

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS OF  
THE JICARILLA APACHE TRIBE  
OF THE JICARILLA APACHE  
INDIAN RESERVATION  
NEW MEXICO



APPROVED AUGUST 4, 1937



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# CONSTITUTION AND BY-LAWS OF THE JICARILLA APACHE TRIBE OF THE JICARILLA APACHE INDIAN RESERVATION, NEW MEXICO

## PREAMBLE

We, the members of the Jicarilla Apache Tribe, desiring to assume more responsibility for our welfare, to make secure the land and resources of our reservation for ourselves and our children, and to work with the Government of the United States in administering the affairs of our reservation, adopt the following constitution and by-laws as our guide.

## ARTICLE I—STATEMENT OF FEDERAL RELATIONSHIP

We request the United States Government to continue its established relationship with the Tribe by continuing to furnish such help as health services, education, advisory employees, and a superintendent, and to discharge the other responsibilities now exercised by the Federal Government until we become adjusted to assuming more responsibility.

## ARTICLE II—TERRITORY

The jurisdiction of the Jicarilla Apache Indian Tribe shall extend to all land within the boundaries of the Jicarilla Apache Indian Reservation, which was established by the Executive Orders of February 11, 1887, and November 11, 1907, amended January 28, 1908, and to such land as has been or may be acquired by the Tribe or by the United States and held in trust for the Tribe or any members thereof.

## ARTICLE III—MEMBERSHIP

Membership in the Jicarilla Apache Indian Tribe shall extend to all persons of Indian blood whose names appear on the official census roll of the Jicarilla Apache Reservation of 1937: and to all children of one-fourth or more Indian blood, not affiliated with another tribe, born after the completion of the 1937 census roll to any member of the Tribe who is a resident of the Jicarilla Apache Reservation. Membership by adoption may be acquired by a three-fourths majority vote of the tribal council and the approval of the Secretary of the Interior.

## ARTICLE IV—RIGHTS OF MEMBERS

All members of the Jicarilla Apache Tribe shall enjoy equal rights to life, liberty, industrial pursuits, and the economic resources and activities of the Tribe. No person shall be denied the right to worship as he pleases, to speak and write his opinions, to assemble with others, and to petition for the redress of grievances.

## ARTICLE V—TRIBAL ORGANIZATION

Section 1. *The Representative Tribal Council.*—The tribal organization shall consist of a Representative Tribal Council of eighteen members elected from six districts as follows:

District 1, La Jara-----	4
District 2, Boulder and Stinking Lakes-----	2
District 3, Horse Lake-----	2
District 4, Burns Canyon-----	2
District 5, La Juita and Carracus-----	2
District 6, Dulce and Dulce Lake-----	6

SECTION 2. *Location of Districts.*—All six districts are located in the North Half of the Jicarilla Apache Reservation where permanent homes are located.

*No. 1. La Jara District,* South of line between Townships 29 North and 30 North, and West of Continental Divide;

*No. 2. Boulder and Stinking Lakes District,* South of line between Townships 29 North and 30 North, and East of the Continental Divide;

*No. 3. Horse Lake District,* East of Lookout Divide and North of Boulder and Stinking Lakes District;

*No. 4. Burns Canyon District,* North of line between Townships 29 North and 30 North, Range 2 and 3 West, approximating the Burns Canyon drainage area;

*No. 5. La Juita and Carracus District,* Townships 31 North and 32 North, Range 3 West;

*No. 6. Dulce and Dulce Lake District,* Townships 31 North and 32 North, Range 2 West, Cordova Canyon area and other undefined areas.

SECTION 3. *Qualifications of Council Members.*—Members of the Representative Tribal Council must reside within the district from which they are chosen or be identified therewith, and must have reached at least the age of twenty-eight years on their last birthday.

SECTION 4. *Tenure of Office.*—The one-half number of the members of the Representative Tribal Council receiving the largest number of votes in their respective districts in the first election shall hold office for four years and the same number of members enjoying a smaller number of votes in their respective districts, shall hold office for two years, and thereafter all members shall be elected for four years.

SECTION 5. *Executive Committee.*—An Executive Committee composed of five members shall be selected by the Representative Tribal Council from its own members, which shall act for the Representative Tribal Council and the Jicarilla Apache Tribe, as may be authorized by the Council. The Executive Committee shall be responsible to the Representative Tribal Council, and the Council shall be responsible for the membership of the Executive Committee and may make changes thereof from time to time as tribal welfare in their opinion may warrant.

SECTION 6. *Meetings of Council and Committee.*—The Representative Tribal Council shall meet on the first Saturday in May and the

first Saturday in October of each year, at Dulce, New Mexico, or such other place as may be designated by the Council or Executive Committee, and at such other dates as called by the Council or Executive Committee. Ten members of the Representative Tribal Council shall constitute a quorum. The Executive Committee shall meet at the Agency Office, Dulce, New Mexico, or such other place as it may decide, at such times as the business of the Tribe may require, and three members thereof shall constitute a quorum.

#### ARTICLE VI—POWERS OF THE REPRESENTATIVE TRIBAL COUNCIL

**SECTION 1.** It shall be the responsibility of the Representative Tribal Council to exercise the powers of the Jicarilla Apache Tribe. These powers are all the powers which the Jicarilla Apache Tribe has possessed in the past and in addition those powers which are specifically named in section 16 of the Act of June 18, 1934, and those which are given to the Council in this Article. The exercise of these powers shall be subject to any limitations imposed by the Constitution and Statutes of the United States.

