

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS  
OF THE  
UTE MOUNTAIN TRIBE OF THE  
UTE MOUNTAIN RESERVATION.  
COLORADO, NEW MEXICO, UTAH



APPROVED JUNE 6, 1940



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# CONSTITUTION AND BYLAWS OF THE UTE MOUNTAIN TRIBE OF THE UTE MOUNTAIN RESERVATION IN COLORADO, NEW MEXICO, UTAH

## PREAMBLE

We, the people of the Ute Mountain Tribe of the Ute Mountain Reservation, in Colorado, New Mexico and Utah, under the jurisdiction of the Consolidated Ute Agency, Ignacio, Colorado, in order to exercise the rights of self-government, to administer our tribal affairs, to preserve, develop and increase our tribal resources, do ordain and establish this Constitution.

## ARTICLE I—JURISDICTION

The jurisdiction of the Ute Mountain Tribe of the Ute Mountain Reservation through its General Council, the Ute Mountain Tribal Council, and its Court, shall extend to the lands now included within the Ute Mountain Reservation and to such other land as may be added thereto.

## ARTICLE II—MEMBERSHIP

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

(a) All persons of Ute Indian blood duly enrolled on the 1939 census of the Ute Mountain Reservation: *Provided*, That within two years from the adoption and approval of this Constitution and By-laws additions and changes may be made by the Council, subject to the approval of the Secretary of the Interior.

(b) And all children born to any member if such children shall be of one-half or more degree of Ute Indian blood.

**SEC. 2.** The Council shall have the power to pass ordinances, subject to the approval of the Secretary of the Interior, covering future membership.

## ARTICLE III—GOVERNING BODY

**SECTION 1.** The governing body of the Ute Mountain Tribe of the Ute Mountain Reservation, which includes Allen Canyon, shall be known as the "Ute Mountain Tribal Council."

**SEC. 2.** The Council shall be composed of seven members, one of whom shall be elected annually by the members of the Allen Canyon (Utah) Community. The Council when it meets after each annual election, shall choose from its membership; a chairman, a secretary-custodian, a 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 twenty-five 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 approval of this Constitution; and thereafter, the annual election shall be held on the second Friday in October. The councilmen elected at this first meeting shall serve until the first annual election in 1941.

SEC. 6. At the first annual election after the adoption of this Constitution, the members of the Towaoc Community shall meet and elect two members of the Council for one year; two members for two years; and two members for three years; thereafter, two members shall be elected, annually, by the Towaoc Community for a three-year period. The Allen Canyon Community shall meet and elect their councilman as provided for in sections 2 and 5 of this Article.

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 a two-thirds vote of the Council.

SEC. 8. Members of the Council shall take office on the first Friday of the first month after their 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 Ute Mountain Indians at least ten days before the election.

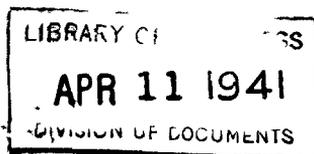
SEC. 3. Candidates for election to the Council shall be nominated at and appear before General Councils to be held at Ute Mountain Sub-Agency, and Allen Canyon. They shall then be seated, after which voting shall take place. Voting shall be by show of hands.

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

SEC. 1. The Council of the Ute Mountain Tribe shall exercise the following powers:

- (a) To negotiate with Federal, State and local governments.
- (b) 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 the existing law, but no lease shall be made to a non-member of the tribe unless it has been approved by and authorized by the Council.



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

(d) 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.

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

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

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

(h) 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 members as individual cattle and sheep owners, and the protection of the herds and the range against encroachments.

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

(j) 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 the purpose of cooperation or for other purposes, and to enforce the observance of such ordinances.

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

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

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

(n) 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.

(o) To appropriate funds for salaries of tribal officers and for public purposes from available funds of the tribe.

(p) To regulate by ordinance, subject to review by the Secretary of the Interior, nonmembers doing business on the reservation.

SEC. 2. The Council may exercise such further powers as may be delegated to the Ute Mountain Tribe by the Secretary of the Interior or any other qualified official or agency of government, and may exercise any rights and powers heretofore vested in the Ute Mountain Tribe of the Ute Mountain Reservation but not expressly referred to in this Constitution.

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 two weeks thereafter, approve or disap-

prove the same. If he approves an 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 his action. If the Superintendent refuses to approve any ordinance or resolution submitted to him within two weeks after its enactment, he shall advise the Tribal Council of his reasons. The Tribal Council may by a majority vote refer the ordinance or resolution to the Secretary of the Interior who may within 90 days from its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

#### ARTICLE VI—GENERAL COUNCIL

The General Council, consisting of all the voters of the Ute Mountain Tribe of the Ute Mountain Reservation, shall assemble at such times as the Council shall call them together for the discussion of matters relating to the public welfare. A General Council may 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 Tribal Council in conformity with ordinances which may be adopted on this subject and approved by the Secretary of the Interior.

#### ARTICLE VIII—REFERENDUM

By a majority vote of the Council, or upon a petition signed by at least 25 percent of the voters of the Ute Mountain Reservation, any proposed or enacted ordinance or resolution of the Tribal Council shall be submitted to an election of the Tribe. A majority of those voting shall determine the validity of such ordinance or resolution. No ordinance or resolution submitted to referendum shall be in effect until approved in the referendum.

#### ARTICLE IX—AMENDMENTS

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

### BYLAWS OF THE UTE MOUNTAIN TRIBE OF THE UTE MOUNTAIN RESERVATION—COLORADO, NEW MEXICO, UTAH

#### ARTICLE I—MEETINGS OF THE TRIBAL 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 general management of the tribal and reservation affairs as well as of the rules for the conduct of its own business.

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 the Ute Mountain Sub-Agency, or other designated place.

SEC. 3. Special meetings of the Tribal Council may be called by the Chairman or by request of two or more members of the Council. Notice of such special meeting shall be given to every member of the Council and to the Superintendent or person in charge of the Sub-Agency as promptly as possible.

SEC. 4. Matters of business before the Council shall be decided by a majority vote of the quorum present. Five members of the Tribal Council must be present at any regular or special meeting in order to transact tribal business. 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 to 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 person able to perform such duties; otherwise the Council may elect a Secretary-Custodian from the outside. If chosen from outside the Council, the Secretary-Custodian shall have no vote. 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 safe-keeping of all valuable papers and records of the Council and the Tribe, such papers to be kept in the agency office and be accessible to the Council chairman and other authorized persons.

SEC. 3. The Council treasurer shall be the custodian of all monies 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 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—ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when adopted by a majority vote of the qualified voters of the Ute Mountain Tribe of the Ute Mountain Reservation, voting at a special election called by the Secretary of the Interior, in which at least thirty 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 April 9, 1940, by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Ute Mountain Tribe of the Ute Mountain Reservation and was on May 8, 1940, duly adopted by a vote of 91 for, and 12 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).

EMMA SOUTH BEECHER,  
*Chairman, Election Board.*

LEWIS E. WING,  
*Secretary, Election Board.*

JACK HIGHT, *Judge.*

S. F. STACHER,  
*Superintendent, Consolidated Ute Agency.*

I, Oscar L. Chapman, the 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 Constitution and By-laws of the Ute Mountain Tribe of the Ute Mountain 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 members of the Ute Mountain Tribe of the Ute Mountain 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 May 23, 1940.

WILLIAM ZIMMERMAN, Jr.  
*Assistant Commissioner of Indian Affairs.*

OSCAR L. CHAPMAN,  
*Assistant Secretary.*

[SEAL]

WASHINGTON, D. C., June 6, 1940.