

Pueblo of Laguna



Location: New Mexico

Population 3600

Date of Constitution 1958

PREAMBLE

In 1863, Abraham Lincoln, President of the United States of America, recognized and confirmed the right of the Pueblo of Laguna to govern itself, and solemnly pledged the full faith of the United States of America that the customs and land rights of said Pueblo, and the liberties and religions of its members, should forever be protected by the United States of America and forever remain inviolate. As evidence of said recognition, confirmation, and solemn pledge, our beloved President Abraham Lincoln, gave the then Governor of the Pueblo a cane, which has in the course of years become the staff and symbol of the office of Governor of said Pueblo.

Now, therefore, we the people of the Pueblo of Laguna, New Mexico, in order to establish justice, to preserve and protect our Pueblo self-government and our rights, liberties, benefits, and customs, and to protect our common welfare, do ordain and establish this Constitution of the Pueblo of Laguna.

ARTICLE I-JURISDICTION

This Constitution shall apply within the exterior boundaries of the Pueblo of Laguna Grant, and of such other lands as are now or may in the future be under the jurisdiction of, or used under proper authority by, the Pueblo of Laguna. This Constitution shall apply to and be for the benefit and protection of all persons who are now or may become in the future members of the Pueblo of Laguna.

ARTICLE II-MEMBERSHIP

Section 1. Qualifications.-The membership of the Pueblo shall consist of the following persons provided they have not renounced or do not hereafter renounce such membership by joining another tribe or otherwise, and provided further, that any person 21 years of age or over, living on the date of the approval of this revised Constitution, shall not be entitled to membership unless enrolled or unless application for enrollment has been filed within one year from the approval of this revised Constitution in the manner to be prescribed by ordinance of the Council, except as hereinafter provided in subsection (e) of this Section.

(a) All persons of any Indian blood whose names appear on the 1940 United Pueblos Agency census roll for the Pueblo of Laguna as enrolled members: provided that any person of one-half or, more Laguna blood whose name the Council finds to have been erroneously omitted from said roll be added to it upon

application by such person within one year from the approval of this revised Constitution, in the manner to be prescribed by ordinance of the Council. Any such addition shall have the effect of recognizing such person's membership from birth. Application for recognition of membership may also be filed on behalf of a deceased person, if done for the purpose of establishing membership rights under subsections (b), (c), or (d) of this Section.

(b) All persons born since the 1940 census whose mother and father are both members of the Pueblo of Laguna. (d) All persons of one-half or more Indian blood born after the 1940 census but prior to the approval of this revised Constitution whose mother or father is a member of the Pueblo of Laguna. (d) All persons of one-half or more Laguna Indian blood born after approval of this revised Constitution: (1) whose mother is a member of the Pueblo of Laguna; or (2) whose father is a member of the Pueblo of Laguna, provided the child is born in wedlock. (e) Provided that the persons referred to in subsections (b), (c), (d) (1), and (d) (2), above, shall not be entitled to membership in the Pueblo unless enrolled or unless application for enrollment has been made by their parent, parents, or other persons for them, or by themselves, prior to their 22nd birthday; provided further, that all such, persons shall have at least one year from the date of approval of this revised Constitution in which to enroll themselves or make application for enrollment as members of the Pueblo, in the manner to be prescribed by ordinance of the Council. (f) All persons naturalized as members of the Pueblo of Laguna, provided that a person who has no Indian blood shall never be naturalized.

SEC. 2. Determination of Qualifications.-The Council shall by ordinance prescribe procedures for the determination, or renunciation of membership pursuant to Section I of this Article. All determinations made in accordance with such procedures shall be final.,

SEC. 3. Observance of Pueblo Constitution and Laws.-All members of the Pueblo of Laguna and all other persons who are permitted to live on the reservation of the Pueblo by the proper officers of the Pueblo shall be governed by this Constitution, the Bylaws and all ordinances, customs, and regulations of the Pueblo as the same now exist or are hereafter altered, and as interpreted by the proper officers of the Pueblo. Non-members of any Indian blood may be permitted to live on the lands of the Pueblo only if they agree in writing to be governed in this way. Non-Indians may be permitted to live upon the lands of the Pueblo only if they receive written authorization from the Council and only on such terms and conditions as the Council may prescribe, but a non-Indian may not, without his consent, be subject to any punishment by the Pueblo other than expulsion for failure to abide by his written promise.

