexpired term.

Sec. 2. The members of the general council shall have the power to remove any member of the tribal council by filing a petition with the Secretary of the tribal council, signed by at least 50 percent of the eligible voters, asking for the removal of said member of the tribal council; provided, that no such person may be removed except at a special general council meeting at which he shall have an opportunity for a hearing. The vote of the qualified voters at such meeting will decide whether such person is to be removed; provided, that 50 percent or more of the eligible voters vote in favor of removal at such meet-

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ing which shall be held within 30 days after the filing of the petition.

ARTICLE VIII - MEETINGS

Section 1. The tribal council shall hold meetings as called either in writing or verbally by the Chairman or four (4) members of the council at any time when tribal business is to be transacted. No business shall be transacted unless a quorum of four (4) voting members is present. (Amended 11/20/98)

Sec. 2. There shall be an annual meeting of the general council held during the spring of each year. Special meetings of the general council may be called at the discretion of the Chairman, and shall be called by him at the request in writing of the majority of the tribal council, or by a written request of 30 percent of the members of the general council. At either the annual meeting or at special meetings of the general council, 30 percent of the eligible tribal voters must be present to constitute a quorum. (Res. 00-07 (part))

Sec. 3. The general council shall be composed of all tribal members who are at least eighteen (18) years of age. (Amended 11/20/98)

ARTICLE IX - REFERENDUM

Upon receipt of a petition of at least 50 percent of the eligible voters of the tribe, or upon the request of the majority of the members of the tribal council, the Chairman shall call a general council meeting to be held within 30 days of receipt of such petition or request, to consider any enacted or proposed ordinance or resolution and the vote of the majority of the

qualified voters in such referendum will decide whether the enacted or proposed ordinance or resolution shall thereafter be in effect; provided that 50 percent or more of the eligible voters shall vote in such referendum.

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 50 percent of those entitled to vote shall vote in such an election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

Sec. 2. It shall be the duty of the Secretary of the Interior to call such an election on any proposed amendment upon receipt of a petition signed by 50 percent of the qualified voters of the tribe, or by a majority of the tribal council

ARTICLE XI - BILL OF RIGHTS

All members of the Squaxin Island Tribe shall be accorded equal rights pursuant to tribal law. No member shall be denied any of the rights or guarantees enjoyed by non-Indian citizens under the Constitution of the United States, including, but not limited to, freedom of religion and conscience, freedom of speech, the right to orderly association or assembly, the right to petition for action or the redress of grievances, and due process of law.

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ARTICLE XII - ADOPTION

This constitution and bylaws, when adopted by a majority vote of the qualified voters of the Squaxin Island Tribe of Indians of Washington, voting at an election called for that purpose by the Secretary of the Interior, provided at least 30 percent of those entitled to vote shall vote in such an election, shall be submitted to the Secretary of the Interior, and if approved, shall be effective from the date of approval.

TREATY WITH THE NISQUALLI,
PUYALLUP, ETC., 1854.

Articles of agreement and convention made and concluded on the She-nah-nam, or Medicine Creek, in the Territory of Washington, this twenty-sixth day of December, in the year one thousand eight hundred and fifty-four, by Isaac I. Stevens, governor and superintendent of Indian affairs of the said Territory, on the part of the United States, and the undersigned chiefs, head-men, and delegates of the Nisqually, Puyallup, Steilacoom, Squawskin, S'Homamish, Stehchass, T'Peeksin, Squi-aatl, and Sa-heh-wamish tribes and bands of Indians, occupying the lands lying round the head of Puget's Sound and the adjacent inlets, who, for the purpose of this treaty, are to be regarded as one nation, on behalf of said tribes and bands, and duly authorized by them.

ARTICLE 1. The said tribes and bands of Indians hereby cede, relinquish, and convey to the United States, all their right, title, and interest in and to the lands and country occupied by them, bounded and described as follows, to wit: Commencing at the point on the eastern side of Admiralty Inlet, known as Point Pully, about midway between Commencement and Elliott Bays; thence running in a southeasterly direction, following the divide between the waters of the Puyallup and Dwamish, or White Rivers, to the summit of the Cascade Mountains; thence southerly, along the summit of said range, to a point opposite the main source of the Skookum Chuck Creek; thence to and down said creek, to the coal mine; thence northwesterly, to the summit of the Black Hills; thence northerly,

to the upper forks of the Satsop River; thence northeasterly, through the portage known as Wilkes's Portage, to Point Southworth, on the western side of Admiralty Inlet; thence around the foot of Vashon's Island, easterly and southeasterly, to the place of beginning.

