

The Constitution of the Monacan Indian Nation

Preamble

We the Monacan People, for the purpose of reclaiming, reviving, and rebuilding our culture, identity, religious rights, and community, for the education and advancement of our future, a future of endeavors which reflect our pre-columbian values, derived from the natural Earth around us and the inherent truths therein, and of continuing life honoring our heritage on this land since time immemorial, do establish this constitution for the Monacan People.

Article 1: Membership

The Membership of the Monacan Indian Nation shall consist of the following persons:

Section 1. Current Members

All persons whose names appear on the rolls of (the Monacan Indian Nation) as of the ratification of this Constitution, which have been supported by appropriate documentation connecting them with the original rolls by direct descendant and have been approved by the tribal council having a card issued, with enrollment number, and signed by the chief shall be considered members of the Monacan Nation. This group of members shall be considered "GEN 0". All future enrolled tribal members, shall be listed as "GEN1 – GEN3", except in the case of a child, with one parent being an enrolled member, of a State or Federally Recognized Tribe having both parents' tribal blood fully verified through due diligence by the Monacan Department of Enrollment, and the other parent being a duly enrolled member of the Monacan Indian Nation. In such case, that child would be also be "GEN 1".

Section 2. Department of Enrollment Established

- I. - A Department of Enrollment shall be created in order to keep membership rolls current and maintain the history of the membership rolls.
- II. - The head of the department is to be filled as a bureaucratic position.
- III. - This department will also be charged with maintaining the integrity and accuracy of Tribal lineage and shall report to the Council, any inaccuracies.
- IV. - The Department of Enrollment shall be charged with administration of the application process.
- V. - The Department of Enrollment, may, levy a reasonable fee on new applications to cover processing, personnel, recording, and research associated with the enrollment process subject to the approval of the Tribal Council.

Section 3. Eligible Membership

Eligible membership in the Monacan Indian Nation shall be limited to those individuals who can, through verified records, retrace their direct biological descent, at most, 3 generations to a current or previously duly enrolled member.

Section 4. Generational Descent

I - A child of two duly enrolled members of the Monacan Indian Nation, regardless of those parent's generational status, shall be Considered a "GEN 1" and shall be eligible for enrollment in the Monacan Indian Nation, pending successful application process.

II - A Child of a "Gen 1" enrolled tribal member and a non-member shall be considered a "Gen 2" and shall be eligible for enrollment in the Monacan Indian Nation, pending successful application process.

III - A Child of a "Gen 2" enrolled tribal member and a non-member shall be considered a "Gen 3" and shall be eligible for enrollment in the Monacan Indian Nation, pending successful application process.

IV - A Child of a "Gen 3" enrolled tribal member and a non-member shall be considered a "Gen 4" and shall NOT be eligible for enrollment in the Monacan Indian Nation.

Section 5. Direct Biological Lineal Descent

For the purpose of enrollment, "direct biological lineal descent" shall consist of parent-to-offspring blood relationships. In the event that a Gen 0 has a full-sibling, of the same blood mother and father, that was not enrolled at the time of ratification, that sibling, may, apply for direct biological lineal descent, as a Gen 1. A child of a non-enrolled sibling of an enrolled Gen 0 member shall be eligible as a Gen 2, unless both parents were siblings of enrolled Gen 0 members, in which case such person would be eligible for enrollment as a Gen 1.

Section 6. Application Requirements

Upon ratification of this Constitution, a set of guidelines for eligible applicants for enrollment shall be established in accordance with the laws of this Constitution prior to the re-opening of the Tribal rolls. This process is to include at least, a test on culture and history of the Monacan People, as well as a requirement for community service to the Monacan People, as to be established by the Tribal Council. The application process shall not include requirements for religious affiliation or other discriminatory practice.

Section 7. Disenrollment

Anyone found to be an enrolled member of another Indian Nation or to have falsified records when applying for membership shall not be admitted as a member on the Tribal rolls. Any existing or future member may also be purged from the records and stripped of membership should biological lineal descent be disproven.