SEC. 4. Every member of the Pueblo of Laguna shall be entitled to an equal share in per capita distribution, provided that no right to a share shall vest in such member unless such member is an enrolled member on the date such per capita distribution is declared by Council ordinance, except as provided in Article VIII, Section 3 of the Bylaws.

ARTICLE III-ORGANIZATION AND ELECTION OF THE PUEBLO COUNCIL AND STAFF OFFICERS

SECTION 1. Council.-The governing power of the Pueblo of Laguna shall be vested in the Pueblo Council. The Council shall be composed of the following persons:

(a) One Governor. (b) One First Lieutenant Governor. (c) One Second Lieutenant Governor. (d) One

Head Fiscale. (e) One First Fiscale. (f) One Second Fiscale.

(g) One Treasurer. (h) One Secretary. (i) One Interpreter. (j) The representative or representatives of the respective villages of the Pueblo of Laguna who shall in the customary manner or as provided by the Council be selected by said villages as representatives of each of said villages.

(k) Such other persons as the Pueblo Council may appoint or recognize as members of the Council.

SEC. 2. Other Officers.-The Pueblo shall also have the following officers: (a) One Captain of War. (b) One First Lieutenant of War. (c) One Second Lieutenant of War.

None of the officers named in this Section shall be members of the Council.

SEC. 3. Staff Officers.-The Governor, the First Lieutenant Governor, the Second Lieutenant Governor, the Head Fiscale, the First Fiscale, and the Second Fiscale shall serve as the governing officers of the six Laguna villages and with the Secretary, the Treasurer and the Interpreter shall constitute the Staff Officers of the Pueblo. Not more than one Staff Officer (other than the Secretary, Treasurer and the Interpreter) shall come from the same village of the Pueblo of Laguna. The Secretary, the Treasurer, the Interpreter, and the officers not on the staff may come from any village or villages.

SEC. 4. Villages of Laguna.-The recognized villages of the Pueblo of Laguna are: (a) Laguna, which is and shall continue to be the capital of the Pueblo of Laguna. (b) Paquate. (c) Casa Blanca and Paraje. (d) Seama. (e) Encinal. (f) Mesita.

The settlements of Laguna Indians at Gallup and Albuquerque, New Mexico, at Winslow, Arizona, and at Barstow and Richmond, California are hereby recognized as settlements but not villages of Laguna Indians. Additional settlements may hereafter be recognized upon a petition signed by one-third of the adult members of any off-reservation community of Laguna Pueblo Indians presented to and approved by the Council. Settlements shall not be entitled to have a member among the Staff Officers except as hereafter authorized by the Council.

SEC. 5. Calling Council Meetings. Within a reasonable time before each Council meeting, the Staff Officers shall call from each of the recognized villages of the Pueblo a representative or representatives to said Council meetings from each of said recognized villages. In matters of grave importance or matters which affect the recognized settlements, the Staff Officers shall call a delegate or delegates from each settlement affected. The Council shall be the judge of the qualifications of its own members.

SEC. 6. Voting in Council.-At all Council Meetings, the Staff Officers and the representative or representatives from each of the villages of the Pueblo of Laguna, and any delegate or delegates from the settlements of the Pueblo of Laguna who may have been called by the Staff Officers to any meeting, shall each be entitled to one vote upon all questions submitted at said Council meeting. In all questions before the Council, a majority vote of those members of the Council present shall decide the question. A majority of the Council shall constitute a quorum.

The number of representatives to be selected from each village or settlement shall be determined exclusively by the Staff Officers, whose decisions in the matter shall be final.

SEC. 7. Elections.-Nominations and election of all officials of the Pueblo of Laguna shall be held in accordance with the customs and the ordinances of the Pueblo.

SEC. 8. Who May Vote.-All members of the Pueblo 18 years or more of age who understand the nature of the proceedings shall have the right to vote at all Pueblo elections. Eligibility of any person to vote, in the event of dispute, shall be determined by the method prescribed by the Council.

