

Fort Belknap Indian Community



Location: Montana

Population: 7,000

Date of Constitution: 1935

Key Facts: This version of the constitution is from the tribe's website. Please note that the National Indian Law Library's site indicates an amended version exists

PREAMBLE

We, the duly enrolled members of the Fort Belknap Reservation in the State of Montana, in order to secure to ourselves and our descendants the management of our own affairs, and to perpetuate this reservation as an abiding place for the members of this community, do establish this constitution of the Fort Belknap Indian Community.

ARTICLE I. OBJECTIVES

It shall be the object of the Fort Belknap Indian Community:

- (a) To establish and maintain, with the aid of the Federal Government, a form of home rule that shall promote the advancement and welfare of the Indians of the Fort Belknap Reservation.
- (b) To establish and enforce such rules as may be necessary to safeguard Indian property for the use of present and future generations.
- (c) To obtain for all Indians of this community, of the present and future generations, lands needed for home and livelihood.

ARTICLE II. TERRITORY

The jurisdiction of the Fort Belknap Indian Community shall extend to all lands now contained within the Fort Belknap Reservation, and to any lands that may in the future be added thereto.

ARTICLE III. MEMBERSHIP

SECTION 1. Membership of allottees. Every living person whose name appears on the allotment roll of the Fort Belknap Reservation shall be entitled to membership in the Fort Belknap Community, and shall not be deprived of such membership without his consent.

SECTION. 2. Membership of descendants.

- (a) Every child of one-fourth or more Indian blood born heretofore or hereafter to any member of the community who maintains a residence upon the Fort Belknap Reservation at the time of such birth shall automatically be entitled to membership.
- (b) Children born heretofore or hereafter to any member of the Fort Belknap Indian Community, regardless of residence, shall be subject to adoption in accordance with section 3 of this article, upon application by self, parent or guardian. Provided, that such person has not received membership in any other tribe of Indians.

SECTION 3. Adoption. The community may, by a majority of the votes cast by the members of the community, adopt as a member of the community any person of one-eighth or more Indian blood who is a descendant of a member of the Fort Belknap Tribes or community, provided that any person adopted into membership must have resided at least three years upon the Fort Belknap Reservation.

SECTION. 4. Loss of membership. In no case shall a member lose his membership other than by personal request in writing to the community council, or by reason of his having established residence in a foreign country.

ARTICLE IV-ORGANIZATION OF COMMUNITY COUNCIL

SECTION 1. Composition. The community council shall be composed of members chosen every second year by popular vote.

SECTION. 2. Apportionment. Representation on the community council shall consist of six Gros Ventre and six Assiniboine members, who shall be apportioned among the districts according to the population of the members of the two tribes in the respective districts. The actual enumeration shall be made prior to July first of each election year.

SECTION. 3. Officers. The officers of the community council shall consist of: President, vice president, secretary-treasurer, and these officers shall be chosen when properly convened. Officers shall be elected from the council membership.

SECTION. 4. First election. The first election of the community council shall be called by the present tribal council as soon as possible after the adoption and approval of this constitution, and the members so elected shall serve until January 1, 1938.

ARTICLE V-POWERS OF THE COMMUNITY COUNCIL

SECTION 1. Enumerated powers. The council of the Fort Belknap Community shall have the following powers, the exercise of which shall be subject to popular referendum as provided hereafter:

- (a) To negotiate with the Federal, State, and local governments on behalf of the community and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Fort Belknap Community.

