

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BYLAWS
OF THE SHOSHONE-PAIUTE TRIBES
OF THE DUCK VALLEY RESERVATION
NEVADA



APPROVED APRIL 20, 1936



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CONSTITUTION AND BYLAWS OF THE SHOSHONE- PAIUTE TRIBES OF THE DUCK VALLEY RESERVA- TION OF NEVADA

PREAMBLE

We, the Indians of the Shoshone-Paiute Tribes of the Duck Valley Reservation, in order to establish a more perfect tribal organization, promote the general welfare, encourage educational progress, conserve and develop our lands and other resources, and secure unto ourselves and our posterity the power to exercise certain rights of home rule, in accordance with, and by the authority of the act of Congress of June 18, 1934, do ordain and establish this constitution and bylaws for the Shoshone-Paiute Tribes of the Duck Valley Reservation.

ARTICLE I.—NAME AND TERRITORY

SECTION 1. The name of this organized body shall be the Shoshone-Paiute Tribes of the Duck Valley Reservation, hereinafter called the Shoshone-Paiute Tribes.

SEC. 2. The jurisdiction of the Shoshone-Paiute Tribes shall extend to the territory within the present confines of the Duck Valley Reservation boundaries, as set forth by Executive orders of April 16, 1877, May 4, 1886, and July 1, 1910, and shall extend to such other lands as may be added thereto hereafter, under any law of the United States, except as otherwise provided by law.

ARTICLE II.—MEMBERSHIP

SECTION 1. The membership of the Shoshone-Paiute Tribes shall consist as follows:

(a) All persons of Indian blood lawfully enrolled upon the Duck Valley Reservation whose names appeared on the official census roll as of January 1, 1935, provided that such roll may be corrected within 6 months after approval of this constitution and bylaws by the Shoshone business council with the approval of the Secretary of the Interior.

(b) All children born to any member of the Shoshone-Paiute Tribes who is a resident of the reservation at the time of the birth of said children.

SEC. 2. The business council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of new members, making any necessary adjustments of property rights.

ARTICLE III.—GOVERNING BODY

SECTION 1. The governing body of the Shoshone-Paiute Tribes shall consist of a council known as the business council.

SEC. 2. The membership of this council shall consist of a chairman and six councilmen duly elected to serve 3 years. A chairman shall be elected every 3 years, and two councilmen shall be elected each year.

SEC. 3. The business council shall select from within its membership, (1) a vice chairman, and from within or without, (2) a secretary, and (3) a treasurer. The council may appoint or employ such other officers and committees as may be deemed necessary.

SEC. 4. The first election for the business council hereunder shall be called, held, and supervised by the present business council, within 60 days after ratification and approval of this constitution. The two candidates for councilman receiving the highest number of votes shall serve 3 years; the two candidates receiving the next highest number of votes shall serve 2 years; and the two candidates receiving the third highest number of votes shall serve 1 year, and they shall hold office until their successors are duly elected and qualified.

ARTICLE IV.—ELECTION AND NOMINATION

SECTION 1. All members of the Shoshone-Paiute Tribes 21 years of age or over who have maintained legal residence on the reservation for a period of at least 1 year immediately prior to any election, shall have the right to vote.

SEC. 2. All elections shall be by secret ballot.

SEC. 3. The time and place of voting shall be designated by the business council.

SEC. 4. Nomination of candidates for office under this constitution shall be by petition, signed by not less than 10 legal voters. A voter may sign only one petition for each office. Petitions for nominations shall be filed with the secretary of the business council at least 30 days prior to the election for which the candidate makes such petition. The list of qualified candidates shall be posted by the secretary of the business council at the agency office, and in not less than three other conspicuous places on the reservation not less than 2 weeks prior to the election.

SEC. 5. All elections shall be held in accordance with rules and regulations made by the business council or by an election board appointed by the business council.

