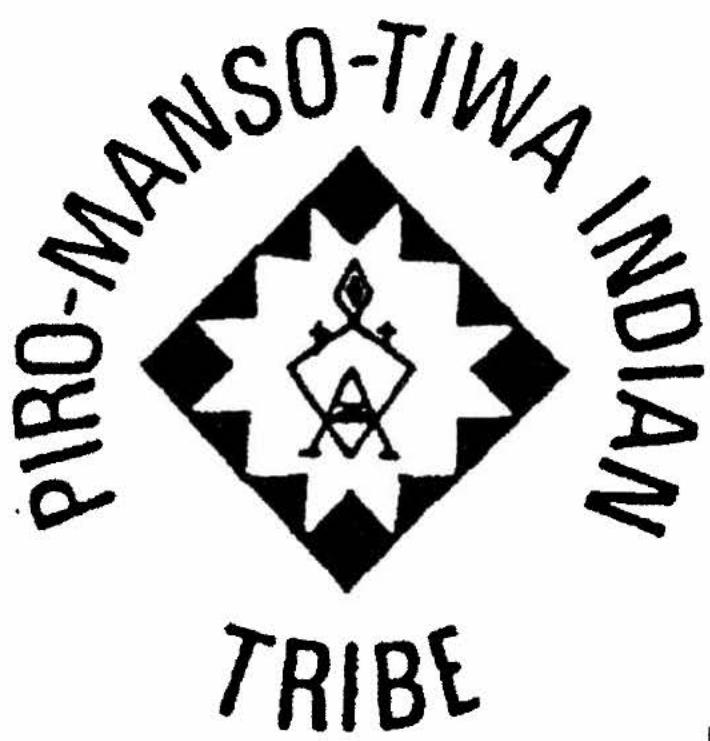


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CONSTITUTION
OF THE
PUEBLO OF SAN JUAN DE GUADALUPE



Registered TM

PO BOX 16243
LAS CRUCES, NM 88004
(505)527-1699

DECEMBER 1996

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CONSTITUTION
OF THE
PIRO/MANSO/TIWA INDIAN TRIBE
PUEBLO OF SAN JUAN DE GUADALUPE
LAS CRUCES, NEW MEXICO

December 15, 1996

CONSTITUTION OF THE PIRO/MANSO/TIWA INDIAN TRIBE,
PUEBLO OF SAN JUAN DE GUADALUPE, LAS CRUCES, NEW MEXICO

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CONSTITUTION OF THE PIRO/MANSO/TIWA INDIAN TRIBE

PUEBLO OF SAN JUAN DE GUADALUPE

LAS CRUCES, NEW MEXICO

PREAMBLE

WE, the indigenous people, descendants of the Piro Pueblos of the Salinas Valley of Central New Mexico; the Piro Pueblos of Senecu del Sur and Socorro del Sur, Texas; the Manso Tribe, aboriginal inhabitants of the Mesilla Valley and Rio Grande River of southern New Mexico and El Paso del Note Settlements and descendants of captive Tiwa Indians from Isleta Pueblo, New Mexico relocated in 1680 to Ysleta del Sur, Texas, before the signing of the treaty of Guadalupe Hidalgo in 1848, the cacique of the Piro/Manso/Tiwa tribe of pueblo Indians relocated twenty-two families of that tribe to the territory of New Mexico and established the Piro/Manso/Tiwa Indian tribe of the Pueblo of San Juan de Guadalupe; do hereby assembled together for the purpose of preserving our tribal heritage, religion, culture, and native traditions, establish this Constitution for the government of the Piro/Manso/Tiwa Indian Tribe, Pueblo of San Juan de Guadalupe, Las Cruces, New Mexico.

ARTICLE I.

ARTICLE I. Pueblo Land

SECTION 1. PUEBLO LAND. The lands of the Piro/Manso/Tiwa Tribe shall remain communal property, shared and used by tribal members for the benefit of their families and the Tribe.

SECTION 2. TRUST LAND. Upon approval, ratification and agreement with the United States government to set aside lands for the Tribe; the lands shall be held in Trust.

ARTICLE II.

ARTICLE II. Membership

SECTION 1. MEMBERSHIP. The Tribe is comprised of Piro, Manso and Tiwa Indian native people.

SECTION 2. DESCENDANCY. Membership in the Tribe shall be by either paternal or maternal descendance.

ARTICLE III.

ARTICLE III. Tribal Roll

SECTION 1. TRIBAL ROLL. The Tribal Roll shall be comprised of

the active adult members of the Tribe and their children who are of proven Indian descendance.

