UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

CONSTITUTION AND BYLAWS OF THE TULE RIVER INDIAN TRIBE

CALIFORNIA

APPROVED JANUARY 15, 1936

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1936

Copy 2

CONSTITUTION AND BYLAWS OF THE TULE RIVER INDIAN TRIBE OF CALIFORNIA

PREAMBLE

We, the members of the Tule River Bands of the Tule River Indian Reservation in the State of California, in order to establish our tribal organization, to conserve our tribal property, to develop our community resources, to administer justice, and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this constitution and bylaws of the Tule River Indian Tribe, to serve as a guide for the deliberations of our tribal council in its administration of tribal affairs.

ARTICLE I—TERRITORY

The jurisdiction of the Tule River Indian Tribe shall extend to the territory within the confines of the Tule River Indian Reservation, situated in Tulare County, State of California, as established by Executive orders of January 9 and October 3, 1873, and of August 3, 1878, to all lands claimed by the tribe and to which title in the tribe may hereafter be established; and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II—MEMBERSHIP

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

(a) All persons of Indian blood whose names appear on the official census rolls of the Tule River Indian Reservation as of January 1, 1935;

(b) All children born to any member of the Tule River Tribe, who is a resident of the reservation at the time of the birth of said children.

SEC. 2. The council shall have the power to propose ordinances, subject to review by the Secretary of the Interior, governing future membership, and the adoption of members by the tribe, provided that property rights shall not be changed by any action under this section.

ARTICLE III—GOVERNING BODY

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

SEC. 2. The Tule River Tribal Council shall be composed of nine councilmen elected by secret ballot.

SEC. 3. The Tule River Tribal Council, so organized, shall elect from its own membership, a council chairman and vice-chairman;

and from within or without its own membership, a secretary, a treasurer, and such other officers and committees as may be deemed necessary.

SEC. 4. Councilmen shall hold office for a term of two years, or until their successors are 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 thirty days after the ratification and approval of this constitution; and thereafter elections shall be held every two years on the third Saturday in January.

SEC. 2. Any qualified member of the tribe may announce his or her candidacy for the tribal council by notifying the secretary of the tribal council, in writing, of his or her candidacy, at least fifteen days prior to the election. To be eligible for membership on the tribal council a candidate must have reached his or her twenty-fifth birthday and be a regularly qualified voter of the Tule River Indian Tribe. 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 a board appointed by the tribal council, shall determine rules and regulations governing elections and shall certify to the election of members of the tribal council, within one day after the election returns.

SEC. 4. Any member of the Tule River Indian Tribe, who is twenty-one years of age or over, on the date of election, and who has maintained legal residence for at least one year on the Tule River Reservation, shall be entitled to vote.

ARTICLE V—VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman, or other official, shall die, resign, permanently leave the reservation, or be removed from office for cause, the tribal council shall declare the office vacant and appoint a successor to fill the unexpired term.

SEC. 2. Any councilman who is proven guilty of improper conduct, or gross neglect of duty, may be expelled from the tribal council by a two-thirds vote of the council members, provided that the accused member shall be given full opportunity to reply to any and all charges, at a designated tribal council meeting; and provided further that the accused member 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 opportunity to reply.

ARTICLE VI—POWERS AND DUTIES OF THE TRIBAL COUNCIL

SECTION 1. The Tule River Tribal Council, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject to all express restrictions upon such powers as are set forth in this constitution and bylaws, shall have the following powers, vested in the tribe by existing law or conferred upon

the tribe by the act of June 18, 1934 (48 Stat. 984), and acts amendatory thereof or supplemental thereto:

(a) To enter into negotiations with the Federal, State, and local governments on behalf of the Tule River Indian Tribe.

(b) To present and prosecute any claims or demands of the Tule River Indian Tribe; to assist members of the tribe in presenting their claims or grievances at any court or agency of the Government; and to employ local talent or representatives for such services, the choice of council and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or to veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other official of the Government, provided that no tribal lands shall ever be leased for a period exceeding five years, encumbered or sold.

(d) To confer with the Secretary of the Interior upon all appropriation estimates, or Federal projects, for the benefit of the tribe, prior to the submission of such estimates to the Bureau of the Budget and Congress.

(e) To make assignments of tribal land to members of the Tule River Indian Tribe in conformity with article VII of this constitution.

(f) To administer any funds or property within the control of the tribe; to make expenditures from available funds for public purposes, including salaries or other remuneration of tribal officials or employees, such salaries or remuneration to be paid only for services actually authorized in a regular and legal manner and actually rendered. All expenditures from the tribal council funds shall be by resolution, duly approved by a majority vote of the council, and the amounts so expended shall be a matter of public record at all times.

