

CONSTITUTION  
OF THE TE-MOAK TRIBE OF  
WESTERN SHOSHONE INDIANS  
OF NEVADA



PREAMBLE

We, the Western Shoshone Indians of Nevada, located at Elko, Battle Mountain and South Fork; in order to improve the governing structure initially established by the Constitution and Bylaws adopted by the adult Indians residing on the reservation at Elko, Nevada, on May 3, 1938, pursuant to the Indian Reorganization Act of 1934 (48 Stat. 984), and approved on August 24, 1938; to provide an opportunity for other Te-Moak Communities of Western Shoshone Indians of Nevada to become part of this Tribe; to conserve our Tribal property; to develop our resources; to administer justice; to promote the welfare of ourselves and our descendants, and to otherwise govern the affairs of this Tribe, do ordain and establish this Constitution pursuant to the Indian Reorganization Act of 1934, as amended.

ARTICLE 1 - MEMBERSHIP

Section 1. Tribal Membership shall include:

- (a) All persons of at least one-quarter (1/4) degree Shoshone Indian blood whose names appear on the official census roll of the Elko Indian Colony as of January 1, 1937, hereafter called Base Roll 1.
- (b) All persons of at least one-quarter (1/4) degree Shoshone Indian blood whose names appear on the "Census of Non-Reservation Shoshone Area, Northeastern Nevada Reservation of the Carson Agency Jurisdiction as of January 1, 1937, taken by Alida C. Bowler," hereafter called Base Roll 2.
- (c) All persons of at least one-quarter (1/4) degree Indian blood born to a member or descendant of a member of the Tribe before the effective date of this Constitution.
- (d) All descendants of members of the Tribe born after the effective date of this Constitution; provided, such descendants possess at least one-quarter (1/4) degree Te-Moak Shoshone Indian blood.
- (e) Any person who does not appear on either Base Roll 1 or 2, who has at least one-quarter (1/4) degree Shoshone Indian blood and who can establish residency for himself or his ancestry in the Te-Moak census area as of January 1, 1937.

Sec. 2. Loss of Membership

- (a) The Tribal Council shall cancel the membership of any adult person who relinquishes in writing his membership in the Tribe. The legal guardian of any non compos mentis adult may act in his stead.

- (b) No person who is or becomes enrolled as a member of another Tribe shall be enrolled as a member of this Tribe. Any member of this Tribe who becomes enrolled as a member of any other Tribe or Band of Indians and refuses to relinquish his or her membership in such other Tribe or Band shall be subject to disenrollment action by the Tribal Council.

Sec. 3. Appeal of refusal of membership. Any person refused membership by the Tribal Council shall have the right to appeal in accordance with tribal ordinances.

Sec. 4. Future membership. The Tribal Council shall have power to enact ordinances governing adoption, loss of membership, and future membership in accordance with the standards stated herein; and shall maintain a current membership roll of the Tribe listed by constituent Band.

## ARTICLE 2 - TERRITORY AND JURISDICTION

The territory and jurisdiction of the Tribe shall extend to all reservation lands which include all lands within the exterior boundaries of the Elko Colony, Battle Mountain Colony, South Fork Reservation (including Odgers Ranch and Ruby Valley Reservation), and all other sites held in trust for or owned by the Tribe or any of its constituent Bands, or other trust lands occupied by members of the Tribe which may be made subject to the jurisdiction of the Tribe by majority vote of the Indians residing thereon and any other lands heretofore or hereafter acquired by the United States, the Tribe or any of its constituent Bands and held by the United States as trustee. In line with applicable Federal Law, persons and property within the the territory of the Tribe shall be subject to Tribal jurisdiction.

## ARTICLE 3 - CONSTITUENT BANDS

Section 1. Present Bands. Those groups of tribal members affiliated with Battle Mountain Colony, Elko Colony and South Fork Reservation (including Odgers Ranch and Ruby Valley) shall be constituent Bands of the Tribe.

Sec. 2. Additional Bands.

- (a) Each group of at least fifty (50) Indians, who are members of the Tribe, may be recognized as a distinct Band of the Tribe with all the powers granted to Tribal Bands by this Constitution upon organization of itself for local self-government and approval of the Tribal Council.
- (b) To be eligible for status as a constituent Band, a group must be associated with a land base which is held by the United States in trust for an individual, the Band or the Tribe; provided, that such group is not part of an existing Band.

## ARTICLE 4 - EXECUTIVE AND LEGISLATIVE BRANCH OF GOVERNMENT

Section 1. Governing Bodies. The executive and legislative powers of the Tribe shall be vested in a Tribal Council known as the Tribal Council of the Te-Moak Tribe of Western Shoshone Indians of Nevada, and in Band Councils, one Band Council for each constituent Band of the Tribe and identified by the name of the Band.

is revealed by enrollment staff or Enrollment Committee members, it shall be deemed grounds for immediate dismissal.

- (2) When intentional, unauthorized disclosures or release of enrollment information is revealed by a Tribal Council member, it shall be determined as a breach of Confidentiality, and improper conduct, and will be subject to removal in accordance to Article 4, Sections 7 and 8 of the Te-Moak Tribal Constitution.

### **ARTICLE 8 – RELINQUISHMENT**

#### Relinquishment Procedures:

- (1) Any adult member may request relinquishment in the Te-Moak Tribe by filing an affidavit of relinquishment form which shall be executed before a Bonafide Notary Public and presented to the Tribal Enrollment Office.
- (2) The parent (s) legal guardian may cancel membership of any non-compos mentis adult after a hearing is held with the Enrollment Committee.
- (3) The parent (s) or legal guardian may request for relinquishment of a minor child in the same manner as an adult however, proof of legal custody shall be required to relinquish any minor tribal membership.
- (4) A minor child whose membership was relinquished by a parent (s) or legal guardian shall have the right to apply for membership once they have obtain adult status.
- (5) All relinquishment requests will be considered conditional until such time proof of enrollment is received indicating that the individual has achieved enrollment in another Tribe.
- (6) Should an individual demand immediate relinquishment the Tribal Council shall reserve the right to deny or approve the request.
- (7) The Tribal Council by tribal resolution shall cancel the membership of any adult or minor child who relinquishes in writing.
- (8) As an adult, an individual shall not be allowed to re-apply for membership in accordance with the Tribal Constitution. The relinquishment of membership will be effective as of the date approved by the Tribal Council.

### **ARTICLE 9 – REQUEST FOR BLOOD DEGREE CORRECTION**

Section 1. Any member of the Tribe may submit a Reconsideration of Blood Degree Determination.

- (1) The reason for the blood degree reconsideration.
- (2) Any evidence supporting reversal of the decision made by the Tribal Council.

Section 2. If the Tribal Council finds that the blood degree determination is a simple mathematical error, the Council may reverse a decision without hearing.