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CONSTITUTION AND BYLAWS OF THE FORT McDERMITT PAIUTE AND SHOSHONE TRIBE

NEVADA

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APPROVED JULY 2, 1936

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GOVERNMENT PRINTING OFFICE
WASHINGTON : 1936

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PREAMBLE

We, the Indians of the former Fort McDermitt Military Reserve, in order to establish a legal tribal organization, to secure certain privileges and powers offered to us by the Indian Reorganization Act, and to create a governing unit through which we may properly assume our new responsibilities, do hereby ordain and establish this Constitution and Bylaws of the Fort McDermitt Paiute and Shoshone Tribe.

ARTICLE I—TERRITORY

The jurisdiction of the Fort McDermitt Paiute and Shoshone Tribe shall extend to all territory comprised within the Fort McDermitt Indian Reservation as defined in the Act of January 17, 1936 (Public, No. 419, 74th Cong.), and to such other lands as may now or hereafter be held by the tribe.

ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Fort McDermitt Paiute and Shoshone Tribe shall consist of—

(*a*) All original allottees at Fort McDermitt, and such of their descendants as do now maintain a bona-fide residence on the former Fort McDermitt Military Reserve.

(*b*) Every child of one-fourth or more Indian blood both of whose parents are members of the Fort McDermitt Paiute and Shoshone Tribe.

SEC. 2. The Tribal Council shall have the power, by an affirmative vote of two-thirds of its members, to admit to tribal membership:

(*a*) Any person of one-quarter or more Paiute or Shoshone Indian blood.

(*b*) Any person of one-half or more Indian blood married to a member of the Fort McDermitt Paiute and Shoshone Tribe.

SEC. 3. (*a*) The Tribal Council shall cancel the membership of any adult person who makes application to sever his tribal relations, and thereafter such person shall cease to hold membership in the tribe.

(*b*) The Tribal Council may by a two-thirds vote cancel the membership of any person who has not lived within the jurisdiction of the tribe for at least 1 year during the preceding 3 years, provided that this power shall become effective 1 year after the adoption and ratification of this constitution.

ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Fort McDermitt Paiute and Shoshone Tribe shall consist of a council known as the Fort McDermitt Tribal Council.

SEC. 2. The Fort McDermitt Tribal Council shall consist of eight councilmen who shall be elected by secret ballot.

SEC. 3. The Tribal Council as organized shall elect from within its own number a tribal chairman and a tribal vice chairman, and from within or without its own membership a tribal secretary, a tribal treasurer, and such other officers and committees as may be deemed necessary.

SEC. 4. Councilmen shall hold office for a term of 4 years, except that the first council elected under this constitution shall hold office until the next regular election in 1937. At the 1937 election the four candidates receiving the highest number of votes shall hold office for 4 years, and the four candidates receiving the next highest number of votes shall hold office for 2 years. Thereafter, every 2 years four councilmen shall be chosen for a term of 4 years.

ARTICLE IV—NOMINATIONS AND ELECTIONS

SECTION 1. The first election of a tribal council under this constitution shall be called, held, and supervised by the present Tribal Council within 30 days after the ratification and approval of this constitution, and thereafter elections shall be held every 2 years on the second Saturday of November, beginning with the year 1937.

SEC. 2. Any qualified voter of the tribe may announce his candidacy for the council by notifying the secretary of the Tribal Council in writing of his candidacy at least 15 days prior to the election. It shall be the duty of the secretary to post the names of all candidates who have met these requirements at least 10 days before the election.

SEC. 3. The Tribal Council or a board appointed by the Council shall determine rules and regulations governing elections, and shall certify to the election of members of the Council within 2 days after the election returns are in.

SEC. 4. Any member of the Fort McDermitt Paiute and Shoshone Tribe who is 21 years of age or over shall be entitled to vote.

ARTICLE V—VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or other tribal officer shall die, resign, voluntarily resign from tribal membership, or be removed from office, the Council shall declare the office vacant and appoint a successor to fill such vacancy until the next regular election.

SEC. 2. Any councilman or other tribal officer who is proven guilty of improper conduct, or of gross neglect of duty, may be expelled from office by a two-thirds vote of the Council members, provided that the accused official is given full opportunity to reply to any and all charges at a designated council meeting, and provided further, that the accused official shall have been given a written statement of the charges against him at least 5 days before the meeting at which he is to be given an opportunity to reply.

