

Confederated Tribes of the Warm Springs



Location: Oregon

Population: 4,000

Date of Constitution: 1938, as amended 1992

PREAMBLE

We, the Confederated Tribes of the Warm Springs Reservation of Oregon, in order to establish a more responsible and effective organization to promote our general welfare, conserve and develop our lands and other resources, and secure to ourselves and our posterity the power to exercise certain rights of self-government not inconsistent with existing Federal and State laws, do ordain and establish this Constitution of the Confederated Tribes of the Warm Springs Reservation of Oregon.

ARTICLE I. OBJECTIVES

It shall be the object of the Confederated Tribes of the Warm Springs Reservation of Oregon:

- (a) To establish and maintain, with the aid of the Federal Government, a form of home rule that shall promote the advancement and welfare of the Indians of the Warm Springs Reservation.
- (b) To establish and enforce such rules as may be necessary to safeguard Indian property and resources for the use of present and future generations.
- (c) To obtain for all Indians of this Reservation of the present and future generations lands needed for homes and livelihood.

ARTICLE II. TERRITORY

The jurisdiction of the Confederated Tribes of the Warm Springs Reservation of Oregon shall extend to all lands contained within the present boundaries of the Warm Springs Reservation and to such lands as may have been heretofore or may hereafter be acquired by the Confederated Tribes of the Warm Springs Reservation or by the United States in trust for such tribes.

ARTICLE III. MEMBERSHIP

SECTION 1. Membership of Allottees.—Every living person whose name appears on the allotment roll of the Warm Springs Reservation of Oregon, shall be entitled to membership in the Confederated Tribes of the Warm Springs Reservation of Oregon; Provided, That the

Tribal Council shall have authority, subject to the approval of the Secretary of the Interior, within one year from the approval of this Constitution, to make corrections in said roll to the end that it may be an accurate record of the membership of the Tribe.

SECTION 2. Membership of Descendants.

- (a) Every child of one-fourth or more Indian blood born heretofore or hereafter to any 51045–38 (1) member of the Confederated Tribes who maintains a residence upon the Warm Springs Reservation at the time of such birth shall automatically be entitled to membership in the Confederated Tribes. (April 7, 1966; Amendment VIII).
- (b) Children born heretofore or hereafter to a member or former member of any of the Confederated Tribes of the Warm Springs Reservation may be adopted as provided in Section 3 of this Article, upon application by self, parent or guardian.

SECTION 3. Adoption. –The members of the Confederated Tribes of the Warm Springs Reservation, may by a majority vote, adopt as a member of the Tribe any person of 1/8 or more Indian blood who is a descendant of a member or former member of the Confederated Tribes: Provided, That any person adopted into membership must have resided at least three years upon the Warm Springs Reservation, and shall not be a member of any other tribe of Indians.

SECTION 4. Loss of Membership. –In no case shall a member lose his membership other than by personal request in writing to the Tribal Council.

ARTICLE IV. ORGANIZATION OF TRIBAL Council

SECTION 1. Composition. –The Tribal Council shall be composed of members chosen as hereinafter provided. The Council shall consist of eleven members, to be selected from the districts as set forth hereafter.

SECTION 2. Apportionment. –Representation from the districts shall be as follows: Simnasho District, 3 elected members and the recognized chief of the district, or his successors; Agency District, 3 elected members, one of whom shall represent the Sidwaller Flat area, together with the recognized chief of the district, or his successors; Seekseequa District, 2 elected members and the recognized chief of the district, or his successors.

SECTION 3. Term, of Office. –Members of the Council shall be elected for terms of three years except that the chiefs shall serve for life, and their successors shall be selected in accordance with tribal custom.

SECTION 4. First Election. –The first election of the Tribal Council shall be called by the present Business Committee as soon as possible after the adoption and approval of this Constitution.

SECTION 5. Right to Vote. –All members of the Community of either sex, who are married, or who are over 21 years of age, are entitled to vote in the district in which they reside.

SECTION 6. Time of Elections. --Elections for membership on the Council shall be set by the Tribal Council at least 30 days in advance of the expiration of the term of office of the members. Duly elected councilmen shall take office on the first regular meeting date of the Council following their election.

SECTION 7. Manner of Elections. --Elections shall be by secret ballot or by prevailing customs, as may be desired by the people of the district.

SECTION 8. Vacancies and Removal from Office. --If a councilman or official shall die, resign, permanently leave the reservation, or be removed from office, the Council shall declare the position vacant and appoint a successor to fill the unexpired term; provided, that the person chosen to fill such vacancy shall be from the district in which the vacancy occurs.

SECTION 9. Impeachment. --The Council may expel a member for cause lay a % vote, after due notice of charges and allowing an opportunity to be heard.

SECTION 10. Recall. --A member of the Council may be recalled by the electors of his district in an election which shall be called by the Tribal Council upon presentation of a petition for the recall of such member signed by at least 30 per cent of the eligible voters of the district. Successors to recalled councilmen shall be elected.

