

Constitution and By-Laws of the Hopi Tribe, 1936. Authored by Oliver La Farge.

Home

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

**CONSTITUTION AND BY-LAWS
THE HOPI TRIBE
ARIZONA**

APPROVED DECEMBER 1936,

UNITED STATES
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CONSTITUTION AND BY-LAWS OF THE HOPI TRIBE

PREAMBLE

This Constitution, to be known as the Constitution and By-laws of the Hopi Tribe, is adopted by the self-governing Hopi and Tewa villages of Arizona to provide a way of working together for peace and agreement between the villages, and of preserving the good things of Hopi life, and to provide a way of organizing to deal with modern problems, with the United States government and with the outside world generally.

ARTICLE I-JURISDICTION

The authority of the Tribe under this Constitution shall cover the Hopi villages and such land as shall be determined by the Hopi Tribal Council in agreement with the United States Government and the Navajo Tribe, and such lands as may be added thereto in the future. The Hopi Tribal Council is hereby authorized to negotiate with the proper officials to reach such agreement, and to accept it by a majority vote.

ARTICLE II-MEMBERSHIP

SECTION 1. Membership in the Hopi Tribe shall be as follows:

(a) All persons whose names appear on the census roll of the Hopi Tribe as of January 1st, 1936, but within one year from the time that this Constitution takes effect corrections may be made in the roll by the Hopi Tribal Council with the approval of the Secretary of the Interior.

(b) All children born after January 1, 1936, whose father and mother are both members of the Hopi Tribe.

(c) All children born after January 1, 1936, whose mother is a member of the Tribe and whose father is a member of some other tribe.

(d) All persons adopted into the Tribe as provided in Section 2.

SEC 2. Non-members of one-fourth degree of Indian blood, or more, who are married to members of the Hopi Tribe, and adult persons of one-fourth degree of Indian blood or more whose fathers are members of the Hopi Tribe, may be adopted in the following manner: Such person may apply to the Kikmongwi of the village to which he is to belong, for acceptance. According to the way of doing established in that Village, the Kikmongwi may accept him, and shall tell the Tribal Council. The

Council may then by a majority vote have that person's name put on the roll of the Tribe, but before he is enrolled he must officially give up membership in any other tribe.

SEC. 3. Resident members shall be those who actually live in the Hopi jurisdiction and who have been living therein for not less than six months. Only resident members of twenty-one years of age or over shall be qualified to vote in any election or referendum. Any adult member who is away from the jurisdiction for six months continuously, shall cease to be a resident member until he has again lived in the jurisdiction for the necessary time.

ARTICLE III-ORGANIZATION

SECTION 1. The Hopi Tribe is a union of self-governing villages sharing common interests and working for the common welfare of all. It consists of the following recognized villages:

- First Mesa (consolidated villages of Walpi, Shitchumovi, and Tewa).
- Mishongnovi.
- Sipaulavi.
- Shungopavi.
- Oraibi.
- Kyakotsmovi.
- Bakabi.
- Hotevilla.
- Moenkopi.

SEC. 2. The following powers which the Tribe now has under existing law or which have been given by the Act of June 18, 1934, (48 Stat. 984) and acts amendatory thereof or supplemental thereto, are reserved to the individual villages:

- (a) To appoint guardians for orphan children and incompetent members.
- (b) To adjust family disputes and regulate family relations of members of the villages.
- (c) To regulate the inheritance of property of the members of the villages.
- (d) To assign farming land, subject to the provisions of Article VII.

SEC. 3. Each village shall decide for itself how it shall be organized. Until a village shall decide to organize in another manner, it shall be considered as being under the traditional Hopi organization and the Kikmongwi of such village shall be recognized as its leader.

