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UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

CONSTITUTION AND BY-LAWS

OF THE

CONFEDERATED TRIBES

OF THE

GOSHUTE RESERVATION, UTAH

APPROVED NOVEMBER 25, 1940

UNITED STATES
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**CONSTITUTION AND BY-LAWS OF THE CONFEDERATED
TRIBES OF THE GOSBUTE RESERVATION, UTAH**

PREAMBLE

We, the people of the Goshute Reservation, in order to establish justice, promote the common welfare and preserve the advantages of self-government, do ordain and establish this constitution.

ARTICLE I-PURPOSE

Our purpose shall be to develop and use our resources to promote and protect the interests of the Confederated Tribes of the Goshute Reservation, and to secure and preserve peaceful and cooperative relations with the Office of Indian Affairs, its officers and appointees.

ARTICLE II-TERRITORY

The jurisdiction of the Confederated Tribes of the Goshute Reservation shall extend to the territory within the confines of the Goshute Indian Reservation boundaries, as established by Executive Order dated March 23, 1914, and to such other lands as may be hereafter added thereto.

ARTICLE III-MEMBERSHIP

SECTION 1. The membership of the Confederated Tribes of the Goshute Reservation shall consist as follows:

(a) All persons of Indian blood whose names appear on the official census rolls of the Confederated Tribes of the Goshute Reservation as of April 1, 1939; *Provided*, That within one year after approval of this Constitution and By-Laws such roll may be corrected by the Goshute Business Council of the Confederated Tribes subject to the approval of the Secretary of the Interior.

(b) All children born to any member of the Confederated Tribes who is a resident of the reservation at the time of the birth of said children.

(c) All persons of Indian blood whose names appear on the official census rolls of the Skull Valley Reservation; *Provided*, That the Skull Valley Indians may affiliate hereafter with Confederated Tribes of the

Goshute Indians.

SEC. 2. The Business Council, with the approval of the Confederated Tribes shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior governing future membership and the adoption of new members.

(a) No property rights shall be acquired or lost through membership in this organization, except as provided herein.

ARTICLE IV-GOVERNING BODY

SECTION 1. The governing body of the Confederated Tribes of Indians of the Goshute Reservation shall consist of the council of five members, to be known as the Goshute Business Council. The term of office of each councilman shall be three years, except as provided in Section 1 (a) of Article V.

SEC. 2. The Business Council so organized shall elect from within its own number (1) a chairman, (2) a vice-chairman, and from within or without, (3) a secretary, and (4) a treasurer, and may appoint or employ such other officers and committees as may be deemed necessary.

ARTICLE V-NOMINATIONS AND ELECTIONS

SECTION 1. The first election of the Business Council hereunder shall be called, held and supervised by the Superintendent and the present Constitutional Committee within sixty days after ratification and approval of this Constitution.

(a) The two candidates receiving the highest number of votes shall hold office for three years. The two candidates receiving the next highest number of votes shall hold office for two years. The candidate receiving the next highest number of votes shall hold office for one year, and they shall hold office until their successors are duly elected and qualified. After the first election, elections for the Business Council shall be called at least sixty days prior to expiration of terms of office of Business Council members

SEC. 2. All recognized members of the Confederated Tribes of the Goshute Reservation who are 21 years of age or over, who have maintained legal residence within the reservation for a period of one year immediately prior to election, shall have the right to vote.

SEC.3. The time and place of voting shall be designated by the Business Council.

SEC. 4. All elections shall be by secret ballot to be held in accordance with rules and regulations laid down by the Business Council or by an election board appointed by the Business Council.

SEC. 5. Any qualified voter may become a candidate for the Business Council. He shall file notice of his candidacy with the Secretary of the Business Council at least fifteen days prior to the election. The list of candidates shall be posted by the Secretary of the Business Council in at least three conspicuous places within the reservation not less than ten days prior to the election.

SEC. 6. The Business Council, or a board appointed by the Council, shall certify to the election of the members of the Council within five days after election returns.

ARTICLE VI-VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or officer shall die, resign, be removed or recalled from office, permanently leave the reservation, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal Court, the Council shall declare the position vacant and elect to fill the unexpired term.