SECTION 11. Officers. --The Tribal Council shall select from its membership, a Chairman and Vice-Chairman, and from within or outside of its membership, a Secretary-Treasurer. It may also select such other officers and committees as it may deem necessary for properly conducting the business of the Council.

ARTICLE V--POWERS OF THE TRIBAL COUNCIL

SECTION 1. Enumerated Powers. --The Tribal Council of the Warm Springs Reservation shall have the following powers the exercise of which shall be subject to popular referendum as provided hereafter:

- (a) To negotiate with the Federal, State, and local governments on behalf of the Confederated Tribes, and to advise and consult with the representatives of the Interior Department on all activities of the Department of the Interior that may affect the Confederated Tribes of the Warm Springs Reservation.
- (b) To employ legal counsel for the protection and advancement of the rights of the Confederated Tribes and its members, the choice of counsel and fixing of fees 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 duly qualified official or agency of Government; Provided, that no tribal lands shall ever be sold, encumbered or leased for a period exceeding ten years, except for governmental purposes.
- (d) To submit through proper Government channels recommendations for the expenditure of Federal funds for tribal support, reimbursable assistance, reservation

- improvements, health, education, and other necessary activities looking toward the advancement of the members of the Confederated Tribes.
- (e) To borrow money from the Federal Government in accordance with the terms of a corporate charter to be issued to the Confederated Tribes of the Warm Springs Reservation of Oregon.
 - (f) To manage the economic affairs of the Confederated Tribes and to appropriate available funds for public purposes.
 - (g) To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which would provide for assessments or license fees upon nonmembers doing business within the Reservation, either on tribal or allotted lands. This power may also extend to members of the Confederated Tribes, provided such ordinances have been approved by a referendum of the Confederated Tribes.
 - (h) To exclude from the territory of the Confederated Tribes persons not legally entitled to reside therein under ordinances which shall be subject to review by the Secretary of the Interior.
 - (i) To establish ordinances, subject to review by the Secretary of the Interior, governing law enforcement on the reservation, and to set up courts for the trial and punishment of offenders against such ordinances, in cases that do not fall within the jurisdiction of the Federal Court.
 - (j) To purchase land of members of the Confederated Tribes for public purposes under condemnation proceedings in courts of competent jurisdiction.
 - (k) To prohibit the overgrazing of lands or other depletion of the capital or natural resources of the Tribe by ordinances which shall be subject to approval by the Secretary of the Interior.
 - (l) To regulate the uses and disposition of tribal property; to protect and preserve the tribal property, wild life and natural resources; to cultivate Indian arts, crafts and culture; to administer charity; to protect the health, security and general welfare of the members of the Confederated Tribes.
 - (m) To regulate the inheritance of real and personal property, other than allotted lands, within the territory of the Confederated Tribes.
 - (n) To establish ordinances relating to the assignment, use, or transfer of tribal lands within the jurisdiction in conformity with Article VIII of this Constitution.
 - (o) To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations of members of the Confederated Tribes.
 - (p) To regulate the domestic relations of members of the Confederated Tribes.
 - (q) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior.
 - (r) To make recommendations to the Superintendent or the Commissioner of Indian Affairs or the Secretary of the Interior concerning the appointment and removal of employees assigned to duties on the Warm Springs Reservation.
 - (s) To appoint subordinate boards and tribal officials, and to provide for the popular election of subordinate district councils, and to delegate to such boards, councils, or officials or to cooperative associations which are open to all members of the Confederated Tribes, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.
 - (t) To appropriate for tribal use of the reservation any available applicable tribal funds; provided: that any such appropriation exceeding \$2,500 shall be subject to review by

the Secretary of the Interior; and provided, further, that any appropriation in excess of \$25,000 in any one fiscal year for any purpose, other than per capita payment, shall be of no effect until approved in a popular referendum. The foregoing limitations shall not apply to expenditures made pursuant to tribal budget, provided, that not less than 90 days before the effective date of such budget it is posted in three public places on the reservation for not less than 30 days and provided further, that a public hearing is held on such budget and thereafter the budget is approved by the Secretary of the Interior or his authorized representative.

(u) To adopt resolutions or ordinances to effectuate any of the foregoing powers.

SECTION 2. 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 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 Secretary 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 Confederated Tribes of such rescission.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after 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 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SECTION 3. Future Powers. –The Tribal Council of the Warm Springs Reservation may exercise, subject to popular referendum, such further powers as may in the future be delegated to the Confederated Tribes by the Secretary of the Interior, or by any other duly authorized official or agency of government.

SECTION 4. Reserved Powers. –Any rights and powers heretofore vested in the Confederated Tribes of the Warm Springs Reservation but not expressly referred to in this Constitution, shall not be abridged by this article, but may be exercised by the members of the Confederated Tribes through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VI. INITIATIVE AND REFERENDUM

Whenever a matter of great importance comes before the Tribal Council, the councilmen shall, by resolution duly passed, submit the matter to the vote of the people. If they do not so agree to submit the question, any two members of the council, or one-fifth of the members of the Confederated Tribes, May within 30 days after the vote of the Council, call such a popular referendum, but no councilman shall call more than two referendum elections during any calendar year. When a referendum election has been called, the question to be voted on shall be posted at the voting places for at least ten days prior to the election. The notice shall contain the ordinance or resolution to be voted on with the

accompanying words: "Shall the ordinance (or resolution) be approved. Yes. (). No. ()." The will of the majority of those voting shall be the law, provided at least one-third of the eligible voters actually vote.