SEC. 9. Term of Office.-Officers elected shall serve until the next annual election or until their successors have qualified. The Governor shall not serve more than three successive terms in office. The Secretary and Treasurer shall not serve more than four successive terms in office. All other elected officers shall not serve more than two successive terms in office.

ARTICLE IV-THE PUEBLO COUNCIL AND ITS POWERS

SECTION 1. Legislative Power.-The legislative Power shall be vested in the Pueblo Council, and the said power shall be exercised in accordance with the Constitution and laws of the United States applicable to Indians or Indian Tribes.

The Pueblo Council shall have the following rights and powers :

(a) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, so long as such approval is required by Federal Law. (b) To prevent the sale, disposition, lease or encumbrance of Pueblo lands, interests in lands, or other Pueblo assets; to execute leases, contracts and permits, provided that where the leasing or encumbering of Pueblo land is involved, the approval of the Secretary of the Interior shall be required. (c) To negotiate with the Federal, State, and local governments, and with the Councils and governing authorities of other Pueblos or Indian Tribes. (d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Pueblo prior to the submission of such estimates or projects to the Bureau of the Budget and to Congress. (e) To enact ordinances to: (1) establish and govern the procedure of a Pueblo Court subject to the provisions of Article V of this revised Constitution. (2) provide for the maintenance of law and order within the Pueblo by enacting ordinances and resolutions governing personal, conduct, subject to Secretarial approval. (3) govern the civil rights and liabilities and domestic relations of Pueblo members and their families within the Pueblo. (4) levy and collect taxes and raise revenue. (5) regulate trade, inheritance, land holdings, and private dealings in land among members within the Pueblo. (6) set up a procedure for naturalization and the determination of membership. (7) establish and operate business or civic enterprise on behalf of the Pueblo and to provide for the management of any, such enterprises. (8) protect public health. (9) equally provide for the welfare of the Pueblo. (f) To fix salaries of Pueblo officers and employees; to appropriate and expend available funds of the Pueblo for health and education (including scholarships), salaries and expenses of Pueblo officers and employees, and for public purposes, including (relief of members of the Pueblo, contributions to charity and) per capita payments to members of the Pueblo; Provided, that with the exception of the initial distribution, the amount distributed per capita in any one year shall not exceed one-half of the net income (including income from minerals) received during the preceding Pueblo fiscal year. (g) To regulate the nomination and election of officers, and to prescribe methods for determining eligibility to vote. (h) To appoint committees, boards, officials and employees not otherwise provided for in this Constitution, provided that all such appointments shall be by resolutions specifying authorities delegated. (i) To operate a loan program for the purpose of making loans to members from the Pueblo funds either under the laws of the State of New Mexico or regulations proved by the Secretary.

SEC. 2. Delegated Powers.-The Council may exercise such further powers as may be delegated to the Pueblo by the Secretary of the Interior or by any other governmental official or agency.

ARTICLE V--JUDICIAL SYSTEM

SECTION 1. Judicial Power.-Judicial power shall be vested in a Pueblo Court. The Court shall consist of such number of judges as the Council may from time to time provide. Judges shall be appointed by the Council.

SEC. 2. Jurisdiction.-The Court shall have jurisdiction over all disputes between Indians on the reservation, over grievances or claims of Indians against the Pueblo, and over such disputes between Indians and non-Indians as may be brought before the Court by stipulation. Any dispute existing or arising between or among persons in any of the villages which cannot be settled by the parties affected shall be first brought before the village Staff Officer, who shall try to have the parties settle the matter by giving his advice. If the interested parties cannot, with the advice of the Staff Officer, adjust the matter in dispute, the matter shall be submitted to the Pueblo Court.

SEC. 3. The Court shall have jurisdiction over such offenses not falling within the jurisdiction of the Federal courts, as may be enumerated by ordinances of the Pueblo.

SEC. 4. The duties and procedure of the Court and the tenure and salary of the judges shall be such as the Council may provide by ordinance. Before expiration of the terms for which appointed, a judge shall not be removed from office except for cause.

SEC. 5. Parties shall be afforded the right to have the assistance of a next friend in all matters brought before the Court, but shall not have the right to be represented by an attorney at law unless rules have been adopted by the Council permitting such representation and prescribing the conditions under which attorneys at law may practice before the Court.

