

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS.



CONSTITUTION AND BYLAWS
OF THE
CONFEDERATED TRIBES OF THE
" UMATILLA RESERVATION,
IN OREGON



APPROVED DECEMBER 7, 1949



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**CONSTITUTION AND BY-LAWS
OF THE
CONFEDERATED TRIBES OF THE UMATILLA
RESERVATION IN OREGON**

We, the people of the Umatilla Indian Reservation in the State of Oregon, do hereby ordain and establish this Constitution and By-laws.

ARTICLE I—NAME

The tribal organization shall be called the "Confederated Tribes of the Umatilla Indian Reservation", and shall include Indians of the Cayuse, Umatilla, and Walla Walla Tribes.

ARTICLE II—PURPOSE

The purpose and powers of the Confederated Tribes shall be, within law, to exercise and protect all existing and future tribal rights arising from any source whether treaty, federal statute, state statute, common law, or otherwise; to achieve a maximum degree of self-government in all tribal affairs; and to protect and promote the interests of the Indians of the Umatilla Indian Reservation.

ARTICLE III—TREATY RIGHTS

This Constitution and By-laws is not adopted under the Indian Reorganization Act, also known as the "Wheeler-Howard Act." No tribal right of any kind shall be weakened, impaired, or surrendered by the adoption of this Constitution and By-laws.

ARTICLE IV—MEMBERS

The membership of the Confederated Tribes shall consist, as follows, of:

(a) All persons of Indian blood whose names appear on the official census roll of the Confederated Tribes as of July 1, 1949; provided, that corrections may be made in said roll by the General Council within five (5) years from the adoption and approval of this Constitution and By-laws, subject to the approval of the Secretary of the Interior or his authorized representative.

(b) All children born to enrollees of the Confederated Tribes, who are of at least one-fourth (¼) degree of blood of the Confederated

Tribes. Where only one parent of such children is an enrollee of the Confederated Tribes, the children may become members only upon application accepted by the General Council.

(c) Any other person of blood of the Confederated Tribes may, upon application, be admitted by a majority vote of the General Council to participate in tribal government and to vote and to hold office. It is expressly understood, however, that such persons shall not participate in any right or claim arising out of treaties to which the Confederated Tribes are a party.

ARTICLE V—GENERAL COUNCIL

SECTION 1. The General Council shall consist of all members of the Confederated Tribes of the age of eighteen (18) years or over. The General Council shall be the sole judge of the qualification of its own members.

SEC. 2. The General Council shall elect its own officers, and shall also elect the members of the Board of Trustees (formerly called the Umatilla Tribal Business Committee), as hereinafter provided; and the General Council shall have the power to demand reports from its officers and from the said Board, and to recall its officers or the members of the Board, as hereinafter provided.

SEC. 3. The officers of the General Council shall be a Chairman, a Vice-Chairman, a Secretary, and Interpreter, and such other officers as the General Council may from time to time create and fill. Their duties shall be as follows:

(a) The Chairman shall preside at all meetings of the General Council, shall attest the minutes thereof, shall appoint temporary officers in the absence of the duly elected officers, and shall perform such other duties as are placed upon him by this Constitution and By-laws. He shall vote only in case of a tie.

(b) The Vice-Chairman shall act in place of the Chairman in the event of his absence or disability, or at his request.

(c) The Secretary shall keep, prepare, and sign the official minutes of the meetings of the General Council and, subject to the direction of the Chairman, prepare an order of business in advance of each meeting of the General Council.

(d) The Interpreter shall interpret what is said at meetings of the General Council from the English language to the commonly understood Indian language, and vice versa, whenever necessary to full understanding by all members.

SEC. 4. Meetings of the General Council may be called by the Chairman of the General Council, by the Board of Trustees, or by petition signed by at least twenty (20) members of the General Council.

