

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

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CONSTITUTION AND BYLAWS  
OF THE GILA RIVER PIMA-MARICOPA  
INDIAN COMMUNITY, ARIZONA

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APPROVED MAY 14, 1936



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UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1936

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# CONSTITUTION AND BYLAWS OF THE GILA RIVER PIMA-MARICOPA INDIAN COMMUNITY OF ARIZONA

## PREAMBLE

We, the Indians of the Gila River Reservation, in order to show our gratefulness to Almighty God, and to improve ourselves in the arts of civilization and provide a means for the orderly transaction of tribal business and the free expression of the tribal will, do ordain and establish this constitution for the government of the Pima and Maricopa Tribes, henceforward to be known as the Gila River Pima-Maricopa Indian Community.

## ARTICLE I.—TERRITORY

The jurisdiction of the Gila River Pima-Maricopa Indian Community shall extend to all lands now comprised within the Gila River Indian Reservation and to any lands that may in the future be added thereto.

## ARTICLE II.—MEMBERSHIP

The membership of the Gila River Pima-Maricopa Indian Community shall be determined as follows:

(a) All persons of Indian blood whose names appear, or rightfully should appear, on the official allotment roll of the Gila River Reservation shall be members of the community.

(b) A member who remains away from the reservation continuously for a period of 20 years shall automatically forfeit his membership. But if he returns to the reservation he may be reinstated as a member by a majority vote of the council of the community with the consent of the district in which he proposes to take up his residence.

(c) All descendants of members shall be entitled to membership in the community if they are of at least one-quarter degree of Indian blood, but any such descendant having less than this degree of Indian blood may be admitted to membership by a majority vote of the council of the community.

(d) Persons of Indian blood marrying members of the Gila River Pima-Maricopa Indian Community may be adopted into the community by a three-fourths vote of the council of the community.

(e) No persons other than those enumerated in this article may be adopted as members of the community.

## ARTICLE III.—GOVERNING BODY

SECTION 1. *Council*.—The government of the Gila River Pima-Maricopa Indian Community shall be vested in a council elected by the members of the community.

SEC. 2. *Basis of representation.*—Each district of the reservation shall be represented on the council by 1 member for each 300 people (or a remainder exceeding 150) residing within the district.

SEC. 3. *First election.*—The first election of members of the council shall be called by the Secretary of the Interior as soon as possible after the adoption and ratification of this constitution.

SEC. 4. *Rotation of office.*—The council members then elected shall agree among themselves or draw lots so as to provide that one-third of the members shall serve for 1 year, one-third for 2 years, and one-third for 3 years.

SEC. 5. *Tenure of office.*—Thereafter members of the council shall serve for 3 years and one-third of the membership shall be elected each year on the day and month fixed for the first election, or if such date falls on a Sunday, or legal holiday, then on the following day.

SEC. 6. *Election of officers.*—The council shall at its first meeting elect from within or without its own membership a governor, lieutenant governor, secretary, and treasurer and such other officials or boards as may be advisable. Persons so elected to office shall not have any vote in the council unless they have been regularly elected to membership therein, but the presiding officer shall in any event have the right to vote in case of a tie.

#### ARTICLE IV.—DISTRICT ORGANIZATION

SECTION 1. *District boundaries.*—For purposes of representation and administration the Gila River Reservation shall be divided into seven districts as follows:

District no. 1 shall consist of all that portion of the reservation included in secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T. 4 S., R. 7 E., secs. 1, 2, 3, 10, 11, 12, 15, and 22, T. 5 S., R. 7 E., and T. 4 and 5 S., R. 8 E. (North and South Blackwater).

District no. 2 shall consist of all that portion of the reservation included in secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 4 S., R. 7 E., and secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21, T. 5 S., R. 7 E. (Sacaton Flats).

District no. 3 shall consist of all that portion of the reservation lying south of the Gila River and included in Tps. 4 and 5 S., R. 6 E. (Cottonwood, Sacaton, and Progressive Colony).

District no. 4 shall consist of all that portion of the reservation lying north of the Gila River in Tps. 2, 3, and 4 S., R. 4, 5, and 6 E. (Santan, Lower Santan, Stotonic, and Snaketown).

District no. 5 shall consist of all that portion of the reservation lying south of the Gila River in Tps. 3, 4, and 5 S., R. 4 and 5 E. (Sweetwater, Bapchule, Vah-ki, Wetcamp, and Sacate).