SEC. 4. Any village which does not possess the traditional Hopi self-government, or which wishes to make a change in that government or add something to it, may adopt a village Constitution in the following manner: A Constitution, consistent with this Constitution and By-laws, shall be drawn up, and made known to all the voting members of such village and a copy shall be given to the Superintendent of the Hopi jurisdiction. Upon the request of the Kikmongwi of such village or of 25% of the voting members thereof, for an election on such Constitution, the Superintendent shall make sure that all voting members have had ample opportunity to study the proposed Constitution. He shall then call a special meeting of the voting members of such village, for the purpose of voting on the adoption of the proposed Constitution, and shall see that there is a fair vote. If at such referendum, not less than half of the voting members of the village cast their votes, and if a majority of those voting accepts the proposed Constitution, it shall then become the Constitution of that village, and only officials chosen according to its provisions shall be recognized.

The village Constitution shall clearly say how the Council representatives and other village officials shall be chosen, as well as the official who shall perform the duties placed upon the Kikmongwi in this Constitution. Such village Constitution may be amended or abolished in the same manner as provided for its adoption.

ARTICLE IV-THE TRIBAL COUNCIL

SECTION 1. The Hopi Tribal Council shall consist of representatives from the various villages. The number of representatives from each village shall be determined according to its populations as follows: villages of 50 to 250 population, one representative; villages of 251 to 500 population, two representatives; villages of 501 to 750 population, three r epresentatives; villages of over 750 population, four representatives.

The representation in the first Tribal Council shall be as follows:

First Mesa.....	4
Mishongnovi.....	2
Sipaulavi.....	1
Shungopavi.....	2
Oraibi.....	2
Kyakotsmovi.....	2
Bakabi.....	1
Hotevilla.....	1
Moenkopi.....	2

SEC. 2. Representatives shall serve for a term of one year, and may serve any number of terms in succession.

SEC. 3. Each representative must be a member of the village which he represents. He must be twenty-five years or more of age, and must have lived in the Hopi jurisdiction for not less than two years before taking office, and must be able to speak the Hopi language fluently.

SEC. 4. Each village shall decide for itself how it shall choose its representatives, subject to the provisions of section 5. Representatives shall be recognized by the Council only if they are certified by the Kikmongwi of their respective villages. Certifications may be made in writing or in person.

SEC. 5 One representative of the village of Moenkopi shall be selected from the Lower District and certified by the Kikmongwi of Moenkopi, and one representative shall be selected by the Upper District, and certified by the official whom that District may appoint, or who may be specified in a village Constitution adopted under the provisions of Article III, section 4. This section may be repealed, with the consent of the Tribal Council, by vote of a two-thirds majority at a meeting of the voting members of Moenkopi village called and held subject to the provisions of Article III, section 4.

SEC. 6. No business shall be done unless at least a majority of the members are present.

SEC. 7. The Tribal Council shall choose from its own members a Chairman and Vice-Chairman, and from the Council or from other members of the Tribe, a Secretary, Treasurer, Sergeant-at-Arms, and interpreters, and such other officers and committees as it may think necessary, subject to the provisions of the By-laws, Article I.

ARTICLE V-VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. Any representative or other officer found guilty in a tribal or other court of a misdemeanor involving dishonesty, of a felony, or of drunkenness shall be automatically removed from office, and the Council shall refuse to recognize him.

SEC. 2. Any officer or representative may be removed from office for serious neglect of duty, by a vote of not less than two-thirds of the Council, after the officer to be so removed has been given full opportunity to hear the charges against him and to defend himself before the Council.

SEC. 3. Vacancies occurring for any reasons among the representatives shall be filled for the rest of the term by the village concerned in the same manner as a representative from that village is ordinarily chosen.

Vacancies occurring for any reason among the officers appointed by the Council shall be filled by the Council.

ARTICLE VI-POWERS OR THE TRIBAL COUNCIL

SECTION 1. The Hopi Tribal Council shall have the following powers which the Tribe now has under existing law or which have been given to the Tribe by the Act of June 18, 1934. The Tribal Council shall exercise these powers subject to the terms of this Constitution and to the Constitution and Statutes of the United States.