Article 2: Organization of the Government

Section 1. Sovereignty

I - The tribe shall possess sovereign powers of government by virtue of consent of the governed and territorial sovereignty. The Constitution of the Tribe shall be supreme law of the land. All the existing pre-colombian traditional customs of the Tribe shall remain in full force and effect and shall not be infringed upon by the ratification of this constitution, unless otherwise stated.

II - All rights guaranteed by the Indian Civil Rights Act of 1968; the right to bear and keep arms for self-defense, hunting, and sport; the right to due process, and the restriction that the government shall not inflict cruel and unusual punishment, shall not be infringed upon by the creation of this government.

III - The Monacan Nation shall make no effort to promote a post-Columbian contact religion nor display such religious affiliation in public places. This clause is not to apply to individual freedom to free speech, free press, peaceable assembly, petition, and free exercise of religion.

IV - Tutelo is the Traditional and unofficial language of the Monacan Nation

V - No designated Monacan historic site shall be subject to use as collateral for debt nor shall be eligible for transfer of title from the Monacan Indian Nation to another party.

VI - As a traditional forest dwelling people of the woodlands, no logging of native trees shall be permitted on any lands currently owned by the Monacan Nation as an entity or non-profit, and including, but not limited to: lands currently or in the future held by the state of Virginia for the benefit of the tribe, the United States or any of the constituent states for the benefit of the Tribe. This shall not apply to trees planted by the Monacan Nation for use in arboriculture crop forestry. In an unavoidable event that trees must be removed for essential tribal buildings, those trees cut, may not exceed 12" diameter breast height. Cutting trees greater than 6" diameter breast height will require a permit issued by the Monacan Department of Forestry. All efforts must be made to maintain the natural topography and integrity of the forest in whole. Forested land: defined as lands whose vegetative cover averages at least 20 feet in canopy height over a given acre, cannot be denuded of more than 25% per acre of its canopy cover. This subsection shall not apply to the cutting of trees that have died due to natural cause.

Section 2. Branches of Government

The power of the government shall be divided among the Tribal Council, a judicial branch to be created, and the Executive Branch.

Section 3. Separation of Powers

No official of any branch of government shall exercise any power granted in this Constitution or properly delegated by law to any other branch except as expressly directed or permitted by this Constitution. The final check on power will be the maximum reasonable direct involvement of the Monacan people in affairs of state.

Section 4. Location of Government

The capital of the Monacan Nation shall be Bear Mountain at approximately: (37.594376, -79.112986) Longitude, Latitude.

Article 3: Territory and Jurisdiction

Section 1. Territory

The Territory of the Tribe shall include all lands currently owned by the Monacan Nation as an entity or non-profit, and including, but not limited to: lands currently or in the future held by the state of Virginia for the benefit of the tribe, the United States or any of the constituent states for the benefit of the Tribe. The lands within the territory shall include all water, property, airspace, surface rights, subsurface rights, natural resources, and any interests therein.

Section 2. Jurisdiction

The Jurisdiction of the Nation shall extend to all persons, activities, and property within the territory based on inherent sovereignty. Any person who enters the territory shall, by entering, be deemed to have consented to the jurisdiction of the Nation. Every license or permit issued under the authority of the Nation shall, include a provision submitting all parties and there assigns to the jurisdiction of the nation. Any employee of the nation, shall, by accepting employment, be deemed to have consented to the jurisdiction of the Nation. The legislature shall have the power to assert the sovereignty and jurisdiction of the nation by law over all matters that affect the interests of the Nation. Nothing in this article shall be construed to limit the ability of the nation to exercise its jurisdiction based upon its inherent sovereignty as an Indian Nation.

Article 4: The Monacan Tribal Council

Section 1. Legislative Power

I - Legislative power shall be vested in the Tribal Council. The Tribal Council shall have the power to make laws and resolutions in accordance with this constitution which are necessary and proper for the good of the tribe. All actions by the Council shall be embodied in a written law or resolution accessible to the enrolled members of the tribe. All actions by the Council shall be made by a majority vote of the members unless otherwise indicated by this Constitution. Tie votes in the Council shall be decided by the "Chief". Laws and resolutions, which have been enacted, shall remain valid until amended or repealed. All actions of the Council are subject to referenda, the process to which is outlined in Article 10.