ARTICLE IV.

ARTICLE IV. Tribal Council

SECTION 1. TRIBAL COUNCIL. The power of government in this Tribe shall be vested in a Tribal Council. The Tribal Council shall be comprised of ten (10) elected officers, elected for one (1) year terms, except for the Casique, who is elected for a life tenure.

SECTION 2. TRIBAL COUNCIL POWERS. The tribal Council shall have power to make all laws and regulations which they shall deem necessary and proper for the Tribe, which shall not be contrary to the Constitution, and tribal traditions.

SECTION 3. IMPEACHMENT. The Tribal Council shall have the sole power of impeachment. All impeachments for cause will be tried by the Tribal Council. When sitting for that purpose, the Officer or member shall be upon oath or affirmation, and no person shall be impeached without the concurrence of the two-thirds (2/3) of the Council.

SECTION 4. DISPUTES AND ARBITRATION. It shall be the duty of the Tribal Council to set up an Arbitration Panel to decide differences by arbitration and to appoint a three (3) member panel to resolve differences as they arise. A majority vote and decision of the Tribal Council shall be binding upon both parties.

SECTION 5. APPEALS. Judgments may be appealed to the Tribal Council within sixty (60) days, provided that new evidence is presented to review the decision of the Arbitration Panel. Appeals must be in writing, in any readable form, unless a specific form shall to be prescribed and approved by the Arbitration Panel. Appeals must be written, and filed with the Arbitration Panel, in care of the Tribal Council. A two-thirds (2/3) vote and decision of the Tribal Council shall be binding on all parties.

SECTION 6. JUDGMENTS. The Arbitration Panel shall be empowered to render judgments on civil disputes only. Criminal infractions shall be remanded to the applicable Federal or State Court having jurisdiction over the offense. The Arbitration Panel may render judgments and impose the appropriate sanctions, penalties and punishments as provided by Tribal Law and traditional tribal customs. Judgments may result in remedies that may be in the form of (1) restitution, (2) suspension, (3) probation, (4) removal, (5) affirmation, (6) repeal, (7) banishment, and or any other remedies appropriate and justified by Tribal civil and customary law.

SECTION 7. VACANCIES. A vacancy occurring in the tribal council may be filled by the affirmative vote of a majority of the remaining officers though less than a quorum of the tribal council. An officer elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office. The term of office continuing only until the next election of officers by the tribe.

ARTICLE V

ARTICLE V. Administrative Officers

SECTION 1. ADMINISTRATIVE OFFICERS. The administrative officers of the tribe shall be a governor, lieutenant governor, secretary and a treasurer; each of whom shall be elected by the tribe.

SECTION 2. GOVERNOR. The governor shall be the principal executive officer of the tribe and, subject to the control of the tribal council, shall in general supervise and control all the business and affairs of the tribe. He shall, when present, preside at all meetings. He may sign, with the secretary or any other proper officer of the tribal council thereunto authorized by the tribe, contracts or council thereunto authorized by the tribe has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the tribe or by these bylaws to some other officer of the tribal council, or shall be required by law to be otherwise signed or executed; and in general, shall perform all duties incident to the office of governor and such other duties as may be prescribed by the tribe from time to time.

SECTION 3. LIEUTENANT GOVERNOR. In the absence of the governor or in the event of his death, inability or refusal to act, the lieutenant governor shall perform the duties of the governor; and when so acting, shall have all the powers of and be subject to all the restrictions upon the governor. The lieutenant governor may sign, with the secretary, documents of the tribe and shall perform such other duties as from time to time may be assigned to him by the governor or by the tribe.

SECTION 4. SECRETARY. The secretary shall: (a) keep the minutes of the proceedings of the meetings and of the tribe in one or more books provided for that purpose; (b) see that all notices are duly given in accordance with the provisions of these bylaws or as required by law; (c) be custodian of the tribal records and documents on behalf of the tribe and is duly authorized; (d) keep a register of each tribal member; (e) sign with the governor documents of the tribe, the issuance of which shall have been authorized by resolution of the tribe or tribal council; (f) have general charge of the books of the tribe; and (g) in general, perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to him by the governor or by the tribe.

SECTION 5. TREASURER. The treasurer shall: (a) have charge and custody of and be responsible for all funds and securities of the tribe; (b) receive and give receipts for moneys due and payable to the tribe from any source whatsoever, and deposit all such money in the name of the tribe in such banks, trust companies or other depositories or shall be selected in accordance with the provisions of these bylaws; and (c) in general, perform all of the duties incident to the office of treasurer and such other duties as from time to time may be assigned to him by the governor or by the tribe.