SEC. 6. If any party shall be dissatisfied with the judgment of the Pueblo Court, said person may appeal in accordance with procedures prescribed by ordinance.

ARTICLE VI-THE GOVERNOR, HIS POWERS AND DUTIES

SECTION 1. Executive Head.-The Governor shall be the executive head of the Pueblo, and his lawful orders must be obeyed and respected by all the members and other who reside within the exterior boundaries of the Pueblo. In the event of his absence from the Pueblo or in the event of his inability to perform his duties, the First Lieutenant Governor shall act in his stead. In the absence or inability to act of both the Governor and the First Lieutenant Governor, the officer next in line of preference then present in the Pueblo and able to act shall act in the Governor's stead.

SEC. 2. Conduct of Meetings.-It shall be the duty of the Governor to assume complete charge of all the meetings and to see that perfect order is preserved. In the discussion of business only one person at a time shall be allowed to speak. When anyone wishes to speak he shall first ask permission of the Gover-

nor to do so before proceeding.

SEC. 3. Right of Protest.-Any person who believes that a ruling of the Governor is unjust and that he is being imposed upon by the Governor's orders, shall act as ordered under protest, and he shall then have the right to demand that the matter be brought before the Pueblo Court for adjudication.

SEC. 4. Meeting of General Pueblo.-In special matters of business in which all of the people are equally concerned, the Governor shall send a request to all the members of the Pueblo for their presence when such business is to be transacted. Notice of such general meeting shall be posted in such public places as the Council may by ordinance provide.

SEC. 5. Summoning Council.-The Governor shall have the right to summon any or all the Council members to be present at any of the staff meetings when in his opinion any such member's presence is especially needed, and in case any one of them cannot come when summoned he shall furnish his reasons to the Governor, who shall excuse him without a fine if his reasons are justifiable.

SEC. 6. Disposal of Business.-It shall be the duty of the Governor to see that all unfinished business on hand is disposed of, if possible, before the end of the month in which the business is presented.

ARTICLE VII-LAND ASSIGNMENT AND LAND LEASING

SECTION 1. Obtaining Use of Land.-When any qualified member of the Pueblo of Laguna desires a piece of unoccupied Pueblo land, he shall select his land and make his application to the mayordomo of the village, who shall take the matter up with the village officer who in turn shall discuss the matter with the Council. If the application is approved by the Council the officer and the mayordomo shall stake out the boundaries for the applicant and shall give him a written assignment describing the land and stating the terms or conditions on which it is assigned. A copy of such assignment shall be retained for the Pueblo records. Assignments may be made conditional on the assignee's making certain improvements within a stated period or on other conditions. The assignee shall then have three years within which to improve and make use of his assignment. Upon failure to improve or make use of the assignment within the three-year period following the approval thereof, or upon failure to make use of the assignment for any period of three successive years, the Council may dispossess the applicant. The Council may otherwise dispossess the applicant in accordance with, or for, violation of this Constitution or the laws of the Pueblo, or for violation of conditions. If at any time an assignment has been abandoned, it may be cancelled by the Council. The Council shall have the duty to provide a system for the recording of all land assignments, and shall have power to regulate the granting of such assignments

SEC. 2. Qualifications.-The Council shall be the sole judge of the qualifications of any member to receive the use of any Pueblo lands, and to continue in possession of such lands.

SEC. 3. Acreage Limitation.-No member shall be entitled to hold an assignment or assignments of the Pueblo lands in excess of an acreage limitation fixed by the Council.

SEC. 4. Eminent Domain.-When in the public interest and upon payment of just compensation for the improvements placed thereon, the Council shall have the authority to dispossess any member from his

assignment, or a portion thereof. In the event of disagreement between the member and the Council as to the value of the improvements, the matter shall be decided finally by the Pueblo Court.