ARTICLE V.—VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If an officer or a member of the council shall die, resign, be removed or recalled from office, permanently leave the reservation, or be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal court, the council shall declare the position vacant and appoint to fill the unexpired term.

SEC. 2. The business council may by four affirmative votes expel any member for neglect of duty or gross misconduct. Before any vote for expulsion is taken in the matter, such member or officer shall be given an opportunity to answer any or all charges at a designated council meeting, and the decision of the business council shall be final.

SEC. 3. *Recall from office.*—Upon receipt of a petition signed by one-third of the eligible voters of the Shoshone-Paiute Tribes calling for the recall of any member of the council, it shall be the duty of

the council to call an election on such recall petition. No member may be recalled in any such election unless at least 30 percent of the legal voters of the Shoshone-Paiute Tribes shall vote at such election.

ARTICLE VI.—POWERS OF THE BUSINESS COUNCIL

SECTION 1. *Enumerated Powers.*—The business council of the Shoshone-Paiute Tribes shall exercise the following powers, subject to any limitations imposed by the Constitution or Statutes of the United States, and subject further to all express restrictions upon such powers contained in this constitution and bylaws, and subject to review by the voters themselves at any annual or special meeting.

(a) To negotiate with the Federal, State, and local Governments on behalf of the tribes and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Shoshone Paiute Tribes.

(b) To employ legal counsel for the protection and advancement of the rights of the Shoshone-Paiute Tribes, the choice of counsel and fixing of fees to be subject to the approval of the voters and of the Secretary of the Interior.

(c) To approve or veto any disposition, lease or encumbrance of tribal 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 or agency of government, provided that no tribal lands shall ever be encumbered or sold except for governmental purposes, or leased for a period exceeding 5 years unless otherwise provided by law.

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

(e) To make assignments of reservation land to members of the Shoshone-Paiute Tribes in conformity with article VIII of this constitution.

(f) To undertake and manage all economic affairs and enterprises of the tribes in accordance with the terms of a charter that may hereafter be issued to the Shoshone-Paiute Tribes by the Secretary of the Interior.

(g) To appropriate any available funds for salaries of tribal officials or for public purposes of the Shoshone-Paiute Tribes, provided that any such appropriation made prior to July 1, 1940, shall be subject to review by the Secretary of the Interior.

(h) To levy taxes upon members of the Shoshone-Paiute Tribes, to require the performance of community labor in lieu thereof, and to levy taxes or license fees, upon nonmembers doing business within the jurisdiction.

(i) To exclude from the jurisdiction persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior.

(j) To enact resolutions or ordinances not inconsistent with article II of this constitution governing adoption and abandonment of membership.

(k) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct

of members of the Shoshone-Paiute Tribes and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.

(l) To safeguard and promote the peace, safety, morals, and general welfare of the Shoshone-Paiute Tribes by regulating the conduct of trade and the use and disposition of property upon the reservation provided that any ordinances directly affecting nonmembers shall be subject to review by the Secretary of the Interior.

(m) To charter subordinate organizations for economic purposes, and to regulate the activities of cooperative associations of members of the Shoshone-Paiute Tribes by ordinance: *Provided*, That any such ordinance shall be subject to review by the Secretary of the Interior.

(n) To regulate the inheritance of property, including personal, within the territory of the Duck Valley Reservation, subject to review by the Secretary of the Interior.

(o) To regulate the domestic relations of members of the Shoshone-Paiute Tribes.

(p) To provide for the appointment of guardians for minors and mental incompetents by ordinances or resolutions, subject to review by the Secretary of the Interior.

(q) To cultivate and preserve native arts, crafts, culture, and Indian ceremonies.

(r) To adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials of the Shoshone-Paiute Tribes.

(s) To delegate to subordinate boards, committees, or other cooperative associations which are open to all members of the tribes any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

SEC. 2. *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 10 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 business council of such decision.

