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Papago tribe.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

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CONSTITUTION AND BY-LAWS OF  
THE PAPAGO TRIBE  
ARIZONA

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# CONSTITUTION AND BY-LAWS OF THE PAPAGO TRIBE

## PREAMBLE

We, the members of the Papago Tribe of Sells, Gila Bend, and San Xavier Reservations, in the State of Arizona, in order to build upon our established laws and customs and form a tribal organization; to establish justice; to insure tranquillity and liberty; to conserve our tribal property; to develop our common resources; and to promote the best welfare of the present generation and our children in education and industry, do ordain and establish this Constitution and By-laws.

## ARTICLE I—TERRITORY

The jurisdiction of the Papago Council of Sells, Gila Bend, and San Xavier Reservation shall extend to the territories within their original boundaries as established by Executive Orders as follows: Gila Bend, December 12, 1882, modified June 17, 1909; San Xavier, July 1, 1874; and Sells Papago Reservation by Executive Order of February 1, 1917, and the Act of February 21, 1931, and to such other lands as may be added hereafter, either by purchase from tribal funds, or under any law of the United States.

## ARTICLE II—MEMBERSHIP

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

(a) All Indians whose names appear on the official census roll of the Papago Tribe as of January 1, 1936, and all children of resident members, provided that within two years from the adoption and approval of this Constitution and By-laws, additions and changes may be made by the Papago Council, subject to the approval of the Secretary of the Interior.

(b) The Council shall have power to adopt all children born outside of the reservations, who are the offspring of members, and are one-half or more Indian blood.

## ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Papago Tribe shall consist of a council known as the Papago Council.

SEC. 2. Two representatives to the Papago Council shall be selected from each of the 11 districts of the reservations, and in such manner as each district shall determine for itself.

SEC. 3. The first meeting of the Papago Council shall be called within thirty days after the adoption and approval of this constitu-

tion, and each district shall be given at least fifteen days' notice of such first meeting in order that it may elect its representatives. The Chairman and Secretary of the Constitutional Committee, acting with the Superintendent of the Agency, shall issue the call for the first meeting and supervise its assembly, but the Papago Council itself shall be the sole judge of the certification of its members.

SEC. 4. The Council at its first meeting shall elect from within or without its own membership, a Chairman, a Vice-Chairman, Secretary, and Treasurer and such other officers as may be advisable, to serve for one year each.

SEC. 5. The tenure of each member of the Papago Council shall be two years, or until recalled by the district which selected him and until replaced by another selected by the District Council to fill his place.

#### ARTICLE IV—DISTRICT ORGANIZATION

SECTION 1. For the purpose of representation and administration there shall be 11 districts, including among them as two such districts, the Gila Bend and San Xavier Reservations. The Council shall have the power to change the territory of said districts.

SEC. 2. Each district shall govern itself in local matters in accordance with its old customs and such changes as may from time to time appear desirable and expedient, except that each district shall elect a District Council of not less than five members, one of whom shall act as headman or chairman.

SEC. 3. Each district shall manage its own local affairs, but any matters involving more than one district shall be decided by the Papago Council.

SEC. 4. If a vacancy occurs in the Council it shall be filled by the District Council from which the vacancy occurred.

#### ARTICLE V—POWERS OF THE PAPAGO COUNCIL

SECTION 1. The Papago Council, subject to the guarantees contained in Article VI of this Constitution, reserves the right and is hereby confirmed in the right to use its old laws and customs in its religious ceremonials, in its social life, and in its local self-government. This includes the manner of selecting headmen and councils and of deciding matters affecting the welfare of individuals and the communities.

SEC. 2. Powers not subject to review by the Secretary of the Interior:

The Council shall have the power:

(a) To negotiate with the Federal, State, and local governments and corporations on behalf of the tribe.

(b) To employ legal counsel, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To prevent the sale, disposition, lease, or incumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe, or the grant or relinquishment of any rights to the use of mineral rights or other natural or fiscal assets of the Papago Indians.

(d) To advise with the Secretary of the Interior and Congress as to its desires and wishes on all appropriation estimates and federal projects for the three Papago Reservations and for the benefit of the Papago Tribe, and as to monies spent for such purposes.

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

(f) To regulate its own procedures.

(g) To require members to contribute labor for public works in their own communities only.

(h) To protect the public health and morals of the Tribe, and to provide for public welfare.

(i) To regulate domestic relations of members of the Tribe.

(j) To require members temporarily living away from the three Papago Reservations to share in the expense of any public works or community improvements in their own districts.

(k) To cooperate with the Commissioner of Indian Affairs and his officials in maintaining the best schools possible for the Papagos.

(l) To cultivate and preserve native arts, crafts, and culture.

