

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

**CONSTITUTION AND BY-LAWS
OF THE
HAVASUPAI TRIBE
OF THE HAVASUPAI RESERVATION,
ARIZONA**

APPROVED MARCH 27, 1939

UNITED STATES
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**CONSTITUTION AND BY-LAWS OF THE HAVASUPAI
TRIBE OF THE HAVASUPAI RESERVATION**

PREAMBLE

We, the Havasupai Tribe of the Havasupai Reservation, Arizona, in order to build up an independent and self-directing community life; to secure to ourselves and our children all rights guaranteed to us by treaties and by the Statutes of the United States; and to encourage and promote all movements and efforts for the best interests and welfare of our people, do establish this Constitution and By-laws.

ARTICLE I-TERRITORY

The authority of the Havasupai Tribe shall extend to all of the territory within the boundaries of the Havasupai Reservation as established by Executive Orders of June 8 and November 23, 1880, and March 31, 1892, and to all lands which may be acquired for the tribe by the United States, or which the tribe may acquire for itself.

ARTICLE II-MEMBERSHIP

SECTION 1. The membership of the Havasupai Tribe shall consist of all persons of Indian blood whose names appear on the official census roll of the tribe as of January 1, 1938, and

(a) All children born to any member after January 1, 1938, who are three-fourths or more Indian blood.

SEC. 2. The Tribal Council shall have the power to pass ordinances, subject to the approval of the Secretary of the Interior, covering future membership and the adoption of new members, except that no person shall be adopted into the tribe who has not resided upon the reservation for a probationary period of 5 years.

ARTICLE III-GOVERNING BODY

SECTION 1. The governing body of the Havasupai Tribe shall be known as the Havasupai Tribal Council and shall consist of four regular councilman, and three recognized hereditary chiefs of the tribe who shall be selected by the remaining subchiefs of the tribe. Each of the chiefs, as regular members of the Council, shall continue his duties as councilman until death or resignation, at which time a new chief shall be selected by the subchiefs. Each chief shall have the same voting power as any other councilman. Any member of the Council, not a chief, may be subject to recall if he fails to fulfill his duties as a councilman.

SEC. 2. The members of the Havasupai Tribal Council shall be qualified voters of the reservation, 35 years of age or over.

SEC. 3. Immediately after the first election of councilmen and selection of chiefs under this Constitution, the newly elected Tribal Council shall meet and organize by electing from their own membership, a chairman and vice-chairman, and from within or without their own membership, a secretary and a treasurer.

SEC. 4. As soon as the Havasupai Tribal Council shall organize after the first election, the four councilmen elected at large for the reservation shall determine by lot two of its members to serve until the first annual election and two of its members to serve until the second annual election. Thereafter the successors shall be elected to serve for two years.

ARTICLE IV-NOMINATIONS AND ELECTIONS

SECTION 1. The first election of the Havasupai Tribal Council shall be held within 30 days after the adoption and approval of this Constitution, and shall be called and supervised by the present Tribal Council in co-operation with the Superintendent of the reservation.

SEC. 2. The Havasupai Tribal Council, or an election board appointed by the Council, shall provide rules governing all elections and shall designate polling places and election officials.

SEC. 3. Enrolled members of the Tribe who are 21 years of age or over shall have the right to vote.

SEC. 4. Beginning with 1939, elections shall be held annually in December on a day to be selected by the Havasupai Tribal Council, at least 20 days before the election.

SEC. 5. Any qualified person may become a candidate for the Havasupai Tribal Council by presenting his name to the Secretary of the Council, or by having his name on a petition signed by five qualified voters at least ten days before the election in either case. The Secretary shall post the names of all candidates in one or more public places at least seven days before the election.

SEC. 6. If a vacancy occurs in the Havasupai Tribal Council, it shall be filled by the Council by appointment of a qualified member of the Tribe to serve until the next annual election.

SEC. 7. The Havasupai Tribe shall have the power to recall any member of the Council, not a chief, by filing a petition with the Council, signed by at least 50 per cent of the qualified voters, asking for the removal of said member of the Council, subject to the decision of the tribe at a special election which shall be held within thirty days after the filing of the petition.

ARTICLE V-POWERS OF THE TRIBAL COUNCIL

SECTION 1. The Havasupai Tribal Council shall have the following powers, subject to referendum as provided:

- (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 the sale, disposition, lease or encumbrance of tribal lands, interests in lands, tribal funds, 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 Havasupai Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all tribal economic affairs and enterprises of the Havasupai Tribe in accordance with the terms of a charter that may be issued to the Havasupai Tribe by the Secretary of the Interior.