II - The Council shall not have the power to preside over traditional food production, ceremonial procedure, cultural preservation and continuation, or other pre-Columbian community activities, as determined by historical and cultural context, unless expressly written in this Constitution.

III - The Council shall have the power to set its own procedures consistent with this Constitution.

IV - The Council shall enact an annual budget by law, which shall include an appropriation for all activities of government. The annual budget shall include all revenue and funds controlled or received by the tribe from any and all sources. No monies to exceed 1% of the total tribal budget shall be drawn from the treasury except by signature of both the Treasurer, and, the Chief, acting as representative of the Council and except upon authorization and appropriation by law.

V - The Council shall have the power to create bureaucratic offices by law. The process for filling Bureaucratic positions shall be outlined in Article 10.

VI – A quorum for voting will be called with no less than a majority of sitting council members being present.

Section 2. Composition

The Tribal Council, being the traditional governing body of the Monacan People, shall be composed of no more than 10 and no less than 4 members of the Monacan Nation, age 18 and older. The Assistant-Chief shall serve as one of these seats and shall have a vote. The Chief shall conduct the meetings of the Tribal Council. In accordance with the established matriarchal tradition of the Monacan culture, a majority of the sitting members of the council shall be Women.

Section 3. Terms

Monacan Tribal Council Members shall serve four year terms of office, chosen by popular tribal vote. A council member shall be eligible to serve consecutive terms until such time as they may be voted out of office, impeached, or recalled under this Constitution.

Section 4. Qualification

I - Members of the Tribal Council shall be voted in for terms of four years, in staggered elections to be held every 2 years.

II - In order to be eligible, a member of the Council must be 18 years of age or older, and an enrolled member of the Monacan Nation.

III - A Council member must be able to attend at least $\frac{3}{4}$ of Council meetings in person with $\frac{1}{4}$ of those to be allowed via teleconferencing.

IV - A Council member must permanently reside within 50 linear miles (as the crow flies) of the Tribal Center to be eligible for election and must continue to reside within 50 linear miles to remain seated as a Council Member.

Section 5. Sessions

I - The Tribal Council shall convene in the Bear Mountain area when deemed necessary by the council but no less than once annually.

II - Special sessions may be called by the Chief, by $\frac{1}{3}$ of the sitting Council or by petition of at least 20% of Eligible Voting Tribal Members. The purposes and times of these sessions shall be announced at one weeks' notice to all Council members.

III - All meetings of the Monacan Tribal Council shall be open to the Monacan public, provided however, that the Council may, by specific legislation, set out circumstances under which meetings may be closed.

Section 6. Compensation

The Tribal Council shall receive reasonable compensation as established by law. No increase or decrease in compensation for the Tribal Council shall take effect until after the next general Election.

Article 5: Executive Branch

Section 1. Composition

I - The Executive branch shall be comprised of a Chief and an Assistant Chief as well as any departments created by law. The Executive Branch shall be comprised of Departments created by law, which shall include at a minimum: a Department of Housing, a Department of Health, a Department of Education, a Department of Treasury (which shall include an Office of External Audit), an Office of Records Management, an Economic Development Office, and any other Departments created and approved through majority vote of the Monacan Tribal Council. Each Department shall have one Executive Director appointed by the Tribal Council and shall report to the Tribal Council.

II - The Chief and Assistant Chief shall be elected by the eligible voters of the Tribe by popular vote held in accordance with Article 7.

III - The Office of Records Management shall secure and maintain at a minimum the following records of the Tribe: treaties, compacts, contracts, constitution, codes, resolutions, laws, ordinances, court opinions, elections, memo, letters, rules, regulations, policies, bills, financial records, audits, audit letters, and reports, budgets, salaries, travel records, grant proposals, grant awards, grant reports, maps, land records, newspapers, reports, studies, and any other documentary, audio, or written records. The Office of Records Management shall develop systems to index and access all records maintained in the Office of Records Management or any other office. Members of the Monacan Nation shall have the right to inspect any record and shall have the right to obtain copies of any record for a reasonable fee as may be set by law.

