

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS OF THE
COVELO INDIAN COMMUNITY
CALIFORNIA



APPROVED DECEMBER 16, 1936



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CONSTITUTION AND BY-LAWS OF THE COVELO INDIAN COMMUNITY

PREAMBLE

We, the Indians of the Round Valley Reservation, Mendocino County, California, hereby form and authorize a Tribal Council, to be known as the Covelo Indian Community Council, and do ordain and establish this Constitution and By-laws as an expression of the aims and purposes of this community and as a guide to the deliberations of the Community and its Council.

ARTICLE I—OBJECT AND PURPOSE

The object and purpose of this organization shall be to promote the social and economic welfare of the members of the Covelo Indian Community under the principles and policies of the Indian Reorganization Act. Nothing in this Constitution and By-laws shall be interpreted to jeopardize or deprive any member of the Covelo Indian Community of the rights of his American citizenship.

ARTICLE II—TERRITORY

The jurisdiction of the Covelo Indian Community shall extend to all tribal and trust land within the original boundaries of the Round Valley Reservation and to all lands that have been, or may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE III—MEMBERSHIP

SECTION 1. Membership in this Community shall consist of:

(a) All Indians who are on the original allotment rolls of the Round Valley Reservation and their descendants now living on the Round Valley Reservation;

(b) All children born to any member of the Covelo Indian Community who is a resident of the Round Valley Reservation at the time of birth of said children.

SEC. 2. Descendants of the original allottees living outside the Reservation shall be eligible for membership upon application in writing, under such rules and regulations as may be set up by the Council, provided their degree of Indian blood is not less than one-quarter.

SEC. 3. Any member of the Community who absents himself for a continuous period of one year, without prior leave of absence from the Council, shall be automatically dropped from the membership rolls and may be reinstated only upon application as prescribed for new membership.

SEC. 4. Reinstatement shall be by written application to the Council and shall require a two-thirds ($\frac{2}{3}$) vote of the Community Council.

SEC. 5. The Covelo Indian Community Council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership, loss of membership, and the adoption of new members.

ARTICLE IV—ORGANIZATION OF GOVERNING BODY

SECTION 1. The affairs of the Covelo Indian Community shall be administered by a Council composed of seven (7) members, duly elected by secret ballot, by a majority of the qualified voters of the Community who actually vote at the election.

SEC. 2. The first election of the Council shall be called by the Superintendent of the Sacramento Indian Agency within thirty (30) days after the adoption and approval of this Constitution, and the election shall be supervised by him or his representative.

SEC. 3. The four members receiving the highest vote at this election shall hold office for four years from the first Monday in March 1937, and until their successors are elected; the remaining three members shall hold office for a period of two years from the same date and until their successors are elected for a term of four years thereafter.

SEC. 4. Future elections shall be held, under the supervision of the Community Council, on the first Monday of March of each two-year period beginning with March 1938, and notice of such elections shall be posted in at least three conspicuous places in the Community at least thirty (30) days prior to the date of such election. Voting shall be held at such places as may be designated by the Council.

SEC. 5. Within fifteen (15) days from the date of the first election the Council shall assemble and perfect its organization by electing from its own members a President and Vice-President, who shall hold office until the third Monday in March 1938, and thereafter such officers shall be elected annually at the regular March meeting of the Council. The Council shall elect from its own membership or from the Community, a Secretary, a Treasurer, and a Sergeant-at-Arms, who shall hold office until the third Monday in March 1938, and thereafter such officers shall be elected annually at the regular March meeting of the Council. Such Secretary, Treasurer, and Sergeant-at-Arms when selected from the Community shall not be considered members of the Council.

ARTICLE V—POWERS OF SELF-GOVERNMENT

SECTION. 1. The Council shall have power, subject to the limitations imposed by the Constitution and laws of the United States, to negotiate with Government Agencies; to employ legal counsel, the choice of counsel and fixing of fees to be subject to review by the Secretary of the Interior; to prevent the disposition of Community assets without its consent; to advise the Secretary of the Interior on any appropriation estimates which concern the Community; to exercise control over all assets within the exclusive possession of the Community; to make appropriations of any available community

funds for community purposes; to requisition labor for public purposes; to make rules and regulations for taxation of members, subject to referendum of the people; to impose license fees on non-members, subject to the approval of the Secretary of the Interior; to make rules and regulations governing trespass; to regulate hunting and fishing within the boundaries of the Community; to promulgate ordinances subject to review by the Secretary of the Interior governing the conduct of members of the Community; to appoint peace officers; to condemn the property of its members for public purposes in Courts of competent jurisdiction and to pay fair compensation for same; to supervise all elections.