SEC. 2. The Business Council may, by four affirmative votes, expel any member for neglect of duty or gross misconduct. Before any vote for expulsion is taken on the matter, such member or official shall be given a written statement of the charges against him at least five days before the meeting before which he is to appear and an opportunity to answer any and all charges at such designated Council meeting. The decision of the Business Council shall be final.

SEC. 3. Recall from Office. Upon receipt of a petition signed by at least one-third of the eligible voters of the Confederated Tribes of the Goshute Reservation calling for the recall of any member of the Council, it shall be the duty of the Business Council to call a special election to consider the recall of the member or members of the Council named in such petition. Provided that at least thirty percent of those entitled to vote shall vote in such election, and the majority favor such recall from office, the office shall be declared vacant and the Business Council shall proceed in the usual manner to hold an election to fill the said office.

ARTICLE VII-POWERS OF THE BUSINESS COUNCIL

SECTION 1. *Enumerated Powers.*-The Business Council of the Confederated Tribes of the Goshute Reservation shall exercise the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States:

- (a) To negotiate with the Federal, State and local governments.
- (b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.
- (c) To veto any sale, disposition, lease or encumbrance of tribal lands, interests, in lands or other tribal assets.
- (d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the reservation prior to submission of such estimates to the Bureau of the Budget and to Congress.
- (e) To manage all economic affairs and enterprises of the Goshute Reservation in accordance with the terms of a charter that may be issued to the Confederated Tribes of the Goshute Reservation 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 Goshute Reservation; providing for the manner of making, holding and revoking assignments of tribal land or interests therein; providing for the levying of assessments and the appropriation of available funds of the Confederated Tribes of the Goshute Reservation for public purposes; providing for the licensing of non-members coming upon the reservation for purposes of hunting, fishing, trading or other business, and for the exclusion from the territory of the reservation of undesirable persons, and establishing proper agencies for the enforcement of such ordinances upon the reservation.

ARTICLE VIII-BILL OF RIGHTS

SECTION 1. All members of the Confederated Tribes over the age of twenty-one years shall have the right to vote in all tribal elections. The residence qualifications established by Article V, section 2, of this Constitution shall apply to all elections.

SEC. 2. All members of the Confederated Tribes shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SEC. 3. All members of the Confederated Tribes may enjoy without hindrance freedom of worship, conscience, speech, press, assembly, and association.

SEC. 4. Any member of the Confederated Tribes accused of any offense shall have the right to a prompt, open, and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses on his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable, by more than 30 days imprisonment. Excessive bail shall not be required and cruel punishment shall not be imposed.

ARTICLE IX-LAND

SECTION 1. *Tribal lands.*-The lands of the Goshute Reservation, and all lands which may hereafter be acquired by the Confederated Tribes of the Goshute Reservation, or by the United States in trust for the Confederated Tribes of the Goshute Reservation, shall be held as tribal lands and shall be used in accordance with a land-use agreement entered into between the Tribes and the Secretary of the Interior, and no part of such lands shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians, but may be assigned to members of the Confederated Tribes, or otherwise used by the Tribes, as specified in the land-use agreement or as hereinafter provided, except that no assignment shall be made on grazing land.

SEC. 2. *Grant of "Standard" Assignments.*-In any assignment of tribal agricultural lands, which are now owned by the Tribes or which hereafter may be acquired for the Tribes by the United States or purchased by the Tribes out of tribal funds, preference shall be given to heads of families which have no land or interests in lands. The Business Council may, if it sees fit, charge a filing fee of not to exceed \$5.00 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, and shall be known as "Standard" assignments.

SEC. 3. *Tenure of Standard Assignments.*-If any member of the Confederated Tribes holding a standard assignment of land shall, for a period of two years, fail to use the land so assigned in accordance with his application or contract, or shall use such land for any unlawful purposes, his assignment shall be cancelled by

the Business Council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provision of this Article. Upon the death of any Indian holding a Standard 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 Confederated Tribes who would be eligible to receive a Standard Assignment.