Section 2. Chief of the Monacan Indian Nation

A Monacan Indigenous Traditional government, being both necessary and desirable for the continued spirit and soul of the nation, the position of Chief shall be charged with helping to preserve the pre-columbian traditional culture, language, religion, food production, and custom. The Chief will serve as the ceremonial face of the Monacan Nation and shall lead efforts to re-establish traditional councils and any subsequent youth or elders councils, clan mother/headman systems or other traditional forms of leadership to reestablish and to support the continuance of tribal cohesion and community. The Chief shall act as the Tribal representative contact for US Federal agencies, except in the cases wherein a council member shall be voted by majority of the sitting council to act as this representative, along with any delegation from the Tribe which the representative deems necessary.

Section 3. Terms

The Chief and Assistant Chief shall serve four year terms. The Chief and Assistant Chief shall be eligible to serve consecutive terms until such time as they may be voted out of office, impeached, or recalled under this Constitution.

Section 4. Qualifications

I - The Chief and Assistant Chief shall be at least twenty-five years old and must be enrolled members of the Monacan Nation.

II - To be eligible to run for office, the Chief and Assistant Chief must have served at least one full term on the Tribal Council or for four full years as the Director of an Executive Branch Department.

III - The Chief and Assistant Chief must be able to attend 80% of all tribal meetings in person.

IV - The Chief and Assistant Chief must permanently reside within 50 linear miles (as the crow flies) of the tribal center and must continue to reside within 50 linear miles to remain an official.

Section 5. Powers

I - The Executive power of the Tribe shall be vested in the Chief. The Chief shall execute, administer, and enforce the laws approved by the Council and shall preside over meetings. The Chief shall enforce court laws.

II - The Chief shall not have a vote on the council, except in the event of a tie vote, nor the power of veto in accordance with this constitution.

III - The Chief shall make projections of annual revenues and shall propose an annual budget to the Legislature for approval no later than June 1st of each year. The annual budget shall include all revenue and funds controlled by the Tribe or received by the tribe from any and all sources. Monies which have been appropriated by law shall not be drawn from the Treasury except by signature of the Treasurer. Spending government revenues or drawing monies from the Treasury without authorization and appropriation by law shall constitute embezzlement and fraud against the Tribe and shall be punishable by law.

IV - The Chief shall have the power to negotiate and sign a contract, pending a majority supporting vote of the Tribal Council. No contract shall be valid which has not been previously authorized by the Tribal Council or by referendum of the people.

V - The Executive Director of the Department of Treasury shall be called the Treasurer. The Treasurer shall be bonded in a sufficient amount to protect financial assets of the Tribe.

VI - The Treasurer may not have, at any time, been convicted of financial malfeasance and must possess a bachelors degree in financial education from an accredited University or possess 10 years experience in the financial/accounting sector.

VII - The Treasurer shall ensure that an annual audit of the Nation is conducted by a reputable accounting firm or certified public accountant from outside the Tribe, pending approval by the Tribal Council.

VIII - The Council shall have the power to nominate an Executive Director for each Department as described in the Bureaucratic process outlined in Article 10.

Section 6. Compensation

The Chief and Assistant Chief shall receive reasonable compensation as established by law. No increase or decrease in compensation for the Chief or Assistant Chief shall take effect until after the next general Election.

Article 6: Judicial Power

Judicial power of government shall be vested in a Judiciary to be established by the Tribal Council in accordance with this constitution, including the creation of a Supreme Court or as many subsequent courts deemed necessary by the Tribe or the created Supreme Court. The right to trial by a jury of your peers and the right to council shall not be infringed.

Article 7: Elections

Section 1. Voters and Voter Registration

Any card carrying member of the Monacan Indian Nation who is eighteen or older may vote in any election or special election.