District no. 6 shall consist of all that portion of the reservation included in Tps. 1, 2, 3, and 4 S., R. 2 and 3 E. (Santa Cruz, Gila Crossing, and Co-op.).

District no. 7 shall consist of all that portion of the reservation included in T. 1 N. and Tps. 1 and 2 S., R. 1 E. (Maricopa district).

SEC. 2. *District council elections.*—Each district shall elect a district council in conformity with ordinances passed by the council of the community regulating such elections.

SEC. 3. *Jurisdiction of district councils.*—Such district councils shall have no power to pass ordinances but shall make appropriate

recommendations to the council of the community and shall perform such local administrative duties as may be assigned to them by the council of the community.

#### ARTICLE V.—POWERS OF THE COMMUNITY COUNCIL

**SECTION 1. Powers not subject to review.**—The council of the Gila River Pima-Maricopa Indian Community shall exercise the following powers, subject to any limitations imposed by the statutes or by the Constitution of the United States and subject further to all expressed restrictions upon such powers contained in this constitution:

(a) To negotiate with the Federal, State, and local Governments on behalf of the Gila River Pima-Maricopa Indian Community.

(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 prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe.

(d) To advise the Secretary of the Interior and Congress of its wishes with regard to Federal projects or appropriation for the benefit of the Gila River Pima-Maricopa Indian Community.

(e) To appoint subordinate boards and officers and to prescribe their duties and powers.

(f) To provide for the manner of conducting elections.

(g) To regulate its own procedure.

(h) To regulate the domestic relations of members of the community.

(i) To protect the public health and morals and to provide for the public welfare.

(j) To pass ordinances necessary or incidental to the exercise of any of the foregoing powers.

**SEC. 2. Powers subject to review.**—The council of the Gila River Pima-Maricopa Indian Community shall likewise exercise the following powers subject to review by the Secretary of the Interior:

(a) To appropriate money out of available community funds for salaries of community officials and for other expenses of public business and to recommend the appropriation of tribal and other funds within the control of Congress or of the Secretary of the Interior.

(b) To provide for the appointment of guardians for minors and mental incompetents.

(c) To prescribe rules of inheritance except for allotted lands.

(d) To levy dues, fees, and taxes on members of the community and on nonmembers residing within the reservation, and to require members of the community to contribute labor for public works and enterprises.

(e) To remove or exclude from the territory of the community nonmembers whose presence may be injurious to the peace, health, or welfare of the community.

(f) To administer all tribal lands and property.

(g) To regulate the use and disposition of the property of members of the community, insofar as such use and disposition affects the welfare of the community at large.

(h) To establish and regulate subordinate organizations for business purposes.

(i) To purchase lands of members of the community for public purposes under condemnation proceedings in courts of competent jurisdiction.

(j) To provide for the maintenance of law and order and the administration of justice by establishing a tribal court and police force and defining the powers and duties of same; and to lay down criminal and civil codes of ordinances governing the conduct of members of the community and nonmember Indians of the community.

SEC. 3. *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 tribal council of such rescission.

If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within 10 days after its 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.

SEC. 4. *Future powers.*—The council of the Gila River Pima-Maricopa Indian Community may exercise such further powers as may in the future be delegated to the community by the Secretary of the Interior, or by any other duly authorized official or agency of the Government.

SEC. 5. *Reserved powers.*—Any rights and powers heretofore vested in the tribes or bands of the Gila 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 Gila River Pima-Maricopa Indian Community through the adoption of appropriate bylaws and constitutional amendments.

## ARTICLE VI.—ELECTIONS

SECTION 1. *Right of suffrage.*—All adult members of the community, male or female, who have attained the age of 21 years and have resided on the Gila River Reservation for a period of 1 year and in the district for a period of 60 days immediately preceding the election shall have the right to vote in any election held under this constitution.

SEC. 2. *Manner of making nominations.*—The manner of making nominations and holding elections shall be determined by appropriate ordinances or bylaws.

## ARTICLE VII.—SUSPENSION FROM OFFICE

**SECTION 1. *Suspension from office.***—Any public official of the Pima-Maricopa Indian Community who is indicted in a Federal or State court or convicted in an Indian court of bribery or any other serious offense, shall automatically be suspended from office. The members, or remaining members, of the council shall investigate and judge whether the crime is serious enough to justify impeachment proceedings.