- (b) To employ legal counsel for the protection and advancement of the rights of the community and its members, the choice of counsel and 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 which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs or any other duly qualified official or agency of Government, provided that no community lands shall ever be sold, encumbered or leased for a period exceeding ten years, except for governmental purposes.
- (d) To submit through proper Government channels recommendations for the expenditure of Federal funds for tribal support, reimbursable assistance, reservation improvements, health, education, and other necessary activities looking toward the advancement of the members of this community.
- (e) To borrow money from the Federal Government in accordance with the terms of a corporate charter to be issued to the Fort Belknap Indian Community.
- (f) To manage the economic affairs of the community and to appropriate available funds for public purposes.
- (g) To assess fees against members of the community or their property to obtain funds for payment of expenses of the community council or for carrying on any project that in the council's opinion may be beneficial to the community as a whole. Provided, however, that any district, not directly benefited by any project under contemplation, may by a majority vote of the people of the district, exempt itself from such assessment. In case of dispute as to whether a certain district is benefited by a given project, any party may appeal to the Commissioner of Indian Affairs for a final determination.
- (h) To exclude from the territory of the community persons not legally entitled to reside therein under ordinances which shall be subject to review by the Secretary of the Interior.
- (i) To establish ordinances, subject to review by the Secretary of the Interior, governing law enforcement on the reservation, and to set up courts for the trial and punishment of offenders against such ordinances, in cases that do not fall within the jurisdiction of the Federal court.
- (j) To purchase land of members of the community for public purposes, under condemnation proceedings in courts of competent jurisdiction.
- (k) To prohibit the overgrazing of lands or other depletion of the capital or natural resources of the community by ordinances which shall be subject to approval by the Secretary of the Interior.
- (l) To establish ordinances relating to the assignment, use, or transfer of tribal lands within the jurisdiction.
- (m) To regulate the inheritance of real and personal property, other than allotted lands, within the territory of the community.
- (n) To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations of members of the community.
- (o) To regulate the domestic relations of members of the community.
- (p) 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.

- (q) To make recommendations to the superintendent or the Commissioner of Indian Affairs or the Secretary of the Interior concerning the appointment and removal of employees assigned to duties on the Fort Belknap Reservation.
- (r) To appoint subordinate boards and tribal officials, and to provide for the popular election of subordinate district councils, and to delegate to such boards, councils, or officials or to cooperative associations which are open to all members of the community any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

SECTION. 2. Manner of review. Any resolution or 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 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 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the community council of such recession.

If the superintendent shall refuse to approve any resolution or ordinances 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 a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 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 council of the Fort Belknap Community may exercise, subject to popular referendum, such further powers as may in the future be delegated to the community by 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 tribes of the Fort Belknap Indian Community but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Fort Belknap Community through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE VI. INITIATIVE AND REFERENDUM

Whenever a matter of great importance comes before the council the councilmen shall, by resolution duly passed, submit the matter to the vote of the people. If they do not so agree to submit the question, any two members of the council, or one hundred members of the community, may within thirty days after the vote of the council, call such a popular referendum, but no councilman shall call more than two referendum elections during any calendar year. When a referendum election has been called, the question to be voted on shall be posted at the voting places for at least ten days prior to the election. The notice shall contain the ordinance or resolution to be voted on with the accompanying words: "Shall

the ordinance (or resolution) be approved. Yes (). No ()." The will of the majority of those voting shall be the law, provided at least one-third of the eligible voters actually vote.

ARTICLE VII. ELECTIONS

SECTION 1. Right to vote.- All members of the community of either sex, over the age of 21 years, are entitled to vote in the district in which they reside.

SECTION. 2. Time of elections. Election of membership on the community council shall be held the first Tuesday in November of every second year. Duly elected councilmen will take office on the first Monday of January of the succeeding year.

SECTION. 3. Manner and place of elections. Elections shall be taken by ballot, and polling places in each district shall be established by the council. The council shall appoint three election judges to serve at each polling place for each election, and the judges shall certify the results of the election.

SECTION. 4. Nominations. Candidates for election to membership on the community council shall give public notice of such intention at least 30 days prior to the election date and at the same time file with the secretary of the council a certificate of such intention endorsed by five duly qualified electors other than immediate relatives.

ARTICLE VIII. REMOVAL FROM OFFICE

SECTION. 1. Forfeiture of office. Any member of the community council who shall be absent from three consecutive regular meetings of the council, unless such absence shall be excused for cause, or who shall be convicted of any offense involving dishonesty, shall automatically forfeit his office.

SECTION. 2. Impeachment. The council may expel a member for cause by a two-thirds vote, after due notice of charges and allowing an opportunity to be heard.

SECTION 3. Vacancies. When vacancies happen in the representation from any district, the president of the council shall issue a writ of election to fill such vacancies. At least thirty days' notice of such election shall be given.

ARTICLE IX. AMENDMENTS

SECTION 1. President. It shall be the duty of the president to preside at all meetings of the council and to direct the work of its officers. He shall appoint such standing committees as are provided for in the bylaws and constitution and such temporary committees as the business of the community may require. He shall issue all necessary writs for regular or special elections, setting dates, place of polling, cause due notices to be posted, and in other ways perform any and all duties devolving upon his office with diligence and dispatch.

