

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

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CONSTITUTION AND BY-LAWS OF
THE QUECHAN TRIBE OF THE
FORT YUMA RESERVATION
CALIFORNIA

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APPROVED DECEMBER 18, 1936



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CONSTITUTION OF THE QUECHAN TRIBE, FORT YUMA, CALIFORNIA

PREAMBLE

We, the members of the Quechan Indian Tribe of the Fort Yuma Indian Reservation, California, in order to establish justice, insure tranquility, promote the general welfare, safeguard our interests, and secure the blessings of freedom and liberty for ourselves and for our posterity, do

Hereby form and authorize a Tribal Council and we do ordain and establish this Constitution and set of By-laws as an expression of the aims and purposes of such Quechan Tribal Council and as a guide to its deliberations.

ARTICLE I—OBJECT AND PURPOSE

The object and purpose of the Quechan Tribal Council shall be to establish justice, insure individual, domestic, and tribal tranquility and to promote the general welfare of the individual members of the Quechan Tribe and of the Tribe as a whole; to represent the Quechan Tribe in all affairs; and to do all other things which will gain, or serve to gain, for the people of the Quechan Tribe a richer culture and an assured economic independence.

ARTICLE II—JURISDICTION AND MEMBERSHIP

SECTION 1. The jurisdiction of the Council and courts of the Quechan Tribe shall extend to the land now or hereafter comprised within the Fort Yuma Indian Reservation.

SEC. 2. The membership of the Quechan Tribe shall consist, in the first place, of all persons appearing on the April 1, 1934 census roll of the Tribe. Secondly, all children of resident members shall be entitled to membership; and all children of non-resident members who are one-half or more Indian blood shall be entitled to membership. Finally, the Council shall have power to promulgate ordinances covering the adoption of new members. No person other than Indian shall be adopted in the Quechan Tribe who has not resided upon the reservation for a probationary period not to exceed five years, to be fixed by ordinance of the Tribal Council. Intermarried Indians or descendants of members may be adopted as full members of the Quechan Tribe, but non-Indians who may be adopted shall have no right to hold tribal office or to receive assignments of land, or otherwise to share in the tribal property.

ARTICLE III—ORGANIZATION OF COUNCIL

SECTION 1. The Quechan Tribal Council shall be composed of seven members of the Quechan Tribe, who shall be residents of the Fort Yuma Indian Reservation. They shall be elected to office by popular

vote and shall serve as members of this Council for a term of two years from the date of installation. The members of the Council elected at the first election shall hold office until the first Monday in January, 1939, or until their successors shall have been regularly elected and qualified.

SEC. 2. Each adult member of the Tribe shall be entitled to cast one vote and the seven candidates receiving the highest number of votes shall be declared elected.

SEC. 3. The first election of the Tribal Council shall be held within thirty days after the ratification and approval of the Constitution and By-laws and shall be called and supervised by the present Constitutional Committee.

SEC. 4. Thereafter, elections shall be held on the first Monday of January of each alternate year, and notice of such elections shall be posted in at least three conspicuous places on the reservation at least thirty days prior to the date of such election.

SEC. 5. Immediately after the election of members of the Council, members so elected shall assemble and perfect the Quechan Tribal Council organization by electing from their own members a President, and Vice-President. They shall also appoint from outside their own members a Tribal Secretary and a Tribal Treasurer. They shall also appoint such other boards, officers, and employees as may be necessary.

ARTICLE IV—POWERS OF COUNCIL

SECTION 1. The Tribal Council shall have the power:

(a) To negotiate with the Federal, State, and local governments on behalf of the Tribe;

(b) To present and prosecute any claims or demands of the Quechan Tribe;

(c) To assist members of the Tribe in presenting claims and grievances of a tribal nature before any court or agency of government;

(d) To employ legal counsel for the protection and advancement of the rights of the Tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(e) To revise the census roll of the Quechan Tribe within one year after the adoption of this Constitution, with the approval of the Secretary of the Interior.

SEC. 2. The Council shall have the power to prevent the sale, disposition, lease or incumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the Tribe.

