

1: \f4Introduction

**PART I TRIBAL Life & Government**

2: \f4Government & Tribal Life

1 - 3.6 = 2 hrs

4 - 5.7 = 3 hrs

6 - 6.3 = 3 hrs

2.1: \f1In the Beginning ...

2.2: \f1The Law of Nature

2.3: \f1Sovereignty and the Origins of Quinault Government

2.4: \f1Government and the People

2.5: \f1A Question of Loyalty

2.6: \f1"On Our Own!"

2.7: \f4Government & Tribal Life Questions (a)

2.8: \f4Government & Tribal Life Questions (b)

1 - 3.6 Quinault Society & Quinault Gov.

4 - 5.7 = social contract and external relations

6 - 6.3 =

**5 PART II**

\f4Providing for the Common Welfare

3.1: \f1Bureaucracy and Tribal Values

3.2: \f1Daily Life and the Quinault Future

3.3: \f1Organizing the Popular Will

3.4: \f1Quinault Government, Aid or Obstacle

3.5: \f4The Common Welfare Questions (a)

3.6: \f4The Common Welfare Questions (b)

1 - 2.8 = 1st seminar

3 - 4.7 = 2nd seminar

5 - 6.3 = 3rd seminar

**3 PART III**

\f4Quinault Constitution

4.1: \f1What is a Constitution?

4.2: \f1What about Constitutions and Nations?

4.3: \f1Constitutions, their form and contents

4.4: \f1The Quinault Social Contract

4.5: \f1Quinault Nation & Quinault Government: Duty and Continuity

4.6: \f4Constitution Questions (a)

4.7: \f4Constitution Questions (b)

**4 PART IV**

\f4Quinault River Treaty

5.1: \f1"When Nations Make Treaties"

5.2: \f1The Law of Nations and the Quinault

5.3: \f1Relations with the United States

5.4: \f1Relations with the State of Washington

5.5: \f1Quinault External Relations: Struggle and Coexistence

5.6: \f4Treaty Questions (a)

5.7: \f4Treaty Questions (b)

*PART II*  
6: \f4"Our Choices are Our Future"

6.1: \f1Quinault Nation and National Consciousness

6.2: \f1Quinault Survival and Prosperity

6.3: \f1National Renewal: The People's Choice

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1c/18  
 ✓ CONSTITUTION OF THE QUINAULT INDIAN NATION PREAMBLE We, the Indians of the Quinault Indian Nation, in order to establish a better tribal organization; to preserve our land base, culture and identity; to safeguard our interest and general welfare; to secure the blessings of freedom and liberty for ourselves and for our posterity; and to amend our ByLaws of August 22, 1922, as amended, do hereby approve and adopt this Constitution.

1c/16 ARTICLE I - SOVEREIGNTY 1b

1b3 SECTION 1 - SOVEREIGNTY: 1f2 Notwithstanding the issuance of any patent, the jurisdiction and governmental power of the Quinault Indian Nation shall extend to: (a) all lands, resources and waters reserved to the Quinault Nation pursuant to the Treaty of Olympia, 12 Stat. 971, established by Executive Order dated November 4, 1873 (I kapp. 923) and to all persons acting within the boundaries of those reserved lands or waters; (b) all usual and accustomed fishing grounds, open and unclaimed lands reserved for hunting and gatherings and other lands necessary for the appropriate use of fishing and hunting grounds; and all members exercising tribal hunting, gathering and fishing rights on or off the Quinault reservation in Quinaults usual and accustomed fishing grounds or; (c) all lands or waters held by the United States in trust or reserved by the Quinault Nation for the use and benefit of any member of the Quinault Tribe when such lands or waters are not within the boundaries of an established Indian Reservation; (d) all members of the Quinault Nation while such members are within the boundaries of the United States of America or any of its Reservations, states, territories, possessions, zones, or districts; except where such jurisdiction is expressly limited by the laws of the United States; (f) offshore marine waters for a distance concurrent with the jurisdiction of the United States.

✓ 1b3 SECTION 2 - GENERAL WELFARE: 1f2 It shall be the goal of the Quinault Nation to provide for the general safety and welfare of all persons acting by the right of membership in the Quinault Nation or acting or residing within the jurisdiction of the Quinault Nation.