SECTION. 2. Vice president. The vice president shall preside at any meeting of the council from which the president is absent, and in the event of the death of the president or his resignation or removal from office, he shall serve the remainder of the term, as President.

SECTION. 3. Secretary-treasurer. The secretary-treasurer shall conduct the correspondence of the community council, shall keep all records, minutes of meetings, roster of members, records as to expenditures and allotments of tribal, gratuitous, or other funds over which the council has sole charge. He shall keep an accurate record of all members of the community, prepare necessary resolutions for appropriate action by the council; he shall prepare or cause to be prepared by such assistants as are assigned to him by the president, such reports or registers as the president or council may direct. He shall be required to give bond acceptable to the community and the Commissioner of Indian Affairs.

ARTICLE II. QUALIFICATION FOR OFFICE

No person shall represent the community on the council unless he is a duly enrolled member of the community who has attained the age of twenty-five years, and who has never been convicted of a major crime.

ARTICLE III. SALARIES

The councilmen shall receive as compensation for their services not to exceed \$3.00 per day while in session, and a mileage fee of five cents per mile for travel from their home to place of meeting and return. Expenses shall be paid from tribal funds. The community council may fix salaries of officers or committeemen.

ARTICLE IV. MEETINGS AND PROCEDURE

SECTION 1. Regular meetings. The community council shall assemble on the first Monday of every month.

SECTION. 2. Special meetings. A special meeting may be called upon two days' notice by the president or by any four members of the council.

SECTION. 3. Quorum. A majority of the members shall constitute a quorum to do business.

SECTION. 4. Rules of order. The council may determine the rules of its proceedings and may punish its members for disorderly behavior.

SECTION. 5. Place of meetings. The official meeting place of the community council shall be at the agency headquarters unless otherwise agreed.

SECTION. 6. Disqualification for interest. No member of the council shall cast a vote on any question in which he may have a personal pecuniary interest.

ARTICLE V. LAND

SECTION 1. Allotted lands. Allotted lands, including heir ship lands, within the Fort Belknap Reservation shall continue to be held by their present owners as heretofore. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Montana or of the Federal Government, or by the tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Fort Belknap Community. Likewise it is recognized that under existing law the Secretary of the Interior may remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold to non-Indians. The right of the individual Indian to hold or to lose his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Fort Belknap Community either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SECTION. 2. Community lands. The unallotted lands of the Fort Belknap Reservation, and all lands which may hereafter be acquired by the Fort Belknap Community, shall be held as community lands and shall not be allotted to individual Indians but may be assigned to members of the Fort Belknap Community, or leased, or otherwise used by the community as hereinafter provided.

SECTION. 3. Leasing of community lands. Community lands may be leased by the community council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of community lands preference shall be given, first, to Indian cattle associations, and, secondly, to individual Indians who are members of the Fort Belknap Community. No lease of community land to a nonmember shall be made by the community council unless it shall appear that no Indian cattle association or individual member of the community is able and willing to use the land and to pay a reasonable fee for such use. Grazing permits covering community land may be issued by the community council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

Free grazing privileges covering not to exceed 30 head of cattle or an equivalent amount of other livestock, may be assigned on community grazing land by the community council, to members of the community who do not have any grazing lands.

SECTION. 4. Grant of "standard" assignments. In any assignment of community lands which are now owned by the community or which may be hereafter acquired for the community by the United States, or purchased by the community out of community funds, preference shall be given to members of the community who have no allotted lands or previous assignments of community lands.

Members of the community, who at the time of allotment on the Fort Belknap Reservation accepted a cash settlement in lieu of allotted lands, are considered as having allotted lands, and no preference will be shown such members by reason of their being landless.

No allotted member of the community who may hereafter have the restrictions upon his land removed and whose land may hereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The community council may if it sees fit, charge a fee of not to exceed \$25.00 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless members of the community, and shall be known as "standard" assignments.