If required by the tribe, the treasurer shall give a bond for the faithful discharge of his duties in such sum and with such surety or sureties as the tribe shall determine.

ARTICLE VI.

ARTICLE VI. Native Ceremonial Officers

SECTION 1. NATIVE CEREMONIAL OFFICERS. The ceremonial officers of the tribe shall be a casique, a war captain, second captain, third captain, fourth captain and a fifth captain; each of whom shall be elected by the tribe.

SECTION 2. CASIQUE. The Casique is the religious and titular leader of the Tribe; elected for a life tenure in accordance with tribal tradition.

SECTION 3. In accordance with tribal tradition, the Casique is the chief spiritual leader of the Tribe, and is in charge of all tribal ceremonies. He shall maintain custody of the Tribal drum, religious objects, artifacts and ceremonial objects.

SECTION 4. In absence of the Governor, or Lieutenant Governor, he shall be authorized to sign Tribal documents for and in behalf of the Tribe.

SECTION 5. In the event of his death, inability or refusal to act, the Tribe may elect a Lieutenant Casique for an interim period until a successor is elected. The Lieutenant Casique shall perform the duties of the Casique; and when so acting, shall have all powers of the Office of Casique.

SECTION 6. WAR CAPTAIN. In accordance with tribal tradition, the war captain shall be the chief ceremonial assistant to the Cacique. He shall assist the Cacique in performing all native rituals. At tribal ceremonies, he and the other four captains shall maintain the peace and oversee all tribal functions.

SECTION 7. SECOND CAPTAIN. In accordance with tribal traditions, in the absence of the war captain, or in the event of his death or inability to act, the second captain shall perform the duties of the war captain in performance of the native rituals and shall assist in maintaining the peace.

SECTION 8. THIRD CAPTAIN. In accordance with tribal traditions, the third captain shall be third in command. In the absence of the second captain, he shall assume and perform the duties of the second captain.

SECTION 9. FOURTH CAPTAIN. In accordance with tribal tradition, the duties of the fourth captain shall be to assist the other captains with the natives rituals. He shall perform such other duties as may be assigned to him by the war captain.

SECTION 10 FIFTH CAPTAIN. In accordance with tribal tradition, the fifth captain shall assist with the native rituals and ceremonies. In the absence of a "Hunt Captain", he shall assume and perform all the duties of his office.

SECTION 11. HUNT CAPTAIN. In accordance with tribal tradition, at rabbit hunts or other ceremonial officers shall be elected and entrusted with the religious functions and duties for which they are elected.

ARTICLE VII

ARTICLE VII. Elections and Terms of Office

SECTION 1. ELECTIONS AND TERMS OF OFFICE. The officers of the tribe shall be elected annually. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. Each officer shall hold office until his successor shall have been duly elected and shall have qualified or until his death or until he shall resign or shall have been removed in the manner hereinafter provided.

SECTION 2. REMOVAL. Any officer may be removed for cause by the tribe whenever in its judgment, the best interests of the tribe will be served thereby; but such removal shall without prejudice of the person so removed.

ARTICLE VIII

ARTICLE VIII. Tribal Meetings

SECTION 1. TRIBAL MEETINGS. The annual tribal meeting shall be held during the winter solstice in the month of December each year, at the hour set by the tribal council or at such other time on such other day within such month as shall be fixed by the tribe for the purpose of electing officers and for the transaction of such other business as may come before the meeting. If the election of officers shall not be held on the day designated herein for the annual tribal meeting or at any adjournment thereof, the tribal council shall cause the election to be held at a special meeting of the tribe as soon thereafter as conveniently may be.

SECTION 2. SPECIAL ELECTIONS OR GENERAL MEETINGS. Special

elections or general meetings for any purpose (s) shall be called by the governor or by the tribal council.

SECTION 3. PLACE OF MEETING. The tribal council may designate any place as the place for any annual meeting or for any special or general meeting called by the tribe.

SECTION 4. REGULAR MEETINGS. Regular meetings of the tribal council may be held as required.

SECTION 5. NOTICE. Notice of any meeting shall be given at least two days prior to the meeting. Any officer may waive notice of any meeting. The attendance of an officer at a meeting shall constitute a waiver of notice of such meeting, except where an officer attends a meeting for the expressed purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the tribal council need be specified in the notice or waiver of notice of such meeting.