**SEC. 2. *Impeachment.***—Any public official of the Pima-Maricopa Indian Community who is proven guilty of improper conduct or gross neglect of duty may be expelled by the council by a two-thirds vote of the membership of the council voting in favor of such expulsion, provided that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated council meeting. It is further stipulated that any such member shall be given a written statement of the charges against him at least 5 days before the meeting at which he is to appear. Where the council is sitting for impeachment purposes, all parties shall be under oath or affirmation.

**SEC. 3. *Recall.***—(a) Every person elected to a tribal office by the Indians of the Gila River Indian Reservation is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such number of said electors as shall equal 40 per centum of the number of votes cast at the last preceding general election may, by petition, which shall be known as a "recall petition", demand his or her recall.

(b) Every recall petition must contain a general statement, in not more than 200 words, of the grounds of such demand and must be filed at the office of the council. Each signer of such recall petition must add to his signature the date of his signing said petition, and his place of residence. The person circulating such petition must make and subscribe an oath on each sheet that the signatures thereon are genuine.

(c) If said officer offers his resignation it shall be accepted. If he shall not resign within 10 days after a recall petition is filed, a special election shall be ordered to be held, not less than 20 or more than 30 days after such order, to determine whether such officer be recalled. On the ballots at said election shall be printed the reasons as set forth in the petition, and, in the same number of words, the officer's justification of his course in office. He shall continue to hold office until the result of said election shall be officially declared.

(d) No recall petition shall be circulated against any official until he shall have held his office for a period of 1 year. After one recall petition and special election no further recall petitions shall be filed against the same officer within 1 year from said recall special election.

**SEC. 4. *Removal of appointed officials.***—Any officer or board appointed by the council may be removed or discharged by a majority vote, unless otherwise provided in the bylaws.

## ARTICLE VIII.—REFERENDUM

At least 15 percent of the qualified electors of the community on petition shall have the right to demand a referendum on any enacted or proposed ordinance or resolution of the community council, the

vote of the majority of the qualified voters in such referendum to be conclusive and binding on the council of the community.

## ARTICLE IX.—LAND

**SECTION 1. *Unallotted lands.***—The unallotted lands of the Gila River Reservation, and all lands which may be hereafter acquired by or for the Gila River Pima-Maricopa Indian Community, shall be held as community lands forever.

**SEC. 2. *Assignments.***—Community lands may be assigned to members of the community in conformity with the following provisions:

(a) Assignments of land shall be held for life, but may revert to the community if the person holding the assignment fails to make proper use of the land.

(b) At the death of an assignee his requests shall be given due consideration in the reassignment of the land.

(c) Every member of the community who is the head of a family that does not hold any land under the Allotment Act, or agrees to surrender all such lands (including interests in land in heirship status) to the community, shall be entitled to receive an assignment of new land.

(d) The amount of land included in each assignment shall be based upon the amount of land available and the number of applications for land. It shall further be based upon the number of people in the family making application, and how much land they can actually cultivate.

(e) Where an individual now owns allotted land comprising a larger acreage than he would be entitled to receive under the preceding paragraph, he may convey his title to the community in exchange for an assignment of the same land or land of equal value.

(f) Assignments may be made either of specific tracts of land, or of shares in larger tracts, to be used for grazing or other purposes by several families in common.

**SEC. 3. *Unassigned community lands.***—Community land which is not assigned may be used for communal pasture or gardens by the various districts or for public purposes of any sort. Such land may also be leased by the community council, to members of the community, and all proceeds of such leases shall accrue to the community treasury, to be used for the support of the helpless or for any other public purposes of the community.

**SEC. 4. *Private ownership.***—No owner of allotted lands shall be compelled to relinquish his land, except for irrigation canals, roads, public works, or like public purposes, and in such cases the landowner shall receive in return for his land fair and just compensation.

**SEC. 5. *Specific procedure.***—The community council shall prepare and shall submit to popular vote a set of bylaws governing the conditions under which assignments shall be made, the amounts of land to be assigned, the form of agreement to be signed by the assignee, and the manner of proceeding in the acceptance of relinquishments, and the awarding of assignments.

## ARTICLE X.—AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the community, voting in 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 council or upon receipt of a petition signed by 500 eligible voters, members of the community.

## BYLAWS OF THE GILA RIVER PIMA-MARICOPA INDIAN COMMUNITY

### ARTICLE I.—DUTIES OF OFFICERS

**SECTION 1. Governor.**—The governor of the Gila River Pima-Maricopa Indian Community shall preside at council meetings, shall be permitted to participate in debate, and shall be entitled to vote only in case of a tie and shall perform such other duties as the community council prescribes.