SECTION. 5. Tenure of standard assignments. If any member of the community holding a standard assignment of land shall, for period of two years fail to use the land so assigned, or shall, after due warning from the proper community officials, persist in using such land for any unlawful purpose, his assignment may be cancelled by the community council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a "standard" assignment, his heirs or other individuals designated by him, by will or written request, shall have a preference in the assignment of the land, provided such persons are members of the Fort Belknap Community who would be eligible to receive a "standard" assignment.

SECTION. 6. Grant of "exchange" assignments. Any member of the community who owns an allotment or any share of heir ship land may, with the approval of the secretary, voluntarily transfer his interest in such land to the community in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit. Assignments made under this section shall be known as "exchange" assignments.

SECTION. 7. Leasing of exchange assignments. Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

SECTION. 8. Inheritance of exchange assignments. Upon the death of the holder of any exchange assignment, such land shall be reassigned by the community council to his heirs or devisees, subject to the following conditions:

- (a) Such lands may not be reassigned to any heir or devisee who is not a member of the Fort Belknap Community, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.

- (b) Such lands may not be reassigned to any heir or devisee who already holds more than 1,000 acres of grazing land, or other land or interests in land of equal value, either under allotment or under exchange assignment.
- (c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than 40 acres, and no area of agricultural land shall be subdivided into units smaller than two and one-half acres, except that land used for building or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the community council shall issue to such heirs or devisees grazing permits or other interests in tribal lands of the same value as the assignment of the decedent.
- (d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment, in accordance with the provisions of section 4 of this article.

SECTION. 9. Inheritance of improvements. Improvements of any character made upon assigned land may be bequeathed to an inherited by members of the Fort Belknap Community or otherwise disposed of under such regulations as the community council shall provide. No permanent improvements shall be moved from the land without the consent of the community council.

SECTION. 10. Exchange of assignments. Both standard and exchange assignments may be exchanged between members of the Fort Belknap Community by common consent in such manner as the community council shall designate.

SECTION. 11. Use of unassigned community land. Community land which is not assigned, including community timber reserves, shall be managed by the community council for the benefit of the members of the entire community, and any cash income derived from such land shall accrue to the benefit of the community as a whole.

SECTION. 12. Purchase of land by community. Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

- (a) Land within the Fort Belknap Reservation or adjacent to the boundaries thereof which is not now in Indian ownership may be purchased by or for the Fort Belknap Community.
- (b) Restricted land, which is in heir ship status at the time of the adoption and approval of this constitution, may be purchased by or for the community, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.
- (c) Land owned by any member of the community who is over the age of 60 years, or who is physically incapacitated, may be transferred by its owner to the community in exchange for a consideration council, such consideration to be mutually agreed upon between the owner and the community council, such consideration to be paid in ten equal annual installments, either to the transferor or in the case of his death to his heirs. Purchases made under this section shall be made from available tribal funds.
- (d) Land in excess of 640 acres owned by any member of the community may be purchased by the community with the consent of the owner, payments to be made under such terms as may be agreed upon.

- (e) Land owned by any member of the community who desires to leave the reservation permanently may be purchased by the community, payment to be made therefor in ten equal annual installments.

SECTION. 13. Method of making assignments. Applications for assignment shall be filed with the secretary of the council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located for not less than 20 days before action is taken by the council. Any member of the community wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the secretary of the council, and may, if he so desires, appear before the council to present evidence. The secretary of the council shall furnish the superintendent or other officer in charge of the agency a complete record of all action taken by the council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the community.

The council shall draw up one or more forms for standard and exchange assignments, which forms shall be subject to the approval of the Secretary of the Interior.

ARTICLE VI. ADOPTION

This constitution and bylaws, when ratified by a majority vote of the qualified voters of the Fort Belknap Indian community voting at a special election called for the purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

UNITED STATES DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, FIELD SERVICE, FT. BELKNAP INDIAN AGENCY, Harlem, Mont, Oct. 21, 1935.

CERTIFICATE OF ADOPTION

Pursuant to an order, approved September 25, 1935, by the Secretary of the Interior, the attached constitution and bylaws were submitted for ratification to the members of the Fort Belknap Indian Community of the Fort Belknap Indian Agency, Harlem, Montana, and were on October 19, 1935, duly adopted by a majority vote of the members of said voting 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.).

UNITED STATES DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, FIELD SERVICE, FT. BELKNAP INDIAN AGENCY, Harlem, Mont, Oct. 20, 1935.