

**CONSTITUTION  
OF THE  
ONTONAGON BAND  
OF  
LAKE SUPERIOR CHIPPEWA**

**APPROVED DECEMBER 11, 1997**

## **PREAMBLE**

We, the Ontonagon Band of Lake Superior Chippewa, do hereby establish this Constitution, as an exercise of our sovereign powers, for the protection of mother earth, her natural resources, wildlife, and waterways, for the common good, welfare, and prosperity of our people, to safeguard our culture and traditions, to govern ourselves under our own laws, to form businesses and organizations, and to enjoy certain rights of home rule.

## **ARTICLE I – TERRITORY AND JURISDICTION**

**Section 1.** The Ontonagon Band of Lake Superior Chippewa has historically occupied and continues to occupy lands throughout the 1842 Ceded Territory and with the right of “other usual privileges of occupancy”, as stated in the Oct. 4, 1842 Treaty with the Chippewa, the authority of the government established by this Constitution shall extend to the fullest extent possible over all persons, property, and activities within its jurisdiction.

**Section 2.** The Jurisdiction of the Ontonagon Band of Lake Superior Chippewa shall extend to the fullest extent possible over all lands, waters, and airspace within the boundaries of the 1842 Ceded Territory and over all future additions of land acquired by the Tribe or its members.

## **ARTICLE II – MEMBERSHIP**

**Section 1.** Those eligible for membership with the Ontonagon Band of Lake Superior Chippewa shall be as follows:

- A. All members of the Ontonagon Band of Lake Superior Chippewa as shown on any official documents such as annuity, census, and allotment rolls, their siblings, and their descendents and heirs having at least one-eighth degree Chippewa blood.
- B. All children with one-eighth degree or more Indian blood born to any member.
  - 1. An adopted child shall be considered as a members actual child.
- C. A members spouse with one-eighth degree or more Indian blood.
- D. A members stepchild with one-eighth degree or more Indian blood.

**Section 2.** All other Indians residing within the Jurisdiction of the Ontonagon Band of Lake Superior Chippewa who wish to be affiliated with the Tribe may upon written application be eligible for adoption into the Tribe, subject to the rules to be established by the Tribal Council, but at no time will an adopted member be able to hold an elected office in the Tribe and will be afforded only those rights which may be permitted by the Tribal Council.



**Section 3.** Each membership must be approved by at least a three-fourths majority vote of the Tribal Council.

**Section 4.** Members found guilty of giving false or erroneous information for membership or found to be undesirable may be subject to disenrollment by at least a three-fourths majority vote of the Tribal Council.

**Section 5.** Dual membership shall be permitted only until such time as the Tribe accepts U.S. Federal Funding.

### **ARTICLE III – GOVERNING BODY**

**Section 1.** The governing body of the Ontonagon Band of Lake Superior Chippewa shall be the Tribal Council.

**Section 2.** The Tribal Council shall consist of all Head Clan Chiefs. One of whom will also be the Tribal Chief.

**Section 3.** The Tribal Council will be the sole judge as to the qualifications of its members.

### **ARTICLE IV – TERMS OF OFFICE**

**Section 1.** The current Tribal Chief, who duly elected by all eligible votes of the Tribe, will continue to serve as Tribal Chief for a lifetime term or until he resigns or is removed from office. Future Tribal Chiefs will be elected by the Tribal Council from its own membership.

**Section 2.** The Tribal Chief will redetermine Clans and appoint the first Head Chief of each Clan. Future Clan Chiefs will be elected by their respective Clan members for a term to be determined by the Tribal Council.

### **ARTICLE V – ELECTIONS**

**Section 1.** An election for each Clan Chief will be held at least thirty days before the expiration of their term of office following the rules and regulations as determined by the Tribal Council or an election board appointed by the Tribal Chief. Each Clan Chief must be elected by a majority vote of their respective Clan members.

**Section 2.** The Tribal Council or board appointed by the Tribal Chief shall certify to the election results immediately after the election returns.

**Section 3.** Any member of a Clan belonging to the Ontonagon Band of Lake Superior Chippewa who is eighteen years of age or over, maintains residence within the Ceded Territory of the 1842 Treaty, and registers to vote will be eligible to vote at their designated polls or by an authorized absentee ballot.



**Section 4.** Any enrolled member of the Ontonagon Band of Lake Superior Chippewa belonging to a Clan, is twenty-seven years of age or over, is at least three-eighths degree Indian Blood, has resided within the Ceded Territory of the 1842 Treaty for at least five years immediately preceding their nomination, and meets all other criteria deemed necessary by the Tribal Council shall be eligible to be elected as a Clan Chief.

#### **ARTICLE VI – VACANCIES AND REMOVAL**

**Section 1.** If a Chief shall die, relinquish his title, or be removed from office, an election will be held within thirty days.

**Section 2.** If a Chief should be proven guilty of improper conduct, unconstitutional acts, or gross misuse or neglect of their duties, he may be expelled immediately by the Tribal Chief or by at least a three-fourths vote of the Tribal Council or by the following procedure:

Should a complaint in writing be presented to the Tribal Council from at least thirty-three percent of the eligible voting members of the respective Clan, the Tribal Council shall call for a vote of that Clan as soon as possible. A majority vote is required to remove a Clan Chief.

