

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS
OF THE
SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY, ARIZONA



APPROVED JUNE 11, 1940



CONSTITUTION AND BY-LAWS OF THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

PREAMBLE

We, the Indians of the Salt River Reservation, of the State of Arizona, in order to maintain ourselves under divine guidance; to inculcate a sense of individual obligation to our Community, State and Nation; to seek a better means of future development; to provide for an orderly way of carrying on our business and the free expression of the tribal will; and to promote in general the rights and welfare of our people under the privileges and powers offered to us by the Reorganization Act, do ordain and establish this Constitution and By-laws for the Pima and Maricopa tribes, henceforth to be known as the Salt River Pima-Maricopa Indian Community.

ARTICLE I—TERRITORY

The jurisdiction of the Salt River Pima-Maricopa Indian Community shall extend to all lands within the boundaries of the Salt River Indian Reservation established pursuant to Act of February 28, 1859 (11 Stat. 401) and Executive Orders, and to such other lands as may in the future be added thereto.

ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Salt River Pima-Maricopa Indian Community shall be determined as follows:

(a) All persons of Indian blood whose names appear, or rightfully should appear, on the official allotment roll of the Salt River Reservation shall be members of the Community.

(b) All descendants of members shall be entitled to membership in the Community if they are of at least one-quarter degree of Indian blood, but any such descendant having less than this degree of Indian blood may be admitted to membership by a majority vote of the Community Council.

(c) A member who remains away from the reservation continuously for a period of twenty (20) years shall automatically forfeit his membership. But if he returns to the reservation he may be reinstated as a member by a majority vote of the Community Council, with the consent of the district in which he or she proposes to take up his or her residence.

(d) Persons of Indian blood marrying members of the Salt River Pima-Maricopa Indian Community may be adopted into the Community by a three-fourths vote of the Community Council.

(e) No persons other than those enumerated in this article may be adopted as members of the Community.

ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Salt River Pima-Maricopa Indian Community shall be known as the Salt River Pima-Maricopa Community Council, and shall be elected by the qualified voters of the Community.

SEC. 2. *Basis of Representation.*—For the purpose of representation and administration of the Council, five representatives shall be selected from the Salt River district and two representatives shall be selected from the Lehi district. The Council shall have power to re-district the reservation and to apportion representation, subject to a referendum vote of the people, whenever such action is deemed advisable by the Council.

SEC. 3. *First Election.*—The first election of the members of the Council shall be called by the Secretary of the Interior within sixty days after the adoption and ratification of this Constitution.

SEC. 4. *Rotation of Office.*—The Council members then elected shall agree among themselves or draw lots so as to provide that three (3) members of the Council shall serve for two years and four (4) members for three years.

SEC. 5. *Tenure of Office.*—Thereafter members of the Council shall serve for three years, three members to be elected at the end of the second year and four members the following year.

SEC. 6. *Election of Officers.*—The Council shall at its first meeting elect from within its own membership a President and Vice-President, and from within or outside of its own membership, a Secretary and Treasurer, and such other officials or boards as may be deemed necessary, to serve for one year each. Persons so elected to office shall not have a vote in the Council unless they have been regularly elected to membership therein, but the presiding officer shall in any event have the right to vote in case of a tie.

ARTICLE IV—DISTRICT ORGANIZATION

SECTION 1. *District Boundaries.*—For the purpose of representation and administration of the Salt River Reservation, the reservation for the present shall be divided into two districts, as follows:

District No. 1, known as the Salt River district, shall consist for the present of all that portion of the reservation lying north of the Salt River and south of the Arizona Canal and west of a due north and south line, extending from the west boundary line of section 35 of the Lehi district.

District No. 2, known as the Lehi district, shall consist of all that portion of the reservation lying south of the Salt River, in sections 35 and 36 and parts of 25 and 26.

SEC. 2. *District Council Elections.*—Each district shall elect a District Council in conformity with ordinances passed by the Council of the Community regulating such elections.

SEC. 3. *Jurisdiction of District Councils.*—Such District Councils shall have no power to pass ordinances but shall make appropriate recommendations to the Council or the Community and shall perform such local administrative duties as may be assigned to them by the Council.

