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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS OF THE
SOUTHERN UTE TRIBE OF THE
SOUTHERN UTE RESERVATION
COLORADO



APPROVED NOVEMBER 4, 1936



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CONSTITUTION AND BY-LAWS OF THE SOUTHERN UTE TRIBE OF THE SOUTHERN UTE RESERVATION, COLORADO

PREAMBLE

We, the Southern Ute Tribe of the Southern Ute Reservation, in Colorado, in order to exercise the rights of self-government, to administer our tribal affairs, to preserve and increase our tribal resources, do ordain and establish this Constitution.

ARTICLE I—JURISDICTION

The jurisdiction of the Southern Ute Tribe of the Southern Ute Reservation through their General Council, the Council of the Southern Utes and their Court, shall extend to the lands now included within the Southern Ute Reservation and to such other land as may be added thereto, except such portions of the reservation as may have passed out of Indian ownership.

ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Southern Ute Tribe of the Southern Ute Reservation shall consist of the following:

(a) All persons duly enrolled on the 1935 census of the Southern Ute Reservation; *Provided*, That rights of participation shall depend upon the establishment of legal residence upon the reservation;

(b) All children of members, if such children shall be of $\frac{1}{2}$ or more degree of Ute Indian blood.

SEC. 2. The Council shall have power to pass ordinances, subject to the approval of the Secretary of the Interior, covering the adoption of new members.

SEC. 3. No person shall be adopted into the Southern Ute Tribe unless he is of Indian blood and has resided upon the reservation for a probationary period to be determined by the Council.

ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Southern Ute Tribe of the Southern Ute Reservation shall be known as the Council of the Southern Utes.

SEC. 2. The Council shall be composed of six members. It shall choose from its membership, a Chairman, and from within or without its membership, a Secretary-Custodian, and Treasurer, and such other officers and committees as may be deemed necessary.

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

SEC. 4. Members of the Council shall be at least thirty years of age, and permanent residents of the reservation. No person who has been convicted of a felony shall be eligible for membership on the Council.

SEC. 5. The first election of the Council shall be held within sixty days after the adoption and ratification of this Constitution; and thereafter, the annual election shall be held on the first Friday in October.

SEC. 6. At the first annual election after the adoption of this Constitution, two members of the Council shall be elected for one year; two members for two years, and two members for three years. Thereafter, two members shall be elected annually for a three year period.

SEC. 7. Any Councilman who may resign, die, or be removed from his office, shall be replaced only at a regular election or at a special election called by the Council. Any Councilman convicted of a felony or misdemeanor involving dishonesty in a Federal, State or Indian Court may be removed from office by two-thirds vote of the Council.

SEC. 8. Members of the Council shall take office on the first Tuesday of the first month after their election.

SEC. 9. If the first election, after the approval of this Constitution, does not coincide with the annual election, the tenure of the Council elected shall be extended to cover the period between the first election and the annual election.

ARTICLE IV—NOMINATIONS AND ELECTIONS

SECTION 1. Any resident member, male or female, 21 years of age or over, and otherwise qualified, shall be entitled to vote at any election.

SEC. 2. All elections shall be announced by the Superintendent, or by an officer of the tribe designated by the Council, through a circular letter to the Southern Utes at least ten days before the election.

SEC. 3. At the first election after the approval of this Constitution, nominations for members of the Council for the Southern Utes shall be made for the one, two, and three year terms 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. The voting place shall be at the Consolidated Ute Agency. Voting shall be by show of hands.

SEC. 4. Notice of special elections shall be given in the same manner as that for general or regular elections.

ARTICLE V—POWERS OF THE COUNCIL

SECTION 1. The Council of the Southern Ute Tribe shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and the attached By-laws.

(a) To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets, without the consent of the tribe. Leases shall be made by the Council, subject to the approval of the Secretary of the Interior, in accordance with existing law, but

no lease nor grant of tribal land, nor of interest in land, nor of water rights shall be made to a non-member of the tribe unless it has been approved by a referendum vote of the tribe and authorized by the Council.

(b) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Ute Indians of the Southern Ute Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(c) To select subordinate boards, tribal officials, and employees of the Council not otherwise provided for in this Constitution and to prescribe their tenure and duties.