SEC. 3. The Council shall have the power to administer any funds or property within the control of the Tribe, but the exercise of this power shall be subject to approval by the Secretary of the Interior for a period of four years only from the date of the adoption of this Constitution. It shall also have power to advise with the Secretary of the Interior upon all appropriation estimates or Federal projects for the benefit of the Tribe prior to the submission of such estimates to the Bureau of the Budget and Congress, and to make prompt recommendations to the Secretary of the Interior or to the proper committees of Congress with respect to all such estimates and appropriations.

SEC. 4. The Council shall have the power to select subordinate boards, officials, and employees not otherwise provided for in this Constitution and to prescribe their tenure and duties. It shall have the power to make expenditures from available funds for public purposes, including salaries or other remuneration of community officials or employees subject to the restrictions in Section 3 of this article. Such salaries or remuneration shall only be paid for services actually authorized in a regular and legal manner and actually rendered and the amount or amounts so paid shall be a matter of public record at all times.

SEC. 5. The Council shall have the power, when just cause or extreme emergency exists which shall create a hazard to the peace and safety of the Tribe as a whole or to the individual members thereof, to require the individual members of the Tribe to assist in community labor.

SEC. 6. The Council shall have the power to regulate, license and levy fees upon non-members doing business within the jurisdiction of the Tribe. This shall not apply to churches or schools.

SEC. 7. The Council shall have the power to promulgate ordinances for the purpose of safeguarding the peace and safety of residents of the Fort Yuma Indian Reservation, and to establish minor courts for the adjudication of claims or disputes arising amongst the members of the Tribe and for the trial and punishment of members of the Tribe charged with the commission of offenses set forth in such ordinances.

SEC. 8. The Council shall have the power to purchase under condemnation proceedings in State or Federal courts of competent jurisdiction land or other property needed for public purposes.

SEC. 9. The Council shall have power to charter subordinate organizations for economic purposes, and to regulate the activities of cooperative associations of members of the Quechan Tribe through ordinances which shall be subject to approval by the Secretary of the Interior.

SEC. 10. The Council shall have the power to prescribe rules of inheritance, except concerning allotted lands under present laws, and to receive voluntary relinquishments of allotments and heirship lands and to issue assignments of land to members of the Tribe upon such conditions as may be laid down in the By-laws.

SEC. 11. The Council shall have the power to encourage and protect the public health and morals and to promote the public welfare by appropriate regulation of the activities of members of the Tribe.

SEC. 12. The Council shall have the power to regulate the domestic relations of members of the Tribe.

SEC. 13. The Council shall have the power to provide by ordinance for the appointment of guardians for minors and mental incompetents.

SEC. 14. The Council may exercise such further powers as may be delegated to the Quechan Tribal Council by qualified officials or agencies of government.

SEC. 15. The Council shall have power to regulate its own procedure by ordinance or resolution.

SEC. 16. All ordinances and resolutions governing the adoption of new members (Article II, Section 2); the licensing and levying of fees on non-members (Article IV, Section 6); the regulations of

inheritance (Article IV, Section 10); and the appointment of guardians (Article IV, Section 13); shall be subject to the approval of the Secretary of the Interior.

SEC. 17. The foregoing enumeration of powers shall not be construed to limit the powers of the Quechan Tribe, but all powers of local government not expressly entrusted to the Tribal Council by this Constitution shall be reserved to the people of the Quechan Tribe, and such powers may be exercised through the adoption of appropriate by-laws or constitutional amendments.

SEC. 18. All ordinances or resolutions pursuant to the exercise of any power enumerated in this article shall be consistent with the laws established by the United States Government, and by the State of California and any political subdivision thereof, in so far as such laws may apply to members of the Quechan Tribe resident upon the Fort Yuma Reservation.

ARTICLE V—NOMINATIONS AND ELECTIONS

SECTION 1. Nomination of candidates for any office in the Council shall be made as follows:

Any member of the Tribe whose name is presented, at least ten days prior to any election, to the Tribal Secretary or to the President, or in his absence, to the Vice-President of the Council, by petition signed by at least ten adult members of the Tribe, shall be declared by the Council to be regularly nominated and to be a candidate for the office indicated in such petition.

