

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS  
OF THE  
HUALAPAI TRIBE  
OF THE HUALAPAI RESERVATION  
ARIZONA



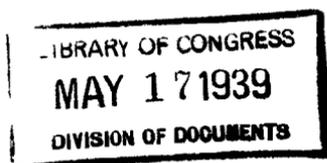
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Hualapai, Ariz  
11





death or voluntary resignation. His successor may be chosen in the same manner.

SEC. 2. The Council shall choose from its membership, a President and a Vice-President, and from within or without its membership, a Secretary and a Treasurer, and such other officers and committees as may be deemed necessary.

SEC. 3. The Tribal Council shall have power to district the Reservation and to apportion representation, subject to a vote of the people, whenever such action is deemed advisable by the Council.

SEC. 4. The members of the Tribal Council shall be qualified voters 25 years of age or over, and members of the Hualapai Tribe and residents of the Reservation.

#### ARTICLE IV—NOMINATIONS AND ELECTIONS

SECTION 1. The first election of the Tribal Council shall be held within 30 days after the adoption and approval of this Constitution and By-laws by the Hualapai Tribe, and shall be called and supervised by the present Tribal Council in co-operation with the Superintendent of the Reservation.

SEC. 2. At the first election nominations for elective members of the Hualapai Tribal Council shall be made at a General Council called for that purpose. Persons nominated shall appear in front of the General Council and then be seated, after which voting shall take place. Voting shall be by secret ballot. The members elected shall hold office until their successors are chosen in June, as provided in section 3.

SEC. 3. On the first Saturday in June 1939, two elective members of the Council shall be elected for one year; three for two years; and three for three years. Thereafter each elective member shall hold office for a term of three years beginning with the expiration of the term of his predecessor in office. Elections shall be held annually on the first Saturday in June.

SEC. 4. Any resident member, male or female, 21 years of age or over, shall be entitled to vote at any election.

SEC. 5. The Tribal Council, or an election board appointed by the Council, shall provide rules governing elections and shall designate polling places and election officials.

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

SECTION 1. If a member of the Hualapai Tribal Council shall die, resign, permanently leave the Reservation, or shall be found guilty of a felony or of a misdemeanor involving dishonesty, or be recalled, the Council shall declare the position vacant and shall call an election to fill the unexpired term.

SEC. 2. The Hualapai Tribal Council may, by an affirmative vote of two thirds of its members, expel any member for gross misconduct or neglect of duty. Any member of the Council may similarly be removed from office by a two-thirds vote of the Council, if he is absent from the Reservation more than one year without prior approval of the Council; but no member of the Council may be removed from office under this section except after reasonable notice

of any charges against him and after an open hearing before the Council on such charges.

SEC. 3. The members of the Tribe shall have the power to remove or reinstate any member of the Hualapai Tribal Council by filing a petition with the Secretary of the Tribal Council, signed by at least seventy-five qualified voters, asking for the removal or reinstatement of said member of the Tribal Council: *Provided*, That no such person may be removed or reinstated except at a special election which shall be held within 30 days after the filing of the petition.

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

SECTION 1. The Hualapai Tribal Council shall have the following powers:

(a) To negotiate with the Federal, State, or local governments, and to advise and consult with representatives of the Interior Department on all activities that may affect the reservation, and in regard to all appropriation estimates and Federal projects for the benefit of the Tribe before such estimates or projects are submitted to the Bureau of the Budget and to Congress.

(b) To veto the sale, disposition, lease, or encumbrance of tribal lands, interest in lands, or other tribal assets, that may be authorized by any agency of government without the consent of the tribe; and any sale, grant, or lease of any portion of the reservation, or the grant of any rights to the use of lands or other assets, or the grant or relinquishment of any water or mineral rights, or other natural or fiscal assets, or any other assets whatsoever of the Hualapai Reservation, are hereby reserved to the sanction of the Tribe.

(c) To employ legal counsel for the protection and advancement of the rights of the Tribe and its members, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(d) To regulate the uses and disposition of tribal property and funds; to protect and preserve the wild life and natural resources of the Tribe; to cultivate Indian arts, crafts, and culture; to administer charity; and to make ordinances covering the leasing of tribal lands and assignments made upon tribal lands, all action of the Tribal Council with respect to such lands to be in conformity with Departmental regulations for the protection of Indian range and timber resources.

(e) To deposit all Tribal Council Funds to the credit of the Hualapai Tribe in an Individual Indian Moneys Account, Hualapai Tribe of the Truxton Canon Agency, such funds to be expended only upon the recommendation of the Tribal Council in accordance with a budget having prior approval of the Secretary of the Interior.

(f) To represent the tribe and to act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this Constitution and By-laws or the Constitution and Statutes of the United States.

(g) To regulate by ordinance, subject to review by the Secretary of the Interior, the licensing of nonmembers doing business within the Reservation.

(h) To regulate hunting and fishing on the Reservation, and to grant licenses and permits under such regulations.

(i) To provide by ordinance, subject to the approval by the Secretary of the Interior, for the removal or exclusion from the Reservation of any nonmember whose presence may be injurious to members of the Tribe.

(j) To provide ordinances, subject to review by the Secretary of the Interior, governing law enforcement on the Reservation and providing for the establishment of a Tribal Court or Courts for the trial and punishment of offenders against such ordinances, but Federal and State courts will have jurisdiction over all other cases where Federal or State laws shall apply.

