

Constitution
Of
The St.Francis Sokoki Band of the Abenaki Nation of Missisquoi

Preamble

The Abenaki people of the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi and our descendants, recognizing the need to preserve the heritage of our Ancestors, our culture, our history, our language, our ancestral native lands, and our sovereign right to live free and commune with the spirits of the natural world, do hereby establish this constitution as the Great Law of the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi.

Interpretation

In this constitution-

“Band or Tribe” shall mean a body of aboriginals representing different clans and family groups.

“Aboriginal” shall mean a person who is identified as a citizen of a Band or Tribe and who is by National, State, or Federal definition considered to be an aboriginal by the United States or by any other Band or Tribe.

“Nation” shall mean one or more Bands or Clans sharing a common heritage.

“Council, Band Council, or Tribal Council” shall mean that council chosen according to the laws of the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi.

A “citizen” is any enrolled individual of the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi.

The “Board of Elders” is a group of five or more citizens, age fifty (50) years and over, who are knowledgeable in the law of the Nation.

“Enfranchised” shall mean a person registered on St.Francis/Sokoki Band list.

“Legal Voter” shall mean a person registered on a Band or Tribal list and who is full age of fifteen (15) years of age.

“Tribal Property” shall mean any building, land, structures, or equipment of any nature belonging to and controlled by the (people) of the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi.

“Tribal Trust Assets” shall mean property of all kinds, real and personal, tangible and intangible, including, but not limited to, stocks, bonds, trade accounts, notes receivable, marketable, securities, notes, accounts receivable, equitable assets, probate assets, chattels, nominal assets, mineral rights, fixed assets, investments, real assets, equipment, cash, patents, trademarks, goodwill, and any other liquid or fixed assets.

“Governing Body” shall mean Band or Tribal Council, chosen by the enfranchised members of the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi according to the voting procedures set forth in this Constitution.

“Abenaki Territory” shall be the geographical areas within the present day borders of the New England States as well as other territories which have been and are new historically and traditionally, the homeland of the St.Francis/Sokoki Band of Abenaki Nation of Missisquoi and to such other lands as many here after be acquired by the Nation or held in trust for the use and benefit of the Nation by the United States.

Article I

Definition and Registration of Abenaki Indians

Section 1. A Tribal List shall be maintained on which shall be recorded the name of every person who has met the criteria for citizenship as determined by the Tribal Council of the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi

Section 2. Person desiring to be considered for citizenship must submit an official enfranchisement form and genealogical proof of the Abenaki descent to the Tribal Council. The Tribal Council shall review the submission of the documentary proof by the petitioner, making use of the genealogical research. The Tribal Council shall make use of the following criteria in the determining eligibility for membership.

- a) Documentation of direct descent from an Abenaki family listed on the 1765 James Robertson lease
- b) Any person of Abenaki descent as determined by the Tribal Council, who is not a citizen of any other North American Tribe and who is not a citizen of any other country, is eligible for citizenship

Section 3. The Tribal Council shall enact resolutions which shall have the force of law when approved by simple majority at a regular citizenship meeting. These resolutions will set procedures for the following:

- a) Procedures to be followed by a person applying for Tribal citizenship
- b) Procedures to be followed in accepting the voluntary resignation of a Tribal citizen
- c) Citizens are subject to statutes of the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi

Section 4. Should any protest arise regarding the addition or the removal from the Tribal Roll or List, the procedure of the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi shall be subject to the statutes.

Section 5. The Tribal Council shall have the sole and absolute authority with respect to any issue regarding Tribal citizenship. Decisions of the Tribal Council with respect to Tribal citizenship shall be final and not subject to review by any other authority.

Section 6. Falsification of genealogy and proof of such falsification being brought to the attention of the Tribal Council shall be cause for expulsion from Tribal citizenship pending due process.

Section 7. Instigating or joining any treasonous activity directed towards the Tribal Council, or the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi, shall be cause for temporary expulsion from citizenship pending due process.

Article II

Duties and Powers of the Tribal Council

Section 1. The Tribal Council shall be responsible for calling special meetings

Section 2. The Tribal Council shall appoint committees as deemed necessary to render advice in the affairs of the Nation.

Section 3. The Tribal Council shall be the spokespeople for the Tribe in matters of policy and Tribal affairs and may designate one or more persons to act as agents and delegates to other Bands or to Agencies of the United States, the Dominion of Canada or to individual States within the United States.

Section 4. The Tribal Council shall ensure that Tribal funds are only expended upon proper authorization and that expenditures are consistent with established Tribal policies.

Section 5. The Tribal Council shall maintain any adequate bookkeeping system showing the financial records of the Tribe during each fiscal year.

Section 6. The Tribal Council shall report annually to the Tribal citizenry on the State of the Tribe.

Section 7. The Tribal Council shall be responsible for the supervisory of all Tribal employees. However, the Tribal Council may delegate supervisory authority when necessary.

Section 8. The Tribal Council shall ensure that the people of the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi are fully informed as to all aspects of Tribal business.