ARTICLE VII. BILL OF RIGHTS

SECTION 1. All members of the Confederated Tribes shall be accorded equal opportunities to participate in the economic resources and activities of the Reservation.

SECTION 2. All members of the Confederated Tribes may enjoy without hindrance, freedom of worship, speech, press and assembly.

SECTION 3. 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 in his own behalf and trial by jury shall be accorded, when duly requested by any member accused of any offense punishable by more than 30 days' imprisonment. Excessive bail or cruel or unusual punishment shall not be imposed.

ARTICLE VIII. LAND

SECTION 1. Allotted Lands. —Allotted lands, including heirship lands, within the Warm Springs Reservation, shall continue to be held as heretofore by their present owners. 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 Confederated Tribes either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

The Tribal Council shall have the right to exchange tribal lands for individual allotments when necessary for consolidation of tribal holdings and subject to approval of the Secretary of the Interior. Such exchanges shall be based on the appraised value of the lands so exchanged, and the individual Indian shall hold the land so exchanged in the same manner as the original allotment, or as an exchange assignment at the option of the owner.

SECTION 2. Tribal Lands. —The unallotted lands of the Warm Springs Reservation, and all lands which may hereafter be acquired by the Confederated Tribes of the Warm Springs Reservation, or by the United States in trust for the Confederated Tribes of the Warm Springs Reservation, shall be held as tribal land, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individuals, but may be assigned to members of the Confederated Tribes, or leased, or otherwise used by the Confederated Tribes as hereinafter provided.

SECTION 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 Confederated

Tribes' 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 Confederated Tribes 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.

SECTION 4. Grants of Standard Assignments. --In any assignment of tribal lands which now are owned by the Confederated Tribes or which may hereafter be acquired for the Confederated Tribes by the United States, or purchased by the Confederated Tribes out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and second, to members of the Confederated Tribes having allotted lands, or interests in inherited lands, which are for one reason or another unsuitable for economical use, who may be benefited by exchanging such interests for tribal lands suitable for cultivation.

Assignments made under this section shall be for the primary purpose of establishing homes- for landless Indians, and for Indians whose present land holdings are not suitable for economical use.

Tribal lands under this section may be assigned by the Tribal Council in economic units, but not in excess of 40 acres of irrigated farm land, or 80 acres of dry-farm land to any head of a family.

No allotted member of the Confederated Tribes who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian. The Tribal Council may, if it seems advisable, charge a fee of not to exceed \$5.00 on approval of an assignment of land made under this section.

SECTION 5. Tenure of Standard Assignments.--If any member of the Confederated Tribes holding a standard assignment of land shall, for a period of two years, abandon, or fail to put forth reasonable efforts to improve and use beneficially the land so assigned, or shall use such land for any unlawful purpose, his assignment may be cancelled by the Tribal Council after he has had due notice and an opportunity to be heard, and the said land may be re-assigned 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 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.

SECTION 6. Grant of Exchange Assignments. --Any member of the Confederated Tribes who owns an allotment or any share of heirship land, or any unencumbered deeded land within the reservation, may voluntarily transfer his interest in such land to the Confederated Tribes in exchange for an assignment to the same land, or to other lands of equal value, as an

exchange assignment. 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”.

SECTION 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 Confederated Tribes, 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 allotted lands.

SECTION 8. Inheritance of Exchange Assignments. –Upon the death of the holder of an exchange assignment, his 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 Confederated Tribes, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.
- (b) Such lands may not be subdivided into units smaller than 160 acres of grazing land, and no area of agricultural land shall be subdivided into units smaller than two and one-half acres, 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 the eligible heirs or devisees, grazing permits or other interests in tribal lands of the same value as the assignment of the decedent.
- (c) Such lands may not be reassigned to any heir or devisee who already holds more than 640 acres of grazing land, or other land or interests in lands of equal value, either under allotment or under assignment.
- (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.

SECTION 9. Inheritance of Improvements. –Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Confederated Tribes, or otherwise disposed of under such regulation as the Tribal Council shall provide. No permanent improvements shall be removed from the land without the consent of the Tribal Council.

SECTION 10. Exchange of Assignments. –Assignments may be exchanged between members of the Confederated Tribes by common consent in such manner as the Tribal Council shall designate.

SECTION 11. Use of Unassigned Tribal Land. –Tribal land which is not assigned, including tribal timber reserves, shall be managed by the Tribal Council for the benefit of the members of the entire community, and any cash income derived from such land shall accrue to the benefit of the community as a whole.

