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CONSTITUTION AND BY-LAWS OF THE PYRAMID LAKE PAIUTE TRIBE

NEVADA

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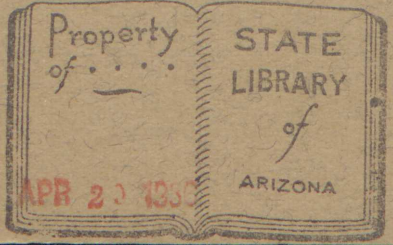
APPROVED JANUARY 15, 1936



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1936

CONSTITUTION AND BY-LAWS OF THE PYRAMID LAKE PAIUTE TRIBE OF NEVADA

PREAMBLE

We, the members of the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation in the State of Nevada, in order to establish our tribal organization, to conserve our tribal property, to develop our community resources, to administer justice, and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this constitution and by-laws as a guide for the deliberations of our tribal council in their administration of tribal affairs.

ARTICLE I—TERRITORY

The jurisdiction of the Pyramid Lake Paiute Tribe of Indians shall extend to the territory within the confines of the Pyramid Lake Indian Reservation as established by Executive order of March 23, 1874; to all lands claimed by the tribe to which title in the tribe may be established; and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Pyramid Lake Paiute Tribe shall consist of the following:

(a) All persons of Indian blood whose names appear on the official rolls of the Pyramid Lake Reservation as of January 1, 1935.

(b) All children born to any member of the Pyramid Lake Paiute Tribe who is a resident of the reservation at the time of the birth of said children.

SEC. 2. The council shall have the power to propose ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of members by the tribe, provided that no existing property rights shall be affected by this section.

ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Pyramid Lake Paiute Tribe shall consist of a council known as the Pyramid Lake Paiute Tribal Council.

SEC. 2. The tribal council shall be composed of ten councilmen elected by secret ballot.

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

SEC. 4. Councilmen shall hold office for a term of two years or until their successors are elected.

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 two years on a date to be determined by the Pyramid Lake Paiute Tribal Council and announced at least 30 days in advance. The election date shall fall between December 26 and 30.

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 Pyramid Lake Paiute Tribal Council, or a board appointed by the council, shall determine rules and regulations governing elections, and shall certify to the election of the members of the council within one day after the election returns.

SEC. 4. Any member of the Pyramid Lake Paiute Tribe who is 21 years of age or over and who has maintained a legal residence for at least one year on the Pyramid Lake Reservation shall be entitled to vote.

ARTICLE V—VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or other official shall die, resign, permanently leave the reservation, or be removed from office, the council shall declare the office vacant and appoint a successor to fill the unexpired term.

SEC. 2. Any councilman who is proven guilty of improper conduct, or gross neglect of duty may be expelled from the council by a two-thirds vote of the council members, provided that the accused member is given full opportunity to reply to any and all charges at a designated council meeting, and provided further that the accused member shall have been given a written statement of the charges against him at least five 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. The Pyramid Lake Paiute Tribal Council shall exercise the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and the attached by-laws:

(a) To enter into negotiations with the Federal, State, and local governments on behalf of the tribe.

(b) To present and prosecute any claims or demands of the Pyramid Lake Paiute Tribe; to assist members of the tribe in pre-

senting their claims and grievances at any court or agency of the Government; and to employ representatives or counsel for such services, the choice of counsel and fixing of fees for counsel and representatives to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian affairs, or any other official or agency of the Government, provided that no tribal lands shall ever be sold, encumbered or leased for a period exceeding five years.

(d) To confer with the Secretary of the Interior upon all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and Congress.

(e) To make assignments of tribal land to members of the Pyramid Lake Paiute Tribe in conformity with article VII of this constitution.

(f) To administer any funds or property within the control of the tribe, to make expenditures from available funds for public purposes, including salaries or other remuneration of tribal officials or employees, such salaries or remuneration to be paid only for services actually authorized in a regular and legal manner and actually rendered. All expenditures shall be by resolution duly approved by a majority vote of the council, and the amounts so expended shall be a matter of public record at all times.

(g) To require individual members of the tribe, or other Indian residents upon the reservation to assist with community labor, when just cause or extreme emergency exists.

(h) To create and maintain a Pyramid Lake Paiute Tribal Council Fund by accepting grants or donations from any person, State, or the United States, or by levying assessments of not less than ten cents or more than one dollar per year per capita on the qualified voters of the Pyramid Lake Paiute Tribe, and to require the performance of community labor in lieu thereof, or by levying taxes and license fees, subject to review by the Secretary of the Interior, upon non-members doing business within the reservation.

