

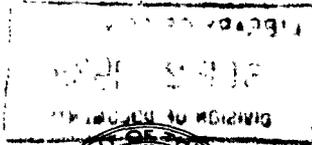
UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

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CORPORATE CHARTER
OF THE
CONFEDERATED TRIBES
" OF THE
WARM SPRINGS RESERVATION
OF OREGON

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RATIFIED APRIL 23, 1938



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CORPORATE CHARTER OF THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

A FEDERAL CORPORATION CHARTERED UNDER THE ACT OF JUNE 18, 1934

Whereas, the Confederated Tribes of the Warm Springs Reservation of Oregon are a recognized Indian tribe organized under a constitution and by-laws ratified by the members of the Confederated Tribes on December 18, 1937, and approved by the Assistant Secretary of the Interior on February 14, 1938, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Confederated Tribes have petitioned that a charter of incorporation be granted to said Confederated Tribes, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Confederated Tribes of the Warm Springs Reservation of Oregon, to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation at an election in which at least 30 per cent of the eligible voters vote.

Corporate Existence.

1. In order to further the economic development of the Confederated Tribes of the Warm Springs Reservation of Oregon by conferring upon the said Confederated Tribes certain corporate rights, powers, privileges and immunities; to secure for the members of the Confederated Tribes and assured economic independence; and to provide for the proper exercise by the Confederated Tribes of various functions heretofore performed by the Department of the Interior, the aforesaid Confederated Tribes are hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Confederated Tribes of the Warm Springs Reservation of Oregon."

Perpetual Succession. Membership.

2. The Confederated Tribes shall, as a Federal corporation, have perpetual succession.
3. The Confederated Tribes shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Confederated Tribes, as provided by its duly ratified and approved constitution and by-laws.

Management.

4. The Tribal Council established in accordance with the said constitution and by-laws of the Confederated Tribes, shall exercise all the corporate powers hereinafter enumerated.

Corporate Powers.

5. The Confederated Tribes, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Confederated Tribes, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Confederated Tribes of any land, or interests in land, including water power sites, now or hereafter held by the Confederated Tribes.

(2) No mortgage may be made by the Confederated Tribes of any standing timber on any land now or hereafter held by the Confederated Tribes within the boundaries of the Warm Springs Reservation.

(3) No leases, permits (which terms shall not include land assignments to members of the Confederated Tribes) or timber-sale contracts covering any land or interests in land now or hereafter held by the Confederated Tribes within the boundaries of the Warm Springs Reservation shall be made by the Confederated Tribes for a longer term than ten years, and all such leases, permits, or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law. Power sites may be leased with the consent of a majority of the voters of the Confederated Tribes voting at an election in which at least 30 per cent of the eligible voters vote.

(4) Every action shall be taken by and in behalf of the Confederate Tribes

which may operate to prevent destruction or injury to tribal grazing lands, timber, or other natural resources of the Warm Springs Reservation. All leases, permits and timber-sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

- (c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.
- (d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Confederated Tribes, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Confederated Tribes: *Provided*, That the amount of indebtedness to which the Confederated Tribes may subject itself, aside from loans from the Indian Credit Fund, shall not exceed \$25,000.00, except with the express approval of the Secretary of the Interior.
- (e) To engage in any business that will further the economic well-being of the members of the Confederated Tribes, or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.
- (f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any

county, or with the United States or the State of Oregon, including agreements with the State of Oregon for the rendition of public services: *Provided*, That all contracts involving payment of money by the corporation in excess of \$2,500.00 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative, and shall be subject to the restrictions contained in Article V, Section (t) of the Constitution.

- (g) To pledge or assign chattels or future tribal income due or to become due to the Confederated Tribes: *Provided*, That assignments of tribal income, other than an assignment to the United States, shall not extend more than ten years from the date of execution and shall not amount for any one year to more than \$25,000.00: *And, provided further*, That any such pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.
- (h) To deposit corporate funds, from whatever source derived, in any National or State bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the postal savings bank or with a bonded disbursing officer of the United States to the credit of the Confederated Tribes.
- (i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Confederated Tribes or by the United States to the levy of any judgment, lien, or attachment upon the property of the Confederated Tribes other than income or chattels specially pledged or assigned.
- (j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

Termination of Supervisory Powers.

6. Upon request by the Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) (3), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Confederated Tribes. The termination shall be

effective upon ratification by a majority vote of the adult members of the Confederated Tribes residing on the reservation, at an election in which at least 30 per cent of the eligible voters vote. If at any time after ten years from the date of approval of this Charter, the Secretary shall disapprove a request for the termination of any such power, or fail to approve or disapprove it within 90 days after its receipt, the question of its termination may then be submitted by the Secretary or by the Tribal Council to popular referendum of the adult members of the Confederated Tribes actually living within the reservation, and if the termination is approved by two-thirds of the eligible voters it shall be effective.

Corporate Property.

7. No property rights of the Confederated Tribes of the Warm Springs Reservation shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Confederated Tribes shall not be subject to any corporate debts or liabilities without such owners' consent. Any existing lawful debts of the Confederated Tribes shall continue in force, except as such debts may be satisfied or canceled pursuant to law.

Corporate Dividends.

8. The Confederated Tribes may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the tribe and may distribute per capita, among the recognized members of the Confederated Tribes, all profits of corporate enterprises over and above sums necessary to defray corporate obligations to members of the Confederated Tribes or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. Any such distribution of profits in any one year amounting to a per capita cash payment of \$100 or more, shall not be made without the approval of the Secretary of the Interior.

Corporate Accounts.

9. The officers of the Confederated Tribes shall maintain accurate and complete public accounts of the financial affairs of the Confederated Tribes, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Confederated Tribes to the Commissioner of Indian Affairs.

*Amend-
ments.*

10. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolution of the Tribal Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 per cent of the eligible voters vote.

*Ratifica-
tion.*

11. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Confederated Tribes living on the Warm Springs Reservation in Oregon, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Warm Springs Agency and the President and Secretary of the Tribal Council.

Submitted by the Assistant Secretary of the Interior for ratification by the Confederated Tribes of the Warm Springs Reservation in Oregon.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *March 31, 1938.*

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984) this Charter, issued on March 31, 1938 by the Assistant Secretary of the Interior to the Confederated Tribes of the Warm Springs Reservation, was duly submitted for ratification to the adult members residing within the Reservation and was on April 23, 1938, duly ratified by a vote of 180 for and 62 against, in an election in which over 30 per cent of those entitled to vote cast their ballots.

GEORGE MEACHEM,
President of the Tribal Council.

HAROLD V. LEWIS,
Secretary of the Tribal Council.

J. W. ELLIOTT,
Superintendent of the Warm Springs Agency.

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