

CHAPTER XV

EXPLUSION AND EXCLUSION OF CERTAIN UNDESIRABLE
NON-MEMBERS FROM TRIBAL LAND

The following procedures exist for excluding from the Fort Hall Indian Reservation non-members whose continued presence would be harmful to the health, morals, property or well-being of the Shoshone Bannock Tribes.

Section 1

Who May Be Excluded

Any non-member of the Shoshone Bannock Tribes, except persons authorized by Federal law to be present on the Fort Hall Indian Reservation, may be excluded therefrom.

Section 2

Grounds for Exclusion

Non-members of the Shoshone Bannock Tribes may be excluded on one or more of the following grounds:

- (a) Unauthorized prospecting.
- (b) Unauthorized mining, timber-cutting, or other activity causing physical loss or damage of any nature to property on the Fort Hall Indian Reservation.
- (c) Commission of a crime as defined by State, Federal or Tribal Law.
- (d) Immorality, i.e., any immoral conduct as defined by State, Federal or Tribal Law.
- (e) Forcing entry into any Shoshone Bannock home without consent of the occupant(s).
- (f) Interfering with or photographing Shoshone Bannock ceremonies without permission of the Shoshone Bannocks involved.
- (g) Unauthorized trading.
- (h) Committing frauds, confidence games, or usury against Shoshone Bannock people, or inducing them to enter into grossly unfavorable contracts of any nature.
- (i) Recruiting Shoshone Bannock labor for off-Reservation employment without prior permission of the Tribal Business Council and the Superintendent.
- (j) Defrauding any Shoshone Bannock of just compensation for his labor or service of any nature done at the request of the non-member.
- (k) Breach of the peace, or repeated public drunkenness.

(l) Carrying a contagious disease while on the Reservation.

(m) Entering an area of the Fort Hall Reservation in violation of an order of the Business Council designating such area as closed because of fire hazard or for any other reason.

(n) Violation of Tribal traffic regulations.

(o) Removing or attempting to remove any Shoshone Bannock minor from the Reservation without prior approval of the Advisory Committee of the Business Council, except for the purpose of attending school under a nonsectarian program approved by the Business Council. However, this ground for exclusion shall not apply in cases where a Shoshone Bannock minor is removed from the Reservation by its adopted parents, or by persons who have received custody of such child pursuant to Court order.

(p) Conducting missionary activities without a mission site permit or a mission site on fee-patent land within the reservation boundaries.

(q) Membership in, or active participation with any organization or association or persons which advocates, or causes to be advocated civil disobedience or carries on activity through unlawful means by the use of force or violence.

(r) Commission of any offense enumerated by the Law and Order Code of the Shoshone Bannock Tribes.

(s) Interfering with or disrupting tribal Business Council or General Council meetings or other duly authorized meetings.

(t) Destruction or attempts to destroy tribal records or unauthorized presence in tribal buildings.

(u) False representations in holding himself out or speaking for and in behalf of the Shoshone Bannock Tribes or making other false representations in behalf of the Tribes; or false representations as being an official spokesman for the Tribes when not being so authorized.

(v) Repeated wilful failure to adhere to Tribal laws and regulations or failure to correct a violation of such laws and regulations after Court order to do so.

Section 3

Notice of Exclusion

The Chairman or Vice-Chairman of the Tribal Council shall cause notice to be served personally or by registered mail upon any non-member whenever either of such officers believes cause may exist for exclusion of said non-member. Such notice shall state the reason for the proposed exclusion and shall name a time and place where the non-member may appear before the Tribal Business Council to show cause why he should not be excluded from the Fort Hall Reservation.

Section 4

Hearing; Order of Exclusion

In accordance with the notice stated in Section 3, the Council shall hold a hearing to decide whether or not the non-member shall be excluded from the Fort Hall Reservation. Such non-member shall be given an opportunity to present his defense at such hearing, which shall be a closed hearing without press or news media present and only one witness at a time may be present in the hearing. After such hearing, or after the time set for such hearing, if after notice, the person proposed for exclusion does not appear, the Council may order such person excluded from all or any part of the Reservation or may permit the person to remain upon the Reservation on such condition as the Council sees fit to impose. All orders shall remain in force until revoked by the Council or unless the Council specifically provides otherwise. The decision of the Business Council, following the hearing, shall be final.

Section 5

Enforcement of Exclusion Order

If any person ordered excluded from the Fort Hall Reservation by the Council does not promptly obey the order, the Chairman of the Tribal Council shall refer the case to the Tribal Police who shall immediately escort the excluded person outside the Reservation boundaries.

Section 6

Forcible Removal of Persons and Property

In cases involving grave danger to the life, health, morals property or safety or general welfare of the Tribe or any of its members, the Chairman of the Tribal Council, or in his absence, the Vice-Chairman, with the concurrence of the Superintendent, may order any Shoshone Bannock policeman to remove a non-member and/or any property of such non-member bodily from the Reservation prior to any hearing before the Council as provided in Sections 3 & 4 of this Chapter. The policeman executing such order shall use only so much force as is necessary to effect removal.

Section 6.1

Failure of Notice

If service of the notice of the time and place of hearing provided for in Section 3 of this Chapter has not already been served on such person, the excluded person, within five (5) days from the date of exclusion may request the Business Council to afford him a hearing. The Council shall forthwith set a hearing on the matter.

Section 6.2

Attendance at Hearing

In all cases where exclusion under Section 6 is ordered and the excluded person demands a hearing, the Chairman shall further notify the person of a place on the Reservation boundary where he may re-enter in the company of a Shoshone Bannock policeman for the purpose of attending the hearing before the Council. The Chairman shall order a Shoshone Bannock policeman to accompany such person while he is on the Reservation coming to and leaving his hearing.

Section 6.3

Harboring Excluding Persons

Any Indian harboring an excluded person, or aiding or abetting an excluded person to come on the Fort Hall Reservation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to serve not less than thirty (30) days in jail or \$100.00 fine, or both.