

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS  
OF THE  
MOAPA BAND OF PAIUTE INDIANS  
OF THE  
MOAPA RIVER RESERVATION, NEVADA



APPROVED APRIL 17, 1942



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
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Law





SEC. 4. The present Council, within sixty days after ratification and approval of this Constitution, shall call a general tribal meeting for the election of officers in accordance with this Constitution. The two candidates receiving the highest number of votes shall hold office until December 1944; the two candidates receiving the next highest number of votes shall hold office until December 1943; the two candidates receiving the third highest number of votes shall hold office until December 1942. Thereafter, the term of office for councilmen elected under this Constitution shall be three years. After the first election, elections for the Business Council shall be held on the second Tuesday of December.

SEC. 5. All elections shall be by secret ballot and shall be held in accordance with rules and regulations prescribed by the Business Council or by an election board appointed by the Business Council.

#### ARTICLE IV—VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a Council member shall die, resign, or permanently leave the reservation, or be removed from office for cause, the Council shall declare the position vacant and appoint a successor to serve until the annual general tribal meeting in December, at which time the general tribal meeting shall elect a successor for the unexpired term.

SEC. 2. The Business Council may, by two-thirds vote, expel any member for neglect of duty or gross misconduct, provided such charges are in writing subscribed by competent witnesses and formally served upon the accused at least five days prior to the hearing. The accused member shall be given a full and fair opportunity to reply to any and all such charges against himself, and also the opportunity to summon witnesses in his behalf.

SEC. 3. Upon receipt of a petition signed by one-third of the eligible voters of the reservation calling for the recall of any member or members of the Council named in said petition, it shall be the duty of the Council to call an election on such recall petition. No member may be recalled in any such election unless at least 30 percent of the legal voters of the reservation shall vote at such election. In the event the majority of those voting in such election favor such recall from office, the office shall be declared vacant and the Council shall proceed in the usual manner to fill the said vacancy.

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

SECTION 1. *Enumerated Powers.*—The Business Council of the Moapa River Indian Reservation shall exercise the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States:

- (a) To negotiate with the Federal, State and local governments.
- (b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.
- (c) To veto or approve any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets.
- (d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the reser-



vation prior to submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises on the Moapa River Indian Reservation in accordance with the terms of a charter that may be issued to the Moapa Band of Paiute Indians by the Secretary of the Interior.

(f) To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior, providing for the manner of making, holding and revoking assignments of tribal land or interests therein; providing for the levying of taxes and the appropriation of available funds of the Band for public purposes; providing for the licensing of nonmembers coming upon the reservation for purposes of hunting, fishing, trading or other business; providing for the maintenance of law and order and administration of justice by establishing a reservation court and defining its duties and powers; and providing for the exclusion from the reservation of persons not legally entitled to reside thereon.

(g) To regulate the inheritance of real and personal property, except allotted lands, within the territory of the Moapa River Indian Reservation, subject to review by the Secretary of the Interior.

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

(i) To charter subordinate organizations for economic purposes, and to delegate to such organizations, or to any subordinate boards or officials of the reservation, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(j) To adopt resolutions not inconsistent with this Constitution and attached By-laws regulating the procedure of the Business Council and of other organizations of the Moapa River Indian Reservation.

SEC. 2. *Future Powers*.—The Business Council may exercise such further powers as may in the future be delegated to it by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal government.

SEC. 3. *Reserved Powers*.—Any rights and powers heretofore vested in the Moapa Band of Paiute Indians but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the members of the Band through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. *Manner of Review*.—Any resolution or ordinance which by the terms of this Constitution shall be subject to review by the Secretary of the Interior, shall be presented to the Superintendent in charge 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 ninety days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Business Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him within ten days after its enactment, he shall advise the Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by majority vote, refer the



ordinance or resolution to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

#### ARTICLE VI—BILL OF RIGHTS

**SECTION 1. *Suffrage.***—Any member of the Moapa Band of Paiute Indians twenty-one (21) years of age or over, who has resided on the reservation for one year immediately preceding any election, shall be entitled to vote or to hold office therein.

**SEC. 2. *Economic Rights.***—All members of the Band shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

**SEC. 3. *Civil Liberties.***—All members of the Band shall enjoy without hindrance, freedom of worship, conscience, speech, press, assembly, and association.