If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within 10 days after its enactment, he shall advise the business council of his reasons therefor. If these reasons appear to the business council insufficient, it may by a majority vote, refer the ordinance or resolution with the superintendent's objections, 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.

SEC. 3. *Future powers.*—The business council of the Duck Valley 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. *Reserved powers.*—Any rights and powers heretofore vested in the Tribes of the Duck Valley 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 Shoshone-Paiute Tribes through the adoption of appropriate bylaws and constitutional amendments.

SEC. 5. *Manner of review by the tribes.*—The chairman of the business council shall call a general meeting of qualified voters annually, at which time he shall report in detail what has been done during the past year and set forth the plans of the business council for the coming year. This shall be freely discussed at this general meeting and the wishes of the people may be expressed by recommendations to the business council. The chairman may call special meetings of the tribes when necessary and shall do so upon a petition of at least 50 legal voters.

ARTICLE VII.—BILL OF RIGHTS

SECTION 1. *Suffrage.*—All members of the tribes, 21 years of age or over, shall have the right to vote in all tribal elections. The residence qualifications established by article IV of this constitution shall apply to all elections except elections for the amendment of this constitution and bylaws.

SEC. 2. *Economic rights.*—All members of the tribes shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SEC. 3. *Civil liberties.*—All members of the tribes may enjoy without hindrance freedom of worship, conscience, speech, press, assembly, and association.

SEC. 4. *Rights of accused.*—Any member of the Shoshone-Paiute Tribes accused of any offense shall have the right to a prompt, open, and public hearing, with due notice of the offense charged and shall be permitted to summon witnesses upon his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than 60 days' imprisonment or \$45 fine. Excessive bail shall not be required and cruel punishment shall not be imposed.

ARTICLE VIII.—TRIBAL LANDS

SECTION 1. *Lands.*—The lands of the Duck Valley Reservation and all lands which may hereafter be acquired by the Shoshone-Paiute Tribes or by the United States in trust for the Shoshone-Paiute Tribes, shall be held as tribal lands, and no part of such lands shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Shoshone-Paiute Indians, or leased, or otherwise used by the tribes as hereinafter provided.

SEC. 2. *Leasing of Tribal Lands.*—Tribal lands may be leased by the business 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 co-

operative associations, and second, to individual Indians who are members of the Shoshone-Paiute Tribes.

Each family of the reservation shall be permitted to graze an amount of stock not exceeding a maximum fixed by ordinance of the business council, provided the stock is actually the property of the family. The business council shall levy and collect a reasonable fee for all additional animals permitted to graze on tribal land. The number of head of stock permitted to graze on the tribal lands shall at no time exceed the maximum figure consistent with the proper conservation of the range, as determined by the Secretary of the Interior, pursuant to section 6 of the act of June 18, 1934.

The proceeds of such lease rentals and permit fees shall not be used for Federal administration purposes, but shall be used for the support of the helpless and for other public purposes of the Shoshone-Paiute Tribes.

SEC. 3. Land assignments.—Tribal lands may be assigned by the business council for the use and occupancy of members of the Shoshone-Paiute Tribes, upon the following conditions:

(a) Every member of the Shoshone-Paiute Tribes who has attained the age of 21 years, or who, regardless of age, is married, shall be entitled to select land for assignment.

(b) The amount of land to be assigned to each applicant shall be fixed from time to time by ordinance of the business council, which shall take into consideration the amount of land available for assignment, the number of eligible applicants, and the amount of land that any applicant can properly use and care for, but no assignment to any person shall exceed 40 acres. No person shall be entitled to hold more land than he or she can properly use, but in case of temporary absence from the reservation or temporary physical disability the holder of an assignment may permit any other member of the Shoshone-Paiute Tribes to make use of his or her land.

(c) If any member of the tribes holding an assignment of land shall, for a period of 2 years, fail to use the land so assigned or use such land for any unlawful purposes, his assignment may be canceled by the business council, after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 6 of this article.