(d) To promulgate ordinances regulating the domestic relations of members of the tribe.

(e) To make rules and regulations governing its own procedure.

(f) To approve or veto expenditures from the tribal funds which may be proposed by the Secretary of the Interior.

(g) By ordinances and resolutions, subject to review by the Secretary of the Interior, to manage the tribal herds, particularly with regard to the selling of steers, lambs, wool, the purchasing of fresh stock, the distribution of the increase to the Indians as individual cattle and sheep owners, and the protection of the herds and the range against encroachments.

(h) To employ legal counsel for the protection and advancement of the Southern Ute Tribe of the Southern Ute Reservation, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(i) To pass ordinances, subject to review by the Secretary of the Interior, covering the activities of voluntary associations consisting of members of the tribe organized for purposes of cooperation or for other purposes, and to enforce the observance of such ordinances.

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

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

(l) To prescribe rules for the inheritance of property other than allotted lands.

(m) To regulate the conduct of members of the tribe and to protect the public peace, safety, morals, and welfare of the reservation through the promulgation and enforcement of ordinances, subject to review by the Secretary of the Interior, to effectuate these purposes.

(n) To appropriate for public purposes any available funds of the tribe.

(o) To request the Superintendent to furnish it with the names of all Civil Service probationers or temporary employees under Civil Service regulations on the Southern Ute Reservation that are nearing the end of their probationary periods, and to advise with the Superintendent in the matter of their being given permanent positions as employees on the reservation.

SEC. 2. The Council may exercise such further powers as may be delegated to the Southern Ute Tribe by the Secretary of the Interior or by any other qualified official or agency of Government.

SEC. 3. Any rights and powers heretofore vested in the Southern Ute Tribe of the Southern Ute 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 Southern Ute Reservation through the adoption of appropriate bylaws and constitutional amendments.

SEC. 4. 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 ten days thereafter, approve or disapprove the same, and if such ordinance or resolution is approved, 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 ninety days from the date of enactment, rescind said ordinance or resolution for any cause, by notifying the Council of such action: *Provided*, That if the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the Council of his reasons therefor, and the Council, if such reasons appear to be insufficient, may refer the ordinance or resolution to the Secretary of the Interior, who may pass upon same and either approve or disapprove it within ninety days from its enactment.

ARTICLE VI—GENERAL COUNCIL

The General Council consisting of all the voters of the Southern Ute Tribe of the Southern Ute Reservation shall assemble at the time appointed for a regular annual election, and at such other times as the Council of the Southern Ute Tribe shall call them together for the discussion of matters relating to the public welfare. A General Council may also be called upon a petition signed by a majority of the qualified voters of the reservation.

ARTICLE VII—LAND

The reservation land now unallotted shall remain tribal property and shall not be allotted to individuals in severalty, but assignment of land for private use may be made by the Council in conformity with ordinances which may be adopted on this subject, provided the vested rights of members of the tribe are not violated. 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 Council through appropriate ordinances.

ARTICLE VIII—AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided 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 upon presentation of a petition signed by a majority of the eligible voters of the tribe.

BY-LAWS OF THE UTE INDIANS OF THE SOUTHERN UTE RESERVATION, COLORADO

ARTICLE I—MEETINGS OF THE COUNCIL

SECTION 1. At the first meeting of the Council after a regular election, the Council shall see that its members have a correct and clear understanding of the Constitution and By-laws and of the management of the tribal and reservation affairs as well as of the rules for the conduct of its own body.

SEC. 2. The regular meetings of the Council shall be held on a date decided on at a previous meeting of the Council but meetings shall be held once a month at 9:00 o'clock in the morning.

SEC. 3. The Chairman of the Council shall call a special meeting of the Council upon the request of two or more Councilmen. Notice of such special meeting shall be given to every member of the Council and to the Superintendent as promptly as possible.

SEC. 4. Matters of business before the Council shall be decided by a majority vote of a quorum present. A majority of the members of the Council shall constitute a quorum. In the absence of the Chairman, the remaining members of the Council may elect a temporary Chairman.