#### ARTICLE VII—LAND

**SECTION 1. *Allotted Lands.***—Allotted lands, including heirship lands, belonging to any member of the Moapa Band of Paiute Indians shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Nevada or of the Federal Government. It is further recognized that under existing law, such lands may be inherited by the heirs of the present owner, whether or not they are members of the Moapa Band of Paiute Indians. Likewise, it is recognized that under existing law, the Secretary of the Interior may, at his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to state taxes and may then be mortgaged or sold.

The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Moapa Band of Paiute Indians, under such terms as may be agreed upon.

**SEC. 2. *Tribal Land.***—The unallotted lands of the Moapa River Reservation, and all lands which may hereafter be acquired by the Moapa Band of Paiute Indians of the Moapa River Reservation or by the United States in trust for the Band, shall be held as tribal lands and shall be used in accordance with a land use agreement to be entered into between the tribe and the Secretary of the Interior, and no part of such lands shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians, but agricultural lands may be assigned to members of the Moapa Band of Paiute Indians, or otherwise used by the Band as specified in the land use agreement.

**SEC. 3. *Grant of Standard Assignments.***—Tribal lands now owned by the Band or which may be hereafter acquired for the Band by the United States, or purchased by the Band out of tribal funds, may be assigned to members of the Band for the purpose of establishing homes for landless Indians, in accordance with the provisions of the

land use agreement to be entered into by the Band and the Secretary of the Interior. Assignments made under this section shall be known as Standard Assignments.

**SEC. 4. *Grant of Exchange Assignments.***—Any member of the Band who owns an allotment or any share of heirship land may voluntarily transfer his interest in such land to the Band in exchange for an assignment of the same land or other land of equal value. Assignments made under this Section shall be known as Exchange Assignments.

**SEC. 5. *Leasing of Exchange Assignments.***—Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the Band, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians in the same manner as allotted lands.

**SEC. 6. *Inheritance of Exchange Assignments.***—Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Business Council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heirs or to devisees who are not members of the Moapa Band of Paiute Indians, except that a life assignment may be made to the surviving widower or widow of the holder of the assignment.

(b) Such lands may not be reassigned to any heirs or devisees who already hold more than a specified number of acres of land, or interests in land of equal value, either under allotment or under assignment, the number of acres and the value of the interests to be determined from time to time by the Council.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 3 of this Article.

**SEC. 7. *Inheritance of Improvements.***—Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Moapa Band of Paiute Indians, or otherwise disposed of, under the terms of the land use agreement. No permanent improvements shall be removed from the land without the consent of the Business Council.

**SEC. 8. *Exchange of Assignments.***—Assignments may be exchanged between members of the Band by common consent of the parties concerned, in such manner as the land use agreement may provide.

## ARTICLE VIII—AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Moapa Band of Paiute Indians, voting at an election called for that purpose by the Secretary of the Interior; Provided, That at least 30 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 two-thirds of



the members of the Business Council, or upon presentation of a petition signed by one-third of the qualified voters, members of the Moapa Band of Paiute Indians.

**BY-LAWS OF THE MOAPA BAND OF PAIUTE INDIANS OF THE  
MOAPA RIVER RESERVATION**

**ARTICLE I—DUTIES OF OFFICERS**

**SECTION 1. *Chairman of the Business Council.***—The Chairman of the Business Council shall preside over all meetings of the Business Council, shall perform all duties of the Chairman and exercise any authority delegated to him by the Business Council. The Chairman shall also preside at all meetings of the Band. He shall have no vote except in case of a tie.

**SEC. 2. *The Vice-Chairman of the Business Council.***—The Vice-Chairman shall assist the Chairman when called upon so to do, and in the absence of the Chairman, he shall preside. When so presiding, he shall have all the rights, privileges, duties and responsibilities of the Chairman.

**SEC. 3. *Secretary of the Business Council.***—The Secretary shall keep a full report of all proceedings of each regular and special meeting of the Business Council and of the Band, and shall perform such other duties of like nature as the Business Council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the Superintendent in charge of the reservation and to the Commissioner of Indian Affairs.