ARTICLE VI—POWERS AND DUTIES OF THE TRIBAL COUNCIL

SECTION 1. *Enumerated powers.*—The Fort McDermitt Tribal Council of the Fort McDermitt 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 representatives or 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 any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets of the tribe.

(*d*) To advise the Secretary of the Interior with regard to all appropriation estimates or federal projects for the benefit of the Fort McDermitt Indian Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(*e*) To manage all economic affairs and enterprises of the Fort McDermitt Paiute and Shoshone Tribe in accordance with the terms of a charter that may be issued to the tribe by the Secretary of the Interior.

(*f*) To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation, 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 tribal funds for public purposes, providing for the licensing of nonmembers coming upon the reservation for the purpose of hunting, fishing, trading, or other business, and for the exclusion from the reservation of persons not so licensed and establishing proper agencies for law enforcement upon the Fort McDermitt Indian Reservation.

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

(*h*) To adopt resolutions not inconsistent with this constitution and the attached bylaws, regulating the procedure of the Council itself and of other tribal agencies, tribal officers, or tribal organizations of the Fort McDermitt Indian Reservation, and exercising such duties as are conferred upon the Council by the attached bylaws.

SEC. 2. *Future powers.*—The Tribal Council may exercise such further powers as may in the future be delegated to the Council by members of the tribe or 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 Indians of the former Fort McDermitt Military Reserve but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Fort McDermitt Paiute and Shoshone Tribe through the adoption of appropriate bylaws and constitutional amendments.

SEC. 4. *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 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 Secre-

tary 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 such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within 10 days after its enactment, he shall advise the 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.

Article VII—Land

Section 1. *Allotted lands.*—Allotted lands, including heirship lands, belonging to any member of the Fort McDermitt Paiute and Shoshone Tribe 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 Fort McDermitt Paiute and Shoshone Tribe. 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 Fort McDermitt Indian Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

Sec. 2. *Tribal lands.*—The unallotted land of the Fort McDermitt Reservation and all lands which may hereafter be acquired by the Fort McDermitt Paiute and Shoshone Tribe or by the United States in trust for the Fort McDermitt Paiute and Shoshone Tribe, shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Fort McDermitt Indian Tribe, or leased or otherwise used by the tribe as hereinafter provided.

Sec. 3. *Leasing of tribal lands.*—Tribal lands may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to Indian cooperative associations, and secondly, to individual Indians who are members of the Fort McDermitt Paiute and Shoshone Tribe. No lease of tribal land to a nonmember shall be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the Tribal Council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SEC. 4. *Grant of "standard" assignments.*—In any assignment of tribal lands which are now owned by the tribe or which may be hereafter acquired for the tribe by the United States, or purchased by the tribe out of Tribal funds, preference shall be given to members of the tribe who have no allotted lands or previous assignments of tribal lands.

No member of the tribe who may hereafter have the restrictions upon his land removed and whose land may hereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The Tribal Council may if it sees fit, charge a fee of not to exceed $25 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless members of the tribe, and shall be known as "standard" assignments.

SEC. 5. *Tenure of standard assignments.*—If any member of the tribe holding a standard assignment of land shall, for a period of 2 years fail to use the land so assigned, or shall, after due warning from the proper tribal officials, persist in using such land for any unlawful purpose, his assignment may be canceled by the Tribal Council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a "standard" assignment, his heirs or other individuals designated by him, by will or written request, shall have a preference in the reassignment of the land, provided such persons are members of the Fort McDermitt Paiute and Shoshone Tribe who would be eligible to receive a "standard" assignment.

SEC. 6. *Grant of "exchange" assignments.*—Any member of the tribe who owns an allotment or any share of heirship land may voluntarily transfer his interest in such land to the tribe in exchange for any assignment of the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as "Exchange" assignments.

SEC. 7. *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 tribe, 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 alloted lands.

SEC. 8. *Inheritance of exchange assignments.*—Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Tribal Council to his heirs or devisees, subject to the following conditions:

(*a*) Such lands may not be reassigned to any heirs or devisees who are not members of the Fort McDermitt Paiute and Shoshone Tribe 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 certain number of acres of grazing land, or other land or interests in land of equal value, either under allotment or under assignment, such amounts 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. No area of grazing land shall be subdivided into units smaller than 20 acres, and no area of agricultural land shall be subdivided into units smaller than 1 acre, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Council shall issue to such heirs or devisees grazing permits or other interests in tribal lands of the same value as the assignments of the decedent.

(*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 4 of this article.

SEC. 9. *Inheritance of improvements.*—Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Fort McDermitt Paiute and Shoshone Tribe or otherwise disposed of under such regulations as the Tribal Council shall provide. No permanent improvements shall be removed from the land without the consent of the Tribal Council.

