

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS  
OF THE WASHOE TRIBE  
NEVADA AND CALIFORNIA



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# CONSTITUTION AND BY-LAWS OF THE WASHOE TRIBE OF NEVADA AND CALIFORNIA

## PREAMBLE

We, the members of the Washoe Tribe, in the States of Nevada and California, in order to establish our tribal organization, to develop our community resources, to administer justice, and to promote the economic and social welfare of ourselves and our descendants, do hereby ordain and establish this constitution and by-laws as a guide for the deliberations of our council in its administration of tribal affairs.

## ARTICLE I—TERRITORY

The jurisdiction of the Washoe Tribe of Indians shall extend to the territory within the confines of the Dresslerville Indian colony, an Indian reservation held by the United States in trust for the Washoe Tribe, and to such other lands as may be added thereto.

## ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Washoe Tribe shall consist of the following:

(a) All persons of Washoe Indian blood whose names appear on the official census roll of the Carson Indian Agency as of January 1, 1935.

(b) All children of at least one-quarter degree of Indian blood born to any member.

SEC. 2. The tribal council shall have the power, by an affirmative vote of two-thirds to admit to tribal membership:

(a) Any persons of one-quarter or more Washoe Indian blood.

(b) Any person of one-half or more Indian blood married to a member of the Washoe Tribe.

SEC. 3. The tribal council shall have the power, by an affirmative vote of two-thirds of its members to cancel the membership of any adult person who makes application to sever his tribal relations, and thereafter such person shall cease to hold membership in the tribe.

SEC. 4. The tribal council shall have the power to promulgate ordinances subject to review by the Secretary of the Interior governing compulsory loss of membership.

## ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Washoe Tribe shall consist of a council known as the Washoe Tribal Council.

SEC. 2. The Washoe Tribal Council shall be composed of seven councilmen who shall be elected by secret ballot, three of whom shall be residents of the Dresslerville Indian Colony, the other four to

represent the scattered Indians. The representatives from Dressler-ville shall constitute a business committee for the government of the colony, subject to the direction and approval of the Washoe Tribal Council.

SEC. 3. The tribal council so organized shall elect from within its own number a tribal chairman and a tribal vice-chairman, and from within or without its own membership a tribal secretary, a tribal treasurer, and such other officers and committees as may be deemed necessary.

SEC. 4. A councilman shall hold office for a term of two years, or until his successor has been elected.

#### ARTICLE IV—NOMINATIONS AND ELECTIONS

SECTION 1. The first election of a tribal council under this constitution shall be called, held, and supervised by the present tribal council within 30 days after the ratification and approval of this constitution, and thereafter an election shall be held every two years on the third Saturday of October.

SEC. 2. Any qualified voter of the tribe may announce his candidacy for the tribal council by notifying the secretary of the tribal council in writing of his candidacy at least fifteen days prior to the election. It shall be the duty of the secretary to post the names of all candidates who have met these requirements at least ten days before the election.

SEC. 3. The tribal council or an election board appointed by the tribal council shall determine rules and regulations governing elections and shall certify to the election of the members of the tribal council within two days after the election returns are in.

SEC. 4. Any member of the Washoe Tribe as defined in the article on membership, who is over the age of 21 shall be entitled to vote.

#### ARTICLE V—VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or other tribal officer shall die, resign from the tribal council or tribal membership, or be removed from office, the tribal council shall declare the office vacant and appoint a successor to fill the unexpired term.

SEC. 2. Any councilman or other tribal officer who is proven guilty of improper conduct, or of gross neglect of duty, may be expelled from office by a two-thirds vote of the tribal council members, provided, that the accused official is given full opportunity to reply to any and all charges at a designated tribal council meeting, and provided further, that the accused official shall have been given a written statement of the charges against him at least five days before the meeting at which he is to be given an opportunity to reply.