Notice of each meeting, stating time, place, and purpose thereof, and signed by the Chairman of the General Council or the Superintendent of the Umatilla Indian Reservation, shall be posted in public places at the Umatilla Indian Agency Headquarters, and at Cayuse, Thornhollow and Gibbon, Oregon, at least twenty (20) days before the meeting. If the Chairman of the General Council, or the Board of Trustees, shall certify that an emergency exists, the meeting may be called upon five (5) days notice.

SEC. 5. (a) Not more than thirty (30) nor less than twenty (20) days after this Constitution and By-laws is ratified by vote of the adult members of the Confederated Tribes, and approved by the Secretary of the Interior or his representative, as provided hereafter in Article VIII, the first election of officers of the General Council, and of members of the Board of Trustees, shall be held. Thereafter elections for said positions shall be held every year in the month of November, and the successful candidates shall assume office on the first day of December following the election. The date of said first election, and the rules for conducting it, shall be determined by the Umatilla Tribal Business Committee then in office.

(b) Officers of the General Council shall hold office for a period of one (1) year, or until their successors are elected and take office. The terms of the officers elected at the first election hereunder shall expire on December 1, 1949.

(c) Members of the Board of Trustees shall each hold office for a period of two (2) years, or until their successors are elected and take office, except that in the first election of said members, the four nominees receiving the highest number of votes shall hold office until December 1, 1950, and the four nominees receiving the next highest number of votes shall hold office until December 1, 1949.

(d) The Chairman and the Secretary of the General Council shall certify as to the results of all elections of officers of the General Council, or members of the Board of Trustees, held hereunder.

SEC. 6. Any officer of the General Council, or any member of the Board of Trustees, may be removed from office by majority vote of the General Council upon the filing with the Board of Trustees of a recall petition signed by at least fifty (50) members of the General Council. Such petition shall state clearly the charges against the individual whose recall is sought. It shall be the duty of the Board of Trustees, when a recall petition is filed in proper form with sufficient signatures, forthwith to call an election of the General Council to vote upon the petition. The individual sought to be recalled shall have the right to see the said petition at least twenty (20) days before the said election, and to appear at the election and answer the charges made against him.

SEC. 7. A quorum of the General Council shall consist of thirty (30) members. Voting may be by show of hands, or by secret ballot, as the Chairman shall direct; and for members of at least one-fourth ($\frac{1}{4}$) degree of blood of the Confederated Tribes unable to attend meetings of the General Council, the Board of Trustees may provide for voting by mail and by ballot box.

ARTICLE VI—BOARD OF TRUSTEES

SECTION 1. The governing body of the Confederated Tribes shall be a Board of Trustees. Subject to limitations imposed by the Statutes or Constitution of the United States, the Board of Trustees shall have the following powers:

(a) To represent the tribes and to negotiate with Federal, State and local governments and to advise with representatives of the Interior Department on appropriations, projects, and legislation that affect the tribes.

(b) To manage all affairs of the Confederated Tribes, including the administration of tribal lands, fund, timber and other resources, under appropriate contracts, leases, permits, and loan or sale agreements.

(c) To appoint committees, including members of the General Council who are not members of the Board of Trustees, and to delegate authority to said committees, and to provide per diem compensation and reimbursement of expenses incurred by officers of the General Council, members of the Board of Trustees and committee members while acting on official tribal business.

(d) To promulgate and enforce ordinances governing the conduct of members of the tribes, providing for the procedure of the Board of Trustees, and carrying out any powers herein conferred upon the Board of Trustees.

(e) To exercise any rights and powers heretofore vested in the Confederated Tribes, but not expressly referred to in this Constitution, or any powers that may in the future be delegated by an agency of local, state or Federal government.

SEC. 2. The members of the Board of Trustees shall consist of the Chairman of the General Council, as ex officio member with the right to vote, and eight (8) members of the General Council elected by the General Council. No member shall be qualified to act as a member of the Board of Trustees who is a non-resident of the Umatilla Indian Reservation. The Board of Trustees shall be the sole judge of the qualifications of its members.