SEC. 5. Full Possession.-The right of full possession shall be guaranteed to any member of the Pueblo holding lands the use of which has been assigned to him by the officers for cultivation or other purpose. The Council shall have power to regulate, limit or prohibit the transfer, during lifetime or on death, and the renting or leasing of assigned lands. No member holding said lands shall rent or lease same to any person not a member of the Pueblo without first getting authority from the Council. In no event shall any member be authorized to lease or rent the use of his land to a person not a member of the Pueblo if any member of the Pueblo needs such land. The Council shall be the judge of whether any member of the Pueblo needs such land. No assignments shall be cancelled or terminated except under provisions of Section 4 of this Article or for cause and upon payment of just compensation for any improvements made on the land.

SEC. 6. Non-Indians.-Non-Indians shall not be entitled to receive any Pueblo benefits and shall not be permitted to hold assignments of land or the use thereof, except as provided in Section 7 of this Article and except that the surviving non-Indian spouse of a member may continue to live on the land assigned to the member under terms and conditions prescribed by the Council.

SEC. 7. Leases.-No lease of land shall be given to any company, or corporation or to any non-member of the Laguna Pueblo who wishes to do business of any nature except by the decisions of the Pueblo Council assembled for the purpose. Then the Council shall have the power to execute such lease, and there must be a written agreement signed by the Governor, two members of the Council and the lessee; otherwise, such lease shall be null and void.

SEC. 8. Minerals.-All minerals, in, on or under any lands under the jurisdiction of the Pueblo are and shall continue to remain the property of the Pueblo of Laguna and not of the person having the right to use or hold the surface of the land in, on or under which such minerals may exist or be found. The Council shall have the power to authorize removal of any such minerals with the approval of the Secretary of the Interior so long as his approval is required by law. All proceeds derived from the removal of any minerals shall be placed in the general Pueblo treasury to be expended as authorized by this revised Constitution. Any mining lease shall provide that the lessee shall compensate the Pueblo for any injury to the improvement or occupancy of any lands assigned to individuals under this Article caused by the use of the surface by the lessee. Compensation so received shall be paid over to such individual so injured.

ARTICLE VIII-RIGHTS OF MEMBERS

SECTION 1. Rights of Each Member of Pueblo.-Each member of the Pueblo of Laguna is hereby assured of his rights as a citizen of the United States and no attempt shall be made by the Council or the officers of the Pueblo to enforce any order which shall deprive him of said rights.

SEC. 2. Religious Toleration.-All religious denominations shall have freedom of worship in the Pueblo of Laguna, and each member of the Pueblo shall respect the other members' religious beliefs.

ARTICLE IX-LIQUIDATION

SECTION 1. Liquidation.-No liquidation of the assets of the Pueblo or dissolution of the Pueblo shall be effectuated except upon affirmative vote of at least 2/3 of all members of the Pueblo entitled to vote at the election called for that purpose.

ARTICLE X-AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the members of the Pueblo 21 years of age or over voting in an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of a majority of the Council or upon receipt of a petition signed by at least one-fifth of the eligible voters.

BYLAWS OF THE PUEBLO OF LAGUNA ARTICLE I-COUNCIL PROCEDURE

SECTION 1. Oath.-Each officer shall upon election take oath to support the Constitution of the United States and of the Pueblo and faithfully to discharge his duties as such an officer, and shall pledge allegiance to the Pueblo and to the United States of America.

SEC. 2. Attendance of Meetings.-All Staff Officers and members of the Council shall be required to be present at all meetings of the Staff Officers or of the Council respectively. Should any such official find it impossible to attend any meeting, he must notify the Governor, giving his reasons, and send a substitute in his place. If such official is absent and has not given the Governor reasons for absence, or if the reasons are not acceptable to the Governor, the absent official shall be fined fifty cents (\$0.50) or such higher sum as may be fixed by the Pueblo Council which shall be paid into the Pueblo funds. If a substitute is sent by an official who has given no reason for his absence or whose reasons for absence are not accepted as an excuse, those present at the meeting shall decide whether the substitute may act.

SEC. 3. Voting of Staff--Quorum.-A simple majority shall constitute a quorum; a quorum being present, a majority vote of those present and eligible to vote upon any matter shall decide the matter, unless otherwise provided in the Constitution.

ARTICLE II-DUTIES AND POWERS OF THE SECRETARY AND OF THE TREASURER

SECTION 1. Secretary.-The Secretary shall perform the customary functions of his office and such other duties as the Council may from time to time provide.