SEC. 2. 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 (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 ninety (90) days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten (10) days after its enactment, he shall advise the Covelo Indian Community 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 ninety (90) days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. Any rights and powers heretofore vested in the Indians of the Round Valley Reservation but not expressly referred to in this Constitution shall not be abridged by this Article, but may be exercised by the people of the Covelo Community through the adoption of appropriate By-laws and constitutional amendments.

ARTICLE VI—CONDUCT OF ELECTIONS AND NOMINATIONS

SECTION 1. All adult members of the Community in good standing who have resided in the Community for a period of one year and who have attained the age of twenty-one (21) years on or prior to the day of election, shall be qualified to vote.

SEC. 2. The polls shall be open at 12 noon and close at 8:00 p. m.

SEC. 3. Voting shall be by secret ballot.

SEC. 4. For the purpose of the first election, the Community, at a public meeting, shall elect a committee to select the candidates for the Community Council. Further nominations may be made from the floor. The members of the Community shall then proceed with the election of the Council in accordance with Section 3, of this Article.

SEC. 5. For future elections any member of the Community whose name is presented at least fifteen (15) days prior to an election, to the Secretary of the Council by petition signed by at least ten adult members of the Community, shall be declared by the Council to be

regularly nominated and to be a candidate for the office of councilman. The Secretary of the Council shall post the list of candidates in one or more public places ten (10) days before the date of election.

ARTICLE VII—REMOVAL FROM OFFICE

SECTION 1. Councilmen who shall have absented themselves from three consecutive regular meetings of the Council may be removed at the discretion of the Council; any councilman absenting himself from five consecutive regular meetings shall be removed from office. Any councilman convicted of a crime or of tendering or accepting a bribe, shall be summarily removed from office, but no councilman may be removed under this section unless he shall be given a written copy of the charges against him, and shall be given an opportunity to be heard at a regular meeting of the Council. No councilman may be summarily removed except by a two-thirds ($\frac{2}{3}$) vote of the Council.

SEC. 2. Any councilman may be suspended for cause by a two-thirds ($\frac{2}{3}$) vote of the Council, after written charges have been preferred against him. These charges must be sustained by a majority vote at a special meeting of the Community called by the Council within thirty (30) days after such suspension: *Provided*, That if the charges are not sustained by a majority vote at said special meeting, the suspension shall be immediately revoked: *And provided further*, That the failure of the Council to call a meeting of the Community to hear charges against a councilman within thirty (30) days after his suspension shall end such suspension.

SEC. 3. The members of the Community shall have the power to recall any member of the Council by filing a petition with the Secretary of the Council, signed by at least fifty (50) qualified voters, asking for the removal of said member of the Council, subject to the decision of a special election which shall be held within thirty (30) days from the filing of the petition.

SEC. 4. A vacancy occurring within six months of the expiration of the term of office of a councilman shall be filled by an appointment made by a two-thirds vote of the Council; other vacancies shall be filled by special elections called for the purpose in the manner prescribed for the regular election of councilmen.

ARTICLE VIII—POPULAR PARTICIPATION IN GOVERNMENT

SECTION 1. The Tribal Council shall meet quarterly on the first Monday of March, July, October and January.

SEC. 2. All regular meetings of the Council shall be open to members of the Community as auditors. Records of the Council shall be open to any members of the Community.

SEC. 3. There shall be two meetings annually of the Council with the Community for the purpose of reviewing the acts of the Council for the preceding period of six months.

SEC. 4. The members of the Community may, by a petition signed by not less than fifty (50) voters of the Community, initiate any measure they deem advisable. This petition shall be filed with the Secretary of the Council. It shall be the duty of the Council to

call a special meeting of the voters within a period of thirty (30) days from the filing of such petition to vote upon the measure.

SEC. 5. The members of the Community shall have the right, through a petition signed by not less than fifty (50) voters of the Community, to call a special election to revoke any act of the Council. It shall be the duty of the Council to call such election within thirty (30) days from the date of the filing of such petition with the Secretary of the Council.

ARTICLE IX—LAND

SECTION 1. Equitable title to existing Community land or land which may be acquired in the future shall be vested in the Covelo Indian Community.

SEC. 2. The Council shall make all assignments of land. Any member of the Community who has received a standard assignment may hold, use and enjoy life tenure, provided land must be used in an intelligent and husband-like manner. Any attempt by the assignee to lease the land either on a cash or share-crop basis, shall be sufficient cause for cancellation of standard assignments. It shall be the duty of the Council to revoke standard assignments, (1) for non-use after a period of two years, and (2) for any attempt of assignee to lease same. In case of physical disability of assignee, the Council by a two-thirds ($\frac{2}{3}$) majority, may grant the assignee permission to lease his assignment, provided such permission shall in no event extend beyond a total period of two years during the life of the assignment, except upon special dispensation of the Council.