#### **ARTICLE VII – DUTIES AND POWERS OF THE TRIBAL CHIEF**

**Section 1.** The Tribal Chief shall have the authority to:

- A. Preside over all meetings of the Tribal Council.
- B. Oversee the implementation of laws, regulations, and other acts of the Tribal Council.
- C. Have general supervision over the Tribal Council, over the management and administration of all Tribal operations and businesses, and over such matters that pertain to the general welfare of the Tribe.
- D. Be the official representative of the Tribe.
- E. Negotiate with Federal, State, and local governments on behalf of the Tribe.
- F. Be ex-officio member of all subordinate boards and committees.
- G. Exercise all lawfully delegated authority.
- H. Report to the Tribal Council on all matters affecting the Tribe.
- I. Call special Council sessions and community meetings as often as needed.
- J. Sign all checks and official papers on behalf of the Tribe.
- K. Prepare and present the Tribal budget.
- L. Act as contracting officer of the Tribe.
- M. Redesignate Clans as deemed necessary and appoint the first Chief of each Clan.
- N. Appoint subordinate officials and boards.
- O. Veto any decision of the Tribal Council within five days, except for unanimous decisions.



- P. Delegate any of his authority or powers to others under his immediate supervision, reserving the right to review any action taken by such delegation.

#### **ARTICLE VIII – DUTIES AND POWERS OF THE TRIBAL COUNCIL**

**Section 1.** The Tribal Council shall have the authority and power, subject to all express restrictions upon such powers contained in this Constitution, to:

- A. Regulate the uses and disposition of Tribal property, protect and preserve Tribal property, wildlife, and natural resources, cultivate Chippewa arts, crafts, culture and tradition, administer charity, protect health, security, and general welfare of the Tribe, and protect the Treaty Rights and Sovereignty of the Tribe.
- B. Employ legal counsel for the protection and advancement of the rights of the Tribe and its members.
- C. Enact laws, resolutions, and ordinances, which are to safeguard and promote the peace, safety, morals, and general welfare of the Tribe.
- D. Regulate the domestic relations of members of the Tribe.
- E. Manage the economic affairs and enterprises of the Tribe.
- F. Appropriate for Tribal use any available Tribal funds.
- G. Create a Tribal community fund.
- H. Exclude from lands, under the jurisdiction of the Tribe, persons not legally entitled to reside thereon.
- I. Enact resolutions or ordinances, not inconsistent with Article II of this Constitution, governing adoption, abandonment or relinquishment of membership.
- J. Promulgate and enforce laws, resolutions, and ordinances providing for the maintenance of law and order and the administration of justice by the establishment of a Justice System.
- K. Promulgate and enforce ordinances which would provide for taxes, assessments, or license fees upon non-members residing or doing business within the jurisdiction of this Constitution, but at no time will such ordinance, apply to our own Tribal members without a referendum vote of the Tribal membership.
- L. Delegate any of its authority to subordinate boards or cooperative associations, but reserving the right to review any action taken by such delegated authority.
- M. Adopt resolutions or ordinances to effectuate any of the foregoing powers.
- N. Overturn a veto by the Tribal Chief with a unanimous vote.
- O. Exercise such further powers or authority as may in the future be legally delegated to it.



#### **ARTICLE IX – OATH**

**Section 1.** All officials when appointed or elected shall be duly installed and subscribe to an oath of office to support this Constitution. Such officials may be sworn in by any official qualified to administer an oath.

#### **ARTICLE X – MEETINGS**

**Section 1.** Stated meetings of the Tribal Council shall be held at such times as the Tribal Council may by ordinance provide. Called meetings shall be held at the discretion of the Tribal Chief or at the request of two Clan Chiefs. All Council members must be notified at least forty-eight hours in advance.

**Section 2.** Three-fourths members of the Tribal Council shall constitute a quorum.

**Section 3.** The Tribal Council shall prescribe such rules of order for its meetings as it desires.

**Section 4.** Meetings of the Tribal Council shall be public to all eligible voting members of the Tribe.

#### **ARTICLE XI – AMENDMENTS**

**Section 1.** This Constitution may only be amended by at least a three-fourths majority vote of the Tribal Council provided that the proposed amendment has been presented by a Council member and has been read and discussed at three consecutive Council meetings, but no amendment shall become effective until it has been approved by the Tribal Chief.

#### **ARTICLE XII – SEVERABILITY OF PROVISION**

If any particular provision of this Constitution is found to be invalid by any court of competent jurisdiction, the remaining provisions shall remain unaffected.

#### **ARTICLE XIII – ADOPTION OF THE CONSTITUTION**

This Constitution when ratified by a majority vote of all qualified voters of the Ontonagon Band of Lake Superior Chippewa who actually vote in an election called for that purpose by the Tribal Chief of the Ontonagon Band of Lake Superior Chippewa shall be submitted for approval to the Tribal Chief and shall become effective from the date of such approval.

### CERTIFICATION AND APPROVAL OF ADOPTION

Pursuant to an order issued on November 7, 1997 by the Tribal Chief of the Ontonagon Band of Lake Superior Chippewa, this Constitution was submitted for ratification to all qualified voters of the Ontonagon Band of Lake Superior Chippewa and was on December 7, 1997 duly adopted by a unanimous vote for and zero against in an election in which all of the qualified voters cast their ballots.

Young Buck  
Election Board Chairman

I, Lonewolf, Tribal Chief, do hereby approve this Constitution of the Ontonagon Band of Lake Superior Chippewa. It is effective as of this date, December 11, 1997.

*Lonewolf*  
Lonewolf  
Tribal Chairman

*Young Buck*  
Michael Chorra

*Lonewolf*  
Robert Berschoa Sr.