Section 9. The Tribal Council may appoint the Tribal Judge who shall have all powers vested in him/her by the Tribal Council to carry on justice for the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi. A Tribal Judge's authority shall extend to all cases and matters in any laws pertaining to the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi and equity arising under this Constitution and the ordinances of the Tribe. The Tribal Judge shall acquaint him/herself with all statutes of the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi and ensure that they are carried out and to bring to the attention of the Tribal Council any case where a Tribal statute proves inadequate or is not being properly enforced. A Tribal Judge may be removed from office for dereliction of duty, incompetence, and misuse of Tribal funds, bribery or conviction of a crime.

Section 10. The Tribal Council may appoint a Head of Security for a period of two years. If the position becomes vacant during the term due to illness, death, resignation or for any other reason, a new Head of Security will be appointed at the next scheduled meeting.

Section 11. The Tribal Council shall seek advice from the people of the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi regarding future policy and the conduct of Tribal business.

Section 12. The Tribal Council shall appoint an auditor at the close of each fiscal year who shall conduct an audit of the Tribal financial records within sixty 60 days of the close of the fiscal year. Copies of the audit shall be made available to the Tribal Council and the citizens.

Section 13. The Tribal Council shall be fully acquainted with the laws of the St.Francis/Sokoki Band of the Abenaki Nation of the Missisquoi and shall ensure that said laws are properly enforced. Tribal Council will make sure that any instance of a law being inadequately or improperly enforced be addressed accordingly.

Section 14. The Tribal Council may appoint a Board of Elders to rule over certain electoral and or citizenship issues.

Section 15. The Tribal Council can exercise other powers not listed in the Constitution only if they do not conflict with this Constitution.

Section 16. The Tribal Council shall appoint one member of the Tribal Council as Tribal Chair, one member as the Tribal Co-Chair, one member as Tribal Secretary and one member as Tribal Treasurer.

Section 17. Tribal Council members who miss three (3) consecutive meetings without just cause are subject to dismissal. The Tribal Council members will have the opportunity to present their reasons for the non-attendance. In case of dismissal, the same laws will apply as a resignation.

Section 18. Pending certain circumstances, the Tribal Council has the power to take over duties given to the Tribal Chair/Tribal Co-Chair, for any reason the Tribal Chair/Co-Chair is deemed unfit for health or other reasons. The people of the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi will be notified of any issues involving the state of the Tribal Chair/Co-Chair.

Section 19. Tribal Council members will be required to serve on various committees, and may be asked to attend more than one (1) meeting per month.

Article III

Election of Tribal Council

Section 1. Nominations for Tribal Council shall be made at least thirty (30) days prior to the Annual General Meeting of the Tribal citizenry. Any citizen who is eligible to vote in a Tribal election may stand for election to the Tribal Council. Anyone nominated must be in attendance at the Annual Meeting or have a letter of acceptance of the nomination submitted on their behalf at the meeting.

Section 2. An election committee shall be chosen by the Tribal Council. The committee shall be at least five (5) but no more than seven (7) members of the St. Francis/Sokoki Band of the Abenaki Nation of Missisquoi, and not within the immediate family of the nominated. The election committee shall be responsible for the following:

- a) Calling an impartial person to oversee the ballot counting.
- b) Have a check off list of all eligible voting citizens, have citizens sign in before giving them one (1) ballot, and having a locked box for ballots.
- c) A candidate may appoint an individual to observe the election proceedings, but is prohibited from using Tribal phones during voting hours.

Section 3. Tribal elections shall be held at the Annual General Meeting in October. Voting times will be from eight o'clock (8) am until two (2) pm. Tribal members will be announced when all votes are tallied.

Section 4. Any Tribal citizen at least fifteen (15) years of age shall be eligible to vote.

Section 5. Tribal Council members shall be elected by a stagger vote. In the event there are more than three (3) vacancies, the top three (3) vote getters shall serve for a two (2) year term and the remainder for one (1) year.

Section 6. In the event of a tie, the people of the St. Francis/Sokoki Band of the Abenaki Nation of Missisquoi will decide the outcome.

Section 7. A member of the Tribal Council may resign from office by notifying the Tribal Council in writing. Said resignation will take effect upon receipt of said by Tribal Council.

Section 8. The Tribal Council shall accept nominations to fill any vacancy of Tribal Council to fill the vacancy no later than the next regularly scheduled meeting. Upon a Tribal Council member resigning the position should be filled by the nominee that received the next highest amount of votes at the time of elections.

Section 9. All persons nominated must be eligible to vote in the next annual Tribal elections. The elected member shall fill the unexpired term of the Council member who is being replaced.

Section 10. There shall be a seven (7) member Tribal Council.

Article IV

Provision for Recall of Tribal Council Members

Section 1. A member of the Tribal Council may be recalled by a petition stating the grounds for recall submitted to the Tribal Secretary. The statement of the reasons supporting the recall shall appear at the top of each page of the recall petition. The petition must be signed by at least two-thirds (2/3) of the enfranchised citizens, who are eligible voters in Tribal elections. Each signature must be accompanied by the printed name and address.

Section 2. Within seven (7) business days of the submission of the petition, the Tribal Secretary will be required to validate the signatures which appear on the recall petition and also the two-thirds (2/3) needed to present the petition. In the event that the Tribal Secretary is being recalled, the Tribal Council will validate the signatures.

