

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CORPORATE CHARTER
OF THE
PORT GAMBLE BAND OF CLALLAM
" INDIANS
OF THE
PORT GAMBLE INDIAN COMMUNITY
WASHINGTON



RATIFIED APRIL 5, 1941



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CORPORATE CHARTER OF THE PORT GAMBLE BAND OF CLALLAM INDIANS OF THE PORT GAMBLE INDIAN COMMUNITY, WASHINGTON

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

Whereas, the Port Gamble Band of Clallam Indians of the Port Gamble Indian Community in Washington is a recognized Indian Tribe organized under a Constitution and Bylaws ratified by the Band on August 5, 1939, and approved by the Secretary of the Interior on September 7, 1939, 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 Band have petitioned that a charter of incorporation be granted to such Band, 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 Port Gamble Band of Clallam Indians of the Port Gamble Indian Community to be effective from and after such time as it may be ratified by a majority vote in an election at which at least 30 percent of the adult Indians living on the reservation shall vote.

Corporate Existence

1. In order to further the economic development of the Port Gamble Band of Clallam Indians of the Port Gamble Indian Community in Washington by conferring upon the said Band certain corporate rights, powers, privileges and immunities; to secure for the members of the Band an assured economic independence; and to provide for the proper exercise by the Band of various functions heretofore performed by the Department of the Interior, the aforesaid Band is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Port Gamble Band of Clallam Indians".

Perpetual Succession

2. The Port Gamble Band of Clallam Indians shall, as a Federal Corporation, have perpetual succession.

Membership

3. The Port Gamble Band of Clallam Indians shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Band, as provided by its duly ratified and approved Constitution and Bylaws.

Management

4. The Community Council of the Port Gamble Band of Clallam Indians established in accordance with

the said Constitution and Bylaws of the Band, shall exercise all the corporate powers hereinafter enumerated.

Corporate Powers

5. The Band, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and Bylaws of the said Band, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal Constitution and Bylaws:
 - (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 Band of any land, or interests in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Band within the boundaries of the Port Gamble Indian Community.
 - (2) No mortgage may be made by the Band of any standing timber on any land now or hereafter held by the Band within the boundaries of the Port Gamble Indian Community.
 - (3) No leases, permits (which terms shall not include land assignments to members of the Band) or timber sale contracts covering any land or interests in land now or hereafter held by the Band within the boundaries of the Port Gamble Indian Community shall be made by the Band for a longer term than five years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, water power leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.
 - (4) No action shall be taken by or in behalf of the Band which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Port Gamble Indian Community. 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 Band, 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 Band; *Provided*, That the amount of indebtedness to which the Band may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed \$5,000 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 Band, 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 Washington, including agreements with the State of Washington, for the rendition of public service; *Provided*, That any contract involving payment of money by the corporation in excess of \$1,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.
- (g) To pledge or assign chattels or future tribal income due or to become due to the Band; *Provided*, That such agreements of pledge or

assignment, other than an agreement with the United States, shall not extend more than five years from the date of execution and shall not cover more than one-half the net tribal income from any one source; *And provided further*, That any such agreement 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 corporation.
- (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 said Band or by the United States to the levy of any judgment, lien or attachment upon the property of the Band 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 the request of the Port Gamble Community 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 to the Band for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 percent of the adult members of the Band residing on the reservation shall vote. If at any time after ten years from the effective date of this Charter, such request shall be made and the Secretary shall disapprove or fail to approve or disapprove it within ninety days after its receipt, it may then be submitted by the Secretary of the Interior or by the Community Council to popular referendum of the adult members of the Band actually living within the reservation, and if approved by two-thirds of the eligible voters shall be effective.

Corporate Property

7. No property rights of the Port Gamble Band of Clallam Indians, as heretofore constituted, 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 Band shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Band shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

*Corporate
Dividends*

8. The Band 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 Band, and may distribute per capita, among the recognized members of the Band, all profits of corporate enterprises or income over and above sums necessary to defray corporate obligations 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. No such distribution of profits or income in any one year amounting to more than one-half of the accrued surplus, shall be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Band shall be made except as provided herein or as authorized by Congress.

*Corporate
Accounts*

9. The officers of the Band shall maintain accurate and complete public accounts of the financial affairs of the Band, 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 Band 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 resolutions of the Community 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 percent of the eligible voters vote.

Ratification

11. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Port Gamble Band of Clallam Indians living in the Port Gamble Indian Community, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Tulalip Agency and the Chairman and Secretary of the Community Council of the Port Gamble Band of Clallam Indians.

Submitted by the Assistant Secretary of the Interior for ratification by the Port Gamble Band of Clallam Indians of the Port Gamble Indian Community.

OSCAR L. CHAPMAN,
Assistant Secretary.

[SEAL]

WASHINGTON, D. C., *March 4, 1941.*

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on March 4, 1941, by the Assistant Secretary of the Interior to the Port Gamble Band of Clallam Indians of the Port Gamble Indian Community in Washington, was duly submitted for ratification to the adult members of the Community living on the reservation and was on April 5, 1941, duly ratified by a vote of 36 for, and 0 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

LESTER JACKSON,
Chairman, Port Gamble Community Council.
MRS. CARL SPARKS,
Secretary, Port Gamble Community Council.

O. C. UPCHURCH,
Superintendent, Tulalip Agency.