(a) To represent and speak for the Hopi Tribe in all matters for the welfare of the Tribe, and to negotiate with the Federal, State, and local governments, and with the councils or governments of other tribes.

(b) To employ lawyers, the choice of lawyers and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To prevent the sale, dispositions, lease or encumbrance of tribal lands, or other tribal property.

(d) To advise with the Secretary of the Interior and other governmental agencies upon all appropriation estimates or Federal projects for the benefit of the Tribe, before the submission of such estimates to the Bureau of the Budget or to Congress.

(e) To raise and take care of a tribal council fund by accepting grants or gifts from any person, State, or the United States Government, or by charging persons doing business within the Reservation reasonable license fees, subject to the approval of the Secretary of the Interior.

(f) To use such tribal council fund for the welfare of the Tribe, and for salaries or authorized expenses of tribal officers. All payments from the tribal council fund shall be a matter of public record at all times.

(g) To make ordinances, subject to the approval of the Secretary of the Interior, to protect the peace and welfare of the Tribe, and to set up courts for the settlement of claims and disputes, and for the trial and punishment of Indians within the jurisdiction charged with offenses against such ordinances.

(h) To act as a court to hear and settle claims or disputes between villages in the manner provided in Article VIII.

(i) To provide by ordinance, subject to the approval of the Secretary of the Interior, for removal or exclusion from the jurisdiction of any non-members whose presence may be harmful to the members of the Tribe.

(j) To regulate the activities of voluntary cooperative associations of members of the Tribe for business purposes.

(k) To protect the arts, crafts, traditions, and ceremonies of the Hopi Indians.

(l) To delegate any of the powers of the council to committees or officers, keeping the right to review any action taken.

(m) To request a charter of incorporation to be issued as provided in the Act of June 18, 1934.

(n) To adopt resolutions providing the way in which the Tribal Council itself shall do its business.

SEC. 2. Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be given to the Superintendent of the jurisdiction, 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 send a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety days from the date of enactment, veto said ordinance or resolution for any reason, by notifying the Tribal Council of his decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him within ten days after enactment he shall report his reasons to the Tribal Council. If the Tribal Council thinks these reasons, are not sufficient it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior who may, within ninety days from the date of its enactment, approve the same in writing, whereupon, the said ordinance or resolution shall become effective.

SEC. 3. The Hopi Tribal Council may exercise such further powers as may in the future be delegated to it by the members of the Tribe or by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal Government.

SEC. 4. Any rights and powers which the Hopi Tribe of Indians now has, but which are not expressly mentioned in this Constitution, shall not be lost or limited by this article, but may be exercised by the members of the Hopi Tribe of Indians through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VII-LAND

SECTION 1. Assignment of use of farming land within the traditional clan holdings of the villages of First Mesa, Mishongnovi, Sipaulavi, and Shungopavi, and within the established village holdings of the villages of Kyakotsmovi, Bakabi, Oraibi, Hotevilla, and Moenkopi, as in effect at the time of approval of this Constitution, shall be made by each village according to its established custom, or such rules as it may lay down under a village Constitution adopted according to the provisions of Article III, section 4. Unoccupied land beyond the clan and village holdings mentioned shall be open to the use of any member of the Tribe, under the supervision of the Tribal Council. Nothing in this article shall permit depriving a member of the Tribe of farming land actually occupied and beneficially used by him at the time of approval of this Constitution, but where an individual is occupying or using land which belongs to another by agreement with the owner, that land shall continue to belong to that owner.

SEC. 2 In order to improve and preserve the range, range land shall be supervised by the Tribal Council in cooperation with the various United States Government agencies.

SEC. 3. All springs shall be considered the property of the Tribe, and no individual or group of individuals shall be allowed to prevent the reasonable use of any spring by members of the Tribe generally, but the individual who develops a spring, or on whose land it is, shall have the first use of it.