SECTION 12. Purchase of Land by the Community. –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 Warm Springs Reservation, or adjacent to the boundaries thereof, which is not now in Indian ownership, may be purchased by or for the Confederated Tribes.
- (b) Restricted land which is in heirship status at the time of the adoption and approval of this Constitution, or which may hereafter fall into heirship status, may be purchased by or for the Confederated Tribes, with the consent of all the adult heirs, and the legal guardians of minor heirs, or incompetent heirs, payment therefore to be made as may be agreed upon.
- (c) Land owned by any member of the Confederated Tribes who is over the age of 60 years, or who is physically incapacitated, may be transferred by its owner to the Confederated Tribes in exchange for a pension of not less than \$15.00, or more than \$30.00 per month, at the discretion of the Council, for the remainder of his natural life, or he may, at his own option, transfer his land to the Confederated Tribes in exchange for a consideration to be mutually agreed upon between the owner and the Tribal Council, such consideration to be paid in ten equal annual installments, either to the transferor or in the case of his death, to his heirs. Purchases made under this section shall be made from available tribal funds.
- (d) Land in excess of 320 acres owned by any member of the Confederated Tribes may be purchased with the consent of the owner, payments to be made under such terms as may be agreed upon.
- (e) Land owned by any member of the Confederated Tribes who desires to leave the Reservation permanently may be purchased by the Confederated Tribes, under such terms as may be agreed upon.

SECTION 13. Method of Making Assignments. —Applications for assignments 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 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 20 days before action is taken by the Council.

Any member of the Confederated 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 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 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 all members of the Confederated Tribes.

ARTICLE IX—AMENDMENTS

SECTION 1. This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Confederated Tribes voting at an election called for that purpose by the Secretary of the Interior, provided at least 30 per cent 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 two-thirds of the Council, or upon

presentation of a petition signed by one-third of the qualified voters, members of the Confederated Tribes.

BY-LAWS OF THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

ARTICLE I. DUTIES OF OFFICERS

SECTION 1. President. —It shall be the duty of the President of the Council to preside over all meetings of the Council, perform all duties of chairman, and exercise any authority detailed to him, and he shall vote only in case of a tie.

SECTION 2. Vice President. —The Vice President shall preside at any- meeting of the Council from which the President is absent, and in the event of the death of the President or his resignation or removal from office, he shall serve the remainder of the term as President.

SECTION 3. Secretary-Treasurer. —The Secretary-Treasurer shall conduct the correspondence of the Tribal Council, shall keep all records, minutes of meetings, roster of members, records as to expenditures and allotments of tribal, gratuitous, or other funds over which the Council has sole charge. He shall keep an accurate record of all members of the Confederated Tribes, and prepare necessary resolutions for appropriate action by the Council; he shall prepare or cause to be prepared by such assistants as are assigned to him by the President, such reports or registers as the President or Council may direct. He shall be required to give bond acceptable to the Confederated Tribes and the Commissioner of Indian Affairs.

ARTICLE II—QUALIFICATIONS OF OFFICE

No person shall represent the Confederated Tribes on the Council unless he is a duly enrolled member of the community who has attained the age of 21 years, and who has never been convicted of a major crime.

ARTICLE III. SALARIES

Tribal Council members shall receive as compensation for their services not to exceed \$50.00 while in session for up to four hours per day and \$12.50 per hour thereafter while in session, but not to exceed \$100 per day total compensation, and mileage from home to place of meeting and return at a rate used by the federal government. Expenses shall be paid from available tribal funds. The Tribal Council may establish salaries of officers or committee members.

ARTICLE IV—MEETINGS AND PROCEDURE

SECTION 1. The Tribal Council shall assemble on the first Monday of every month.

SECTION 2. A special meeting may be called upon two days' notice by the President or by any four members of the Council.

SECTION 3. A majority of the members shall constitute a quorum to do business.

SECTION 4. The Council may determine the rules of its proceedings and may punish its members for disorderly behavior.

SECTION 5. The official meeting place of the Tribal Council shall be at the agency headquarters unless otherwise agreed.

SECTION 6. No member of the Council shall cast a vote on any question in which he may have a personal pecuniary interest.

SECTION 7. The duties of all appointed boards or officers of the organization shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such boards and officers shall report from time to time, as required, to the Council, and their activities and decisions shall be subject to review by the Council upon petition of any person aggrieved.

SECTION 8. Each member of the Tribal 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, carry out faithfully and impartially the duties of my office to the best of my ability, and cooperate, promote, and protect the best interests of my Tribe, in accordance with this Constitution and By-Laws."

SECTION 9. It shall be the duty of each member of the Tribal Council to make reports to the district from which he is elected concerning the proceedings of the Tribal Council.

SECTION 10. All final decisions of the Council on matters of general and permanent interest to the members of the Confederated Tribes shall be embodied in ordinances. Such ordinances shall be published from time to time for the information and education of the members of the Confederated Tribes.

SECTION 11. All final decisions of the Council on matters of temporary interest (such as action on the Reservation budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal employees or rules of order for the Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to inspection by members of the Confederated Tribes.