SEC. 2. It shall be the duty of the Council to see that all nominations for tribal office, including membership in the Council, shall be made in strict accord with the provisions of the Constitution. It shall be the further duty of the Council to certify to the legality of such nominations within ten days after such nominations, and no nomination shall be considered legal and of effect until so certified by the Council.

SEC. 3. It shall be the duty of the Council to see that all elections for tribal office are held in strict conformity to the provisions of the Constitution.

SEC. 4. All necessary details concerning tribal nominations and elections not specifically covered in this article shall be more fully set forth in ordinances to be hereafter established by the Council.

ARTICLE VI—VACANCIES

SECTION 1. If any member of the Council shall remain absent from any three consecutive regular or special meetings without sufficient reason, he shall automatically forfeit his office, and the Council shall proceed to fill the office in the regular manner provided herein.

SEC. 2. Any member of the Council who shall be convicted of any felony or of accepting any bribe shall automatically forfeit his office.

SEC. 3. The members of the Tribe shall have the power to recall any member of the Council who has served for at least six months. They may exercise this power by preferring charges and by presenting petitions stating these charges, which petitions shall be presented for popular vote in the manner set forth in the following article providing for the exercise of the power of veto.

SEC. 4. The ballot used at such recall election shall contain the question: Shall (name of member) be recalled from office on the Quechan Council? and shall contain a space opposite such question in which the words "Yes—No", where the voter shall indicate by making a mark whether he wishes to vote for or against the recall of the member so named.

SEC. 5. In the event of a vacancy, from any cause whatever, it shall be the duty of the Council to assemble immediately and select from the eligible list of candidates from the previous election a person or persons to fill such vacancy, except that where such vacancy shall occur less than thirty days prior to a general election, then such vacancy shall be filled at such general election.

ARTICLE VII—POPULAR VETO

SECTION 1. The members of the Tribe shall have the power of veto over any ordinance or resolution of the Council, and such veto may be exercised in the following manner:

SEC. 2. Any member of the Tribe may circulate a petition amongst the adult members of the Tribe and such petition shall state fully the ordinance or resolution to which objection is made and the reason for the objection.

SEC. 3. If one hundred adult members of the Tribe shall sign such petition and shall then file such petition with the Tribal Secretary or with the President, or in his absence with the Vice-President, the Council shall forthwith suspend the operation of the ordinance or resolution which is challenged, and call an election in the regular manner, on the question of sustaining such veto.

SEC. 4. If a majority of the adult members of the Tribe shall vote to sustain such veto, the ordinance or resolution so vetoed shall thereafter have no force or effect.

ARTICLE VIII—LAND

SECTION 1. The unallotted lands of the Fort Yuma Reservation and all lands which may be acquired in the future by or for the Quechan Tribe shall be held as tribal lands forever.

SEC. 2. Tribal lands may be assigned to members of the Tribe in conformity with the following provisions:

(a) Assignments of land shall be held for life, but after the death of an assignee, his requests or his heirs shall be given due consideration in the reassignment of the land.

(b) Every member of the Tribe who is the head of a family who has no allotted land or who voluntarily agrees to surrender title to his or her land to the Tribe shall be entitled to receive an assignment of tribal land.

(c) The amount of such assignment shall be based upon a calculation of the land available for assignment, the number of applicants for the available land, the number of dependents in the family, and the amount of land that each family can beneficially use.

(d) The assignments may be made either of specific tracts of land or of shares in larger tracts which are to be used for grazing or other purposes by many individuals in common.

SEC. 3. Tribal land which is not assigned may be used for public purposes or leased by the Tribal Council in accordance with law, the proceeds of such leases to accrue to the Tribal Treasury to be used for the support of the helpless and for other public purposes.

SEC. 4. The Council shall prepare and submit to popular vote a comprehensive set of By-laws covering the conditions under which the assignments of tribal land 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 covering allotments and heirship lands and the awarding of assignments.