ARTICLE 2. There is, however, reserved for the present use and occupation of the said tribes and bands, the following tracts of land, viz: The small island called Klah-che-min, situated opposite the mouths of Hammersley's and Totten's Inlets, and separated from Hartstene Island by Peale's Passage, containing about two sections of land by estimation; a square tract containing two sections, or twelve hundred and eighty acres, on Puget's Sound, near the mouth of the She-nah-nam Creek, one mile west of the meridian line of the United States land survey, and a square tract containing two sections, or twelve hundred and eighty acres, lying on the south side of Commencement Bay; all which tracts shall be set apart, and, so far as necessary, surveyed and marked out for their exclusive use; nor shall any white man be permitted to reside upon the same without permission of the tribe and the superintendent or agent. And the said tribes and bands agree to remove to and settle upon the same within one year after the ratification of this treaty, or sooner if the means are furnished them. In the mean time, it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States, and upon any ground claimed or occupied, if with the permission of the owner or claimant. If necessary for the public convenience, roads may be run through their reserves, and, on the other hand, the right of way with free access from the same to the nearest public highway is secured to them.

ARTICLE 3. The right of taking fish, at all usual and accustomed grounds and stations, is further secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses on open and unclaimed lands: *Provided, however,* That they shall not take shellfish from any beds staked or cultivated by citizens, and that they shall alter all stallions not intended for breeding-horses, and shall keep up and confine the latter.

ARTICLE 4. In consideration of the above session, the United States agree to pay to the said tribes and bands the sum of thirty-two thousand five hundred dollars, in the following manner, that is to say: For the first year after the ratification hereof, three thousand two hundred and fifty dollars; for the next two years, three thousand dollars each year; for the next three years, two thousand dollars each year; for the next four years fifteen hundred dollars each year; for the next five years twelve hundred dollars each year; and for the next five years one thousand dollars each year; all which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of said Indians in respect thereto.

ARTICLE 5. To enable the said Indians to remove to and settle upon their aforesaid reservations, and to clear, fence, and break up a sufficient quantity of land for cultivation, the United States further agree to pay the sum of

three thousand two hundred and fifty dollars, to be laid out and expended under the direction of the President, and in such manner as he shall approve.

ARTICLE 6. The President may hereafter, when in his opinion the interests of the Territory may require, and the welfare of the said Indians be promoted, remove them from either or all of said reservations to such other suitable place or places within said Territory as he may deem fit, on remunerating them for their improvements and the expenses of their removal, or may consolidate them with other friendly tribes or bands. And he may further, at his discretion, cause the whole or any portion of the lands hereby reserved, or of such other land as may be selected in lieu thereof, to be surveyed into lots, and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable. Any substantial improvements heretofore made by any Indian, and which he shall be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President, and payment be made accordingly therefor.

ARTICLE 7. The annuities of the aforesaid tribes and bands shall not be taken to pay the debts of individuals.

ARTICLE 8. The aforesaid tribes and bands acknowledge their dependence on the Government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent,

the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of their annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and other Indians to the Government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians within the Territory, the same rule shall prevail as that prescribed in this article, in cases of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

ARTICLE 9. The above tribes and bands are desirous to exclude from their reservations the use of ardent spirits, and to prevent their people from drinking the same; and therefore it is provided, that any Indian belonging to said tribes, who is guilty of bringing liquor into said reservations, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

ARTICLE 10. The United States further agree to establish at the general agency for the district of Puget's Sound, within one year from the ratification hereof, and to support, for a period of twenty years, an agricultural and industrial school, to be free to children of the said tribes and bands, in common with those of the other tribes of said district, and to provide the said school with a suitable instructor or instructors, and also to provide a smithy and carpenter's shop, and furnish them with the necessary tools, and employ a blacksmith, carpenter, and farmer, for the term of twenty years, to instruct the Indians in their

respective occupations. And the United States further agree to employ a physician to reside at the said central agency, who shall furnish medicine and advice to their sick, and shall vaccinate them; the expenses of the said school, shops, employees, and medical attendance, to be defrayed by the United States, and not deducted from the annuities.

ARTICLE 11. The said tribes and bands agree to free all slaves now held by them, and not to purchase or acquire others hereafter.

ARTICLE 12. The said tribes and bands finally agree not to trade at Vancouver's Island, or elsewhere out of the dominions of the United States; nor shall foreign Indians be permitted to reside in their reservations without consent of the superintendent or agent.