**SEC. 4. *Treasurer of the Business Council.***—The Treasurer shall be the custodian of all moneys which may come under the jurisdiction or into the control of the Business Council. He shall pay out money in accordance with the orders and resolutions of the Business Council. He shall keep an account of all receipts and disbursements and shall report the same to the Business Council at each regular meeting.

He shall be bonded in such an amount as the Business Council may, by resolution approved by the Commissioner of Indian Affairs, provide. The books of the Treasurer shall be subject to audit or inspection at the direction of the Business Council or the Commissioner of Indian Affairs. Until the Treasurer is bonded, the Business Council shall make such provision for the custody and the disbursing of funds as shall guarantee their safe and proper disbursement and use.

**SEC. 5. *Duties of Appointive Officers and Boards.***—The duties of all appointive officers or boards shall be clearly defined by resolution of the Business Council at the time of their creation or appointment. Such boards and officers shall report from time to time, as required, to the Business Council, and their activities and decisions shall be subject to review by the Business Council upon the complaint of any person aggrieved.

**SEC. 6.** It shall be the duty of the Business Council, and every member thereof, to promote the general welfare of the members of the Band, and to carry out the provisions and purposes of this Constitution and By-laws.



## ARTICLE II—CERTIFICATE OF ELECTION

It shall be the duty of the Business Council, or a board appointed by them, to certify to the election of newly elected Council members within five days after the election, and thereupon they shall be notified by the Secretary of the Business Council of their election.

## ARTICLE III—COMPENSATION OF COUNCIL MEMBERS

The Business Council may prescribe such compensation for officers and members of the Business Council as it deems advisable from such funds as may be available, subject to approval at the general meeting of the Band in the annual December meeting.

## ARTICLE IV—TIME AND PLACE OF MEETINGS

**SECTION 1. Meetings.**—Regular meetings of the Business Council shall be held at the Moapa Sub-Agency quarterly, the time and place to be designated by the Council by resolution.

Special meetings may be called by the Chairman or by written notice signed by a majority of the Business Council members, and when so called, the Business Council shall have power to transact business as in regular meetings.

**SEC. 2. Quorum.**—No business shall be transacted unless a quorum is present. A quorum shall consist of four Council members.

A quorum at a general meeting of the Band shall consist of one-third of the eligible voters.

**SEC. 3. Annual Tribal Meeting.**—There shall be an annual tribal meeting open to all members of the Band, held at the Sub-Agency. At this annual meeting, elections shall be held as designated heretofore in this Constitution. It shall be the duty of the Chairman to make a report at said meeting of the activities of the Business Council throughout the year, and to outline proposed plans for the economic and social betterment of the reservation.

**SEC. 4. Special Tribal Meeting.**—Special tribal meetings may be called by the Chairman, provided due notice is posted within the reservation at least five days prior to such meeting. Thirty percent of the legal voters of the Band may at any time, by written petition, call a special tribal meeting, provided at least five days' notice is posted within the reservation.

**SEC. 5. Order of Business.**—The order of business at any regular or special meeting of the Business Council shall be as follows:

1. Call to order by the Chairman.
2. Roll call.
3. Reading of minutes of previous meeting.
4. Reports of committees.
5. Report of the Treasurer.
6. Reading of communications.
7. Unfinished business.
8. New business.
9. Adjournment.



## ARTICLE V—INSTALLATION OF OFFICERS AND COUNCIL MEMBERS

Each 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 support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will cooperate, promote and protect the best interests of my people, in accordance with this Constitution and By-laws."

## ARTICLE VI—RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when adopted by a majority vote of the voters of the Moapa Band of Paiute Indians of the Moapa River Indian 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 February 13, 1942, by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Moapa Band of Paiute Indians and was on March 15, 1942, duly ratified by a vote of 55 for and 2 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).

FRANCIS SWAIN,  
*Chairman, Election Board.*  
ROGER BENN,  
*Secretary, Election Board.*

F. A. FONES,  
*Acting Superintendent, Carson 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 Moapa Band of Paiute Indians of the Moapa River Indian Reservation in Nevada.

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 Moapa Band of Paiute 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 April 13, 1942.

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

OSCAR L. CHAPMAN,  
*Assistant Secretary.*  
[SEAL]

WASHINGTON, D. C., *April 17, 1942.*

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