(g) To require individual members of the tribe, or other residents upon the reservation, to assist with community labor, when just cause or extreme emergency exists.

(h) To create and maintain a tribal fund by accepting grants or donations from any person, State, or the United States, or by levying assessments of not less than ten cents or more than one dollar per year, per capita on the qualified voters of the Tule River Indian Tribe, and to require the performance of community labor in lieu thereof, or by levying taxes and license fees, subject to review by the Secretary of the Interior, upon persons doing business within the reservation.

(i) To provide by ordinance, subject to review by the Secretary of the Interior, for removal or exclusion from the reservation of any non-members whose presence may be injurious to the members of the tribe.

(j) To promulgate ordinances for the purpose of safeguarding the peace and safety of residents of the reservation, and to establish courts for the adjudication of claims or disputes arising among the members of the tribe, and for the trial and penalizing of members of the tribe charged with the commission of offences set forth in such ordinances.

(k) To regulate the inheritance of property, within the reservation, subject to review by the Secretary of the Interior.

(l) To provide by ordinance for the appointment of guardians for minors and mental incompetents, subject to the approval of the Secretary of the Interior.

(m) To adopt resolutions regulating the procedure of the tribal council itself, and of other tribal agencies and tribal officials of the reservation.

SEC. 2. 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 in charge 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 bearing his endorsement, to the Secretary of the Interior who may, within ninety days from the date of enactment, rescind the ordinance or resolution by notifying the tribal council of such action.

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

SEC. 3. The council of the Tule River Indian Reservation may exercise such further powers as may in the future be delegated to the council by the Secretary of the Interior, or by any other duly authorized official or agency of Government.

SEC. 4. Any rights and powers heretofore vested in the tribe of the Tule River Indian 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 Tule River Indian Reservation through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE VII—TRIBAL LANDS

SECTION 1. The unallotted lands of the Tule River Reservation and all lands which may be acquired hereafter by the Tule River Tribe, or by the United States in trust for the Tule River Tribe, 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 Tule River Indian Tribe, or leased, or otherwise used by the tribe, as hereinafter provided.

SEC. 2. 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 Tule River Tribe. 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. 3. In any assignments 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 already received assignments consisting of less than an economic unit of agricultural land, or other land, or interests in land of equal value.

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

SEC. 4. If any member of the tribe holding an assignment of land shall, for a period of one year, fail to use the land so assigned, or shall use the land for any unlawful purpose, or detriment to the community, his assignment may be cancelled by the tribal council after due notice and opportunity to be heard. Such land may then be available for reassignment.

Upon the death of any Indian holding an assignment his heirs or other individuals designated by him, by will or written request, shall have a preference in the reassignment of the land, provided such persons are members of the Tule River Indian Tribe who would be eligible to receive an assignment. If there are no heirs or individuals designated by him, the assignment shall automatically revert back to the tribe and then be available for reassignment.

SEC. 5. Improvements of any character made upon assigned land may be willed to and inherited by members of the Tule River Indian Tribe. When improvements are not possible of fair division, the tribal council shall dispose of them under such regulations as it may provide. No permanent improvements may be removed from any land without the consent of the tribal council.

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 shall be posted by him in the agency office and in at least three conspicuous places on the reservation for not less than twenty days before action is taken by the tribal council. Any member of the Tule River Indian 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 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 the 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—Amendments

Section 1. This constitution and bylaws 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 that at least 30 percent 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. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of the tribal council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters, members of the tribe.

BYLAWS OF THE TULE RIVER INDIAN TRIBE OF CALIFORNIA

Article I—Duties of Officers

Section 1. It shall be the duty of the chairman to preside at all meetings of the council.

Sec. 2. In the absence of the regular chairman, the vice-chairman shall preside and he shall have all powers, privileges, and duties of the regular chairman.

Sec. 3. It shall be the duty of the tribal secretary to keep a true and accurate record of all matters affecting the tribal records, to render a proper accounting of such records at all meetings of the council, and to keep an accurate record of all council proceedings, including the minutes of each special and regular meeting. Minutes of all special or regular meetings shall be in triplicate, the original copy to be presented to the superintendent, and one copy to be transmitted 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 council, whether same be tribal funds or special funds for which the council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere, as directed by the council, and he shall keep an accurate record, filing same in the tribal council's office, and he shall report in writing 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, or at any time he is requested to do so by the tribal council.

(a) He shall not disburse any funds in his custody belonging to the council except when authorized by a motion duly passed and properly recorded by the council.

(b) The treasurer shall be requested to furnish a bond satisfactory to the council, and to the Commissioner of Indian Affairs, except that until he has been bonded, the council may make such provision for the custody and disbursements of funds as shall guarantee their safety and proper disbursement and use.