1c/16 2 ARTICLE II - ENROLLMENT 1b

1b3 SECTION 1 - MEMBER: 1f2 a) Any person of 1/4 Quinault, Queets, Quilleute, Hoh, Chehalis, or Cowlitz blood of one of the named Tribes or combined, not a member of any other federally-recognized Indian Tribe. (b) any person adopted into the Nation by a majority vote of the General Council, at a regular annual meeting of that council. The ownership of trust land on the Quinault Reservation shall be an important consideration in recommending adoption, but such ownership shall not be considered a necessary or sufficient qualification or condition for a recommendation of adoption.

1b3 SECTION 2 - ENROLLMENT COMMITTEE: 1b(a) Membership. 1f2 The enrollment committee shall consist of not less than four (4), nor more than nine (9) members of the Quinault Nation, appointed by the Business Committee. (b) Duties. 1f2 The enrollment committee shall: (1) accept applications for enrollment and adoption, (2) investigate all applications for enrollment and adoption, (3) approve all applications for enrollment where applicants qualify for membership in the Quinault Nation under the provisions of this Constitution. A list of all persons approved for enrollment during the interim between annual

General Council meetings shall be published and posted publicly in places determined to be appropriate to inform the general membership of pending enrollment thirty (30) days prior to the next annual General Council meeting and presented by the enrollment committee to the General Council at the next annual General Council meeting, (4) recommend to the General Council for their vote, persons approved by the enrollment committee for adoption into the Quinault Nation, a list of such persons shall be posted with the pending enrollment list, (5) participate in the interviewing and hiring of an enrollment clerk, (6) issue an official notice of denial of enrollment to any person, who, after all due investigation by the enrollment committee is found not be qualified for enrollment in the Quinault Nation; (7) issue an official notice of denial of recommendation to any person, who after all due investigation by the enrollment committee is found not be acceptable for a recommendation of adoption.

SECTION 3 - APPROVED APPLICANTS; All persons approved for enrollment by the enrollment committee shall be considered members for all purposes until their names are presented at an annual General Council meeting; provided, persons approved for enrollment shall not be permitted to vote on the enrollment or adoption of any person.

SECTION 4 - APPEALS; (a) Persons denied enrollment by a final act of the enrollment committee may appeal the decision of the enrollment committee to the General Council and if denied by the General Council may appeal to the Quinault Tribal Court. Persons denied enrollment may request a recommendation of adoption. (b) Persons denied a recommendation of adoption by a final act of the enrollment committee may request that the General Council adopt them at an annual meeting of the Council. The decision of the General Council shall be final.

SECTION 5 - OBJECTIONS TO ENROLLMENT; Any member may object to the enrollment of any person approved for enrollment at the time the name of that person approved for enrollment is presented to the General Council by the enrollment committee. The name of the member objecting shall be recorded and that objecting member shall have ninety (90) days to present sufficient evidence to cause reexamination of the enrollment application to the enrollment committee. During that ninety (90) day period and during any disenrollment investigation, the person objected to shall exercise the rights of a member. If the ninety (90) days shall pass without sufficient evidence being presented to the enrollment committee to cause the enrollment committee to reinvestigate the application, the person objected to shall be enrolled.

SECTION 6 - DISENROLLMENT; (a) The enrollment committee shall not begin review of the enrollment of a member without first notifying a person subject to a disenrollment investigation that he or she is subject to such an investigation and allowing such person to view all evidence being used to question member status; (b) the enrollment committee in a disenrollment investigation shall follow all procedures set out herein for enrollment, including presentation of the names of any finally disenrolled person to the General Council at the next annual meeting of that council. (c) exclusive grounds for disenrollment shall be that a person submitted fraudulent evidence in the application for enrollment in the Quinault Nation in order to qualify under the provisions of this Constitution, (d) adopted members shall not be subject to disenrollment proceedings, (e) person finally disenrolled shall have the right to appeal their disenrollment to the Quinault Tribal Court.

12/16 ARTICLE III - GENERAL COUNCIL

5 → 16 SECTION 1 - MEMBERSHIP IN THE GENERAL COUNCIL. 16 All members, including adopted members of the Quinault Nation, shall be members of the General Council.

16 SECTION 2 - VOTING. 16 Members of the General Council age 18 years or more, who are present at the appointed time and place of elections shall be permitted to vote in General Council meetings.