SECTION 12. In all ordinances, resolutions or motions the Council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

SECTION 13. Every ordinance shall begin with the words:

“Be it enacted by the Tribal Council of the Confederated Tribes of the Warm Springs Reservation—“.

SECTION 14. Every resolution shall begin with the words: “Be it resolved by the Tribal Council of the Confederated Tribes of the Warm Springs Reservation—”.

SECTION 15. Every ordinance or resolution shall contain a recital of the provisions of this Constitution under which authority for the said ordinance or resolution is found.

ARTICLE V—RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when ratified by a majority vote of the voters of the Confederated Tribes of the Warm Springs Reservation of Oregon, voting at a special election called by the Secretary of the Interior in which at least thirty 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, 1937, 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 Warm Springs Reservation of Oregon, and was on December 18, 1937, duly adopted by a vote of 181 for and 77 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 (49 Stat. 378).

AMENDMENT—CONSTITUTION AND BY-LAWS OF THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

AMENDMENT I. That section 3, Article III of the Constitution be amended to read: “The members of the Confederated Tribes of the Warm Springs Reservation, may by a majority vote of the qualified voters of the Confederated Tribes voting at an election called for that purpose by the Secretary of the Interior, provided at least 50 per cent of those entitled to vote shall vote in such election, adopt as a member of the Tribe any person of 1/8 or more Indian blood who is a descendant of a member or former member of the Confederated Tribes: PROVIDED, That any person adopted into membership must have resided at least three years upon the Warm Springs Reservation immediately prior to the date of his application for adoption, and shall not be a member of any other tribe of Indians.”

Adopted: February 21, 1940

Approved: May 15, 1940, Washington D.C.

AMENDMENT II. That section 4, Article VIII of the Constitution be amended to read: “Tribal land under this section may be assigned by the Tribal Council in economic units, but not in excess of 40 acres of irrigated farm land, and 80 acres of pasture land to any head of a family.”

Adopted: February 21, 1940
Approved: May 15, 1940, Washington D.C.

AMENDMENT III. Article V, Section 1 (t) of the Constitution of the Confederated Tribes of the Warm Springs Reservation shall be amended as follows:

“(t) To appropriate for tribal use of the reservation, any available tribal funds; provided, That any such appropriation exceeding \$2,500 shall be subject to review by the Secretary of the Interior; and provided further, That any other appropriation in excess of \$25,000 in any one fiscal year for any purpose, other than per capita payments, shall be of no effect until approved in a popular referendum.”

Adopted: April 24, 1948
Approved: May 20, 1948, Washington D.C.

AMENDMENT IV. Article III of the By-Laws of the Confederated Tribes of the Warm Springs Reservation shall be amended to read as follows:

"The councilmen shall receive as compensation for their services, not to exceed \$8.00 per day while in session, and a mileage fee of five cents per mile for travel from their home to place of meeting and return. Expenses shall be paid from available tribal funds. The Tribal Council may fix salaries of officers or committeemen."

Adopted:
Approved: May 16, 1950, Washington D.C.

AMENDMENT V. Article III of the By-Laws of the Confederated Tribes of the Warm Springs Reservation shall be amended to read as follows:

"The Councilmen shall receive as compensation for their services, not to exceed \$12.00 per day while in session and the mileage fee of seven cents per mile for travel from their home to place of meeting and return. Expenses shall be paid from available tribal funds. The Tribal Council may fix salaries of officers or committeemen."

Adopted: August 8, 1953
Approved: October 23, 1953, Washington D.C.

AMENDMENT VI. Article V, Section 1 (g) of the Constitution of the Confederated Tribes of the Warm Springs Reservation shall be amended as follows:

"(g) To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which would provide for assessments or license fees upon non-members doing business within the reservation. This power may also extend to members of The Confederated Tribes, provided such ordinances have been approved by a referendum of the Confederated Tribes."

Adopted: April 25, 1959
Approved: June 22, 1959, Washington D.C.

AMENDMENT VII. Article V. Section 1 (c) of the Constitution of The Confederated Tribes of the Warm Springs Reservation shall be amended to read as follows:

"(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 duly qualified official or agency of Government; PROVIDED, That no tribal lands shall ever be sold except for governmental purposes."

Adopted: April 25, 1959
Approved: June 22, 1959, Washington D.C.

AMENDMENT VIII. Article III, Section 2(a) of the Constitution shall be amended to read as follows:

"Every child of one-fourth or more blood of the Confederated Tribes of the Warm Springs Reservation of Oregon born after the effective date of this amendment to any member of the Confederated Tribes who maintains a residence upon the Warm Springs Reservation at the time of such birth shall automatically be entitled to membership in the Confederated Tribes."

Adopted: March 15, 1966
Approved: April 7, 1966

AMENDMENT IX. Section 1(c) of Article V - POWERS OF THE TRIBAL COUNCIL shall be amended as follows:

"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 qualified official or agency of Government: provided, that no tribal lands shall ever be sold except any tribal lands or interests in lands located outside of the reservation boundaries may be sold or exchanged."