(k) To regulate domestic relations of members of the Tribe in accordance with State laws.

(l) To regulate by ordinance the inheritance of real and personal property of members within the Reservation.

(m) To regulate its own procedures; to appoint subordinate boards, tribal officials and employees not otherwise provided for in this Constitution, and to prescribe their salaries, tenure and duties; to charter subordinate organizations for economic purposes, and to regulate such organizations by ordinances: *Provided*, That any ordinance affecting organizations borrowing money from the Federal Government shall be subject to the approval of the Secretary of the Interior.

SEC. 2. The Hualapai Tribal Council may exercise such further powers as may in the future be delegated to it by the Secretary of the Interior or by any other authorized official or agency of government, and may exercise any rights and powers heretofore vested in the Hualapai Tribe, but not expressly referred to in this Constitution.

SEC. 3. *Manner of Review.*—Any ordinance or resolution 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 he approves 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 his action. If the Superintendent refuses to approve any ordinance or resolution submitted to him within ten days after its enactment, he shall advise the Tribal Council of his reasons. The Tribal Council may by a majority vote refer the ordinance or resolution to the Secretary of the Interior who may within 90 days from its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

## ARTICLE VII—REFERENDUM

Upon a petition of at least fifty per cent of the eligible voters of the Hualapai Tribe, or upon the request of the majority of the members of the Tribal Council, any enacted or proposed ordinance or resolution of the Tribal Council shall be submitted to popular referendum and the vote of the majority of the qualified voters in such referendum shall decide whether the ordinance or resolution

shall thereafter be in effect: *Provided*, That one-half or more of the eligible voters shall vote in such referendum.

#### ARTICLE VIII—LANDS

The reservation land shall continue to remain tribal property and shall never be allotted to individuals, but assignments of land for private use may be made by the Hualapai Tribal Council in conformity with ordinances and forms enacted and adopted by the Tribal Council on the use and assignment of tribal land which shall be subject to review by the Secretary of the Interior. The right of occupancy of long established allocations or dwelling places and improvements made by individuals or families on tribal lands shall be confirmed by the Tribal Council through appropriate ordinances.

#### ARTICLE IX—AMENDMENTS

Amendments to this Constitution and By-laws may be proposed by a majority vote of the Hualapai Tribal Council and may be ratified and approved in the same manner as this Constitution and By-laws.

#### BY-LAWS OF THE HUALAPAI TRIBE OF THE HUALAPAI RESERVATION, ARIZONA

#### ARTICLE I—DUTIES OF OFFICERS

**SECTION 1. *President.***—The President shall preside over all meetings of the Tribal Council and general meetings of the Tribe, shall perform the usual duties of a President, and exercise any authority delegated to him by the Council.

**SEC. 2. *Vice-President.***—The Vice-President shall assist the President when called upon to do so and in the absence of the President he shall preside. When so presiding, he shall have all the rights, privileges and duties as well as the responsibilities of the President.

**SEC. 3. *Secretary.***—The Secretary shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at Council meetings. It shall be his duty to submit promptly to the Superintendent of the reservation copies of all minutes of regular and special meetings of the Council.

**SEC. 4. *Treasurer.***—The Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Tribal Council. He shall deposit all funds in such depository as the Council shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody, at such times as requested by the Tribal Council. He shall not pay out or disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Council. The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Council and at such other times as the Council or the Commissioner of Indian Affairs may direct. The Treasurer shall be required to give a bond satisfactory to the Tribal Council and to the Commissioner of Indian

**Affairs.** Until the Treasurer is bonded, the Tribal Council may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

## ARTICLE II—MEETINGS OF THE COUNCIL

**SECTION 1.** The Tribal Council shall hold regular meetings on the first Saturday of each month at 9:00 o'clock in the morning at the Truxton Canon Agency or other designated place. Special meetings of the Tribal Council or of the Tribe may be called by the President or any three or more members of the Council.

**SEC. 2.** Six or more members of the Council must be present at any regular or special meeting in order to transact tribal business.

**SEC. 3.** A General Tribal meeting shall be held once a year at the time of the election of councilmen in June. At this meeting the Tribal Council shall make a report of its work during the preceding year just passed, and may transact any other business of general interest to the Tribe.

## ARTICLE III—ADOPTION

This Constitution and By-laws, when adopted by a majority vote of the qualified voters of the Hualapai Tribe of the Hualapai Reservation voting at a special election called by the Secretary of the Interior, in which at least 30 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 October 26, 1938, by the Acting Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the adult Indians of the Hualapai Reservation at Truxton Canon, Arizona, and was on November 19, 1938, duly adopted by a vote of 62 for and 34 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 (49 Stat. 378).

**CHARLES MCGEE,**

*Chairman, Hualapai Tribal Council.*

**J. H. CRICKENBERGER,**

*Acting Supt., Truxton Canon Agency.*

I, Harry Slattery, Acting 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 Hualapai Tribe of the Hualapai Reservation in Arizona.

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 Hualapai Tribe of the Hualapai Reservation in Arizona.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.  
Approval recommended December 13, 1938.

WILLIAM ZIMMERMAN, JR.,  
*Acting Commissioner of Indian Affairs.*

HARRY SLATTERY,  
*Acting Secretary of the Interior.*  
[SEAL]

WASHINGTON, D. C., *December 17, 1938.*