ARTICLE IX—NON-PARTISAN NON-SECTARIAN

SECTION 1. The Council shall at all times be non-partisan and non-sectarian in character.

SEC. 2. Nothing herein stated in this article shall serve to prevent the exercise of free speech and action in any matter not having to do with the deliberations of the Council.

ARTICLE X—AMENDMENTS

This Constitution and the appended 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 thirty 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 presentation of a petition signed by one hundred eligible voters, members of the Tribe.

BY-LAWS OF THE QUECHAN TRIBE

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. It shall be the duty of the President to preside at all meetings of the Council.

SEC. 2. The Vice-President shall preside in the absence of the President. When so presiding he shall have all the rights, privileges and duties as well as the responsibilities of the President.

SEC. 3. In order to insure the greatest measure of competency and efficiency, it shall be the first duty of the Tribal Council to give careful and impartial consideration to the selection of a secretary to the Quechan Tribe Council. Such selection shall be made upon the basis of the candidates' qualification.

It shall be the duty of the Secretary to keep a true record of all matters affecting the tribal records and accounts, and to render proper accounting of such records and statistics as are required by the Tribal Council. He shall also be present at all meetings of the Council and shall keep an accurate record of all Council proceedings. It shall be his duty to make a record of the minutes of such meetings in quadruplicate, and he shall retain the original copy of such records in the Quechan Tribal Council files and shall immediately forward one copy of such record to the Superintendent of the reser-

vation and shall forward the two remaining copies of such records direct to the office of the Commissioner of Indian Affairs. The Secretary shall have no voice in the deliberations of the Council nor shall he have a vote in any matter before the Council.

SEC. 4. The same careful and impartial consideration as outlined in the preceding section shall be observed by the Tribal Council in the selection of a treasurer. It shall be the Treasurer's duty to accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Council, whether same be tribal funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere as directed by the Council and shall make and preserve a true 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 at least once each six months, such report being made in writing to the Council. He shall make a report of any and all funds in his possession or custody at other times, upon the request so to do by the Council. He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the Quechan Tribal Council, except when properly authorized so to do by resolution duly passed and properly recorded by the Council.

The books and records of the Tribal Treasurer shall be audited at least once each year by a competent auditor employed by the Council and at such other times as the Council or the Tribe as a whole or the Commissioner of Indian Affairs may direct.

The Treasurer shall be required to give a bond satisfactory to the Council and to the Secretary of the Interior; until the Treasurer is bonded the Tribal Council may make provision for the proper custody and disbursements of funds in order to guarantee their safety and proper disbursement and use. The Treasurer shall be present at all regular and special meetings of the Quechan Tribal Council, but will have no voice in the deliberations of the Council nor a vote in any matter before the Council.

SEC. 5. The Sergeant-at-arms of the Quechan Tribal Council shall be appointed by the members of the Council. It shall be his duty to be present at all meetings of the Tribal Council, and to maintain order and decorum within the council chamber and to perform such other duties as may be designated or ordered by the Council. He shall serve all summonses emanating from the Quechan Tribal Council and shall make proper returns on same. He shall have no voice or vote in the deliberations of the Council.

ARTICLE II—MEETINGS OF THE TRIBAL COUNCIL

SECTION 1. Regular meetings of the Council shall be on the first Tuesday of each month; but special meetings may be called at other times by the President, or in his absence by the Vice-President; and it shall be the duty of the officer calling such meeting to transmit to each member notice of such meeting, in writing, at least twenty-four hours before the time of such meeting.

SEC. 2. Special meetings of the Council shall also be held upon written request of either four members of the Council or twenty-five adult members of the Tribe, and when such written request is made and filed with the Secretary, President, or Vice-President of the

Council, the members of the Council shall be ordered to assemble at the time specified.

SEC. 3. Four members of the Council including the President or Vice-President shall constitute a quorum.

ARTICLE III—CONDUCT OF MEETINGS

All meetings of the Council shall be open to all members of the Tribe. Balloting at all meetings shall be by roll call, or by a rising vote.