16 SECTION 3 - MEETINGS. 16 (a) The annual meeting of the General Council shall be held on the 1st Saturday in March at a place within the boundaries of the Quinault Reservation. (b) All meetings of the General Council shall be announced by the Business Committee by posting notices at Taholah, Queets, Amanda Park and any other place determined by the Business Committee at least ten (10) days in advance of the meeting and by publishing notice in a newspaper of general circulation in the vicinity of the Reservation. (c) Special meetings may be called by the Business Committee or by fifty (50) voting members by giving and posting the required notice. (d) The purpose of the General Council meetings shall be to elect or recall the members of the Business Committee and to declare the will of the General Council on issues placed before the General Council by the agenda and by persons raising issues at any meeting. (e) A quorum for conducting business at any meeting shall be fifty (5) voting members. (f) The agenda for the annual meeting shall be published by the Secretary of the Tribe. All items to be placed on the agenda shall be submitted to the Secretary thirty (30) days in advance of the annual meeting. Items on the agenda shall be considered before issues or questions raised from the floor. (g) In addition to the annual meeting, quarterly General Council meetings may be held.

16 SECTION 4 - BILL OF RESERVED POWER: 16 The following powers shall be reserved to the General Council and the Business Committee or other agency of the Nation shall be required to obtain the advice and consent of the General Council prior to taking any action with regard to these powers. Any action the Business Committee shall take with regard to these powers without obtaining the advice and consent of the General Council shall be void and have no legal effect. (a) The relinquishment of any National criminal or civil jurisdiction to any agency, public or private, provided that this section shall not prevent the Business Committee from commissioning non-National laws and regulations. (b) The termination of the Quinault Reservation. (c) The adoption of persons into the Nation. (d) The sale of hunting or fishing rights, grounds, or stations. (e) Any other act which jeopardizes any treaty right of the Quinault Nation; or is prohibited to the Business Committee by this Constitution, or by instruction of the General Council, without prior approval of the General Council.

12/16 ARTICLE IV - BUSINESS COMMITTEE

16 SECTION 1 - OFFICERS: 16 The officers of the Nation shall consist of the President, the Vice-President, Secretary and Treasurer and seven (7) Councilmen. The said eleven (11) officers shall constitute the Business Committee of the Quinault Nation and all shall have the right to vote on issues brought before the Business Committee.

16 SECTION 2 - QUORUM: 16 A quorum of the Business Committee shall consist of at least six (6) officers, including the President and Vice-



✓ President, and decisions shall be made by a majority vote of those present. In the absence of the President and Vice-President, no meeting shall be held unless an officer has been duly appointed by the President or the Vice-President to chair the meeting.

1/3 SECTION 3 - ELECTION: 1/3 The officers shall be elected at the annual meeting of the General Council and shall serve three year staggered terms. Nominations shall be made from the floor. Election shall be by secret ballot. No absentee ballots shall be allowed. Officers shall be elected one at a time. When during the course of any General Council meeting, any presently serving officer shall be elected to fill any other position on the Business Committee, the position vacated by the election shall be immediately filled by electing another qualified person to the remainder of the term of the vacated position.

1/3 SECTION 4 - QUALIFICATIONS: 1/3 Any enrolled member who maintains permanent residence within the Reservation boundaries, is present at the election, and is entitled to vote in the General Council, shall be eligible to be elected as an officer of the Nation, provided that no more than one brother, sister, father, mother, husband, wife or child of any person already serving as an officer may be elected as an officer. Officers moving their residence outside the boundaries of the Reservation during their term of office will be considered to have resigned from the Business Committee.

1/3 SECTION 5 - REMOVAL: 1/3 (a) Any officer who is absent from three consecutive regular Business Committee meetings without an excuse acceptable to the Business Committee or who commits acts in violation of his position of trust as an officer of the Quinault Nation shall be removed from office. (b) Prior to removal pursuant to (a) above, the officer whose removal is contemplated shall be given a reasonable opportunity to answer charges and a written statement of the charges against him shall be made available to him fifteen (15) days prior to said meeting. (c) An officer who has been removed shall have the right within thirty (30) days to file an appeal to the General Council. In the event of such an appeal, the Business Committee shall promptly call a special meeting of the General Council, at which special meeting shall be considered affirmation of removal of any officer.