ARTICLE V—POWERS OF THE COMMUNITY COUNCIL

SECTION 1. Powers not Subject to Review.—The Council of the Salt River Pima-Maricopa Indian Community shall exercise the following powers, subject to any limitations imposed by the statutes or by the Constitution of the United States and subject further to all express restrictions upon such powers contained in this Constitution:

(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.

(b) To negotiate with the Federal, State, and local governments on behalf of the Salt River Pima-Maricopa Indian Community.

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

(d) To advise the Secretary of the Interior and Congress of its wishes with regard to Federal projects or appropriations for the benefit of the Salt River Pima-Maricopa Indian Community.

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

(f) To provide for the manner of conducting elections.

(g) To regulate its own procedure.

(h) To regulate the domestic relations of members of the Community.

(i) To protect the public health and morals and to provide for the public welfare.

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

(k) To pass ordinances or resolutions incidental to the exercise of any of the foregoing powers.

SEC. 2. Powers Subject to Review.—The Council of the Salt River Pima-Maricopa Indian Community shall likewise exercise the following powers subject to review by the Secretary of the Interior:

(a) To appropriate money out of available Community funds for salaries of the Community officials and for other expenses of public business and to recommend the appropriation of tribal and other funds within the control of Congress or of the Secretary of the Interior.

(b) To provide for the appointment of guardians for minors and mental incompetents.

(c) To prescribe rules of inheritance except for allotted lands.

(d) To levy dues, fees and assessments on members of the Community and on non-members residing within the reservation, and to require members of the Community to contribute labor for public works and enterprises.

(e) To remove or exclude from the territory of the Community non-members whose presence may be injurious to the peace, health or welfare of the Community.

(f) To administer all tribal lands and property.

(g) To regulate the use and disposition of the property of members of the Community, so far as such use and disposition affect the welfare of the Community at large.

(h) To establish and regulate subordinate organizations for business purposes.

(i) To purchase lands of members of the Community for public purposes under condemnation proceedings in courts of competent jurisdiction.

(j) To provide for the maintenance of law and order and the administration of justice by establishing a tribal court and police force and defining the powers and duties of same.

(k) To lay down criminal and civil codes of ordinances governing the conduct of members of the Community and non-member Indians of the Community.

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 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 enactment, rescind the said ordinance or resolution for any cause, by notifying the Salt River Pima-Maricopa Community Council of such action.

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

SEC. 4. *Future Powers.*—The Salt River Pima-Maricopa Community Council may exercise such powers as may in the future be delegated to the Community by the Secretary of the Interior or by any other duly authorized official or agency of the Government.

SEC. 5. *Reserved Powers.*—Any rights and powers heretofore vested in tribes or bands of the Salt River Indian 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 Salt River Pima-Maricopa Indian Community through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VI—ELECTIONS

SECTION 1. *Right of Suffrage.*—All adult members of the Community, male or female, who have attained the age of 21 years and have resided on the Salt River Reservation for a period of one year and in the district for a period of sixty days immediately preceding the election, shall have the right to vote in any election held under this Constitution.

SEC. 2. *Manner of Making Nominations.*—The manner of making nominations and holding elections shall be determined by appropriate ordinances or by-laws.

SEC. 3. *Vacancies.*—When a councilman is removed for cause, or resigns or otherwise ceases to hold office, the District which he or she represents shall elect a successor at a special election called by the

Council, to be held within thirty days after the occurrence of the vacancy. The successor shall hold office until the expiration of the regular term of his or her predecessor whose place he or she has taken.

ARTICLE VII—SUSPENSION FROM OFFICE

SECTION 1. *Suspension from Office.*—Any public official of the Salt River Pima-Maricopa Indian Community who is indicted in a Federal or State court or convicted in an Indian court of bribery or any other serious offense, shall automatically be suspended from office. The remaining members of the Council shall investigate and judge whether the crime is serious enough to justify impeachment proceedings or whether the suspended official shall be reinstated.

SEC. 2. *Impeachment.*—Any public official of the Salt River Pima-Maricopa Indian Community who is proven guilty of improper conduct or gross neglect of duty may be expelled by the Council by a two-thirds vote of the membership of the Council voting in favor of such expulsion, provided that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated Council meeting. It is further stipulated that any such member shall be given a written statement of the charges against him or her at least five days before the meeting at which he or she is to appear. When the Council is sitting for impeachment purposes, all parties shall be under oath or affirmation.