Section 2 of Article VIII - LAND shall be amended to read as follows:

"SECTION 2. TRIBAL LANDS. The unallotted lands of the Warm Springs Reservation, and all lands which may hereafter be acquired by the Confederated Tribes of the Warm Springs Reservation, or by the United States in trust for the Confederated Tribes of the Warm Springs Reservation, shall be held as Tribal land, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individuals, but may be assigned to members of the Confederated Tribes, or leased, or otherwise used by the Confederated Tribes as hereinafter provided."

Adopted:
Approved: July 20, 1973, Washington D.C.

AMENDMENT X. Section 1(t) of Article V - POWERS OF THE TRIBAL COUNCIL shall be amended to read as follows:

"To appropriate for tribal use of the reservation, any available tribal funds; provided: that any such appropriation exceeding \$2,500 shall be subject to review by the Secretary of the Interior; and provided, further, that any appropriation in excess of \$25,000 in any one fiscal year for any purpose, other than per capita payments, shall be of no effect until approved in a popular referendum. The foregoing limitations shall not apply to expenditures made pursuant to tribal budget, provided, that not less than 90 days before the effective date of such budget it is posted in three public places on the reservation for not less than 30 days and provided further, that a public hearing is held on such budget and thereafter the budget is approved by the Secretary of the Interior or his authorized representative."

Adopted:
Approved: July 30, 1973, Washington D.C.

AMENDMENT XI. SECTION 12, subsections (a) and (b) of Article VIII - LAND is hereby amended to read as follows:

- a. "Land within the Warm Springs Reservation, or adjacent to the boundaries thereof, or lands which fall under the provisions of the Act of August 10, 1972 (86 Stat. 530), may be purchased by or for the Confederated Tribes.
- b. Restricted land which is in heirship status at the time of the adoption of this Constitution, or which may hereafter fall into heirship status, may be purchased by or for the Confederated tribes, with the consent of the adult heirs, and the legal guardians of the minor heirs, or incompetent heirs, payment therefore to be made as may be agreed upon, or such lands may be purchased under the provisions of the Act of August 10, 1972 (86 Stat. 530), if applicable."

Adopted:

Approved: July 20, 1973, Washington D.C.

AMENDMENT XII. Article III - SALARIES of the Bylaws shall be amended to read as follows:
"The councilmen shall receive as compensation for their services not to exceed \$20 while in session for up to four hours per day and \$5.00 per hour thereafter while in session, but not to exceed \$40 per day total compensation, and fifteen cents (\$.15) per mile from home to place of meeting and return. Expenses shall be paid from available tribal funds. The tribal council may fix salaries of officers or committeemen."

Adopted:

Approved: July 20, 1973, Washington D.C.

AMENDMENT XIII. ARTICLE V, Section 1 (e) To be amended to read as follows:

"To borrow money from the federal government in accordance with the terms of a corporate charter to be issued to the Confederated Tribes of the Warm Springs Reservation of Oregon and to borrow money for public purposes in accordance with terms to be approved by Tribal Referendum."

Adopted: March 6, 1990

Approved: March 27, 1990, Washington D.C.

AMENDMENT XIV. ARTICLE III-SALARIES of the Bylaws shall be amended to read as follows:

"Tribal Council members shall receive as compensation for their services not to exceed \$50 while in session for up to four hours per day and \$12.50 per hour thereafter while in session, but not to exceed \$100 per day total compensation, and mileage from home to place of meeting and return at a rate used by the federal government. Expenses shall be paid from available tribal funds. The Tribal Council may establish salaries of officers and committee members."

Adopted:

Approved: January 24, 1992

Amendments to the Constitution of the Confederated Tribes of the Warm Springs Reservation of Oregon.

The Constitution and By-laws in their original form were adopted by vote of the membership on December 18, 1937, and approved by the Secretary of Interior on February 14, 1938. There have been fourteen (14) amendments to the Constitution and By-laws since its adoption. These amendments were as follows:

- I. (2-21-40) amended Article III Section 3

- II. (2-21-40) amended Article VIII Section 4
- III. (4-24-48) amended Article V Section 1 (t)
- IV. (5-50) amended Article III of the By-Laws
- V. (8-8-53) amended Article III of the By-Laws
- VI. (4-25-59) amended Article V Section 1 (g)
- VII. (4-25-59) amended Article V Section 1 (c)
- VIII. (3-66) amended Article III Section 2 (a)
- IX. (7-73) amended Article V Section 1 (c) also amended Article VIII Section 2
- X. (7-73) amended Article V Section 1 (t)
- XI. (7-73) amended Article VIII Section 12 (a) and (b)
- XII. (7-73) amended Article III of the By-Laws
- XIII. (3-6-90) amended Article V Section 1 (e)
- XIV. (1-24-92) amended Article III of the By-Laws

The amended language, together with the original language is included on the following pages in order of Constitutional provision.

AMENDMENT OF ARTICLE III SECTION 2 (a) Membership of Descendants.