SECTION 6. QUORUM. A majority of the number of officers at a duly authorized meeting as defined by Section 1 of Article IV shall constitute a quorum for the transaction of business at any meeting of the tribal council. But if less than such majority is present at a meeting, a majority of the officers present may adjourn the meeting from time to time without further notice.

SECTION 7. MANNER OF ACTING. The act of the majority of the officers present at a duly authorized meeting shall be the act of the tribal council.

SECTION 8. ACTION WITHOUT A MEETING. Any action required or permitted to be taken by the tribal council at a meeting may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the officers. Meetings not called in accordance with the Articles of the Constitution shall be declared null and void.

SECTION 9. RESUMPTION OF ASSENT. An officer who is present at a meeting at which action on any tribal matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent to the secretary of the tribe immediately after the adjournment of the meeting. Such right to dissent shall not apply to an officer who voted in favor of such action.

ARTICLE IX

ARTICLE IX. Tribal Repository

SECTION 1. TRIBAL REPOSITORY. The tribal office shall be the official custodian and depository of all Tribal records, documents, letters, instruments, contracts, leases, minutes, reports, audits, financial and bank checks/drafts/records and official correspondences.

ARTICLE X

ARTICLE X. Fiscal Administration

SECTION 1. FISCAL ADMINISTRATION. The Tribal Council shall elect the persons authorized to disburse Tribal funds, who shall serve at the discretion of the Tribal Council for one year.

SECTION 2. Two (2) different party signature shall be required for all bank drafts issues from the Tribal Treasury.

SECTION 3. Separate accounts shall be required for each tribal grant and/or tribal account.

SECTION 4. Annual audits of each account shall be conducted by the Tribal Council.

SECTION 5. Periodic written reports shall be submitted to the Tribe and Tribal Council reflecting the receipts of funds, disbursements and the status of each account.

SECTION 6. Refusal or non-compliance with the Judiciary Trust of Article X, shall be cause for removal from the office of trust.

ARTICLE XI

ARTICLE XI. Elections and Oath of Office

SECTION 1. ELECTIONS. All duly enrolled active adult members whose names appear on the Tribal Roll are equally entitled to run for office or vote at all Tribal Elections. Persons convicted of a felony are ineligible to serve on the Tribal Council.

SECTION 2. OATH OF OFFICE. Each Officer and every Officers [hereafter, "Affiant" or "Affiants"] elected to the Tribal Council, after certification of election, shall be administered the Oath of Office [hereinafter, Oath] to up hold and defend the laws and CONSTITUTION. The Oath shall be composed in such words and form as the Casique shall find appropriate from time to time, provided that the Oath shall require that the Affiants shall "uphold and defend the laws and Constitution of the Tribe". The Oath shall be administered by the Casique at the time and place designated by the Casique and Tribal tradition. Failure of the Affiant to appear and be sworn in shall be cause for disqualification from office.

The newly elected Tribal Council shall appoint a qualified Tribal member whose name appears in the current Tribal Roll to fill the vacancy on the Tribal Council resulting from the disqualification of a candidate for office who fails to take the Oath as required under this Section.

ARTICLE XII

ARTICLE XII. Writs and Documents

SECTION 1. WRITS AND DOCUMENTS. All writs and documents and other process shall run "In the Name of the Piro/Manso/Tiwa Indian Tribe" and bear test and be signed by the Tribal Governor or his designee.

SECTION 2. COMMISSIONS AND DOCUMENTS. All commissions and contractual documents shall be "In the Name and by the Authority of the Piro/Manso/Tiwa Indian Tribe" and be sealed with the seal of the Tribe, and signed by the Tribal Governor or his designee.

ARTICLE XIII

ARTICLE XIII. Amendments

SECTION 1. AMENDMENTS. Articles to the Constitution may be Amended, repealed, altered and/or added and shall be adopted by the Tribe at a duly authorized meeting called for the purpose of amending the Constitution.

SECTION 2. Amendments to the Constitution shall require a majority vote for passage. Eligible voters shall be those on the active Tribal Roll.

SECTION 3. Notice of the amended Articles shall be recorded by Tribal Resolution.

ARTICLE XIV

ARTICLE XIV. Ratification of Prior Acts, Laws, Resolutions and Ordinances

SECTION 1. RATIFICATION OF PRIOR ACTS, LAWS, RESOLUTIONS AND ORDINANCES. All and previous enactments of Tribal laws, resolutions and ordinances shall be deemed lawful and in force provided such laws, resolutions and ordinances are consistent with current ruling Articles and Sections of this Constitution, and with any future amended or added Articles and Sections, upon their proper adoption and ratification.