SEC. 3. *Recall.*—(a) Every person elected to a Community office by the Indians of the Salt River Indian Reservation is subject to recall from office by the qualified electors of the electoral district from which candidates are elected to such office. Such number of said electors as shall equal forty per centum of the number of votes cast at the last preceding general election may, by petition, which shall be known as a "Recall Petition," demand his or her recall.

(b) Every recall petition must contain a general statement, in not more than two hundred words, of the grounds of such demand and must be filed at the office of the Council. Each signer of such Recall Petition must add to his or her signature the date of his or her signing the said petition and his or her place of residence.

(c) If said officer offers his or her resignation it shall be accepted. If he or she does not resign within ten days after a recall petition is filed, a special election shall be ordered or held, not less than twenty or more than thirty days after such order, to determine whether such officer be recalled. On the ballots at said election shall be printed the reasons as set forth in the petition and, in not more than the same number of words, the officer's justification of his or her course in office. He or she shall continue to hold office until the result of the said election shall be officially declared.

(d) No recall petition shall be circulated against any official until he or she shall have held his or her office for a period of one year. After one recall petition and special election no further recall petitions shall be filed against the same officer within one year from said recall special election.

SEC. 4. *Removal of Appointed Officials.*—Any officer or board appointed by the Council may be removed or discharged by a majority vote, unless otherwise provided in the by-laws.

ARTICLE VIII—REFERENDUM

At least fifteen percent of the qualified voters of the Community on petition shall have the right to demand a referendum on any enacted or proposed ordinance or resolution of the Community Council, the vote of the majority of the qualified voters in such referendum to be conclusive and binding on the Council of the Community.

ARTICLE IX—LAND

SECTION 1. *Unallotted Lands.*—The unallotted lands of the Salt River Reservation and all lands which may be hereafter acquired by or for the Salt River Pima-Maricopa Indian Community, shall be held as Community lands forever.

SEC. 2. *Assignments.*—Community lands may be assigned to members of the Community in conformity with the following provisions:

(a) Assignments of land shall be held for life, but may revert to the Community if the person holding the assignment fails to make proper use of the land.

(b) At the death of an assignee his or her requests shall be given due consideration in the reassignment of the land.

(c) Every member of the Community who is the head of a family that does not hold any land under the Allotment Act, or agrees to surrender all such lands (including interests in land in heirship status) to the Community, shall be entitled to receive an assignment of new land.

(d) The amount of land included in each assignment shall be based upon the amount of land available and the number of applications for land. It shall further be based upon the number of people in the family making application and how much land they can actually cultivate.

(e) Where an individual now owns allotted land comprising a larger acreage than he would be entitled to receive under the preceding paragraph, he may convey his title to the Community in exchange for an assignment of the same land or land of equal value.

(f) Assignments may be made either of specific tracts of land or of shares in larger tracts, to be used for grazing or other purposes by several families in common.

SEC. 3. *Unassigned Community Lands.*—Community land which is not assigned may be used for communal pasture or gardens by the various districts or for public purposes of any sort. Such lands may also be leased by the Community Council to members of the Community or non-members according to law and all proceeds of such leases shall accrue to the Community treasury, to be used for the support of the helpless or for any other public purposes of the Community.

SEC. 4. *Private Ownership.*—No owner of allotted lands shall be compelled to relinquish his land except for irrigation canals, roads, public works or like public purposes, and in such cases the landowner shall receive in return for his land fair and just compensation.

SEC. 5. *Specific Procedure.*—The Community Council shall prepare and shall submit to the Secretary of the Interior for approval a set of ordinances covering the conditions under which assignments 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, and the awarding of assignments.

ARTICLE X—AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Salt River Pima-Maricopa Indian Community voting in an election called for the 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 receipt of a petition signed by 200 eligible voters, members of the Community.

BY-LAWS OF THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. *President.*—The President of the Salt River Pima-Maricopa Indian Community shall preside at all meetings of the Council, shall perform all duties of a president and exercise any authority delegated to him by the Council. He shall be permitted to participate in debate and shall be entitled to vote only in case of a tie.

SEC. 2. *Vice-President.*—The Vice-President shall perform the duties of the president in the absence or incapacity of the president.