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

(j) To promulgate ordinances for the purpose of safeguarding the peace and safety of residents of the reservation, and to establish courts for the adjudication of claims or disputes and for the trial and penalizing of Indians within the reservation charged with the commission of offenses set forth in such ordinances.

(k) To regulate the inheritance of property within the reservation, subject to review by the Secretary of the Interior.

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

(m) To adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials of the reservation.

SEC. 2. Any resolution or ordinance which, by 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 bearing his endorsement, to the Secretary of the Interior who may, within ninety days from the date of enactment, rescind the ordinance or resolution by notifying the council of such action.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days from its enactment, he shall advise the tribal 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 ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution becomes effective.

SEC. 3. *Future powers.*—The council of the Pyramid Lake Paiute Tribe may exercise, subject to popular referendum, such further powers as may in the future be delegated to the tribe by the Secretary of the Interior, or by any other duly authorized official or agency of Government.

SEC. 4. *Reserved powers.*—Any rights and powers heretofore vested in the Pyramid Lake Paiute Tribe but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Pyramid Lake Paiute Tribe through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VII—TRIBAL LANDS

SEC. 1. The lands of the Pyramid Lake Reservation and all lands which may hereafter be acquired by the Pyramid Lake Paiute Tribe or by the United States in trust for the Pyramid Lake Paiute 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 Pyramid Lake Paiute Tribe, or leased, or otherwise used by the tribe, as hereinafter provided.

SEC. 2. 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 Pyramid Lake Paiute Tribe. No lease of tribal land to a non-member 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 Pyramid Lake Paiute Tribal Council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SEC. 3. In any assignment of tribal lands which are now owned by the tribe or which hereafter may be acquired for the tribe by the United States or purchased by the tribe out of tribal funds, preference shall be given first, to heads of families which are entirely landless and second, to heads of families which have already received assignments consisting of less than an economic unit of land, as may be determined from time to time by the tribal council.

The tribal council may, if it sees fit, charge a fee of not to exceed $5.00 on approval of an assignment made under this section.

SEC. 4. If any member of the tribe holding an assignment of land shall, for a period of two (2) years, fail to use the land so assigned, such 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 3 of this article.

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

SEC. 5. Applications for assignments shall be filed with the secretary of the Pyramid Lake Paiute Tribal 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 by him in the agency office and in at least three conspicuous places in the district in which the land is located, for not less than twenty 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.

The council shall draw up one or more forms for assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE VIII—REFERENDUM

Upon a petition of at least one-third of the qualified voters of the Pyramid Lake Paiute Tribe a referendum may be demanded on any enacted or proposed ordinance or resolution of the 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

This constitution and by-laws 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. 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 presentation of a petition signed by one-third (⅓) of the qualified voters, members of the tribe.

BY-LAWS OF THE PYRAMID LAKE PAIUTE TRIBE OF NEVADA

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 tribal secretary to keep a true and accurate record of all matters affecting the tribal records, to render a proper accounting of such records at all meetings of the council, and to keep an accurate record of all council proceedings, including the minutes of each special and regular meeting. Minutes of all special or regular meetings shall be in triplicate, the original copy to be presented to the superintendent, and one copy to be transmitted to the Commissioner of Indian Affairs.

Sec. 4. The duties of the treasurer of the Pyramid Lake Paiute Tribal Council shall be as follows:

(a) He shall accept, receive, 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.

(b) 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 Pyramid Lake Paiute 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 six months to the tribal council, or at any time he is requested to do so by the tribal council.

(c) He shall not disburse any funds in his custody belonging to the Pyramid Lake Paiute Tribal Council except when authorized by a motion duly passed and properly recorded by the council.

(d) The treasurer of the Pyramid Lake Paiute Tribal Council shall be requested to furnish a bond satisfactory to the council and to the Commissioner of Indian Affairs. Except that until he is bonded, the council may make such provision for the custody and disbursements of funds as shall guarantee their safety and proper disbursement and use.

(e) 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.

Article II.—Qualifications for Office

Any person, to be elected as an officer or councilman, must be a Pyramid Lake Paiute Indian, enrolled on the Pyramid Lake Reser-

vation, residing thereon, and over twenty-five (25) years of age at the time of his or her election. The tribal council shall be the sole judge of the qualifications 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. The council shall certify as to the legality of such nomination; otherwise, it shall be considered illegal and ineffective by the council.