SEC. 10. *Exchange of assignments.*—Assignments may be exchanged between members of the Fort McDermitt Paiute and Shoshone Tribe by common consent in such manner as the Tribal Council shall designate.

SEC. 11. *Use of unassigned tribal land.*—Tribal land which is not assigned shall be managed by the Tribal Council for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole. All action of the Fort McDermitt Tribal Council with respect to such lands shall be in conformity with departmental regulations for the protection of Indian range and timber resources authorized by section 6 of the Act of June 18, 1934.

SEC. 12. *Purchase of land by the tribe.*—Tribal funds may be used with the consent of the Secretary of the Interior to acquire land under the following conditions:

(*a*) Land adjacent to the Fort McDermitt Indian Reservation which is not now in Indian ownership may be purchased by or for the Fort McDermitt Paiute and Shoshone Tribe.

(*b*) Restricted land, which is in heirship status at the time of the adoption and approval of this Constitution, may be purchased by or for the tribe, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.

(*c*) Land owned by any member of the tribe who is over the age of 60 years, or who is physically incapacitated, may be transferred by its owner to the tribe in exchange for a pension of not more than twice the usual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(*d*) Land owned by any member of the tribe who desires to leave the reservation permanently may be purchased by the tribe, under such terms as may be agreed upon.

SEC. 13. *Method of making assignments.*—Applications for assignment shall be filed with the secretary of the Council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted in the agency office and in at least three conspicuous places in the district in which the land is located for not less than 20 days before action is taken by the Council. Any member of the tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the secretary of the Council, and may if he so desires appear before the Council to present evidence. The secretary of the Council shall furnish the Superintendent or other officers in charge of the agency a complete record of all action taken by the Council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

ARTICLE VIII—REFERENDUM

SEC. 1. Upon a petition of at least 15 qualified voters of the Fort McDermitt Paiute and Shoshone Tribe a referendum may be demanded on any enacted or proposed ordinance or resolution of the Fort McDermitt Tribal Council, and the vote of the majority of the qualified voters in such referendum shall be conclusive and binding on the Tribal Council.

ARTICLE IX—AMENDMENTS

SECTION 1. This constitution and the appended bylaws may be amended by a majority vote of the qualified voters of the tribe 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.

SEC. 2. It shall be the duty of the Secretary of the Interior to call an election on a proposed amendment, if requested by a two-thirds (2/3) vote of the Council, or upon presentation of a petition signed by twenty-five (25) percent of the eligible voters, members of the tribe.

BYLAWS OF THE FORT McDERMITT PAIUTE AND SHOSHONE TRIBE

ARTICLE I—DUTIES OF OFFICERS

SECTION 1. It shall be the duty of the Chairman to preside at all meetings of the Council.

SEC. 2. In the absence of the regular Chairman, the Vice-Chairman shall preside and he shall have all powers, privileges, and duties of the regular Chairman.

SEC. 3. It shall be the duty of the Secretary to keep a true and accurate record of all matters affecting the records, to render a proper accounting of such records and statistics at all meetings of the Council and to keep an accurate record of all Council proceedings, including the minutes of each special or regular meeting. Such records shall be in triplicate, the original copy to be filed at the Fort McDermitt Tribal Office, one copy to be presented to the Superintendent, and one copy to be sent to the Commissioner of Indian Affairs.

SEC. 4. The duties of the Treasurer of the Tribal Council shall be as follows:

(*a*) He shall accept, receipt for, preserve and safeguard all funds in the custody of the Council, whether same be tribal funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere, as directed by the Council, and he shall keep an accurate record, filing same in the office of the Fort McDermitt Tribal Council, and he shall report in writing all receipts and expenditures and accounts and the nature of all funds in his possession, or custody, once every 6 months to the Tribal Council, or at any time he is requested to do so by the Tribal Council.

(*b*) He shall not disburse any funds in his custody belonging to the Council except when authorized by a motion duly passed and properly recorded by the Council.

(*c*) The Treasurer shall be required to furnish a bond satisfactory to the Council and to the Commissioner of Indian Affairs.

(*d*) The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Tribal Council or under the direction of the Commissioner of Indian Affairs.

(*e*) 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 II—QUALIFICATIONS FOR OFFICE

Any person to be elected as an officer or councilman, must be a member of the Fort McDermitt Paiute and Shoshone Tribe and over 25 years of age at the time of his or her election.