SEC. 4. *Inheritance of Improvements.*-Improvements of any character made upon assigned land by an assignee may be bequeathed to and inherited by members of the Confederated Tribes or otherwise disposed of under such regulations as the Business Council shall provide. No permanent improvements shall be removed from the land without the consent of the Business Council.

SEC. 5. *Exchange of Assignments.*-Assignments may be exchanged between members of the Confederated Tribes by common consent in such manner as the Business Council shall designate.

SEC. 6. *Use of Unassigned Tribal Lands.*-Tribal agricultural land which is not assigned and tribal timber and grazing lands shall be managed by the Business Council for the benefit of the members of the entire Confederated Tribes, and any cash income derived from such land shall accrue to the benefit of the Tribes as a whole. All action of the Business 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. 7. *Purchase of Land by the Tribes.*-Tribal funds may be used with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

(a) land within the jurisdiction of the Tribes, or adjacent to the boundaries thereof, which is not now in Indian ownership, may be purchased by or for the Confederated Tribes.

(b) Any property rights owned by any member of the Confederated Tribes who desires to leave the reservation permanently, may be purchased by the Tribes, under such terms as may be agreed upon.

SEC. 8. *Method of Making Assignments.*-Applications for assignments shall be filed with the Secretary of the Business Council and shall be in writing on approved forms, 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. Notice of all applications received by the Secretary shall be posted by him in the Agency office and in at least three conspicuous places on the reservation for not less than twenty days before action is taken by the Business Council. Any member of the Tribes 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 Business Council, and may, if he so desires, appear before the Council to present evidence. The Secretary of the Business Council shall furnish the Superintendent or other officer 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 Business Council shall draw up Standard Assignment forms which shall be subject to the approval of the Secretary of the Interior.

ARTICLE X-REFERENDUM

Upon receipt of a petition signed by at least one-third of the eligible voters of the Confederated Tribes, or upon the request of a majority of the members of the Business Council, any enacted or proposed ordinance or resolution of the Council shall be submitted to a popular referendum and the vote of the majority of the qualified voters voting in such referendum shall be conclusive and binding on the Business Council; *Provided*, That at least 30 percent of the eligible voters shall vote in such election and provided further that all enacted ordinances and resolutions shall be in effect until rescinded by the Council or by a referendum of the Tribes.

ARTICLE XI-AMENDMENTS

Amendments to the Constitution and By-laws may be ratified and approved in the same manner as this Constitution and By-laws. Whenever the Business Council shall by a vote of four or more members call for the submission of an amendment, the Secretary of the Interior shall call for an election upon the proposed amendment. If at such election the amendment is adopted by a majority of the qualified voters of the Tribes voting thereon, and if at least 30 percent of those entitled to vote shall vote in such election, such amendment shall be submitted to the Secretary of the Interior and if approved by him, shall thereupon take effect.

BY-LAWS OF THE CONFEDERATED TRIBES OF THE GOSHUTE RESERVATION

ARTICLE I-DUTIES OF OFFICERS

SECTION 1. *Chairman of the Business Council.*-The Chairman of the Business Council shall preside over all meetings of the Council and the Tribes. He shall perform all duties of a chairman, and exercise any authority delegated to him by the Tribes and the Business Council. He shall vote only in the case of a tie.

SEC. 2. *Vice-Chairman of the Council.*-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, duties and responsibilities of the Chairman.

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

SEC. 4. *Treasurer of the Business Council.*-The Treasurer of the Business Council shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Business Council whether same be tribal funds or special funds for which the Business Council is acting as trustee or custodian. He shall deposit all funds in such bank or elsewhere as directed by the Business Council, 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 or custody, such report being made in writing to the Business Council at regular meetings and at such other times as requested by the Business Council and the Tribes.

He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the Business Council, except when properly authorized to do so by resolution duly passed by the Business Council.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Business Council, or an employee of the Department of the Interior, and at such other times as the Tribes, the Business Council, or the Commissioner of Indian Affairs may direct.

The Treasurer shall be required to give a bond satisfactory to the Business Council and to the Commissioner of Indian Affairs.