ARTICLE IV—MINUTES AND RECORDS

SECTION 1. It shall be the duty of the Council to exercise care and caution to the end that a complete and full record is preserved of all acts of the Council and of all committees appointed therefrom. True copies of all such records shall be preserved in the files of the Council and true copies of all necessary records shall be transmitted to such bureaus, departments or elsewhere as may be required.

SEC. 2. All records of the Council and its committees or delegates shall at all times be matters of public record. Any member of the Quechan Tribe shall have full and free access to same during business hours.

SEC. 3. Copies of all leases, contracts, deeds, or assignments and all other papers or documents pertaining to lands of any nature on the reservation shall be carefully preserved by the Council, and in so far as is possible all other documents affecting the rights and equities of the Tribe as a whole or the individual members thereof shall be kept and preserved, in order that such information shall be at all times available to the Council and to the individual members of the Tribe.

ARTICLE V—TRIBAL CLAIMS

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

ARTICLE VI—GUARDIANSHIP OF MINORS AND INCOMPETENTS

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

ARTICLE VII—CHARITY

The Council shall recognize the responsibilities of tribal self-government and shall at all times determine in a careful manner what

constitutes just cause for charity. It shall seek the assistance of such charitable organizations as are consistent with its purposes, and it shall cooperate in every manner with those agencies which truly seek to render assistance or aid to the poor and needy.

ARTICLE VIII—PRACTICE OF MEDICINE UPON THE RESERVATION

The Council shall prevent by ordinance or otherwise the unauthorized practice of medicine upon the Reservation, and shall require that any non-member of the Tribe who seeks to practice medicine upon the reservation or to deal in drugs or medicinal supplies shall prove to their satisfaction that he is qualified to do so by the laws of the State of California, or of the Federal Government. Nothing in this section, however, shall serve to apply to or interfere with those members of the Tribe who seek to use native remedies or practices in curing illness or disease.

ARTICLE IX—EDUCATION

The Council shall cooperate with all educational agencies in seeking to promote and increase learning and education amongst the members of the Tribe.

ARTICLE X—SOCIAL WELFARE

The Council shall foster a high type of social welfare work amongst the residents of the reservation, and it shall encourage and promote by every practical means a proper system of social and home education in home economics, social hygiene, home demonstrations, agronomy and farm demonstrations, and it shall lend full support and cooperation to the several state, county and Federal departments and agencies which seek to promote such social welfare and agricultural development. It shall aid and assist in any other community activity whereby the economic, financial, or social betterment of the people of the Tribe may be brought about.

ARTICLE XI—HUNTING AND FISHING ON THE RESERVATION

The Council shall pass ordinances for the control of hunting and fishing upon the reservation consistent with Federal laws and applicable game preservation practices.

ARTICLE XII—PROSPECTING AND MINING

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

ARTICLE XIII—TRIBAL POLICE FORCE

It shall be the duty of the Council to cooperate with the Federal Government in establishing a tribal police force which shall have full jurisdiction upon the reservation in all cases not falling within the exclusive jurisdiction of Federal or State Courts.

ARTICLE XIV—ADOPTION

This Constitution and By-laws, when ratified by a majority vote of the qualified voters of the Quechan Indian Tribe voting at a special election called for the purpose by the Secretary of the Interior, provided that at least thirty per cent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 3, 1936, by the Secretary of the Interior, the attached Constitution and By-laws were submitted for ratification to the members of the Quechan Tribe of the Fort Yuma Agency and were on November 28, 1936, duly ratified by a vote of 129 for, and 116 against, in an election in which over 30 per cent 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).

HENRY CHAPRO,

Chairman of Election Board.

EDWARD ROOSEVELT,

Chairman of Tribal Council.

CLARENCE OLSON,

Secretary of the Tribal Council.

C. H. GENSLER, *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 Quechan Tribe.

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 Quechan Tribe.

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 11, 1936.

JOHN COLLIER,

Commissioner of Indian Affairs.

HAROLD L. ICKES,

Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., *December 18, 1936.*