(*a*) No person who has been convicted of felony shall be elected as an officer or councilman.

(*b*) The Tribal Council shall be the sole judge of the qualification of its own members.

ARTICLE III—CONDUCT OF ELECTIONS AND CERTIFICATION

SECTION 1. It shall be the duty of the Council to see that each nomination for tribal office, including membership in the Council, shall be made in strict accord with the provisions of the constitution, and unless the Council shall certify as to the legality of such nomination, it shall be considered illegal and ineffective.

SEC. 2. All tribal elections for officers shall be canvassed and certified by the Council or by a board appointed by it. No candidate shall be considered legally elected, nor shall he hold office until such canvass

and certification shall have been made by the Council within 5 days after such election.

SEC. 3. All necessary details concerning tribal nominations and elections not specifically covered by these bylaws or in the constitution shall be more fully set forth in ordinances to be hereafter established by the Council.

ARTICLE IV—MEETINGS AND PROCEDURES

SECTION 1. Immediately after the election of members of the Fort McDermitt Tribal Council and when the elected members are duly certified, as provided for in Article IV of this constitution, the members shall assemble and organize for business.

SEC. 2. Regular meetings of the Council shall be held monthly on a day fixed by ordinance.

SEC. 3. Special meetings of the Council shall be held at such times as are designated by the chairman, who shall notify members at least 24 hours before the date of such meeting.

SEC. 4. At any special or regular meeting of the Tribal Council two-thirds of the Council members shall constitute a quorum and without such a quorum the chairman shall adjourn the meeting.

SEC. 5. Special meetings of the Council shall be held upon written request of four members of the Council or by petition signed by 15 legal voters of the tribe, such written request to be filed with the chairman or secretary of the Council who shall notify the Council members at least 24 hours before the date of such Council meeting. Special meetings may be called by the chairman to meet with visiting county, state, or Federal officials or to transact business requiring council action before the next regular meeting.

SEC. 6. All sessions of the Tribal Council (except executive) shall be open to all members of the tribe. Balloting at all sessions shall be either by acclamation or by secret written ballot, as the presiding officer may direct.

SEC. 7. The order of business at any regular or special meeting of the Tribal Council shall be as follows:

(*a*) Council called to order.
(*b*) Roll call.
(*c*) Reading of minutes of previous meeting.
(*d*) Reports of standing committees.
(*e*) Report of Council Treasurer.
(*f*) Reports of special committees.
(*g*) Reading of communications and reports.
(*h*) Unfinished business.
(*i*) New business.
(*j*) Adjournment.

SEC. 8. It shall be the duty of the Council to exercise care and caution to the end that a complete record is preserved of all acts of the Council and of all committees appointed therefrom. Accurate copies of all records shall be preserved in the files of the Council and accurate copies of all necessary records shall be transmitted to such Bureaus, Departments, or elsewhere as may be required.

SEC. 9. All records of the Council and its committees or delegates shall at all times be a matter of public record, and any member of the Fort McDermitt Paiute and Shoshone Tribe or his authorized repre-

sentative, or any properly authorized officer or employee of any government department shall have full access to same during business hours. However, it is provided that matters before the Council while in executive session shall be, at the option of the Council, withheld from the public or from individuals or their representatives, until after same shall have been acted upon or otherwise quietly disposed of.

SEC. 10. Copies of all leases, contracts, deeds, or assignments and all other papers and documents pertaining to lands of any nature on the reservation shall be carefully preserved by the Council, and insofar as it is possible all other documents affecting the rights and equities of the tribe as a whole, or the individual members thereof, shall be kept and preserved in order that such information shall at all times be available to the Council and to the individual members of the tribe. Duplicates of all such documents shall be deposited in the files of the agency.

ARTICLE V—TRIBAL COURT (JUDICIAL CODE)

SECTION 1. (*a*) It shall be the duty of the Council to provide through the necessary bylaws or ordinances, for the establishment of a Tribal Court upon the reservation.

(*b*) This court shall have jurisdiction over all such offenses as may be provided in the ordinances of the Council unless they fall within the exclusive jurisdiction of Federal or State Courts.

(*c*) This court shall have jurisdiction over all Indians upon the reservation and over such disputes or lawsuits as shall occur between Indians on the reservation or between Indians and non-Indians where such cases are brought before it by stipulation of both parties.

(*d*) The duties and jurisdiction of this court shall be more fully prescribed by appropriate bylaws or ordinances.