ARTICLE 13. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian Affairs, and the undersigned chiefs, headmen, and delegates of the aforesaid tribes and bands, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

Isaac I. Stevens, [L.S.]

Governor and Superintendent
Territory of Washington.

Qui-ce-metl, his x mark.	[L.S.]
Sno-ho-dumset, his x mark.	[L.S.]
Lesh-high, his x mark.	[L.S.]
Slip-o-elm, his x mark.	[L.S.]
Kwi-ats, his x mark.	[L.S.]
Stee-high, his x mark.	[L.S.]
Di-a-keh, his x mark.	[L.S.]
Hi-ten, his x mark.	[L.S.]
Squa-ta-hun, his x mark.	[L.S.]

Kahk-tse-min, his x mark.	[L.S.]	Yah-kwo-bah, his x mark.	[L.S.]
Sonan-o-yutl, his x mark.	[L.S.]	Wut-sah-le-wun, his x mark.	[L.S.]
Kl-tehp, his x mark.	[L.S.]	Sah-ba-hat, his x mark.	[L.S.]
Sahl-ko-min, his x mark.	[L.S.]	Tel-e-kish, his x mark.	[L.S.]
T'bet-ste-heh-bit, his x mark.	[L.S.]	Swe-keh-nam, his x mark.	[L.S.]
Tcha-hoos-tan, his x mark.	[L.S.]	Sit-oo-ah, his x mark.	[L.S.]
Ke-cha-hat, his x mark.	[L.S.]	Ko-quel-a-cut, his x mark.	[L.S.]
Spee-peh, his x mark.	[L.S.]	Jack, his x mark.	[L.S.]
Swe-yah-tum, his x mark.	[L.S.]	Keh-kise-bel-lo, his x mark.	[L.S.]
Cha-achsh, his x mark.	[L.S.]	Go-yeh-hn, his x mark.	[L.S.]
Pich-keh-d, his x mark.	[L.S.]	Sah-putsh, his x mark.	[L.S.]
S'Klah-o-sum, his x mark.	[L.S.]	William, his x mark.	[L.S.]
Sah-le-tatl, his x mark.	[L.S.]		
See-lup, his x mark.	[L.S.]	Executed in the presence of us—	
E-la-kah-ka, his x mark.	[L.S.]	M. T. Simmons, Indian agent.	
Slug-yeh, his x mark.	[L.S.]	James Doty, secretary of the	
Hi-nuk, his x mark.	[L.S.]	commission.	
Ma-mo-nish, his x mark.	[L.S.]	C. H. Mason, secretary	
Cheels, his x mark.	[L.S.]	Washington Territory.	
Knutcanu, his x mark.	[L.S.]	W. A. Slaughter, first lieutenant,	
Bats-ta-kobe, his x mark.	[L.S.]	Fourth Infantry.	
Win-ne-ya, his x mark.	[L.S.]	James McAlister,	
Klo-out, his x mark.	[L.S.]	E. Giddings, jr.	
Se-uch-ka-nam, his x mark.	[L.S.]	George Shazer,	
Ske-mah-han, his x mark.	[L.S.]	Henry D. Cock,	
Wuts-un-a-pum, his x mark.	[L.S.]	S. S. Ford, jr.,	
Quuts-a-tadm, his x mark.	[L.S.]	John W. McAlister,	
Quut-a-heh-mtsn, his x mark.	[L.S.]	Clovington Cushman,	
Yah-leh-chn, his x mark.	[L.S.]	Peter Anderson,	
To-lahl-kut, his x mark.	[L.S.]	Samuel Klady,	
Yul-lout, his x mark.	[L.S.]	W. H. Pullen,	
See-ahts-oot-soot, his x mark.	[L.S.]	P. O. Hough,	
Ye-takho, his x mark.	[L.S.]	E. R. Tyerall,	
We-po-it-ee, his x mark.	[L.S.]	George Gibbs,	
Kah-sld, his x mark.	[L.S.]	Benj. F. Shaw, interpreter,	
La'h-hom-kan, his x mark.	[L.S.]	Hazard Stevens.	
Pah-how-at-ish, his x mark.	[L.S.]		
Swe-yehm, his x mark.	[L.S.]		
Sah-hwill, his x mark.	[L.S.]		
Se-kwaht, his x mark.	[L.S.]		
Kah-hum-kl't, his x mark.	[L.S.]		