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

### **SEC. 3. Powers subject to review by the Secretary of the Interior.**

The Council shall have the power:

(a) To have the control of all tribal funds which are not under the control of Congress; to provide for the manner of all loans to individuals or cooperatives; to appropriate money out of available tribal funds for salaries of tribal officials and for other expenses of public business, and to recommend the appropriation of tribal funds and other funds within the control of Congress or of the Secretary of the Interior.

(b) To provide for the maintenance of law and order and the administration of justice by establishing a tribal court or courts and a police force, and defining the powers and duties of such courts and police.

(c) To remove or exclude from any of the three Papago Reservations non-members who occupy reservation land without lawful authority and whose presence may be injurious to the peace, happiness or welfare of the members of the Tribe.

(d) To promulgate ordinances covering the assignment of tribal land and the leasing of tribal land in conformity with departmental regulations for the protection of Indian ranges pursuant to section 6 of the Act of June 18, 1934.

(e) To regulate and license non-members doing business upon reservation lands, and to issue permits for hunting, fishing and trapping upon such lands.

(f) To make recommendations to the Superintendent, the Commissioner of Indian Affairs, or the Secretary of the Interior, concerning the appointment and removal of employees assigned to duties on the Papago Reservations.

(g) To charter subordinate organizations and to supervise their activities under ordinances regularly passed and approved.

(h) To manage the economic affairs of the Tribe, tribal lands, and property, provided that this power may be exercised without review by the Secretary of the Interior in cases specifically authorized by this Constitution or by a Corporate Charter which may be issued to the Tribe by the Secretary of the Interior.

(i) To promulgate and enforce ordinances regulating the establishment and maintenance of airports on the Reservations, and to regulate traffic on the highways of the Papago Reservations in the interest of the safety, peace and welfare of the people.

(j) To provide by ordinance for the inheritance of personal property and assignments as nearly as possible in conformity with established customs.

(k) To regulate the use and disposition of the property of members of the Papago Tribe insofar as such use and disposition affects the welfare of the Tribe at large.

SEC. 4. The Papago Council may exercise such further powers as may in the future be delegated to the Tribe by the Secretary of the Interior, or by any other duly authorized official or agency of government.

SEC. 5. Any rights and powers heretofore vested in the Papago Tribe, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the members of the Papago Tribe through the adoption of appropriate By-laws and constitutional amendments.

SEC. 6. 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 Papago Reservations 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 of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of the enactment, rescind the said ordinance or resolution for any cause, by notifying the Papago Council of his veto.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the Papago 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 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

## ARTICLE VI—RIGHTS OF MEMBERS

SECTION 1. All members of the Papago Tribe shall have the freedom of worship, speech, press, and assembly.

SEC. 2. All members of the Papago Tribe shall be given equal opportunity to participate in the economic resources and activities of the Papago Reservations.

## ARTICLE VII—APPOINTMENT OF JUDGES AND POLICE

Judges and police of the tribal court or courts may be elected by a vote of the people, each for a term of two years. When any one of them is guilty of any felony or misdemeanor, he may be subject to recall. When so elected, salaries for these officers may be continued to be paid from government appropriations.

## ARTICLE VIII—LANDS

**SECTION 1.** The unallotted lands of the Papago Reservations, and all lands which may be acquired in the future by or for the Papago people, shall be held as tribal lands forever.

**SEC. 2.** All allotted lands, including heirship lands, within the Papago Reservations, shall continue to be held by their present owners under existing laws, as well as the improvements thereon. It is further recognized that no owner of allotted land shall be compelled to relinquish his land except for public purposes of the Tribe, and in such cases the land owner shall receive just and fair compensation for the land relinquished.

**SEC. 3.** Tribal lands may be assigned to members of the Papago Tribe in accordance with the following provisions:

(a) The assignment of land for beneficial use and occupancy shall be made by the District Councils under their customary regulations, or in accordance with ordinances passed by the Papago Council and approved by the district.

(b) Every member of the San Xavier District Community who is the head of a family that does not own any land under allotment, or who agrees to surrender to the district all such land, including interests in land in heirship status, shall be entitled to receive an assignment of new land if such is available.

(c) Any member of the Papago Tribe who owns an allotment of land or any share in heirship land or any deeded land, may, with the approval of the Secretary of the Interior, voluntarily transfer his interests in such land to the tribe and receive therefor an assignment to the same land or to land of equal value.

**SEC. 4.** Tribal lands which are not assigned may be used for communal pastures or gardens by the various districts or for public purposes of any sort. Such lands may also be leased by the District Community and one-half of the proceeds of such leases shall accrue to the Papago Council and one-half to the District Council: *Provided*, That all leases to non-members and leases to members in excess of a reasonable acreage as determined by the Council shall be subject to the approval of the Secretary of the Interior.