SEC. 2. Treasurer.-The Treasurer shall perform the customary functions of his office and such other duties as the Council may from time to time provide. The Treasurer shall, at Pueblo expense, at all times be required to furnish a bond in an amount satisfactory to the Council.

ARTICLE III-DUTIES AND POWERS OF THE WAR CAPTAIN, THE FIRST AND SECOND LIEUTENANTS OF WAR

SECTION 1. The War Captain and the First and Second Lieutenants of War shall be elected in the customary manner and shall perform the traditional duties and functions of their offices.

ARTICLE IV-THE INTERPRETER AND HIS DUTIES

SECTION 1. It shall be the duty of the Interpreter to do all necessary interpreting at all meetings, and to do any official interpreting outside of the meetings when requested by the Governor. It shall not be his official duty to interpret in private matters not concerning the Pueblo. He shall have such other duties as the Council may from time to time prescribe.

ARTICLE V-OBLIGATION OF STAFF OFFICERS

SECTION 1. Each Staff Officer shall devote so much of his time to official duties as is necessary to diligently carry on the business of the Pueblo, for which each shall receive such compensation as the Council may from time to time provide.

ARTICLE VI-SELECTION, DUTIES AND POWERS OF MAYORDOMOS

SECTION 1. Mayordomos shall be selected in the same manner as they have heretofore been chosen and shall have the duty of supervision over all community work and such other duties as the Council may from time to time provide.

ARTICLE VII-VILLAGE, OFFICERS SUBJECT TO GOVERNOR

SECTION 1. Supervision by Governor.-The officer in charge of a village of Laguna Pueblo is subject to the orders of the Governor. He shall give no orders to the people of his village without first submitting them to the Governor, unless he should have a standing order from the Governor to give certain orders or to perform certain duties whenever he deems it necessary.

SEC. 2. Emergency Exceptions.-All cases of emergency are excepted from the procedure in Section 1.

ARTICLE VIII-PUBLIC WORK AND ASSESSMENTS

SECTION 1. Public Work.-Each person over the age of eighteen and residing within the exterior boundaries of the Pueblo is required to perform community work in accordance with established ordinances and customs, unless excused therefrom by proper authority. All members of the Pueblo working under the supervision of the Governor or of any village officer or Mayordomo are required to obey orders of the supervising officer. If any person believes that an order is unjust he shall act as ordered under protest and he shall then have the right to demand that the matter be brought before the Governor for a ruling.

SEC. 2. Disobedience.-Since all public work first comes under the Governor, the Mayordomo and the

other officers in charge of work shall use only reasonable methods of instruction and discipline and shall strive to have peace and harmony throughout the work. The mayordomo or other officer in charge shall have power to assess such fines as may be provided by ordinance for any disturbance or disobedience. The person fined may bring the matter before the Governor for a ruling if such person considers the treatment he has received as unfair, unjust or unreasonable.

SEC. 3. Assessments.-The Council shall have power to impose an annual assessment of a reasonable amount upon members who reside outside the exterior boundaries of the Pueblo and upon other members who do not perform community work. The Council may excuse defined classes of members from performance of community work and the payment of assessments. The manner and time of paying assessments shall be prescribed by the Council. Persons who fail to pay assessments due shall not be members of the Pueblo in good standing. Members not in good standing shall not be entitled to any of the benefits accruing to membership in the Pueblo; upon payment of delinquent assessments, a person may be reinstated retroactively to good standing.

SEC. 4. Disability.-Any member may for physical disability, military service in the Armed Forces of the United States, or for such other reason as the Council may find sufficient, be excused from community work or from annual assessments. The Council shall be the sole judge of whether any person furnishes adequate reasons for being excused from said services or payments.

ARTICLE IX-VACANCIES AND REMOVAL

SECTION 1. Removal.-The Pueblo Council may by a majority vote remove any officer or any member of the Council for gross neglect of duty, or gross misconduct; Provided, that the accused shall be given an opportunity to answer any and all charges at a meeting held for that purpose. The decision of the Council shall be final.

SEC. 2. Vacancies.-The Pueblo Council shall fill vacancies caused by death, removal, resignation, or otherwise, such appointments to be in force and effect until the next annual election.