(c) The books and records of the treasurer shall be audited at least once each year by a competent auditor employed by the tribal council or under the direction of the Commissioner of Indian Affairs.

Article II—Qualifications for Office

Any person to be elected as an officer or councilman must be a Tule River Indian, enrolled on the Tule River Reservation, and over twenty-five (25) years of age at the time of his or her election. The tribal council shall be the sole judge of the qualifications of its own members.

Article III—Conduct of Elections and Certification

Section 1. It shall be the duty of the council to see that each nomination for tribal office, including membership in the council, shall be made in strict accord with the provisions of the constitution, and shall certify as to the legality of such nomination, otherwise it shall be considered illegal and ineffective by the council.

Sec. 2. All tribal elections for officers shall be canvassed and certified by the council or by a board appointed by it within one day after such elections. No candidate shall be considered legally elected nor shall he hold office until such canvass and certification shall have been made by the council.

Sec. 3. All necessary details concerning tribal nominations and elections not specifically covered by these bylaws or in the constitution shall be more fully set forth in ordinances to be hereafter established by the council.

Article IV—Meetings and Procedures

Section 1. Immediately after the election of members of the tribal council and when the elected members are duly certified as provided for in article IV of this constitution, the members shall assemble and organize for business.

Sec. 2. The council shall meet quarterly on the first Saturday of the month, in May, August, November, and February.

Sec. 3. Special meetings of the council shall be held at such times as are designated by the chairman who shall notify members at least twenty-four hours before the date of such meeting.

Sec. 4. At any special or regular meeting of the tribal council two-thirds of the council members shall constitute a quorum and without such a quorum the chairman shall adjourn the meeting.

Sec. 5. Special meetings of the council shall be held upon written request of three members of the council or by petition signed by one-third of the legal voters of the tribe, such written request to be filed with the chairman or secretary of the council who shall notify the council members twenty-four hours before the date of such council meeting.

Sec. 6. All meetings of the council (except executive meetings) shall be open to all members of the tribe. Balloting at all meetings shall be by roll call, or by a rising or viva voce vote. The council may, upon motion duly passed, go into executive sessions. At such executive session all persons not directly concerned with the matter under discussion shall be excluded from the council chambers, and any such person whose presence shall be required before the council shall be designated by the chairman and no other persons shall be allowed to be present other than the members of the council,

the secretary, the treasurer, and the sergeant at arms, but no final action on any matter shall be taken in executive session.

SEC. 7. The order of business at any regular or special meeting of the tribal council shall be as follows:

(a) Council called to order.
(b) Roll call.
(c) Reading of minutes of previous meeting.
(d) Reports of standing committees.
(e) Reports of council treasurer.
(f) Reports of special committees.
(g) Reading of communications and reports.
(h) Unfinished business.
(i) New business.
(j) Adjournment.

SEC. 8. It shall be the duty of the council to exercise care and caution to the end that a complete record is preserved of all acts of the council and of all committees appointed therefrom. Accurate copies of all records shall be preserved in the files of the council and accurate copies of all necessary records shall be transmitted to such bureaus, departments, or elsewhere as may be required.

SEC. 9. All records of the council and its committees or delegates shall at all times be a matter of public record, and any member of the Tule River Tribe or his authorized representative, or any properly authorized officer or employee of any Government department shall have full access to same during business hours. However, it is provided that matters before the council while in executive session shall be, at the option of the council, withheld from the public or from individuals or their representatives, until after same shall have been acted upon or otherwise quietly disposed of.

SEC. 10. Copies of all leases, contracts, deeds, or assignments and all other papers and documents pertaining to lands of any nature on the reservation shall be carefully preserved by the council, and insofar as it is possible, all other documents affecting the rights and equities of the tribe as a whole, or the individual members thereof, shall be kept and preserved in order that such information shall be available to the council and to the individual members of the tribe; and duplicates of all such documents shall be deposited in the files of the agency.

ARTICLE V—TRIBAL COURT (JUDICIAL CODE)

SECTION 1. (a) It shall be the duty of the council to provide through the necessary bylaws or ordinances, for the establishment of a tribal court upon the reservation.

(b) This court shall have jurisdiction over all such offenses as may be provided in the ordinances of the council, unless they fall within the exclusive jurisdiction of Federal or State courts.

(c) This court shall have jurisdiction over all Indians upon the reservation and over such disputes or lawsuits as shall occur between Indians on the reservation or between Indians and non-Indians where such cases are brought before it by stipulation of both parties.

(d) The duties and jurisdiction of this court shall be more fully prescribed by appropriate bylaws or ordinances.