(d) The land of a deceased person may be held in his or her name, for the support of minor children if they are not married.

(e) If a person dies without leaving dependent minor children his or her land shall revert to the Shoshone-Paiute Tribes and may be selected by someone else. The heirs or devisees of the deceased person shall have the first chance, if they are eligible to receive assignments.

SEC. 4. Inheritance of improvements.—Improvements of any character made upon assigned land may be bequeathed to, and inherited by members of the Shoshone-Paiute Tribes or otherwise disposed of under such regulations as the business council shall provide. No permanent improvements shall be removed from the land without the consent of the business council.

SEC. 5. Exchange of assignments.—Assignments may be exchanged by the members of the Shoshone-Paiute Tribes by common consent in such manner as the business council shall designate.

SEC. 6. Method of making assignments.—Applications for assignments shall be filed with the secretary of the business 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 other conspicuous places on the reservation for not less than 20 days before action is taken by the business council. Any member of the tribes wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections to be filed by the secretary of the business council and may, if he so desires, appear before the business council to present evidence. The secretary of the business council shall furnish the superintendent or other officers in charge of the agency a complete record of all action taken by the business council on applications for assignments 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 tribes. The business council shall draw up one or more forms for land assignments which shall be subject to the approval of the Secretary of the Interior.

SEC. 7. The business council, if it sees fit, may charge a fee not to exceed \$5, on approval of an assignment made under this section.

ARTICLE IX.—REFERENDUM

SECTION 1. Upon a petition of at least one-third of the eligible voters of the Shoshone-Paiute Tribes, or upon the request of a majority of the members of the business council, any enacted or proposed ordinance or resolution of the council shall be submitted to a popular referendum, and the vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding on the business council, provided that at least 30 percent of the eligible voters shall vote in such election.

ARTICLE X.—AMENDMENTS

SECTION 1. This constitution and bylaws may be amended by a majority vote of qualified voters of the Shoshone-Paiute Tribes 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 two-thirds of the council, or upon presentation of a petition signed by one-third of the qualified voters, members of the Shoshone-Paiute Tribes.

BYLAWS OF THE SHOSHONE-PAIUTE TRIBES

ARTICLE I.—DUTIES OF OFFICERS

SECTION 1. Chairman of the business council.—The chairman of the business council shall preside over all meetings of the tribes and of the business council. He shall perform all duties of a chairman

and exercise any authority delegated to him by the business council. He shall vote only in the case of a tie.

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

SEC. 3. *Secretary of the business council.*—The secretary of the business council shall conduct all tribal correspondence and keep a complete and accurate record of all matters transacted at council meetings. It shall be his duty to submit promptly to the superintendent of the jurisdiction, and to the Commissioner of Indian Affairs, copies of all minutes of all regular and special meetings of the business council.

SEC. 4. *Treasurer of the business council.*—The treasurer of the business council shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the business council, whether same be tribal funds or special funds for which the business council is acting as treasurer or custodian. He shall deposit all such funds in such banks or elsewhere as directed by the business council. He shall make and preserve a faithful record of such funds. He shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report being made in writing to the business council at regular meetings and at such other times as requested by the business council. He shall not pay out nor authorize disbursement of any funds in his possession or custody, or in the possession or custody of the business council, except when properly authorized so to do by resolution duly passed by the business council.

The books and records of the treasurer shall be audited at least once each year by a competent auditor employed by the business council or by a Federal employee appointed by the council and approved by the Secretary of the Interior, and at such other times as the business council or the Commissioner of Indian Affairs shall direct.

The treasurer shall be required to give a bond satisfactory to the business council and to the Commissioner of Indian Affairs. The treasurer shall be present at all special or regular meetings of the business council.

SEC. 5. *Appointive officers.*—The duties of all appointive committees or officers of the Shoshone-Paiute Tribes shall be clearly defined by resolution of the business council at the time of their creation or appointment. Such committees and officers shall report, from time to time as required, to the business council, and their activities and decisions shall be subject to review by the business council upon the petition of any person aggrieved.