Section 2. Election Commission

I - There shall be an election commission to conduct all elections in a fair and impartial manner in accordance with laws of the Monacan Nation. The Election Commission shall select one of its members to serve as the Chairman of the Election Commission. The Election Commission shall have the power to set its own procedures and the procedures for election in accordance with this Constitution. The Tribal Council shall not have Executive or administrative authority over the Election Commission, except in the event of malfeasance.

II - Members of the Election Commission shall be chosen by the bureaucratic process outlined in Article 10.

III - Members of the Election Commission shall not be nominees on the ballot of the current election they will be overseeing.

Section 3. Nominations

Each non-incumbent candidate for elective office shall file a nomination petition with the Election Commission. Each nomination petition shall contain at least ten signatures of members of the Nation who are eligible to vote in order for a candidate to be placed on the ballot.

Section 4. Qualifications for Nomination

No candidate for elected or appointed position within the Monacan Tribal Government shall have been convicted of a felony by US law.

Section 5. Ballots

I - All elections shall be conducted by secret written ballots. Upon confirmation of enrollment.

II - Absentee voting shall be permitted for eligible voters who do not reside in the Bear Mountain Area and for those who are unable to attend the polls there. The integrity of the Absentee Ballots will be insured by name and membership number of the individual, written in the presence of and signed by a notary public. The Ballot itself shall remain separate to the voter's information to retain secrecy.

III - The Election Commission shall be responsible for properly accounting for the ballots.

Section 6. Certification of Election Results

The Election Commission shall certify all election results within twenty-four hours of the closing of polls. A tie vote in a General Election shall be decided in a Special Election.

Section 7. Election Challenges

All protests and challenges to the results of an election shall be initially filed with the Election Commission. The Election Commission shall render a final determination on any protest or challenge within forty-eight hours, set forth, in writing, separate findings of fact and conclusions of law. If the Election Commission fails to render a final determination on an election protest or challenge within forty-eight hours, the original certification of the election results shall be deemed final for purposes of judicial review. An appeal of a final determination made by the Election Commission on any protest or challenge to the results of the election may be filed directly with the standing Judicial Body of the Tribe. The Judicial body shall hear and decide all election appeals within twenty days, provided that, if this body fails to decide appeals within twenty days, then the decision of the Election Commission shall be final and no subsequent judicial review shall be permitted.

Section 8. Oath of Office

A member of the Judicial Body shall administer the Oath of Office for all newly elected officials of the Tribe on a date to be set by the Election Commission. The Oath of Office, which is to be developed by the Tribal Council of the Monacan Indian Nation, shall require all elected officials to swear an oath and allegiance to serve all the Peoples of the Tribe, to refuse all gifts or favors in exchange for office action, and to refrain from providing gifts favors, or money in exchange for political gain, and to uphold the Constitution of the Monacan Nation.

Section 9. First Elections

I - Following the adoption of this Constitution, there will be a special election held for the vacant seat of Council, this term will last until the 2022 election.

II - The members of the first Election Commission will be nominated and seated by the Bureaucratic process outlined in Article 10, and will sit for this first election only, though they will not be barred from nomination to the Election Commission in subsequent elections.

III - First Elections will be held in such a way as to begin the appropriate 2-year staggered election process as described in Article 4:

2018 - a special election for 1 Council seat, to serve until 2022
2019 – Chief elected to a 4 year term
2020 – elections for the 4 most senior council members and assistant chief
2022 – elections for 5 most senior council members

Article 8: Referendum

Section 1. Referendum

Members of the Monacan Indian Nation retain the right to petition for a popular vote on any law or decision made in the government. Upon receipt of a petition signed by at least 10% of eligible voters, or a vote of at least 50% of the sitting council, any enacted or proposed law shall be subject to the votes in a Special Election. This shall not constitute amendments to the Constitution.

Section 2. Procedures

I - All petitions seeking a Referendum vote on a law shall be submitted to the Election Commission. Upon request, the Election Commission shall prepare and issue a petition form to the Petitioner along with a request for the correct number of individuals to constitute 10% of eligible voters of the tribe. Petitioners shall have 60 days to collect the requisite number of signatures on the Referendum petition.