**SECTION 2. *Management of Tribal Land.***—The Council shall have power to use and manage the unallotted land of the reservation not reserved for Government purposes, in conformity with the regulations of the Secretary of the Interior for the protection of the natural resources of the land, issued under section 6 of the Act of June 18, 1934 (48 Stat. 984). The Council may use such land for tribal enterprises, or lease it in accordance with law, giving first preference to Jicarilla Apache Indian associations and individual Indians of the Jicarilla Apache Tribe, or assign it to members of the Jicarilla Apache Tribe who need land, for their individual use, in accordance with regulations adopted by the Council and subject to review by the Secretary of the Interior.

**SECTION 3. *Council Funds.***—The Council may expend funds coming into its hands for public purposes, the assistance of needy persons, and for expenses of tribal government and activities.

**SECTION 4. *Peace and Order.***—The Council may make regulations, subject to review by the Secretary of the Interior, to protect the peace, safety, morals and general welfare of the reservation, to provide a means of settling disputes, and to regulate the domestic relations of members of the Tribe.

**SECTION 5. *Conduct of Council Business.***—The Council may regulate its own procedure and make rules governing the appointment, duties, removal from office, and term of office of such officers and committees as are necessary, their procedure and conduct of tribal business, and may delegate to such officers and committees, subject to its review, the exercise of any of its powers.

**SECTION 6. *Review by Secretary.***—Any resolution or regulation 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 regulation 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, disapprove the said regulation or resolution for any cause, by notifying the Council of such disapproval.

If the Superintendent shall refuse to approve any resolution or regulation submitted to him, within 10 days after its enactment, he shall advise the Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the regulation 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 regulation or resolution shall become effective.

#### ARTICLE VII—SELECTION OF COUNCIL MEMBERS

**SECTION 1. Elections.**—The first election of the Representative Tribal Council shall be held within the summer season of or immediately following the ratification and approval of the Constitution. After the first election, elections for the Representative Tribal Council shall be held within 60 days prior to expiration of the terms of office of members of the Representative Tribal Committee.

**SECTION 2. Supervision of Elections.**—The Commissioner of Indian Affairs shall call and supervise the first election and thereafter the Council in office shall call, and, in a fair and democratic manner, regulate and supervise the holding of tribal elections, including the manner of making nominations for tribal offices.

**SECTION 3. Qualifications for Voting.**—Any member of the Jicarilla Apache Tribe having reached the age of twenty-one years and having resided on the reservation for six months prior to the date of the election shall be entitled to vote.

**SECTION 4. Vacancies.**—Vacancies in the Tribal Representative Council caused by death or resignation may be filled until the next election by majority vote of the Council from qualified residents of the district concerned. If no regular election occurs within six months after the vacancy is created, the Council shall call a special election within that period in the district concerned to fill the position.

**SECTION 5. Removal.**—By a vote of three-fourths of the Representative Tribal Council, members may be removed from membership thereof for improper conduct or neglect of duty, but such position shall remain vacant until filled at an election. If no regular election occurs within six months after such removal, the Council shall call a special election within that period in the district concerned to fill the position.

#### ARTICLE VIII—LAND AND RESOURCES

Ownership of land is inalienable except to the Jicarilla Apache Tribe or between members of the Tribe. Natural resources of all the

land, tribal and allotted, of the reservation shall be conserved. They may be developed for industrial or other purposes only in a way consistent with the general welfare of the Tribe as a whole, and the Council may insure the observance of these provisions. No per capita payment in cash shall ever be made to members of the Tribe except by the consent of 75 per cent of the qualified voters of the Tribe and the approval of the Secretary of the Interior.

#### ARTICLE IX—TRIBAL EXPENSE IN CARE OF AGED, ETC.

This being a grazing country with the sheep industry as primary source of income, and in appreciation of tribal responsibility for the aged and incapacitated, there shall be maintained a flock of sheep not out of proportion to the total sheep population, the returns of which shall go to care for the aged and incapacitated. The returns coming into the hands of the Representative Tribal Council from any portion of the flock assigned for general tribal purposes may be used to meet actual expenses of the tribal organization.

#### ARTICLE X—AMENDMENT OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose, by the Secretary of the Interior, provided at least 30 per cent of those entitled to vote shall vote in such election.

At the request of two-thirds of the Representative Tribal Council, or at the request by petition of one-third of the qualified voters, the Secretary of the Interior may call an election to amend this Constitution and By-laws.

#### ARTICLE XI—ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws when ratified by a majority vote of the adult members of the Jicarilla Apache Tribe at a special 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, shall be submitted to the Secretary of the Interior, and if approved shall be effective from the date of approval.

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 Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico.

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 the Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation.

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

Approval recommended July 29, 1937.

JOHN COLLIER,

*Commissioner of Indian Affairs.*

HAROLD L. ICKES,

*Secretary of the Interior.*

[SEAL]

WASHINGTON, D. C., August 4, 1937.

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#### CERTIFICATION OF ADOPTION

Pursuant to an order, approved June 29 by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico, and was on July 3 duly approved by a vote of 242 for, and 2 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 (49 Stat. 378).

GROVER VIGIL,

*Chairman of Election Board.*

NORMAN TECUBE,

*Secretary of Election Board.*

A. E. STOVER,

*Superintendent in Charge.*

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