1/3 SECTION 6 - RECALL: 1/3 Any officer may be removed for any reason by vote of the General Council on a recall petition, specifying the reasons for removal. A recall petition shall be signed by at least fifty (50) qualified voters, and filed with the Business Committee. Upon the filing of such a petition, the Business Committee shall promptly call a special meeting of the General Council. Written notice of the petition shall be given to the officer at least fifteen (15) days prior to the meeting, and he shall be entitled to state his case before the General Council. The decision of the General Council shall be final. Failure to obtain a quorum at such a General Council meeting shall require the dismissal of the recall petition and no new recall petition may be filed against the officer in question for a period of one year following said meeting.

1/3 SECTION 7 - VACANCIES: 1/3 Vacancies on the Business Committee shall be filled no more than sixty (60) days following the occurrence of a vacancy by a 2/3 vote of a quorum of the remaining officers; provided that such appointee is a voting member of the Nation and is otherwise qualified. The vacancy shall be filled by election at the next General Council meeting for the remainder of the existing term. No person not elected to the Business Committee by the General Council shall be

appointed to the position of President or Vice-President.

1/3 SECTION 8 - MEETINGS: 1/3 Regular open meetings of the Business Committee shall be held at least once in each month on a regular schedule set by the Business Committee. Special meetings may be called on a reasonable notice to all officers. Executive sessions of the Business Committee may be held on majority vote of the Committee. All regular meetings shall be held within the boundaries of the Quinault Reservation.

1/3 SECTION 9 - BY-LAWS: 1/3 The Business Committee shall by ordinance adopt its own procedures and duties of officers, except as herein provided.

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ARTICLE V - 1/6 POWER AND RESPONSIBILITIES  
1/6 OF THE BUSINESS COMMITTEE

1/3 SECTION 1 - GENERAL: 1/2 It shall be the duty of the Business Committee to govern all people, resources, lands, and waters under the jurisdiction of or reserved to the Quinault Nation in accordance with this Constitution, the Quinault Tribal Code of laws, the Quinault Treaty, the laws of the United States expressly limiting the powers of the Quinault Nation, and the instructions of the General Council. Any rights, powers and authority expressed, implied, or inherent vested in the Nation but not expressly referred to in this Constitution shall not be abridged by this Article, but shall be exercised by the Business Committee or the General Council by the adoption of appropriate ordinances and agreements.

1/3 SECTION 2 - LAWS: 1/2 The Business Committee shall have the power to enact laws for the welfare of the Nation, provided, however, that such laws are not in conflict with this Constitution, and that public hearings be held on each law prior to their adoption.

1/3 SECTION 3 - POWERS: 1/2 The Business Committee shall have the power:

(a) To enter into agreements on behalf of the Nation with federal, state, and local governments or agencies, and other public and/or private organizations or person; provided, that these agreements are not in conflict with this Constitution, the instructions of the General Council, or the laws of the Quinault Nation. (b) To provide for the execution and enforcement of the laws of the Quinault Nation; and to establish an independent Tribal Court, and to provide by law for its jurisdiction, procedures, and appointment or election of its judges; and to charter and regulate associations, corporations for profit and not for profit, towns, special districts, schools, religious institutions, financial institutions and all other entities; and to establish National enterprises as branches of the National government. (c) To levy and collect taxes on members and other persons or entities within the National jurisdiction; provided that no tax shall be levied on trust real property; further provided that no tax shall be levied without holding public hearings convenient in time and place to all members of the Quinault Nation and those subject to its jurisdiction; to determine the need for, and effect of, such a tax. (d) To assert the defense of sovereign immunity in suits brought against the Nation and to waive the said defense by agreement where National realty or personalty not held in trust by the United States is pledged or when property held in trust by the United States is pledged with the consent of the United States. (e) To govern the sale, disposition, and lease of tribally-owned assets, and to provide for the zoning and other land

