

SAMPLE CONSTITUTION

PREAMBLE

We the people of _____NAME_____ tribe, a federally-recognized sovereign Indian tribe, do hereby adopt this constitution in order to ensure inherent sovereign rights; to secure our powers, benefits, and privileges ensured in our treaty rights; to promote the common goods and well-being of the tribe; to maintain our uniqueness by protecting and preserving our culture and traditions including our language arts and crafts and our architectural sites; protect our land, water, and natural resource; promote and protect the health and well-being of our people; encourage and promote educational opportunities for members of the tribe; foster economic development; protect the individual rights of our tribes; acquire additional land for the benefit of the tribes; promote self-governing and ensure the political integrity of the tribe; and preserve secure and exercise all inherent sovereign rights and powers of an Indian tribe.

ARTICLE I - TERRITORY AND JURISDICTION

Section 1. Territory.

The territory of the _____Name _____ shall include to the fullest extent possible, consistent with federal law, all lands, water, property, airspace, surface rights, subsurface rights, and other natural resources in which the Tribe now or in the future has any interest, which is owned now or in the future by the United States for the exclusive or non-exclusive benefit of the Tribe or for individual tribal members, or which are located within the boundaries of a reservation which may be established for the Tribe, notwithstanding the issuance of any right-of-way.

Section 2. Jurisdiction.

Except as prohibited by federal law, the _____Name _____ shall have jurisdiction over all tribal members and over all persons, subjects, property, and all activities occurring within its territory set forth by this Article. Nothing in this Article shall be construed to limit the ability of the Tribe to exercise its jurisdiction, based upon its inherent sovereignty as an Indian tribe.

Article II - Membership/Citizenship

Section I. The qualifications for citizenship for the _____NAME_____ shall consist of the following:

- a. All persons of Anishinaabe blood, whose name appears on the official federal acknowledgment roll, the annuity roll of April 14, 1941, enacted by Congress in the Act of January 14, 1889 (25 Stat. 642) and Acts amendatory thereof, which roll shall be known as the basic citizenship roll of the Tribe.
- b. All direct lineal descendants of persons listed in Section I (a) provided, that each subsequent descendant shall have been an enrolled citizen of the Tribe.

ARTICLE III - RIGHTS OF MEMBERS

Section 1. Bill of Rights.

The Tribe, in exercising its powers of self-government shall not:

- a. make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
- b. violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- c. subject any person for the same offense to be twice put in jeopardy;
- d. compel any person in any criminal case to be a witness against himself;
- e. take any private property for a public use without just compensation;
- f. deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to

have the assistance of counsel for his defense and to have these rights explained at the time of arrest;

g. require excessive bail, impose excessive fines, or inflict cruel and unusual punishments;

h. deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without the due process of law;

i. pass any bill of attainder or ex post facto law; or

j. deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

ARTICLE IV - LAND AND PROPERTY MANAGEMENT

The _____ Name of a Governing Branch ____ shall have the authority to establish land policies, adopt a land-use ordinance, and otherwise regulate land within the territory of the Tribe in accordance with applicable law.

ARTICLE V – ELECTIONS

Section 1. General Elections.

General or Primary Elections shall be held to fill offices of the [Grand Council, Legislature, Executive, and Judiciary] shall be filled at General Elections.

Section 2. Special Elections. Special Elections shall be held when called for by the [Grand Council, the Legislature], or by this Constitution or appropriate ordinances. In all Special Elections, notice shall be provided to the voters.

Section 3. Election Board. The [Legislature] shall enact a law creating an Election Board. The Election Board shall conduct all General and Special Elections.

Section 4. Eligible Voters. Any member of the Tribe who is at least eighteen (18) years old and who meets all other requirements established by the Tribe shall be eligible to vote.

Section 5. Certification of Election Results.

The Election Board shall certify election results within three (3) days after the date of the election.

Section 6. Challenges of Election Results. Any member of the Tribe may challenge the results of any election by filing suit in the Trial Court

Section 7. Oath of Office. The Election Board or _____ shall administer the Oath.

**ARTICLE VI – ETHICS, REMOVAL, RECALL
AND VACANCIES**

Section 1. ETHICS

- a. The _____ Name _____ declare that:
1. The conduct of public officers, members of the governing body and government employees must hold the respect and confidence of the members;
 2. They shall carry out their duties for the benefit of the members of the tribe;
 3. They shall, therefore, avoid conduct that is in violation of their public trust or that creates a justifiable impression among members of the public that such trust is being violated;
 4. Any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust; and
 5. To ensure propriety and to preserve public confidence, they must have the benefit of specific standards to guide their conduct, and of a penalty mechanism to enforce those standards.