(f) To enact and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Havasupai Tribe; providing for the manner of making, holding, and revoking assignments of tribal lands or interests therein; providing for the levying of taxes and the appropriation of available 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 territory of the Havasupai Tribe of persons not so licensed; providing for the establishment of proper agencies for law enforcement; providing for the regulation of domestic relations; and providing for the removal or exclusion from the reservation of any nonmember whose presence may be injurious to the people of the Reservation.

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the Havasupai 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 By-laws, regulating the procedure of the Tribal Council itself and of other tribal agencies, tribal officials, or tribal organizations.

SEC. 2. The Havasupai Tribal Council may exercise such further powers as may in the future be delegated to it by the Secretary of the Interior or by any other duly authorized official or agency of government, and may exercise any rights and powers heretofore vested in the Havasupai Tribe but not expressly referred to in this Constitution.

SEC. 3. *Manner of Review.*-Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation who shall, within ten days thereafter, approve or disapprove the same.

If he approves any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior who may, within 90 days from date of enactment, rescind the said ordinance or resolution for any cause by notifying the Tribal Council of his action.

If the Superintendent refuses to approve any ordinance or resolution submitted to him within ten days after its enactment, he shall advise the Tribal Council of his reasons. The Council may by a majority vote refer the ordinance or resolution to the Secretary of the Interior who may, within 90 days from its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VI-REFERENDUM

Upon a petition signed by at least 50 per cent of the eligible voters of the Havasupai Tribe, demanding a referendum on any proposed or enacted ordinance or resolution the Tribal Council shall call an election at which a majority of those voting shall approve or disapprove the ordinance or resolution in question.

ARTICLE VII-LAND

The general control of reservation lands and other tribal property shall continue as in the past, until changed in any particular by ordinance of the Tribal Council. The Tribal Council shall have the power to enact ordinances and prescribe forms, which shall be subject to review by the Secretary of the Interior, providing for the assignment of unused lands or the reassignment of any unused assignments, which have been idle for two or more years. No assignments of land may be made so long as the original assignee or his heirs shall reside on the land unless he shall voluntarily release the land to the tribe. The Tribal Council shall decide by ordinance what shall constitute an economic unit for assignment and proper terms for the leasing of tribal lands; all actions of the Council with respect such lands shall be in conformity with departmental regulations for the protection of Indian ranges and timber resources.

ARTICLE VIII-AMENDMENTS

Amendments to this Constitution may be proposed by a majority vote of the Havasupai Tribal Council and may be ratified and approved in the same manner as this Constitution and By-laws.

BY-LAWS OF THE HAVASUPAI TRIBE OF THE HAVASUPAI RESERVATION

ARTICLE I-DUTIES OF OFFICERS

SECTION 1. The Chairman shall preside over all meetings of the Tribal Council and general meetings of the tribe, shall perform the usual duties of a chairman and exercise any authority delegated to him by the Council.

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

SEC. 3. The Secretary shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at the Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction and the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the Tribal Council.

SEC. 4. The Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Tribal Council. He, shall deposit all funds in such depository as the Council shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody, at such times as requested by the Tribal Council.

He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Council. The Treasurer shall be required to give a bond satisfactory to the Tribal Council and to the Commissioner of Indian Affairs. Until the

Treasurer is bonded, the Tribal Council may make such provision for the custody and disbursements of funds as shall guarantee their safety and proper disbursement and use.

ARTICLE II-MEETINGS OF THE COUNCIL

SECTION 1. The Tribal Council shall hold regular meetings at Supai, Arizona, on the second Saturday of each month at such hour and place as may be designated by the Chairman. Special meetings may be called by the Chairman or any three members of the Council. All councilmen shall be notified at least 24 hours before the time of such meeting.

SEC. 2. Four members shall constitute a quorum of the Tribal Council at its regular or special meetings in order to carry on business.

SEC. 3. A general tribal meeting shall be held once a year at the time of the election of the councilmen. At this meeting the Tribal Council shall make a report of its work during the year just passed, and may take up any other matters of interest to the tribe.

ARTICLE III-ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when adopted by a majority vote of the qualified voters of the Havasupai Tribe of the Havasupai Reservation, voting at a special election called by the Secretary of the Interior, in which at least 30 per cent 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 November 15, 1938, by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the qualified voters of the Havasupai Tribe, and was on January 13, 1939, duly adopted by a majority vote of the Indians voting 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 (49 Stat. 378).

ARTHUR KASKA,
Chairman, Havasupai Tribal

Council.

JOHN O. CROW,
Acting Superintendent, Truxton Canon Agency.

I, Oscar L. Chapman, 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 Havasupai Tribe of the Havasupai Reservation in Arizona.

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 Havasupai Tribe of the Havasupai Reservation in Arizona.

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

Approval recommended March 17, 1939.

F. H. DAIKER,
Acting Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.
[SEAL]

WASHINGTON, D. C., *March 27, 1939.*