#### ARTICLE VI—POWERS AND DUTIES OF THE TRIBAL COUNCIL

SECTION 1. *Enumerated powers.*—The Washoe Tribal Council shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

- (a) To negotiate with the Federal, State, and local governments.
- (b) To employ legal counsel, the choice of counsel, and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets of the tribe.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Washoe Tribe of Indians prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the Washoe Tribe of Indians in the territory of the tribe in accordance with the terms of a charter that may be issued to the tribe by the Secretary of the Interior.

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Washoe Tribe of Indians within the territory of the tribe, providing for the manner of making, holding, and revoking assignments of tribal land or interests therein, providing for the levying of taxes and the appropriation of available tribal funds for public purposes, providing for the licensing of non-members coming upon the reservation for the purpose of hunting, fishing, trading, or other business, and for the exclusion from the territory of the tribe of persons not so licensed and establishing proper agencies for law enforcement in the territory of the tribe.

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(h) To adopt resolutions not inconsistent with this constitution and by-laws, regulating the procedure of the tribal council itself and of other tribal agencies, tribal officers, or tribal organizations of the Washoe Tribe of Indians, and exercising such duties as are conferred upon the tribal council by the attached by-laws.

**SEC. 2. *Future powers.***—The Washoe Tribal Council may exercise such further powers as may in the future be delegated to the tribal council by members of the tribe or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

**SEC. 3. *Reserved powers.***—Any rights and powers heretofore vested in the Washoe Tribe of Indians in the territory of the tribe but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Washoe Tribe of Indians in the territory of the tribe through the adoption of appropriate by-laws and constitutional amendments.

**SEC. 4. *Manner of review.***—Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall, within ten days thereafter, approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause by notifying the tribal council of such decision.

If the superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten days after the enactment,

he shall advise the tribal council of his reasons therefor. If these reasons appear to the tribal council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

## ARTICLE VII—TRIBAL LANDS

**SECTION 1.** Allotted lands, including heirship lands, held in trust by the United States for members of the Washoe Tribe, shall continue to be held as heretofore by their present owners. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with approval of the Secretary of the Interior, voluntarily convey his land to the Washoe Tribe, either in exchange for a money payment or in exchange for an assignment covering the same or other land, as hereinafter provided.

**SEC. 2.** The unallotted lands of the Washoe Tribe of Indians and lands which may hereafter be acquired by the Washoe Tribe of Indians or by the United States in trust for the Washoe Tribe of Indians shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Washoe Tribe of Indians, or leased, or otherwise used by the tribe, as hereinafter provided.

**SEC. 3.** Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first to Indian cooperative associations, and secondly, to individual Indians who are members of the Washoe Tribe of Indians. No lease of tribal land to a non-member shall be made by the tribal council unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the tribal council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

**SEC. 4.** In any assignment of tribal lands which are now owned by the tribe or which hereafter may be acquired for the tribe by the United States or purchased by the tribe out of tribal funds, preference shall be given, first to heads of families which are entirely landless and secondly, to heads of families which have no allotted lands, but shall have already received assignments consisting of less than an economic unit of agricultural land, or other land or interests in land.

The tribal council may, if it sees fit, charge a fee of not to exceed \$5.00 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as standard assignments.

**SEC. 5.** If any member of the tribe holding a standard assignment of land shall, for a period of two years, fail to use the land so assigned, the assignment may be cancelled by the tribal council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated by him, by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Washoe Tribe of Indians who would be eligible to receive a standard assignment.

**SEC. 6.** Applications for assignment shall be filed with the secretary of the tribal council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary of the tribal council shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located for not less than 20 days before action is taken by the tribal council. Any member of the tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the secretary of the tribal council, and may if he so desires appear before the tribal council to present evidence. The secretary of the tribal council shall furnish the superintendent or other officers in charge of the agency a complete record of all action taken by the tribal council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

#### ARTICLE VIII—REFERENDUM

Upon a petition of at least fifty qualified voters of the Washoe Tribe a referendum may be demanded on any enacted or proposed ordinance or resolution of the tribal council, and the vote of the majority of the qualified voters in such referendum shall be conclusive and binding upon the tribal council.