Section 2. Removal for Felony Conviction; Engaging in Ethics Violations; Malfeasance; Dereliction of Duty; Neglect of Duty; Good Cause; or Failure to Comply With Any Provisions of This Constitution.

- a. Any person serving as a member of the governing body

shall be removed from office:

1. if convicted of a felony while in office,
2. has engaged an Ethics Violation; Malfeasance; Dereliction of Duty; Neglect of Duty; Good Cause; or Failure to comply with any provisions of this constitution.

Section 3. Terms for Vacancies.

If an office of the Governing Body becomes vacant by reason of death, mental or physical incapacity, removal or recall vote, resignation, felony conviction, or for any other reason, such vacancy shall be filled by a person elected or appointed to fill the vacancy and the person shall serve out the term of the person whom they are replacing.

ARTICLE VII - DIVISIONS OF GOVERNMENT

Section 1. Branches of Government

The government of the ___Name_____ shall comprise (4) branches: [Grand Council, Legislative, Executive, and Judiciary]. No branch of government shall exercise the powers or functions delegated to another branch.

ARTICLE VIII - THE GRAND COUNCIL

The Grand Council has inherent sovereign powers and authorizes the Legislative branch to make laws; authorizes the Executive branch to enforce the laws and administer funds; and authorizes the Judicial branch to interpret and apply the laws and Constitution. All eligible voters of the tribe are entitled to participate in Grand Council.

ARTICLE IX - LEGISLATIVE

Legislative branch is the rule-making body. The primary function of the legislature is to make laws for good governance. It has the authority of amending the existing rules and regulations as well.

ARTICLE X - Executive

The executive branch governs the members, mainly implement and enforcing the laws made by the legislature.

ARTICLE XI - Judicial

The judicial branch interprets and applies the laws made by the legislature and safeguards the rights of the individuals. It also resolves disputes.

ARTICLE XII - SEPARATION OF POWER

No branch of the government shall exercise the powers or functions delegated to another branch.

ARTICLE XIII - SOVEREIGNTY

The ____Name _____ possesses inherent sovereign powers by virtue of self-government and democracy.

ARTICLE XIV - SOVEREIGN IMMUNITY

Section 1. Immunity of Tribe from Suit

The tribe shall be immune from suit except to the extent that the ____NAME OF WHO MAY DECIDE____ expressly waives its sovereign immunity.

Section 2. Suit Against Officials and Employees.

Tribal officials and employees acting within the scope of their authority shall be immune from suit.

ARTICLE XV - SAVINGS CLAUSE

Any previous ordinance or resolutions enacted by the Minnesota Chippewa Tribe shall continue in full force and effect to the extent they are not in conflict with this Constitution unless revoked or amended in the future.

ARTICLE XVI - GENERAL MEETINGS / OFFICIAL ACTS

The ____ [BRANCH OF GOVERNMENT] _____ shall call at least one (1) general meeting per year of all the eligible voters of the Tribe to identify and discuss important tribal matters.

ARTICLE XVII – ORDINANCES AND RESOLUTIONS

Section 1. Ordinances

All final decisions on matters of permanent interest shall be embodied in ordinances. Such enactments shall be available for inspection by members of the Tribe during normal business hours.

Section 2. Resolutions.

All final decisions on matters of temporary interest where a formal expression is needed shall be embodied in a resolution, noted in the minutes, and shall be available for inspection by members of the Tribe during normal business hours.

ARTICLE XVIII - SEVERABILITY

If any clause, or portion of a clause, in this Constitution is considered invalid under the rule of law, it shall be regarded as stricken while the remainder of this Constitution shall continue to be in full effect.

ARTICLE XIX - AMENDMENTS

Section 1. Requirements.

This Constitution may be amended by a majority vote of the registered voters of the _____ Name _____ voting at an election called for that purpose by the Election Board. If the registered voters adopt the proposed amendments, the Legislative branch shall approve such amendments within forty-five (45) days after the election.

Article XIX – ADOPTION OF CONSTITUTION

This Constitution, when adopted by a Secretarial Election authorized by the Secretary of the Interior in which at least thirty (30) percent of those eligible to voters shall vote, then shall be submitted to the Secretary of the Interior for approval and, if approved by the Secretary of the Interior or by operation of law, shall be effective from the date of such approval.