SEC. 3. *Secretary.*—The Secretary shall be the recording and corresponding secretary and shall keep an accurate record of all business transacted at Council meetings and submit copies of minutes of each meeting to the Superintendent of the jurisdiction and also to the Commissioner of Indian Affairs.

SEC. 4. *Treasurer.*—The Treasurer shall have the custody of all money that may come under the jurisdiction of the Salt River Pima-Maricopa Community Council and shall keep an accurate record as to receipt and distribution thereof. He shall pay out money in accordance with orders and resolutions of the Council. 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. He shall be required to give surety bond satisfactory to the Council and the Commissioner of Indian Affairs and payment for such bond shall be made out of available funds of the Community. Until the Treasurer is bonded the Council may make such provisions for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

ARTICLE II—QUALIFICATIONS OF OFFICE

SECTION 1. *General Qualifications.*—No person shall be elected to the Council of the Community unless he shall be a member of the Community over the age of 25 years and shall have been a resident

of the particular district from which he or she is elected for at least one year immediately preceding the election. No member of the Council who is affiliated with any organization or individual not a member of the Community shall vote upon any matter in which such individual or organization has a pecuniary interest, if in the judgment of the Council such affiliation shall render him incapable of openly, freely and fearlessly working for the best interest and welfare of the Indians of the Salt River Pima-Maricopa Indian Community.

ARTICLE III—ELECTIONS

SECTION 1. *Election Procedure.*—In case an election is due in any district it shall be the duty of the Community Council to call the attention of the residents of the said district to such fact at least thirty days prior to the date of such election, naming the date on which said election is to be held, also naming the place of said election, which place shall be within the district and at some central location most convenient to the residents of the district. Ten days after notification the district shall call a meeting for nomination of candidates. On the date and at the place named the legal voters of the district shall assemble and the outgoing member representing said district, if present, shall act as temporary chairman. At once a permanent chairman shall be chosen and three tellers who shall be officers and judges of election. The assembled legal voters of the district shall then proceed to transact the business for which they have been assembled. Nomination shall be the thing in order. This having been completed and the nominations having been declared closed, the meeting shall be dismissed. The election shall take place not less than twenty days later, the wishes of the voters being ascertained by means of a secret ballot. The polls shall close at 6:00 p. m. The nominee receiving the majority of all votes cast shall be declared elected. The newly elected member shall be furnished with a certificate of election, to be signed by the permanent chairman and the three tellers.

SEC. 2. *Validity of Election.*—The Community Council shall be the judge of the validity and authenticity of the Certificates of Election presented to it.

ARTICLE IV—MEETINGS

SECTION 1. *Regular Council Meetings.*—The regular meetings of the Community Council shall be held at 2:00 p. m. on the first and third Fridays of each month in the district designated by the Council at the previous meeting.

SEC. 2. *Special Council Meetings.*—Special meetings of the Council may be held at the call of the president or on application of three members, due notice being given to all members at least two days before such meeting.

SEC. 3. *Quorum.*—A majority of the members of the Council, one of whom shall be the president or the vice-president or the secretary, shall constitute a quorum for the transaction of business.

ARTICLE V—BULLETIN BOARDS

The Salt River Pima-Maricopa Community Council shall establish and maintain a bulletin board in each district within its jurisdiction,

for the purpose of bringing to the attention of the people in the districts announcements and matters of public interest. Such bulletin board may be placed under the supervision of the local district council.

ARTICLE VI—ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and the attached By-laws, when adopted by a majority vote of the qualified voters of the Pima-Maricopa tribes of the Salt River Reservation voting at a special election called by the Secretary of the Interior in which at least 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 April 12, 1940, by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Pima-Maricopa Tribes of the Salt River Reservation and was on May 15, 1940, duly ratified by a vote of 171 for, and 127 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).

VAVAGES BUCK,
Chairman, Tribal Committee.
BURGESS BURKE,
Secretary, Tribal Committee.

May 17, 1940.

W. C. STRAKA,
Acting Superintendent, Pima 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 Salt River Pima-Maricopa Indian Community.

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 Salt River Pima-Maricopa Indian Community.

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

Approval recommended:

JOHN COLLIER,
Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., June 11, 1940.