Section 3. Should the Tribal Secretary find that an insufficient number of eligible signatures appear on the recall petition, the Secretary shall return the petition with a statement indicating why the petition was rejected. The sponsors at the recall petition shall have ten (10) calendar days from the date they receive the returned petition to correct the problems. If they fail to correct the problems, the petition shall be deemed invalid, and a new one will not be allowed until the next Annual General Meeting.

Section 4. Should a recall petition become successfully validated, the Tribal Council will set a date for a new election.

Section 5. The Tribal Council will send a notice to the citizens of the St. Francis/Sokoki Band of the Abenaki Nation of Missisquoi for the purpose of the recall election. The notice will state the date, time and the location of the recall election. The recall election shall fall under the same laws as the General election.

Section 6. If a recall vote proves to be unsuccessful, the subject of the unsuccessful recall election shall not be subject to another recall election which is based upon the same or similar grounds.

Article V

Tribal Council Meetings

Section 1. The Tribal Council shall meet at least once a month. A notice shall be placed in the prominent place of the time, place, and agenda. The notice should be posted twenty-four (24) hours in advance of the monthly meeting. A majority of voting members of the Tribal Council shall constitute a quorum for the purpose of Tribal business. The monthly date of the Tribal Council shall be the third (3rd) Thursday of each month, unless a holiday occurs in which case Tribal Council will select another date and inform the citizens of the St. Francis/Sokoki Band of the Abenaki Nation of Missisquoi. Tribal Council meetings should be conducted in a civilized manner (Roberts Rules of Order).

Section 2. Tribal Council members may make a request for a Special Meeting at least three (3) members of the Tribal Council must sign the written request. The written request must state a date, time, place, and subject of the

Special Meeting. A majority of the meeting shall constitute a quorum for any business to be conducted at a Special Meeting. Tribal Council members must be notified of any Special Meetings.

Section 3. In the event of an emergency that requires immediate action by the Tribal Council, Tribal Council will assemble and after action is taken, the Tribal Council will ratify at the next scheduled meeting.

Article VI

Duties of the Tribal Judge and Head of Security

Section 1. The Tribal Judge shall bring before the Tribal Council, when necessary, sufficient proof to sustain an indictment of a citizen suspected of transgression against the Laws of the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi. If convicted by the Tribal Judge in session, an appeal of the conviction may be made in writing to the Tribal Council within seven(7) days of the conviction. A Special Meeting of the Tribal council would be called to hear said appeal. A majority vote of the Tribal Council could override the conviction.

Section 2. The Tribal Judge and the Head of Security may attend meetings of the Tribal Council and may be called upon to present advice to the Tribal Council. The Tribal Judge and Head of Security may not vote, nor may quorum, at any Tribal Council meeting. They may, at the request of the Tribal Council, represent the people of the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi at social or official functions where a representative of the people is appropriate.

Section 3. The Head of Security will follow all regulations established by the Tribal Council, to include but not limited to:

- a) The prevention of disorderly conduct
- b) The maintenance and security of Tribal property
- c) The regulation of the conduct of non-aboriginals on Tribal property

Article VII

Civil Rights

Section 1. The Tribal Council, in the exercise of its powers of self-government, shall not make or enforce any law prohibiting the right of citizens to petition the Tribal Council.

Section 2. The Tribal Council shall not make or enforce any law which divests a citizen of his/her heirs' rights without due process.

Section 3. The Tribal Council shall not deny any Tribal citizen within its jurisdiction of the equal protection of the law or deny any Tribal citizen due process of the law.

Section 4. The Tribal Council shall guarantee to the citizens of the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi full disclosure of information concerning the governance of the Nation and an equal opportunity to participate in all of the Nation's programs and business activities.

Section 5. The Tribal Council shall guarantee a policy of non-discrimination regardless of gender, sexual orientation, or disability. Preference in hiring will be given to enrolled Abenaki Citizens.

Article VIII

Distribution of Tribal Assets

Section 1. Tribal Trust Assets shall be maintained and used for the benefit of the common good of the entire Nation and will not be distributed or allotted to individual citizens based solely upon their citizenship in the Nation.

Section 2. The ASHAI Board of Directors President shall meet with Tribal Council quarterly to discuss ASHAI business and or financial status.

Article IX

Continuity of Action

Section 1. Ratification of Prior Tribal Action. All action, including, but limited to ordinances, resolutions, enactments, staffing decisions or any other action taken on behalf of the Nation by the Tribal Council, and adopted before the effective date of the extent that they are consistent with this Constitution.

Section 2. Savings Clause. Should an Article or section of this Constitution be found to be unconstitutional or in violation of any applicable federal law, then the remainder of this Constitution shall remain in full force and effect.

Article X

Amendments

This Constitution may be amended by a vote of two-thirds (2/3) of the citizens present at an Annual General Meeting or Special Meeting for that purpose. A notice will be sent to the people of the St.Francis/Sokoki Band of the Abenaki Nation of Missisquoi if any Constitution changes are to be considered.

Article XI

Ratification