**SEC. 2. Secretary.**—The secretary of the community council shall be the recording and corresponding secretary, and shall keep an accurate record of all matters transacted at council meetings.

**SEC. 3. Treasurer.**—The treasurer of the community having furnished a bond satisfactory to the council and to the Commissioner of Indian Affairs, shall have the custody of all moneys belonging to the community. Payment for such bond shall be made out of available funds of the community.

**SEC. 4. Lieutenant governor.**—The lieutenant governor of the community shall serve as governor during the absence or incapacity of the governor.

### ARTICLE II.—QUALIFICATIONS OF OFFICE

**SECTION 1. General qualifications.**—No person shall be elected to the council of the community unless he shall be a member of the community over the age of 25 years and shall have been a resident of the particular district from which he or she is elected for at least 1 year immediately preceding the election. No member of the council who is affiliated with any organization or individual, not a member of the community, shall vote upon any matter in which such individual or organization has a pecuniary interest, if in the judgment of the council, such affiliation shall render him incapable of openly, freely, and fearlessly working for the best interests and welfare of the Indians of the Gila River Pima-Maricopa Indian Community.

### ARTICLE III.—ELECTIONS

**SECTION 1. Election procedure.**—In case an election is due in any district, it shall be the duty of the community council to call the attention of the residents of said district to such fact at least 30 days

prior to the date of such election, naming the date on which said election is to be held, also naming the place of said election, which place shall be within the district and at some central location most convenient to the residents of the district. Ten days after notification the district shall call a meeting for nomination of candidates. On the date and at the place named, the legal voters of the district shall assemble and the outgoing member representing said district, if present, shall act as temporary chairman. At once, a permanent chairman shall be chosen and three tellers who shall be officers and judges of election. The assembled legal voters of the district shall then proceed to transact the business for which they have been assembled. Nominations shall be the thing in order. This having been completed, and the nominations having been declared closed, the meeting shall be dismissed. The election shall take place not less than 20 days later, the wishes of the voters being ascertained by means of a secret ballot. The polls shall close at 6 p. m. The nominee receiving the majority of all votes cast shall be declared elected. The newly elected member shall be furnished with a certificate of his election, to be signed by the permanent chairman and the three tellers.

**SEC. 2. *Validity of elections.***—The community council shall be the judge of the validity and authenticity of the certificates of election presented to it.

#### ARTICLE IV.—VACANCIES

When a councilman is removed for cause, or resigns, or otherwise ceases to hold office, the district which he or she represents shall elect a successor at a special election called by the council, to be held within 30 days after the occurrence of the vacancy. The said successor shall hold office until the expiration of the regular term of his predecessor whose place he has taken.

#### ARTICLE V.—MEETINGS

**SECTION 1. *Regular council meetings.***—The regular meetings of the community council shall be held on the first and third Wednesday of each month in the district designated by the council at the previous meeting.

**SEC. 2. *Special council meetings.***—Special meetings of the council may be held at the call of the governor or on application of five members, due notice being given to all members at least 2 days before such meeting.

**SEC. 3. *Quorum.***—A majority of the members of the council, one of whom shall be the governor or the lieutenant governor or the secretary, shall constitute a quorum for the transaction of business.

#### ARTICLE VI.—ADOPTION OF CONSTITUTION AND BYLAWS

This constitution and the attached bylaws when adopted by a majority vote of the qualified voters of the Pima-Maricopa Tribes of the Gila River 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.

Pursuant to an order, approved February 13, 1936, by the Secretary of the Interior, the attached constitution and bylaws was submitted for ratification to the Indians of the Gila River Reservation and was on March 28, 1936, duly ratified by a vote of 753 for and 167 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).

TRUMAN JONES,  
*Chairman of Election Board.*  
ALFRED JACKSON,  
*Secretary of Election Board.*

A. E. ROBINSON,  
*Superintendent in Charge of the Reservation.*

I, Charles West, 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 bylaws of the Gila River Pima-Maricopa Indian Community.

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 the members of the Gila River Pima-Maricopa Indian Community.

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

Approval recommended May 9, 1936.

JOHN COLLIER,  
*Commissioner of Indian Affairs.*

CHARLES WEST,  
*Acting Secretary of the Interior.*  
[SEAL]

WASHINGTON, D. C., *May 14, 1936.*

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