II - Any eligible voter of the Monacan Nation may submit a Referendum petition to the Election Commission. The Election Commission shall have thirty calendar days to rule on the validity of the signatures on the petition, and if valid, the Election Commission shall submit the law to a popular vote in a Special Election which shall be held within forty-five days.

IV - The majority of votes cast by the voters in the Special Election shall determine the success or failure of the Referendum, and if successful, the decision shall be binding upon the Tribe. If unsuccessful, the original law or decision shall not be subject to additional referendum for 1 year.

V - The referendum shall be conclusive only if at least 30% of the eligible voters cast their ballots therein.

Article 9: Removal, Recall, and Vacancies

Section 1. Removal and Impeachment of Council members, Chief, Assistant Chief, or members of the Judiciary

I - The Tribal Council of the Monacan Indian Nation shall have the power to call a Special Election to remove an elected official for good cause by a unanimous vote, or, by the entire remaining Council members if removing a fellow Council member. The Tribal Council shall have the burden of proving good cause beyond reasonable doubt. Any official subject to removal by referral to a Special Election shall be provided with adequate notice, be informed of the charges in writing, be given an opportunity to contest the charges, and prepare and present a defense

including presenting witnesses and other evidence. The process to seek the removal of a public official shall not extend beyond ninety days.

II - No more than one Tribal Council member shall be subject to removal by Council vote or by referral to a Special Election at the same time, except upon evidence of conspiracy involving more than one council members.

III - Officials subject to a vote for removal from office will be given the opportunity to address the Council in a public hearing of Monacan People.

IV - No more than one attempt to remove an elected official by Council referral to a Special Election shall be permitted during that official's term, except in the case of malfeasance.

V - If removed from office by Council referred recall, an official may not be eligible for any elected office unless a majority vote by the council reinstates their eligibility.

Section 2. Removal for Felony Conviction while in Office

Any person serving an elected or appointed position, who is convicted of a felony while in office, shall be immediately removed from office provided that a person who is appealing a conviction shall be suspended from office without pay pending the outcome of the final appeal. Any elected or appointed official found guilty of a misdemeanor involving moral turpitude, gross neglect of duty, malfeasance in office, or misconduct reflecting adversely on the dignity or integrity of the Tribe or Tribal government, may be removed from office by a majority vote of the Tribal Council.

Section 3. Removal and Vacancy

I - Upon the removal, retirement, or death of an elected official, the Election Commission shall schedule a special election within 60 days to fill the seat for the remainder of the term.

II - Should the office of Chief be vacant, the Assistant Chief shall become the acting Chief until a special election, held within 60 days, can find a successor. During this time, the Assistant Chief shall forfeit their vote as a member of Council but shall have the power to decide tie votes.

III - Council seats that become vacant due to premature exit from office will be filled by special election, to be held within 60 days of vacancy and to be properly advertised to the nation. Council seats that become vacant within 1 year of the end of the incumbents term, shall remain vacant until the next election. The person elected in the special election will serve the remainder of the term of the seat they fill. Should there be no candidates to fill a seat during a regular scheduled election, or special election, that seat will remain vacant for one term.

Section 4. Recall

I - An elected or appointed official shall be subject to a recall vote in a Special Election, called by a petition of 20% of the eligible voters of the Monacan Nation or by Council referral, conducted in accordance with this Constitution.

II - A majority of 2/3 of the voters in the Recall Special Election shall determine the success or failure of the Recall Special Election. Upon a successful recall, the Election Commission shall declare the seat vacant.

III - The recall vote shall be conclusive only if at least 30% of the eligible voters cast their ballots therein.

IV - No more than one attempt to remove an elected official by Recall shall be permitted during that official's term, except in the case of malfeasance.

Section 5. Recall Limits

No Recall petition shall be initiated against any elected official until six months has elapsed from their inauguration into office.

Article 10: Bureaucratic Positions

Section 1. Creation of bureaucratic offices and departments.

I - The Tribal Council shall create bureaucratic offices and departments.

II - Bureaucratic positions shall be filled by nomination by the Chief or council and confirmed by a majority vote of the Tribal Council.