Sec. 2. All tribal elections for officers shall be canvassed and certified by the council or by a board appointed by it within one day after such elections. No candidate shall be considered legally elected, nor shall he hold office until such canvass and certification shall have been made by the council.

Sec. 3. All necessary details concerning tribal nominations and elections not specifically covered by these by-laws 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 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. The council shall meet regularly on the first Saturday of each month.

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 twenty-four hours before the date of such meetings.

Sec. 4. At any special or regular meeting of the tribal council three-fifths 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 call of the chairman or by written request of three members of the council or by petition signed by one-third of the 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 twenty-four hours before the date of such council meeting.

Sec. 6. The order of business at any regular or special meeting of the Pyramid Lake Paiute 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) Reports of council treasurer.
(f) Reports of special committees.
(g) Reading of communications and reports.
(h) Unfinished business.
(i) New business.
(j) Adjournment.

SEC. 7. 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. 8. 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 Pyramid Lake Paiute Tribe or his authorized representative, 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. 9. 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 by-laws 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 by-laws or ordinances.

SEC. 2. It shall be the duty of the council to establish by ordinance a tribal police force which shall have full jurisdiction upon the reservation, in all cases not falling within the exclusive jurisdiction of Federal or State courts. The authorities and duties under which it will function may be outlined by the council, and such police shall be employees of the council, and the police force shall be an agency of the tribal court.

ARTICLE VI—PROPERTY REGULATIONS

SECTION 1. It shall be the duty of the council 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 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 licenses.

ARTICLE VII—PUBLIC WELFARE

SECTION 1. *Community welfare.*—(a) The council shall determine in careful manner what constitutes just cause for aid or assistance to the indigent members of the tribe, and shall make proper provisions for recommendation to proper agencies of individuals needing relief.

(b) The council shall designate persons who shall administer 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. The council shall thereby render assistance or aid to the aged, the physically handicapped, and all others in actual need of assistance.

(c) The council shall at all times endeavor to eliminate the causes for indigency, exercising wise and judicious supervision and management of tribal affairs and finances and, insofar as is possible, of the affairs and 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 shall pass necessary ordinances to promote and increase learning and education among the members of the tribe, studying present school systems, and recommending plans for improving them to the proper bureaus or departments.

(b) The council shall enter into negotiations with non-reservation 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 tribal council shall act upon all applications for loans under the revolving fund or reimbursable regulations for the purchase of property, stock, or equipment. Loans to Indians for the payment of tuition for higher education or trade schools may be recommended by the tribal council to the appropriate committee.

ARTICLE IX—APPLICATION FOR FUNDS

The Pyramid Lake Paiute Tribal Council shall act in an advisory capacity upon all applications to the Superintendent for the with-

drawal 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 moneys.

Article X—Tribal Claims

The tribal council shall make a thorough survey, research, investigation, and study of the history and title of all lands which were tribal in character in times past, and shall endeavor to reestablish the tribal equity, if any, in such lands so as to obtain through proper channels just compensation for such lands as it shall find to have been unlawfully removed from the jurisdiction of the tribe without just compensation.

Article XI—Guardianship

The tribal council shall pass all necessary ordinances whereby the rights of miners and incompetents shall be properly safeguarded and shall see that the administration of their funds and other assets, by guardians responsible to the council, shall be for the exclusive benefit of such miners or incompetents. It shall be the duty of the council to make semi-annual reports concerning all such guardianship funds or assets, and such reports shall be matters of public record.

Article XII

This constitution and by-laws when ratified by a majority vote of the qualified voters of the Pyramid Lake Reservation voting at an election called for the purpose by the Secretary of the Interior, provided that at least thirty (30) per cent 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 November 20, 1935, by the Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the Indians of the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation and was on December 14, 1935, duly approved by a vote of 69 for, and 34 against, in an election in which over 30 per cent 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.).

Dewey E. Sampson,
Chairman of Election Board.
Wm. O'Day,
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 by-laws of the Pyramid Lake Paiute Tribe of Indians on the Pyramid Lake Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and by-laws are hereby declared inapplicable to these 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 January 7, 1936.

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

HAROLD L. ICKES,
Secretary of the Interior.
[SEAL]

WASHINGTON, D. C., *January 15, 1936.*

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