SEC. 3. At the death of a standard assignee, his heirs shall be given preference in the reassignment of the land, provided such persons are landless members of the tribe who would be eligible to receive a "standard assignment."

SEC. 4. Any head of a family shall be entitled to a standard assignment of land provided he deeds to the Covelo Indian Community any land held in trust, or interest in land held in trust, which he may own at the time of such assignment. The amount of such assignment shall be based upon a calculation of the amount and quality of the land available for assignment, the number of applicants and the dependents in each family, and the expectancy of inheriting land.

SEC. 5. The Council may make assignments in exchange for allotments.

SEC. 6. Unassigned Community land may be leased to individual members or associations of members of the Community at a price per acre fixed by the Council, and for a period not exceeding five years. The proceeds from such leases shall be deposited in the treasury of the Covelo Indian Community and used for the benefit of said Community.

SEC. 7. Nothing in this Constitution shall be construed as impairing any existing right of private ownership now held under the State, County, or Federal Government.

SEC. 8. Appeals from the Acts of the Council in land matters may be taken to the Secretary of the Interior, whose decision shall be binding upon both the Council and the member concerned.

SEC. 9. The Covelo Indian Community shall have power to promulgate ordinances, subject to review by the Secretary of the In-

terior, regulating the use, assignment, leasing and inheritance of lands and the ownership and disposition of improvements thereon.

ARTICLE X—AMENDMENTS

SECTION 1. This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Community voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) per cent 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 receipt of a petition signed by one-third ($\frac{1}{3}$) of the qualified voters, members of the Community.

SEC. 2. Before an election on any proposed amendment is requested, it shall be submitted in writing and read at any regular meeting of the Community or special meeting called for that purpose, to be held at least ten (10) days before such election.

BY-LAWS OF THE COVELO INDIAN COMMUNITY

ARTICLE I

Each member of the Community Council and each officer or subordinate officer, elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof; by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and By-laws.

(Oath): I, _____, do solemnly swear that I will faithfully support the Constitution of the United States and the Constitution and By-laws of the Covelo Indian Community, and that in all measures which may come before me I will conduct myself so as to advance the interests and prosperity of the Covelo Indian Community.

ARTICLE II

It shall be the duty of the President of the Community Council to preside at all meetings of the Community Council and to carry out all orders of the Council. The President of the Council shall also preside at the general Community meetings. The President shall also be the chief executive officer of the Community.

ARTICLE III

The Vice-President shall discharge the duties of the office of the President of the Community Council in the absence or disability of the President of the Council, or when called upon by him to do so.

ARTICLE IV

The Secretary shall keep a full report of all proceedings of each regular and special meeting of the Council and shall perform such other duties of like nature as the Council shall from time to time by resolution provide. He shall transmit copies of the minutes of each meeting to the Superintendent of the Sacramento Indian

Agency. The Secretary shall also attend to the correspondence of the Community Council under the direction of the President of the Community Council. He shall at all times maintain an accurate record of the Community membership.

ARTICLE V

The Treasurer of the Council shall be the custodian of all moneys which come under the jurisdiction or into control of the Covelo Indian Community 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 provide subject to approval by the Commissioner of Indian Affairs.

The books of the Council Treasurer shall be subject to audit or inspection at the direction of the Council or of the Commissioner of Indian Affairs. Until the Treasurer is bonded, the Community Council may make such provision for the custody and disbursements of funds as shall guarantee their safety and proper disbursements and use.

ARTICLE VI

It shall be the duty of the Sergeant-at-Arms to preserve order at all meetings and to perform such duties as the Community Council may assign to him.

ARTICLE VII

The subordinate officers or members of committees shall perform such duties as the Council by resolution shall from time to time provide.

ARTICLE VIII

The officers of the Covelo Indian Community may receive such compensation as may be determined by the Council, from such funds as may be available.

ARTICLE IX

The order of business at any regular or special meeting of the Council shall be as follows:

1. Council called to Order.
2. Roll Call.
3. Reading of Minutes of Previous Meeting.
4. Reports of Committees.
5. Report of the Council Treasurer.
6. Unfinished Business.
7. New Business.
8. Adjournment.

ARTICLE X

This Constitution and By-laws, when ratified by a majority vote of the qualified voters of the Indians of the Round Valley Reservation voting at a special election called for the purpose by the Secretary of the Interior, provided that at least thirty (30) 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 September 21, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the Indians of the Round Valley Reservation, Mendocino County, California, and was on November 7, 1936, duly approved by a vote of 60 for, and 20 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).

ARTHUR ANDERSON,
Chairman of Election Board.
WELSEY McLANE,
Secretary of Election Board.

ROY NASH, *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 Indians of the Round Valley Reservation, Mendocino County, California.

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 these 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 11, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.
[SEAL]

WASHINGTON, D. C., December 16, 1936.