The Treasurer shall be present at all special and regular meetings of the Tribes and the Business Council.

SEC. 5. *Appointive Officers.*-The duties of all appointive committees or officers of the Confederated Tribes shall be clearly defined by resolution of the Business Council at the time of their creation or appointment. Such committees and officers shall report, from time to time as required, to the Business Council, and their activities and decisions shall be subject to review and approval by the Business Council.

ARTICLE II-QUALIFICATIONS OF COUNCILMEN

No person shall be a candidate for membership in the Business Council unless he shall be a member of the Confederated Tribes and shall have resided within the reservation for a period of one year next preceding the election and be at least twenty-four years of age.

ARTICLE III-INSTALLATION OF COUNCILMEN

Each member of the Business Council and each officer or subordinate officer elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and By-laws. The following form of oath of office shall be given:

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

ARTICLE IV-SALARIES

The Business Council may prescribe such salaries of officers and members of the Council as it deems advisable from such funds as may be available; *Provided*, That no compensation shall be paid to any officers and members of the Business Council except upon a resolution passed by the Council stating the amount of compensation and the nature of services rendered, and said resolution shall be of no effect until approved by a majority of the members of the Tribes of the Goshute Reservation.

ARTICLE V-TIME AND PLACE OF REGULAR MEETINGS AND PROCEDURE

SECTION 1. *Meetings*.-Regular meetings of the Business Council shall be held on the second Thursday of each quarter, and at such other times as the Business Council may by resolution provide. Special meetings may be called by a written notice signed by the Chairman or by a majority of the Business Council, and when so called, the Council shall have power to transact business as in regular meetings.

SEC. 2. *Meetings of the Tribes*.-The Chairman of the Business Council shall call a meeting of the Tribes annually, this meeting to be held on the first Thursday of December, at which time he shall report in detail to the Tribes what has been done during the past year and set forth the plans of the Business Council for the coming year. This shall be freely discussed by the Indians at the tribal meeting and the wishes of the people may be expressed by resolution which shall govern the future action of the Business Council to be carried into effect by appropriate ordinances. The Chairman may call special meetings of the Tribes when necessary, and shall do so upon a petition of at least 25 legal voters.

SEC. 3. *Quorum*.-No business shall be transacted unless a quorum is present. A quorum shall consist of four councilmen. A quorum of the Tribes shall consist of 25 percent of the eligible voters.

SEC. 4. *Order of Business*.-The following order of business is established for all meetings:

1. Call to order by the chairman
2. Roll call
3. Ascertainment of a quorum
4. Reading the minutes of the last meeting
5. Adoption of the minutes by vote or common consent
6. Unfinished business
7. New business
8. Adjournment

SEC. 5. *Legislative Forms*.-Every ordinance shall begin with the words: "Be it enacted by the Goshute Business Council---". Every resolution shall begin with the words: "Be it resolved by the Goshute Business Council---". Every ordinance and resolution shall contain the provisions of the Constitution for the Confederated Tribes of the Goshute Reservation under which authority for the said ordinance or resolution is found.

ARTICLE VI-RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws shall be in full force and effect whenever a majority of the adult voters of the Confederated Tribes of the Goshute Reservation voting at an election called by the Secretary of the Interior in which at least 30 percent of the eligible voters shall vote, shall have ratified such Constitution and By-laws, and the Secretary of the Interior shall have approved same, as provided in the Act of June 18, 1934, as amended by the Act of June 15, 1935.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved October 25, 1940, by the Assistant Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the members of the Confederated Tribes of the Goshute Reservation and was on November 9, 1940, duly ratified by a vote of 42 for, and 7 against, in an election in which more than 30 percent of those entitled to vote cast their ballots in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

ARTHUR JOHNSON,
Chairman, Election Board
BOB STEELE,
Secretary, Election Board.

CARL W. BE:CK,

Supt., Western Shoshone Agency.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me, by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Confederated Tribes of the Goshute Reservation in Utah.

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

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

Approval recommended: November 18, 1940.

FRED H. DAIKER,

Acting Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary.
[SEAL]

WASHINGTON, D. C., November 25, 1940.