#### ARTICLE IX—AMENDMENTS

**SECTION 1.** This constitution and by-laws may be amended by a majority of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 per cent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

**SEC. 2.** It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by 25 per cent of the qualified voters, members of the tribe.

#### BY-LAWS OF THE WASHOE TRIBE OF NEVADA AND CALIFORNIA

**SECTION 1.** The chairman of the tribal council shall preside over all meetings of the tribal council, perform all duties of the chairman, and exercise any authority detailed to him.

SEC. 2. The vice-chairman shall assist the chairman when called on to do so, and in the absence of the chairman shall preside, and when so presiding shall have all the privileges, duties, and responsibilities of the chairman.

SEC. 3. The tribal council secretary shall forward a copy of the minutes of all meetings to the superintendent in charge of the Carson Agency and to the Commissioner of Indian Affairs.

SEC. 4. The duties of the treasurer of the tribal council shall be as follows: He shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the tribal council, whether same be tribal funds or special funds for which the tribal council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere, as directed by the tribal council, and he shall keep an accurate record, filing same in the tribal council's office, and he shall report all receipts and expenditures and accounts and the nature of all funds in his possession, or custody, once every six months to the tribal council in writing, or at any time he is requested to do so by the tribal council.

SEC. 5. Newly elected members who have been duly certified shall be installed at the first regular meeting of the tribal council.

SEC. 6. Each member of the tribal council and each officer or 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 support and defend the Constitution of the United States against all enemies; that I will carry out, faithfully and impartially, the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my tribe, in accordance with this Constitution and by-laws."

SEC. 7. Regular meetings of the tribal council shall be held quarterly.

SEC. 8. Special meetings may be called by a written notice signed by the chairman or a majority of the tribal council, and when so called, the tribal council shall have power to transact business as in the regular meetings.

SEC. 9. No business shall be transacted unless a quorum is present which shall consist of two-thirds of the entire membership.

SEC. 10. *Order of business.*—

- (a) Call to order by chairman.
- (b) Roll call.
- (c) Reading the minutes of last meeting.
- (d) Unfinished business.
- (e) Reports.
- (f) New business.
- (g) Adjournment.

SEC. 11. The tribal council may prescribe such salaries and expenses for officers or members of the tribal council as it deems advisable, from such funds as may be available.

## ARTICLE II—ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the tribal council on matters of general and permanent interest to the members of the tribe shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the tribe.

SEC. 2. All final decisions of the tribal council on matters of temporary interest (such as action on the tribal budget for a single year or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoptions of members, instructions for colony employees, or rules of order for the tribal council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

SEC. 3. All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by action of the tribal council or by the ruling of the chairman if no objection is heard. In all ordinances, resolutions, or motions the tribal council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

SEC. 4. Every resolution shall begin with the words: "Be it resolved by the tribal council of the Washoe Indian Tribe,".

SEC. 5. Every ordinance or resolution shall contain a recital of the laws of the United States and the provisions of this constitution under which authority for the said ordinance or resolution is found.

## ARTICLE III—ADOPTION

This constitution and by-laws shall be in full force and effect whenever a majority of the adult voters of the Washoe Tribe of Indians voting at an election called by the Secretary of the Interior in which at least thirty (30) per cent of the eligible voters shall vote, shall have ratified such constitution and by-laws, and the Secretary of the Interior shall have approved same, as provided in the Act of June 18, 1934, as amended by the act of June 15, 1935.

## CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 22, 1935, by the Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the Indians of the Washoe Tribe of the Dresslerville Indian Colony and was on December 16, 1935, duly approved by a vote of 111 for, and — against, in an election in which over 30 percent 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.).

HANK PETE,

*Chairman of Election Board.*

WILLIE SMOKEY,

*Secretary of the Election Board.*

ALIDA C. BOWLER,

*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 Washoe Tribe of the Dresslerville Indian Colony.

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 7, 1936.

WILLIAM ZIMMERMAN, JR.,

*Assistant Commissioner of Indian Affairs.*

CHARLES WEST,

*Acting Secretary of the Interior.*

[SEAL]

WASHINGTON, D. C., *January 24, 1936.*

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