SEC. 4. The administration of this article shall be subject to the provisions of section 6 of the Act of June 18, 1934.

ARTICLE VIII-DISPUTES BETWEEN VILLAGES

SECTION 1. When a dispute arises between villages over any matter, the Kikmongwi of any village party to the dispute may inform the Chairman of the Tribal Council of the nature of the dispute, and ask him to call a special meeting of the Council to settle the matter.

The Chairman shall thereupon call a special meeting of the Council, to be held on the eighth day from the day of such request, at which meeting he, and the Council representatives or other persons chosen by each village party to the dispute to speak for it before the Council, may summon all witnesses having evidence to give in the matter, and may examine them.

When the Council has heard all the evidence and examined the witnesses to its satisfaction, it shall hold a secret meeting which shall not be attended by the representatives of the villages party to the dispute, and after full and careful consideration and discussion, shall vote on a decision. Such decision shall become effective when it is carried by a majority of the Council members present. The Council shall keep a record of the evidence and the reasons for its decision.

SEC. 2. If both the Chairman and the Vice-Chairman are representatives of villages party to the dispute, the Council shall elect a temporary Chairman to serve for the duration of the trial.

SEC. 3. If any village party to the dispute feels that the decision of the Council in such case is unjust, the Kikmongwi of that village may notify the Superintendent within ten days, and the decision of the Council shall then be subject to review by the Secretary of the Interior, with ninety days thereafter, in the manner provided in Article VI, section 2.

ARTICLE IX-BILL OF RIGHTS

SECTION 1. All resident members of the Tribe shall be given equal opportunities to share in the economic resources and activities of the jurisdiction.

SEC. 2. All members of the Tribe worship in their own way, to speak and write their opinion, and to

meet together.

ARTICLE X-AMENDMENT

Any representative may propose an amendment to this Constitution and By-laws at any meeting of the Council. Such proposed amendment may be discussed at that meeting, but no vote shall be taken on it until the next following meeting of the Council. If the Council shall then approve such proposed amendment by a majority vote, it shall request the Secretary of the Interior to call such referendum, for accepting or rejecting such amendment. It shall then be the duty of the Secretary of the Interior to call such referendum, at which the proposed amendment may be adopted subject to the Secretary's approval, in the same manner as provided for the adoption and approval of this Constitution and By-laws.

BY-LAWS OF THE HOPI TRIBE

ARTICLE I-DUTIES AND QUALIFICATIONS

SECTION 1. The Chairman shall preside over all meetings of the Tribal Council. He shall perform all duties of a Chairman fairly and impartially, and exercise any authority delegate to him by the Council. He shall vote only in case of a tie.

SEC. 2. The Vice-Chairman shall help the Chairman in his duties when called upon to do so, and in the absence of the Chairman shall act as Chairman with all the attendant powers and duties.

SEC. 3. The representatives shall perform the duties of the Council, set forth in this Constitution and By-laws. They shall inform the people of their villages of the matters discussed and the actions taken, and they shall fairly and truly represent the people of their villages.

SEC. 4. The Secretary shall write all tribal correspondence, as authorized by the Council, and shall keep an accurate record of all action of regular and special meetings of the Council. He shall keep a copy of such records in good order and available to the general public and shall send another copy of them, following each meeting of the Council, to the Superintendent of the jurisdiction. He shall have a vote in the Council only if he is a regular representative.

The Secretary must be a resident member of the Hopi Tribe, and must be able to speak the Hopi language fluently, and to read and write English well.

SEC. 5. The Treasurer shall receive, receipt for, and take care of all funds in the custody of the Council, and deposit them in a bank or elsewhere as directed by the Council. He shall make payments therefrom only when authorized by a resolution of the Council, and in the manner authorized. He shall keep a faithful record of such funds, and shall report fully on receipts, payments, and amounts in hand at all regular meetings of the Council and whenever requested to do so by the Council. His accounts shall be open to public inspection.