PIRO/MANSO/TIWA CONSTITUTION CHRONOLOGY

The Constitution dated 30 September 1995 replaces all prior bylaws and constitutional governing documents, ratifies prior acts of the Tribal Council and Government in all earlier administrations, and incorporates all the requirements by which the Piro/Manso/Tiwa Indian Tribe governs itself. The documents are referenced below in chronological order with the changes and amendments to the Constitution as provisions are added or replaced.

DOCUMENTS

1. Certification of Incorporation of "Los Indigenes de Nuestra Senora de Guadalupe, dated April 12, 1914. (Fifty years' incorporation from April 12, 1914 to April 12, 1964). Noted: Due to litigation and eventual control by non-Indian people of the Corporation, the Indian members of the Tribe were disenfranchised (lost rights to land and chattels) by legal machinations of the new Corporation Board. From 1950 on, Tribal members withdrew from further participation in the affairs and activities of the Corporation and relied thereafter only on their own original government and resources in Las Cruces in their aboriginal home base in Las Cruces, New Mexico. The Corporation reincorporated in 1964, without any notice to or involvement of the Tribe or its general membership. The Corporation did not and does not represent a tribal government, but derived some of its forms or model from the pre-1914 tribal government, and capitalized on the aboriginal associations and good will that the Tribe had lent to the 1914 Corporation. The documents relating to the conveyances to the Corporation of tribal territorial land grant bear names of tribal leaders of the PMT Tribe, but only "X"s or marks in place of signatures verifying transfer of title. The tribal leaders were functionally illiterate in any language and lacked actual or constructive knowledge of the nature and significance of certain legal proceedings pertaining to the related transactions, and consequently were defrauded of their territorial land grant. There is no record of minutes of prior meetings in which discussions occurred relating to the transfer of title to the Corporation.
2. Warranty Deed No. 21447 dated October 26, 1914, Eugene Van Patten, et al., Commissioners of Town of Guadalupe to Henri Granjon, Catholic Bishop of the Diocese of Tucson, Arizona.
3. Constitution dated January 18, 1971, Letter of Congressman Manuel Lujan, Jr. of New Mexico to Commissioner, Bureau of Indian Affairs, Department of the Interior, Washington, D.C.
4. Resolution of Tribal meeting held November 28, 1980 in Las Cruces, New Mexico, Charles Madrid, President, adopted amended By-Laws.
5. Resolution of Tribal Council meeting held September 12, 1994 in Las Cruces, New Mexico, Louis Roybal, Governor, adopted amended Constitution.

6. Resolution of Tribal meeting held December 16, 1994 in Las Cruces, New Mexico, Louis Roybal, Governor, amended Article VI, Section 1, Native Ceremonial Officers.
7. Resolution of Tribal Council meeting held February 12, 1995 in Las Cruces, New Mexico, Louis Roybal, Governor, amended Article XI, Section 1. ELECTIONS.
8. Constitutional amendments (amendments by substitution, redesignation of section numbers, and designation of sections, dated September 30, 1995 amends certain sections as indicated in the amendments).



Pueblo of San Juan de Guadalupe
P.O. Box 16243
Las Cruces, New Mexico 88004


C E R T I F I C A T I O N

I, THE UNDERSIGNED GOVERNOR OF THE PIRO/MANSO/TIWA INDIAN TRIBE, PUEBLO OF SAN JUAN DE GUADALUPE, LAS CRUCES, NEW MEXICO, AS ATTESTED BY THE DULY ELECTED AND ON AUTHORITY OF THE GOVERNING TRIBAL COUNCIL OF THE PIRO/MANSO/TIWA INDIAN TRIBE, PUEBLO OF SAN JUAN DE GUADALUPE, LAS CRUCES, NEW MEXICO APPROVED THIS WRITTEN CONSTITUTION ON THIS 15 DAY OF December 1996, BY A VOTE OF 7 FOR, AND 0 OPPOSED, AND 0 ABSTAINING.

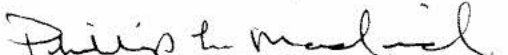
APPROVED:


LOUIS ROYBAL, GOVERNOR


ATTEST:



FRANK R. SANCHEZ, LT. GOVERNOR


ERMINDA M. BURTON, TREASURER


PHILLIP MADRID, 3rd WAR CAPITAN


EDWARD R. ROYBAL, CASIQUE


ANDREW J. ROYBAL, 2nd WAR CAPITAN


PABLO GARCIA, 5th WAR CAPITAN