III - Bureaucratic positions shall be filled by eligible applicants from within the Monacan Nation.

IV - A Bureaucratic official can be removed from office by a 2/3 vote of the Tribal Council, providing just cause.

V - Departmental oversight shall be regulated by an outside audit to be conducted, at least yearly, and through review of this audit by the Tribal Council, with the audit material made available upon request to the Monacan people.

VI - Bureaucratic officials must permanently reside within 50 linear miles (as the crow flies) of the Tribal Center to be eligible for appointment and must continue to reside within 50 linear miles to remain an official.

VII - Bureaucratic officials and employees of the Monacan Nation shall receive reasonable compensation as established by law. No increase or decrease in compensation for Bureaucratic officials or employees shall take effect until after the next yearly salary review.

Article 11: Sovereign Immunity

Section 1. Sovereign Immunity

The Monacan Indian Nation shall possess Sovereign Immunity. Nothing in this Constitution shall be deemed to waive Sovereign Immunity from suit. Only the council may authorize a waiver of Sovereign Immunity by law. Any authorization by the Council to waive Sovereign Immunity shall

be specific, for a limited scope and duration, in writing, and shall be limited to maximum of one hundred thousand dollars per party.

Section 2. Immunity from Suit by Parties outside the Jurisdiction of the Tribe

The Monacan Nation and its officials and employees acting in their official capacity or within the scope of their authority shall be immune from suit brought by any party not subject to the jurisdiction of the Tribe except to the extent waived in accordance with law.

Section 3. Immunity from Suit by Parties within the Jurisdiction of the Tribe

The Nation and its officials and Employees acting in their official capacity or within the scope of their authority shall be immune from suit except for suits in equity filed exclusively in the Courts of the Nation by any party subject to the Jurisdiction of the Nation to enforce rights and duties established by law or this Constitution. Any Member of the Tribe may bring a suit exclusively in the Judicial Branch to enforce the terms of this Constitution. Sovereign Immunity shall not extend to Officials and Employees acting outside their official capacity or beyond the scope of their authority.

Section 4. Suits against the Legislature and Legislators

Because the Council has no authority to take executive actions except those specifically authorized by this Constitution in accordance with this Constitution, the Council and individual Council members acting in their official capacity shall be immune from suit in law and equity. When the Council is exercising an Executive function specifically authorized by this Constitution, the Council shall not be immune from suit in equity filed exclusively in the Judicial Branch by any party subject to the Jurisdiction of the Tribe.

Section 5. Suits against Judges

Judges and Justices shall be immune from suit in law and equity for actions taken in their official capacity. Sovereign Immunity shall not extend to Judges and Justices acting outside their official capacity or beyond the scope of their authority.

Article 12: Taxation

The Tribal Council shall have power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the Monacan Nation, granted that the taxation is fairly based on income and level of well-being, and is derived from employment created by the Monacan Indian Nation. This clause shall apply to any and all compensation provided by the Monacan Indian Nation to members as well as non-members.

Article 13: Amendments

Amendments to this Constitution shall be made through special election of all eligible voters of the Monacan Nation.

Section 1. Request for an election

I - The Monacan Tribal Council may initiate the process to amend the Constitution by unanimous consent.

II - The People shall have the right to request a special election to amend the constitution by submitting a petition to the election commission signed by at least 30% of eligible voters of the Monacan Nation.

III - The election commission shall call a special election to amend the Constitution within ninety days of a unanimous vote of the council or a receipt of a validated petition signed by 30% of eligible voters of the Monacan Nation. During which time, a general forum of the Monacan Nation must display the amendment to be voted upon for at least sixty days through all media and communication outlets.

Section 2. Requirements

The Constitution may be amended by a 2/3 majority of those who vote in the special election. To be considered conclusive, at least 30% of the eligible voters must cast their ballots therein. Amendments approved by the voters shall become effective immediately unless otherwise indicated in the amendment.

Article 14: Ratification

This Constitution shall immediately take effect upon ratification by unanimous consent of the Constitutional Committee.

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