SEC. 2. The Council may establish by ordinance a tribal police force which shall have full jurisdiction upon the reservation. The authority and duties of this police force under which it will function may be outlined by the Council, and such police shall be employees of the Council and an agency of the Tribal Court.

ARTICLE VI—PROPERTY REGULATIONS

SECTION 1. It shall be the duty of the Council, except as restricted by Federal laws, to pass rules and regulations to prevent unauthorized prospecting or mining of any kind upon the reservation and to see that such rules and regulations are properly enforced.

SEC. 2. The Council shall pass ordinances for the control of hunting and fishing upon the reservation, such ordinances not to be in conflict with any of the Federal Game Laws. The Council shall enforce such ordinances and cooperate with federal authorities in the protection of game on the reservation. The Council may issue licenses for hunting and fishing and prohibit hunting and fishing without such license.

ARTICLE VII—PUBLIC WELFARE

SECTION 1. *Community welfare.*—(*a*) The Council at all times shall determine in careful manner what constitutes just cause for aid

or assistance to the indigent members of the tribe, and shall make provisions for recommendation to proper agencies of individuals needing relief.

(*b*) The Council shall designate persons who shall cooperate in the administration of welfare work on the reservation, and the solicitation and expenditure of welfare funds shall be conducted in a systematic manner so that the right to do so may not be abused. It shall seek and cooperate with such welfare organizations and thereby render assistance or aid to the aged, the physically handicapped, and all others in actual need of aid.

(*c*) The Council shall at all times endeavor to discuss and eliminate the causes for indigency, exercising wise and judicious supervision and management of the affairs of the tribe and, so far as possible of the finances of individual members of the tribe, to the end that need, privation, and financial distress may be entirely eliminated among the members of the tribe.

SEC. 2. *Education.*—(*a*) The Council may pass resolutions to promote and increase learning and education among the members of the tribe, and may study present school systems to recommend plans for their improvement to the proper Bureaus and Departments.

(*b*) The Council shall enter into negotiations with nonreservation schools and procure for the members of the tribe the highest type of educational facilities, to the end that younger members of the tribe shall have every possible economic, social, and cultural advantage.

(*c*) The Council shall encourage and promote among the residents of the reservation by every practical means, a proper system of education for members of all ages, in such subjects as home economics, hygiene, child care and training, agronomy, farm mechanics, etc., cooperating with State and Federal Departments, and agencies, which seek to promote such work.

ARTICLE VIII—LOANS

The Fort McDermitt Tribal Council shall act upon all applications for loans under the revolving fund; may make recommendations to the appropriate authorities for loans to Indians under the reimbursable regulations for the purchase of property, stock, or equipment, or loans to Indians, for the payment of tuition and other expenses in vocational and professional schools.

ARTICLE IX—APPLICATION FOR FUNDS

The Tribal Council shall act in an advisory capacity upon all applications to the Superintendent for the withdrawal from the United States Treasury of trust funds or any other tribal funds, and may adopt rules and regulations not in conflict with law, subject to the approval of the Superintendent, governing withdrawal of individual Indian monies.

ARTICLE X—GUARDIANSHIP

The Tribal Council shall pass all necessary ordinances whereby the rights of minors and incompetents shall be properly safeguarded and shall see that the administration of such funds and other assets by guardians responsible to the Tribal Council shall be for the exclusive

benefit of such minors or incompetents. It shall be the duty of the Council to make semiannual reports concerning all such guardianship funds or assets, such reports being matters of public record, with the exception of the trust funds and individual Indian money, which is deposited and supervised by the Superintendent under existing law.

Article XI—Adoption of Constitution and Bylaws

This Constitution and Bylaws, when ratified by a majority vote of the Indians of the former Fort McDermitt Military Reserve voting at an election called for the purpose by the Secretary of the Interior provided that at least thirty (30) percent 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 May 6, 1936, by the Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the Indians of the former Fort McDermitt Military Reserve and was on May 30, 1936, duly approved by a vote of 54 for, and 11 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 (Public, No. 147, 74th Cong.).

Harry Lassing,
Chairman of Election Board.
Ross E. Hardin,
Secretary of the Election Board.

Alida C. Bowler,
Superintendent in charge of the Reservation.

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 Bylaws of the Fort McDermitt Paiute and Shoshone Tribe of the Fort McDermitt 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 Bylaws 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 Bylaws.

Approval recommended June 26, 1936.

John Collier,
Commissioner of Indian Affairs.

Harold L. Ickes,
Secretary of the Interior.
[seal]

Washington, D. C., *July 2, 1936.*

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