Original Language "Every child of one-fourth or more Indian blood born heretofore or hereafter to any member of the Confederated Tribes who maintains a residence upon the Warm Springs Reservation at the time of such birth shall automatically be entitled to membership."

Amended March, 1966 to read "Every child of one-fourth or more blood of the Confederated Tribes of the Warm Springs Reservation of Oregon born after the effective date of this amendment to any member of the Confederated Tribes who maintains a residence upon the Warm Springs Reservation at the time of such birth shall automatically be entitled to membership in the Confederated Tribes."

AMENDMENT OF ARTICLE III SECTION 3 Adoption.

Original Language "The members of the Confederated Tribes of the Warm Springs Reservation, may by a majority vote, adopt as a member of the Tribe any person of 1/8 or more Indian blood who is a descendant of a member or former member of the Confederated Tribes: PROVIDED, That any person adopted into membership must have resided at least three years upon the Warm Springs Reservation, and shall not be a member of any other tribe of Indians."

Amended February 21, 1940 to read "The members of the Confederated Tribes of the Warm Springs Reservation, may by a majority vote of the qualified voters of the Confederated Tribes voting at an election called for that purpose by the Secretary of the Interior, provided at least 50 per cent of those entitled to vote shall vote in such election, adopt as a member of the Tribe any person of 1/8 or more Indian blood who is a descendant of a member or former member of the Confederated Tribes: PROVIDED, That any person adopted into membership must have resided at least three years upon the Warm Springs Reservation immediately prior to the date of his application for adoption, and shall not be a member of any other tribe of Indians."

AMENDMENT OF ARTICLE V SECTION 1 (c) Enumerated Powers.

Original Language "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 duly qualified official or agency of Government; PROVIDED, That no tribal lands shall ever be sold, encumbered or leased for a period exceeding ten years, except for governmental purposes."

Amended April 25, 1959 to read "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 duly qualified official or agency of Government; PROVIDED, That no tribal lands shall ever be sold except for governmental purposes."

Amended July, 1973 to read: 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 qualified official or agency of Government: provided, that no tribal lands shall ever be sold except any tribal lands or interests in lands located outside of the reservation boundaries may be sold or exchanged."

AMENDMENT OF ARTICLE V SECTION 1 (e) Enumerated Powers.

Original Language "To borrow money from the Federal Government in accordance with the terms of a corporate charter to be issued to the Confederated Tribes of the Warm Springs Reservation of Oregon."

Amended March 6, 1990 to read "To borrow money from the federal government in accordance with the terms of a corporate charter to be issued to the Confederated Tribes of the Warm Springs Reservation of Oregon and to borrow money for public purposes in accordance with terms to be approved by Tribal Referendum."

AMENDMENT OF ARTICLE V SECTION 1 (g) Enumerated Powers.

Original Language "To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which would provide for assessments or license fees upon nonmembers doing business within the Reservation, either on tribal or allotted lands. This power may also extend to members of the Confederated Tribes, provided such ordinances have been approved by a referendum of the Confederated Tribes."

Amended August 8, 1953 to read: "To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which would provide for assessments or license fees upon non-members doing business within the reservation. This power may also extend to members of The Confederated Tribes, provided such ordinances have been approved by a referendum of the Confederated Tribes."

AMENDMENT TO ARTICLE V SECTION 1 (t) Enumerated Powers.

Original Language "To appropriate for tribal use of the reservation, any available tribal funds; provided; that any such appropriation exceeding \$2,500 shall be subject to review by the Secretary of the Interior."

Amended April 24, 1948 to read: "To appropriate for tribal use of the reservation, any available tribal funds; provided, That any such appropriation exceeding \$2,500 shall be subject to review by the Secretary of the Interior; and provided further, That any other appropriation in excess of \$25,000 in any one fiscal year for any purpose, other than per capita payments, shall be of no effect until approved in a popular referendum."

Amended July, 1973 to read: "To appropriate for tribal use of the reservation, any available tribal funds; provided: that any such appropriation exceeding \$2,500 shall be subject to review by the Secretary of the Interior; and provided, further, that any appropriation in excess of \$25,000 in any one fiscal year for any purpose, other than per capita payments, shall be of no effect until approved in a popular referendum. The foregoing limitations shall not apply to expenditures made pursuant to tribal budget, provided, that not less than 90 days before the effective date of such budget it is posted in three public places on the reservation for not less than 30 days and provided further, that a public hearing is held on such budget and thereafter the budget is approved by the Secretary of the Interior or his authorized representative."

AMENDMENT TO ARTICLE VIII SECTION 2 Land.

Original Language "TRIBAL LANDS. –The unallotted lands of the Warm Springs Reservation, and all lands which may hereafter be acquired by the Confederated Tribes of the Warm Springs Reservation, or by the United States in trust for the Confederated Tribes of the Warm Springs Reservation, shall be held as Tribal land, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individuals, but may be assigned to members of the Confederated Tribes, or leased, or otherwise used by the Confederated Tribes as hereinafter provided.