use regulation of all lands within the boundaries of the Reservation and the jurisdiction of the Quinault Nation, and for the purity, volume, and use of all water to which the Quinault Nation and the Quinault people are entitled; and for the purity of the air within the Quinault Reservation. (f) To manage, lease, permit, sell, or otherwise deal with tribally-owned lands, tribally-owned interests in lands, water rights, fishing stations, mineral rights, hunting grounds, fish and wildlife resources, or other tribally-owned assets, and to purchase or otherwise acquire lands or interests in lands within or without the Reservation, and to hold those lands in tribal or federal trust and to regulate allotted trust and non-trust lands within the Reservation boundaries insofar as such regulation is not prohibited by federal law and does not violate the rights of owners; provided, that tribally-owned lands held in trust by the United States shall not be sold or encumbered unless authorized by the General Council. The authority to manage National lands and timber may be delegated to a special committee or committees. (g) To engage in any business that will further the economic well-being of the Nation and of the members of the Nation, or undertake any program or project designed for the economic advancement of the people or the Nation; and to regulate the conduct of all business activities within Reservation boundaries. (h) To borrow money from the federal government or other sources, to direct the use of such funds of productive purposes, and to pledge or assign chattels or income due or become due. (i) 1--To administer any funds within the control of the Nation in accordance with an approved National budget; to make expenditures from available funds for tribal purposes including salaries and expenses of tribal employees or officials; 2--The Business Committee shall prepare an annual Nation budget; 3--This budget shall include all normal operating expenses, any special projects or expenditures contemplated by the Nation; 4--All expenditures of tribal funds by the Business Committee shall be authorized by it or by the General Council in legal session and the amounts so expended shall be a matter of public record. 5--The Business Committee shall have authority to approve amendments to the Nation's annual budget for special appropriations in any budget year. 6--The approved budget shall be posted at the National Business Office in Taholah, Queets and the Post Office in Taholah. (j) To provide for an escheat in order that real and personal property of members who die intestate and without heirs shall revert to the Nation. (k) To manage, protect and preserve the wildlife and natural resources of the Nation and to regulate hunting, fishing, including shellfishing, and trapping within the jurisdiction of the Nation. This power may be delegated to a special committee or committees. (l) On petition by fifty (50) voting members of the Nation or on its own motion, the Business Committee shall, within a reasonable time, hold a general membership election by secret ballot on any issue. (m) All officers and employees handling National funds shall be bonded. There shall be an annual audit of all National funds handled by National officers or employees to be performed by the Bureau of Indian Affairs or Certified Public Accountants. (n) To condemn land or interest in lands or public purposes within the boundaries of the Reservation, provided that owners of the lands condemned shall be paid the fair market value of such lands and any timber or buildings thereon. (o) To exact all laws which shall be necessary and proper for carrying into execution any power delegated to the Business Committee or delegated to any person or

committee under the supervision of the Business Committee. (p) to govern the inheritance of real and personal property owned by members.

## 1c/f6 ARTICLE VI - RATIFICATION 1b

- 1f2 This Constitution shall go into effect when ratified by two-thirds (2/3) of all members eligible to vote, present and voting at a General Council meeting at which a debate and vote on this Constitution has been placed on the agenda. All enrolled members of the Quinault Nation shall be notified of such a General Council meeting at least thirty (30) days prior to such a meeting, and the notice provided shall make specific reference to the proposed ratification of this Constitution. Election of officers provisions shall not take effect until the annual meeting of the General Council following the adoption of this Constitution.

## 1c/f6 ARTICLE VII - AMENDMENT 1b

- 1f3 SECTION 1: 1f2 This Constitution may be amended by a two-thirds (2/3) vote of a quorum of the General Council at an annual or special meeting, provided, however, that the notice of the meeting at which an amendment is proposed shall be given at least thirty (30) days before the meeting, and shall set forth the proposed amendment and an explanation thereof, and provided further that after discussion of the amendment at the meeting there shall be a recess of at least 30 minutes to enable the members to further discuss the amendment among themselves.

1f3 SECTION 2: 1f2 The Business Committee shall call a meeting to consider a proposed amendment upon its own motion, or upon receipt of a petition signed by fifty (50) voting members or upon resolution of the General Council.

## 1c/f6 ARTICLE VIII - ENFORCEABILITY 1b

1f2 The provisions of the Constitution shall be enforceable exclusively in the Quinault Tribal Court and in the Federal Courts of the United States where provided by federal law, and shall not be enforceable in any other Court, except where the Quinault Tribe brings suit in its own name in any other court. This section shall not be interpreted as a consent to suit or waiver of sovereign immunity by the Quinault Indian Nation.

## 1c/f6 ARTICLE IX - APPROVAL OF SECRETARY OF INTERIOR 1b

The Secretary of the Interior shall have the power to review actions taken pursuant to the herein named powers and all other National powers, but only in those cases and only to the extent that the Secretary has been given such powers of review by express statutory command of the Congress of the United States.

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\\111\111\111\111\1.5i ADOPTED MARCH 22, 1975