He shall have a vote in the Council only if he is a regular representative.

The Treasurer must be a resident member of the Hopi Tribe, and must be able to speak the Hopi Language fluently and to read and write English well.

SEC. 6. The interpreter or interpreters shall be resident members of the Hopi Tribe, and shall be able to interpret fluently and accurately in the Hopi, English, and Navajo languages and shall do so whenever requested by the Council. Interpreters shall have a vote in the Council only when they are regular representatives.

SEC. 7. The Sergeant-at-Arms, at the orders of the Chairman, shall enforce order in the Council, and shall summon all persons required to appear before the Council, and deliver notices of special meetings, and perform such other duties as may be required of him by the Council.

The Sergeant-at-Arms shall be a resident member of the Hopi Tribe, and must be able to speak Hopi fluently, and to speak English.

SEC. 8. The qualifications and duties of all committees and officers appointed by the Council shall be

clearly defined by resolution of the Tribal Council at the time the positions are created. Such committees or officers shall report to the Council whenever required.

ARTICLE II-MEETINGS OF THE COUNCIL

SECTION 1. Regular meetings of the Tribal Council shall be held on the first day of December, March, June, and September, at such place as shall be determined by the Council.

SEC. 2. Within sixteen days after this Constitution goes into effect, the villages shall choose their representatives for the first term of one year, and on the sixteenth day the first meeting of the Council shall be held at Oraibi Day School.

SEC. 3. Special meetings of the Council shall be called by the Chairman in his discretion or at the request of four representatives, or in the case of a dispute between villages, as provided in Article VIII of the Constitution. Notice of special meeting shall be delivered to each representative not less than eight days before such meeting, together with a statement of the business to be discussed thereat.

SEC. 4. All members of the Hopi Tribe may attend any meeting of the Council, but they may not speak, except by invitation of the Council. Non-members may be invited by the Council to attend any meeting and to address it.

SEC. 5. The Council may employ, or may request the Superintendent of the jurisdiction to furnish, a clerk trained in shorthand, to take down verbatim minutes of any meeting.

SEC. 6. When the Council desires advise of, or consultation with, any officer of the Federal Government, it may invite him to attend any meeting and may give him the privilege of the floor.

ARTICLE III-ORDINANCES AND RESOLUTIONS

All ordinances and resolutions shall be recorded and available at all times for the information and education of the Tribe. Copies of all ordinances shall be posted from time to time in a public place in each village.

ARTICLE IV-EAGLE HUNTING TERRITORIES AND SHRINES

The Tribal Council shall negotiate with the United States Government agencies concerned, and with other tribes and other persons concerned, in order to secure protection of the right of the Hopi Tribe to hunt for eagles in its traditional territories, and to secure adequate protection for its outlying, established shrines.

ARTICLE V-ALL- PUEBLO COUNCIL

The Tribal Council may appoint delegates to speak for the Tribe at the All-Pueblo Council, and to report to the Council and the Tribe on all proceedings thereof.

ARTICLE VI-ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when ratified by a majority vote of the adult members of the Hopi Tribe voting at a referendum called for the purpose by the Secretary of the Interior, provided that at least thirty percent of those entitled to vote shall vote at such referendum, shall be submitted to the Secretary of the Interior, and if approved, shall take effect from the date of approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved September 30, 1936 by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the Hopi Tribe residing on the Hopi Reservation, and was on October 24, 1936, duly adopted by a vote of 651 for, and 104 against, in an

election in which over 30 percent of those entitled to vote cast their ballots in accordance with section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378).

GEORGE COOCHISE,
Chairman of Election Board.

ALBERT YAVA,
Secretary of Election Board.

A. G. HUTTON, *Superintendent.*

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Hopi Tribe.

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

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

Approval recommended December 14, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

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