Amended July, 1973 to read: "TRIBAL LANDS. –The unallotted lands of the Warm Springs Reservation, and all lands which may hereafter be acquired by the Confederated Tribes of the Warm Springs Reservation, or by the United States in trust for the Confederated Tribes of the Warm Springs Reservation, shall be held as Tribal land, and no part of such land shall be mortgaged or sold, except any tribal lands or interests in lands located outside of the reservation boundaries may be sold or exchanged. Tribal lands shall not be allotted to individuals, but may be assigned to members of the Confederated Tribes, or leased, or otherwise used by the Confederated Tribes as hereinafter provided."

AMENDMENT TO ARTICLE VIII SECTION 4 Land.

Original Language "GRANTS OF STANDARD ASSIGNMENTS.–In any assignment of tribal lands which now are owned by the Confederated Tribes or which may hereafter be acquired for the Confederated Tribes by the United States, or purchased by the Confederated Tribes out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and second, to members of the Confederated Tribes having allotted lands, or interests in inherited lands, which are for one reason or another unsuitable for economical use, who may be benefited by exchanging such interests for tribal lands suitable for cultivation.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and for Indians whose present land holdings are not suitable for economical use.

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

The Tribal Council may, if it deems advisable, charge a fee of not to exceed \$5.00 on approval of an assignment of land made under this section."

Amended February 21, 1940 to read: "GRANTS OF STANDARD ASSIGNMENTS.--In any assignment of tribal lands which now are owned by the Confederated Tribes or which may hereafter be acquired for the Confederated Tribes by the United States, or purchased by the Confederated Tribes out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and second, to members of the Confederated Tribes having allotted lands, or interests in inherited lands, which are for one reason or another unsuitable for economical use, who may be benefited by exchanging such interests for tribal lands suitable for cultivation.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and for Indians whose present land holdings are not suitable for economical use.

Tribal land under this section may be assigned by the Tribal Council in economic units, but not in excess of 40 acres of irrigated farmland, and 80 acres of pasture land to any head of a family.

No allotted member of the Confederated Tribes who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian. The Tribal Council may, if it deems advisable, charge a fee of not to exceed \$5.00 on approval of an assignment of land made under this section."

AMENDMENT TO ARTICLE VIII SECTION 12 (a) and (b) Land.

Original Language

- A. "Land within the Warm Springs Reservation, or adjacent to the boundaries thereof, which is not now in Indian ownership, may be purchased by or for the Confederated Tribes.
- B. Restricted land which is in heirship status at the time of the adoption and approval of this Constitution, or which may hereafter fall into heirship status, may be purchased by or for the Confederated Tribes, with the consent of all the adult heirs, and the legal guardians of minor heirs, or incompetent heirs, payment therefore to be made as may be agreed upon."

Amended July, 1973 to read:

- a. "Land within the Warm Springs Reservation, or adjacent to the boundaries thereof, or lands which fall under the provisions of the Act of August 10, 1972 (86 Stat. 530), may be purchased by or for the Confederated Tribes.
- b. Restricted land which is in heirship status at the time of the adoption of this Constitution, or which may hereafter fall into heirship status, may be purchased by or for the Confederated tribes, with the consent of the adult heirs, and the legal guardians of the minor heirs, or incompetent heirs, payment therefore to be made as may be agreed upon, or such lands may be purchased under the provisions of the Act of August 10, 1972 (86 Stat. 530), if applicable."

AMENDMENT OF ARTICLE III OF BY-LAWS Salaries.

Original Language "The councilmen shall receive as compensation for their services, not to exceed \$3.00 per day while in session, and a mileage fee of five cents per mile for travel from their home to place of meeting and return. Expenses shall be paid from available tribal funds. The Tribal Council may fix salaries of officers and committeemen."

Amended May, 1950 to read: "The councilmen shall receive as compensation for their services, not to exceed \$8.00 per day while in session, and a mileage fee of five cents per mile for travel from their home to place of meeting and return. Expenses shall be paid from available tribal funds. The Tribal Council may fix salaries of officers or committeemen."

Amended August 8, 1953 to read: "The Councilmen shall receive as compensation for their services, not to exceed \$12.00 per day while in session and the mileage fee of seven cents per mile for travel from their home to place of meeting and return. Expenses shall be paid from available tribal funds. The Tribal Council may fix salaries of officers or committeemen."

Amended July, 1973 to read: "The councilmen shall receive as compensation for their services not to exceed \$20 while in session for up to four hours per day and \$5.00 per hour thereafter while in session, but not to exceed \$40 per day total compensation, and fifteen cents (\$.15) per mile from home to place of meeting and return. Expenses shall be paid from available tribal funds. The tribal council may fix salaries of officers or committeemen."

Amended January 24, 1992 to read: "Tribal Council members shall receive as compensation for their services not to exceed \$50 while in session for up to four hours per day and \$12.50 per hour thereafter while in session, but not to exceed \$100 per day total compensation, and mileage from home to place of meeting and return at a rate used by the federal government. Expenses shall be paid from available tribal funds. The Tribal Council may establish salaries of officers and committee members."