**SEC. 5.** Inasmuch as the land is held in common by the Papago Tribe, it is provided that the district fences now being constructed by the Government shall not hold any Papago from going into another district to farm, just as he has for many years past. Should it be found in time to come that these fences become a detriment to the livestock industry and progress, parts of them may be removed as may be determined by agreement of the District Councils concerned.

**SEC. 6.** All individual developments on the reservation lands such as water developments, farms, and homes shall be held as personal

property. Personal property and property obtained or built up by an individual shall be subject to his disposal in accordance with the customs of the district in which he lives.

SEC. 7. The right to continued use and occupancy of buildings and grounds for religious and educational purposes, which were in use for said purposes by any church or missionary organization on January 1, 1936, is hereby confirmed: *Provided*, That said buildings and grounds shall, in the discretion of the Papago Council, revert to the Papago Tribe when no longer used for such religious or educational purposes by the church or missionary organization in possession on January 1, 1936.

## ARTICLE IX—AMENDMENTS

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

## BY-LAWS OF THE PAPAGO TRIBE

### ARTICLE I—DUTIES OF OFFICERS

SECTION 1. The Chairman of the Papago Council shall preside at all meetings of the Council, shall perform all duties of a chairman and exercise any authority delegated to him by the Papago Council. He shall vote only in case of a tie.

SEC. 2. The Vice-Chairman of the Papago Council shall assist the Chairman when requested to do so, and in the absence of the Chairman, he shall preside and assume all the duties of the Chairman.

SEC. 3. The Secretary of the Papago Council shall keep the minutes of all regular and special meetings, conduct all tribal correspondence and keep an accurate record of all business transacted. It shall be his duty to submit copies of all minutes of regular and special meetings of the Papago Council to the Superintendent of the Agency and to the Commissioner of Indian Affairs.

SEC. 4. (a) The Treasurer of the Papago Council shall accept, receipt for, keep, and safeguard all funds in the custody of the Papago Council, whether same be tribal funds or special funds for which the Papago Council is acting as trustee or custodian. He shall deposit all such funds as directed by the Papago Council and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, to the Council at regular and special meetings and at such other times as requested by the Papago Council, his reports to be in writing and matters of record. He shall not pay or otherwise disburse any funds in the possession or custody of the Council except when properly authorized to do so by resolution duly passed by the Papago Council.

(b) The books and records of the Treasurer shall be audited at least once a year by a competent auditor employed by the Papago Council, and at such other times as the Council or the Commissioner of Indian Affairs may direct.

(c) The Treasurer shall be required to give a surety bond satisfactory to the Papago Council and the Commissioner of Indian Affairs.

(d) The Treasurer shall be present at all regular and special meetings of the Council.

(e) All checks shall be signed by the Treasurer and shall be countersigned by the Chairman of the Papago Council, and all checks issued shall be approved by the Superintendent of the Papago Reservations until such time as may be determined pursuant to a Corporate Charter to be issued to the Papago Tribe, after which such approval by the Superintendent will not be required.

## ARTICLE II—MEETINGS

SECTION 1. Regular meetings of the Papago Council shall be held at 1:00 o'clock p. m. on the first Saturday of each month at the Sells Agency in a designated hall or building where official records may be kept. Special meetings may be called by a written notice of the Chairman or by a majority of the Papago Council, who shall notify all members at least twenty-four hours before convening the meeting.

SEC. 2. No business shall be transacted by the Papago Council unless a quorum is present. A quorum shall consist of a majority of the members.

## ARTICLE III—ADOPTION

This Constitution and By-Laws, when ratified by a majority vote of the qualified voters of the Papago Tribe, voting at a special election called for the purpose by the Secretary of the Interior at which at least thirty percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior, and if approved, shall be effective from the time of such approval.

## CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 12, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the adult Indians of the Papago Tribe of Sells, Gila Bend, and San Xavier Reservations, Arizona, and was on December 12, 1936, duly ratified by a vote of 1,340 for, and 580 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).

JOSE X. PABLO,  
*Chairman of Election Board.*

JUAN HARVEY,  
*Secretary of Election Board.*

THEODORE B. HALL, *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 (49 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Papago Tribe of Sells, Gila Bend, and San Xavier Reservations, Arizona.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may

be incompatible with any of the provisions of the said Constitution or By-laws are hereby declared inapplicable to those Indians.

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

Approval recommended December 24, 1936.

JOHN COLLIER,

*Commissioner of Indian Affairs.*

HAROLD L. ICKES,

*Secretary of the Interior.*

[SEAL]

WASHINGTON, D. C., *January 6, 1937.*

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