SEC. 2. It shall be the duty of the council to establish by ordinance a tribal police force which shall have full jurisdiction upon the reservation. The authorities and duties under which it will function may be outlined by the council, such police to be employees of the council, and the police force shall be an agency of the tribal court.

ARTICLE VI—PROPERTY REGULATIONS

SECTION 1. It shall be the duty of the council to pass rules and regulations to prevent unauthorized prospecting or mining of any kind upon the reservation and to see that such rules and regulations are properly enforced.

SEC. 2. The council shall pass ordinances for the control of hunting and fishing upon the reservation, such ordinances not to be in conflict with any of the Federal game laws. The council shall enforce ordinances and cooperate with Federal authorities in the protection of game on the reservation. The council may issue licenses for hunting and fishing and prohibit hunting and fishing without such licenses.

ARTICLE VII—PUBLIC WELFARE

SECTION 1. Community welfare.

(a) The council shall determine in careful manner what constitutes just cause for aid or assistance to the indigent members of the tribe, and shall make proper provisions for recommendation to proper agencies of individuals needing relief.

(b) The council shall designate persons who shall administer welfare work on the reservation, and the solicitation and expenditure of welfare funds shall be conducted in a systematic manner so that the right to do so may not be abused. The council shall thereby render assistance or aid to the aged, the physically handicapped, and all others in actual need of assistance.

(c) The council shall at all times endeavor to eliminate the causes for indigency, exercising wise and judicious supervision and management of tribal affairs and finances and, in so far as is possible, of the affairs and finances of individual members of the tribe, to the end that need, privation, and financial distress may be entirely eliminated among the members of the tribe.

SEC. 2. Education.

(a) The council shall pass necessary ordinances to promote and increase learning and education among the members of the tribe, studying present school systems, and recommending plans for improving them to the proper bureaus or departments.

(b) The council shall enter into negotiations with non-reservation schools and procure for the members of the tribe the highest type of educational facilities, to the end that younger members of the tribe shall have every possible economic, social, and cultural advantage.

(c) The council shall encourage and promote among the residents of the reservation by every practical means a proper system of education for members of all ages in such subjects as home economics, hygiene, child care and training, agronomy, farm mechanics, etc., cooperating with State and Federal departments and agencies which seek to promote such work.

Article VIII—Loans

The tribal council shall act upon all applications for loans under the revolving fund and shall have the right to make recommendations to the appropriate committees concerning loans under the reimbursable regulation for the purchase of property, stock, or equipment and loans to Indians for the payment of tuition for higher education or trade schools.

Article IX—Application for Funds

The tribal council shall act in an advisory capacity upon all applications to the superintendent for the withdrawal from the United States Treasury of trust funds or any other tribal funds, may adopt rules and regulations not in conflict with law, subject to the approval of the superintendent, governing withdrawal of individual Indian monies.

Article X—Tribal Claims

The tribal council shall make a thorough survey, research, investigation, and study of the history and title of all lands which were tribal in character in times past and shall endeavor to reestablish the tribal equity, if any, in such lands so as to obtain through proper channels just compensation for such lands as it shall find to have been unlawfully removed from the jurisdiction of the tribe without just compensation.

Article XI—Guardianship

The tribal council shall pass all necessary ordinances whereby the rights of minors and incompetents shall be properly safeguarded and shall see that the administration of their funds and other assets, by guardians responsible to the council, shall be for the exclusive benefit of such minors or incompetents. It shall be the duty of the council to make semi-annual reports concerning all such guardianship funds or assets, and such reports shall be matters of public record.

Article XII—Ordinances and Resolutions

Section 1. All final decisions of the 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 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 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 council or by the ruling of the chairman if no objection is heard. In all ordinances, resolutions, or motions the 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 council of the Tule River 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 XIII

This constitution and bylaws, when ratified by a majority vote of the qualified voters of the Tule River Reservation voting at an election called for the purpose by the Secretary of the Interior provided that at least thirty (30) percent 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.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 16, 1935, by the Secretary of the Interior, the attached constitution and bylaws was submitted for ratification to the members of the Tule River Bands of the Tule River Reservation and was on December 7, 1935, duly adopted by a vote of 43 for and 2 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.).

BRIGIDO JARINNIO,
Chairman of Election Board.
MARCUS HUNTER,
Secretary of the 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 bylaws of the Tule River Bands of the Tule River Reservation.

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 bylaws 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 bylaws.

Approval recommended January 7, 1936.

WILLIAM ZIMMERMAN, Jr.,
Assistant Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.
[SEAL]

WASHINGTON, D. C., *January 15, 1936.*

O