ARTICLE II—DUTIES OF OFFICERS

SECTION 1. The Chairman of the Council shall preside over all meetings of the Council, shall perform all duties of a Chairman and exercise any authority given him by the Council or by a General Council of the tribe. He shall vote only in case of a tie.

Sec. 2. The Secretary-Custodian shall be chosen by the Council from among its members if there is among them a man able to perform such duties; otherwise the Council may elect a Secretary-Custodian from the outside. If a Council member is able to perform common secretarial duties but not to conduct more difficult secretarial business, he may have a competent assistant from outside the Council. As long as the Federal Government gives help in health and educational service, a Superintendent, and other advisory officials, it may be represented at the Council meetings by a delegate without vote, and such delegate may be selected by the Council to serve as Secretary. To such a secretary, or other employee of the United States Government, selected by the Council, shall be entrusted for the time heretofore referred to, the safekeeping of all valuable papers and records of the Council and tribe, such papers to be kept in the agency office and be accessible to the Council Chairman and other authorized persons.

The Secretary-Custodian shall send out notices of elections and regular and special meetings at the direction of the Council or its Chairman, and shall perform such other clerical duties as may be given him by the Council.

SEC. 3. The Council treasurer shall be the custodian of all moneys which may come under the jurisdiction or into the control of the Council. He shall pay out money in accordance with the orders and resolutions of the Council. He shall keep account of all receipts and disbursements and shall report the same to the Council at each regular meeting. He shall be bonded in such an amount as the Council may by resolution, approved by the Commissioner of Indian Affairs, provide. The books of the Council treasurer shall be subject to audit or inspection at the direction of the Council or the Commissioner of Indian Affairs. Until the treasurer is bonded, the Council may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

ARTICLE III—RESTRICTION ON VOTING OF COUNCILMEN

Any Councilman who may be personally interested in any matter before the Council shall not vote on such matter without the consent of the remaining members.

ARTICLE IV—ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when adopted by a majority vote of the qualified voters of the Southern Ute Tribe of the Southern Ute Reservation, voting at a special election called by the Secretary of the Interior, in which at least thirty (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 August 4, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Southern Ute Tribe of the Southern Ute Reservation and was on September 12, 1936 duly ratified by a vote of 61 for and 8 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).

ANTONIO BUCK, SR.,
Chairman of Election Board.
 JULIUS CLOUD,
Secretary of Election Board.

D. H. WATSON, *Superintendent.*

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Southern Ute Tribe of the Southern Ute 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

By-laws are hereby declared inapplicable to the Southern Ute Tribe of the Southern Ute Reservation.

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

Approval recommended October 23, 1936.

WILLIAM ZIMMERMAN, JR.,

Assistant Commissioner of Indian Affairs.

HAROLD L. ICKES,

Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *November 4, 1936.*



Law Office
S. Ute

AMENDMENT CONSTITUTION AND BY-LAWS OF THE SOUTHERN UTE TRIBE OF THE SOUTHERN UTE RES- ERVATION, COLORADO

AMENDMENT I.

Article IV, Section 3, shall be amended to read as follows:

"At the first election after approval of this Constitution, nominations for members of the Council for the Southern Utes shall be made for the one, two and three year term 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. The voting shall be at the Consolidated Ute Agency. Voting shall be by secret ballot."

I, Oscar L. Chapman, Assistant 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 amendment to the Constitution and By-laws of the Southern Ute Tribe of the Southern Ute Reservation.

Approval recommended: January 9, 1943.

WILLIAM ZIMMERMAN, Jr.,
Assistant Commissioner.

OSCAR L. CHAPMAN,
Assistant Secretary.
[SEAL]

WASHINGTON, D. C., February 2, 1943.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved September 29, 1942, by the Assistant Secretary of the Interior, the attached Amendment to the Constitution and By-laws for the Southern Ute Tribe of the Southern Ute Reservation, Colorado, was submitted for ratification to the qualified voters of the Tribe, and on October 15, 1942, was adopted by a vote of 46 for, and 0 against, in an election in which more than 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).

JULIUS N. CLOUD,
Chairman, Tribal Council.

MARY CRAIG,
Acting Secretary, Tribal Council.

FLOYD E. MACSPADDEN,
Superintendent, Consolidated Ute Agency.