ARTICLE II.—QUALIFICATIONS OF OFFICERS AND COUNCILMEN

No person shall be a candidate for membership in the business council unless he shall be a member of the Shoshone-Paiute Tribes and shall have resided for a period of 1 year next preceding the election on the reservation and be at least 25 years of age.

ARTICLE III.—CERTIFICATION OF ELECTION

It shall be the duty of the members of the business council to certify to the election of the duly-elected officers and council members. This shall be done within 5 days after election, and the certificate filed with the secretary.

ARTICLE IV.—INSTALLATION OF COUNCILMEN

Each member of the business 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 bylaws. The following form of oath of office shall be given: "I, -----, do solemnly swear (or affirm) 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 promote and protect the best interests of my tribe, in accordance with this constitution and bylaws."

ARTICLE V.—TIME AND PLACE OF REGULAR MEETINGS AND PROCEDURE

SECTION 1. Meetings.—Regular meetings of the business council shall be held on the second Tuesday of each quarter at 2 p. m. at Owyhee, Nev., at a designated building or hall where official records will be kept. Special meetings may be called by written notice signed by the chairman or by a majority of the council members and when so called the business council shall have power to transact business as in regular meetings.

SEC. 2. Quorum.—No business shall be transacted unless a quorum is present. A quorum shall consist of four councilmen. A quorum at a general business meeting of the Shoshone-Paiute Tribes shall consist of at least 60 qualified voters at the annual meeting, and 50 qualified voters at a called meeting.

SEC. 3. Order of business.—The following order of business is established for all meetings:

Call to order by the chairman.

Roll call.

Ascertainment of a quorum.

Reading the minutes of the last meeting.

Adoption of the minutes by a vote or common consent.

Unfinished business.

New business.

Adjournment.

SEC. 4. Ordinances and resolutions.—All final decisions of the business council on matters of general and permanent interest to the members of the tribes 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 tribes.

All final decisions of the business council on matters of temporary interest (such as action on the reservation budget for a single year, or petition to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of

members, instructions for tribal members, or rules of order for the business council) shall be embodied in resolutions. All resolutions shall be recorded in a special book which shall be open to public inspection. All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion duly passed or by ruling of the chairman if no objection is heard. In all ordinances, resolutions, or motions, the business council may act by a majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure the unanimous agreement of the council, and parliamentary procedure shall otherwise be governed by Roberts' Rules of Order.

SEC. 5. *Legislative forms.*—Every ordinance shall begin with the words: "*Be it enacted by the business council of the Shoshone-Paiute Tribes * * **"

Every resolution shall begin with the words: "*Be it resolved by the business council of the Shoshone-Paiute Tribes * * **"

ARTICLE VI.—RATIFICATION OF CONSTITUTION AND BYLAWS

This constitution and bylaws, when adopted by a majority vote of the voters of the Shoshone-Paiute Tribes 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 March 3, 1936, by the Secretary of the Interior, the attached constitution and bylaws was submitted for ratification to the members of the Shoshone-Paiute Indian Tribes of the Western Shoshone or Duck Valley Reservation and was on March 21, 1936, duly approved by a vote of 183 for, and 57 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).

EVAN LEROY HARVEY,
Chairman of Election Board.
WEBSTER THOMAS,
Secretary of Election Board.
ROGER SMITH, *Member.*
HERMAN SCHURZ, *Member.*

E. E. McNEILLY,

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 Shoshone-Paiute Tribes of the Duck Valley 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 or bylaws are hereby declared inapplicable to the Shoshone-Paiute Tribes of the Duck Valley Reservation.

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

Approval recommended: April 15, 1936.

JOHN COLLIER,

Commissioner of Indian Affairs.

HAROLD L. ICKES,

Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *April 20, 1936.*

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