SEC. 3. The officers of the Board of Trustees shall be a Chairman, a Vice-Chairman, a Treasurer and a Secretary. Their duties shall be as follows:

(a) The Chairman as chief executive officer of the Board of Trustees shall preside over all meetings of the Board of Trustees, affix his signature to official documents, countersign warrants duly drawn by the Treasurer against the tribal funds, and shall vote only in case of a tie.

(b) The Vice-Chairman shall preside at meetings and otherwise act in full capacity of the Chairman in the absence or disability of the Chairman, or at his request.

(c) The Secretary shall conduct all correspondence, issue public notices, take minutes, record official actions, have custody of all files and records, etc., of the Board of Trustees and affix his signature to official documents.

(d) The Treasurer shall accept, receipt for, and safeguard all funds of the tribes under his custody as directed by the Board of Trustees, and keep a complete record of receipts and expenditures. He shall be a bonded officer and shall not disburse any funds of the tribes except as duly authorized by the Board of Trustees, and he shall report his accounts and all financial transactions at a meeting upon request of the General Council or the Board of Trustees.

The Chairman of the General Council may, but need not necessarily, be elected as Chairman of the Board of Trustees. The Board may remove any of its officers at any time by a majority vote of the whole Board.

SEC. 4. The Board of Trustees shall hold regular monthly meetings at such time and place as it shall fix. Special meetings of the Board may be called by the Chairman of the Board, or by written request of any three (3) members thereof, upon at least two (2) days' personal notice of each member of the time, place and purpose. At all meetings of the Board, whether regular or special, five (5) members shall constitute a quorum. All meetings shall be open to any member of the General Council.

SEC. 5. Whenever, in the opinion of a majority of the entire Board of Trustees, any member of the Board of Trustees has been guilty of gross neglect of duty, it shall certify its opinion, together with the reasons therefor, to the General Council, which shall have the power to remove said member from office and to elect a successor. The member who is so accused shall have the right to receive a copy of the charges against him at least twenty (20) days in advance of the meeting of the General Council at which the question of removal and of selection of a successor are to be voted on, and shall be entitled to appear at said meeting and answer said charges.

SEC. 6. Vacancies in the Board of Trustees shall be filled by the General Council at an election called for that purpose.

SEC. 7. The Board of Trustees shall have custody of its letters,

documents, records, and minutes, as well as those of the General Council.

ARTICLE VII—AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the members of the General Council at an election called for that purpose by resolution of the Board of Trustees or majority vote of the General Council, provided that such amendment receives at least fifty (50) affirmative votes. The notice of said election shall set forth the proposed amendment in full. No amendment shall become effective until approved by the Secretary of the Interior or his authorized representative.

ARTICLE VIII—RATIFICATION

This Constitution and By-laws shall become effective upon ratification by a majority vote of those adult members of the Confederated Tribes who shall vote as authorized by the Commissioner of Indian Affairs, and subsequent approval by the Secretary of the Interior or his authorized representative.

CERTIFICATION OF ADOPTION

Pursuant to an order approved on May 27, 1949, by the Assistant Commissioner of Indian Affairs, the attached Constitution and By-laws was duly submitted to the adult voters of the Confederated Tribes of the Umatilla Indian Reservation, Oregon, for ratification, and was on November 4, 1949, duly ratified by a vote of 113 for, and 104 against.

Election Committee:

MARY E. DICK
 LOUISE M. ELK
 AARON MINTHORN
 CLARENCE BURKS
 GILBERT E. CONNER
 SAMUEL KASH KASH
 DAVID S. HALL
 ISAAC B. PATRICK

APPROVAL

This Constitution and By-laws, having been proposed and duly ratified by the adult voters of the Confederated Tribes of the Umatilla Indian Reservation, Oregon, on November 4, 1949, at a referendum called by the Commissioner of Indian Affairs, is herewith approved.

WILLIAM E. WARNE

Assistant Secretary of the Interior

Washington, D. C., December 7, 1949