

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS OF THE
FORT BIDWELL INDIAN COMMUNITY
OF THE FORT BIDWELL
RESERVATION
CALIFORNIA



APPROVED JANUARY 28, 1936



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1936

Col. 3

LIBRARY OF CONGRESS
APR 13 1936
DIVISION OF DOCUMENTS

SEC. 3. The general community council shall meet on the first Monday of January and July.

SEC. 4. Within thirty days after the ratification and approval of this constitution and by-laws, a general community council shall be held for the purpose of electing the officers named herein, and it may transact such other business as may be necessary. The officers named at this meeting shall serve until the next July meeting at which time their successors shall be chosen. Thereafter, officials shall be chosen annually at the July meeting.

SEC. 5. The chairman, or 25 per cent of the qualified voters may, by written notice, call special meetings of the general community council.

SEC. 6. The business committee shall consist of the chairman, vice-chairman, and treasurer of the general community council, and Chief Charlie Washoe Johnnie.

ARTICLE IV—POWERS OF THE GENERAL COMMUNITY COUNCIL

SECTION 1. The general community council shall exercise the following powers, subject to any limitations imposed by the statutes, or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and the attached by-laws.

(a) To employ legal counsel, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior;

(b) To prevent the sale, disposition, lease, or encumbrance of tribal lands, interest in lands, or other tribal assets without the consent of the Indians;

(c) To negotiate with the Federal, State, and local governments;

(d) To manage all tribal economic affairs and enterprises of the Fort Bidwell Reservation in accordance with the terms of a charter that may be issued to the Fort Bidwell Indian Community by the Secretary of the Interior.

SEC. 2. The general community council shall advise the Secretary of the Interior concerning all appropriation estimates of Federal projects for the benefit of the community, prior to the submission of such estimates to the Bureau of the Budget and to Congress.

SEC. 3. The general community council shall have power to make regulations governing the direction of communal labor and enterprises; to arrange with individuals for their parts therein, and to conscript labor in emergencies; to fix rates of compensation for labor in the community; to regulate the division of profits, and the conservation of an operating fund.

SEC. 4. Any of the foregoing powers may be delegated to the business committee or other officials of the general community council.

SEC. 5. Any rights and powers heretofore vested in the Paiute Indians of the Fort Bidwell Reservation, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Fort Bidwell Indian community through the adoption and approval of by-laws and such amendments as may be found necessary.

ARTICLE V—LAND

SECTION 1. The unallotted lands of the Fort Bidwell Reservation and all lands which may hereafter be acquired by or for the Fort Bidwell Indian community shall be held as community lands forever.

SEC. 2. The general community council shall make all assignments of land for home and garden purposes. Any member of the community who has received an assignment may hold, use, and enjoy life tenure. The general community council shall have the power to revoke an assignment for non-use at any time. Reasonable notice of the intent of revocation shall be given the assignee who shall have the right to a hearing.

SEC. 3. At the death of an assignee, legal heirs shall be given preference in the reassignments of the land.

SEC. 4. Any member of the community in good standing is entitled to an assignment of land for home and garden. The amount of such assignment shall be based upon a calculation of the amount and quality of the land available for assignment, the number of applicants and dependents in each family.

SEC. 5. Community land may be leased to individual members or associations of members of the community at a price per acre fixed by the council and for a definite period of time. The proceeds from such leases shall be deposited in the treasury of the Fort Bidwell Indian community and used for the benefit of said community.

ARTICLE VI—AMENDMENTS

SECTION 1. Amendments to the constitution and by-laws may be ratified and approved in the same manner as this constitution and by-laws.

SEC. 2. Whenever eight members of the general community council shall consider an amendment necessary, such amendment shall be duly approved by eight or more members of the council and sent to the Secretary of the Interior. It shall then be the duty of the Secretary of the Interior to call an election. If at such election the amendment is adopted by a majority of the qualified voters of the community voting therein and if at least thirty percent (30%) of those entitled to vote shall vote in such election, such amendment shall be submitted to the Secretary of the Interior and if approved by him, shall thereupon take effect.

BY-LAWS OF THE FORT BIDWELL INDIAN COMMUNITY OF THE FORT BIDWELL RESERVATION OF CALIFORNIA

ARTICLE I. Each member of the business committee and each officer and subordinate officer, elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this constitution and by-laws.

(Oath): "I, _____, do solemnly swear that I will faithfully support the Constitution of the United States and the constitution and by-laws of the Fort Bidwell Indian Community, and that

in all measures which may come before me I will so conduct myself for the best interests and prosperity of the Fort Bidwell Indians.”

ART. II. It shall be the duty of the chairman of the general community council to preside at all meetings of the council and to carry out all orders of the council. The chairman of the council shall also preside at the general community meetings. The chairman shall also be the chief executive officer of the community.

ART. III. The vice-chairman shall discharge the duties of the office of the chairman of the general community council in the absence or disability of the chairman of the council, or when called upon by him to do so.

ART. IV. The secretary of the general community council shall keep a full report of all proceedings of each regular and special meeting of the general community council and of the business committee, and shall perform such other duties of like nature as the general community council shall from time to time by resolution provide. He shall transmit copies of the minutes of each meeting to the superintendent of the Sacramento Indian Agency through the agent in charge. The secretary shall also attend to the correspondence of the general community council and its business committee under the direction of the chairman of the general community council. He shall at all times maintain an accurate record of the community membership.

ART. V. The treasurer of the general community council shall be the custodian of all moneys which come under the jurisdiction or into the control of the Fort Bidwell Indian Community Council. He shall pay out money in accordance with the orders and resolutions of the council. He shall keep account of all receipts and disbursements and shall report the same to the council at each regular meeting. He shall give a bond, approved by the Commissioner of Indian Affairs, in such amount as the council may by resolution approve. The books of the council treasurer shall be subject to audit or inspection at the direction of the council. Until the treasurer is bonded, the business committee may make such provision for the custody and disbursements of funds as shall guarantee their safety and proper disbursement and use.

ART. VI. The subordinate officers or members of committees shall perform such duties as the general community council by resolution shall from time to time provide.

ART. VII. The officers of the Fort Bidwell Indian Community may receive such compensation as may be determined by the general community council, from such funds as may be available.

ART. VIII. The order of business at any regular or special meeting of the council shall be as follows:

1. Council called to order.
2. Roll call.
3. Reading of minutes of previous meeting.
4. Reports of committees.
5. Report of the council treasurer.
6. Unfinished business.
7. New business.
8. Adjournment.

ART. IX. *Ratification of constitution and by-laws.*—This constitution and by-laws, when adopted by a majority vote of the voters of the Fort Bidwell Indian Reservation voting at a special election called by the Secretary of the Interior, in which at least thirty percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved December 2, 1935, by the Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the adult Indian residents of the Fort Bidwell Reservation and was on December 21, 1935, duly ratified by a vote of 15 for and 14 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Pub., No. 147, 74th Cong.).

SIMON HAWLEY,
Chairman of Election Board.
RAY TOWNSEND,
Secretary of Election Board.

ROY NASH,
Superintendent In Charge of the Reservation.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Fort Bidwell Indian Community.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and by-laws, are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended January 16, 1936:

JOHN COLLIER,
Commissioner of Indian Affairs.

CHARLES WEST,
Acting Secretary of the Interior.
[SEAL]

WASHINGTON, D. C., *January 28, 1936.*