

Abenaki



Location:	spread across New England in U.S. and the Quebec and Maritimes regions in Canada
Population	12,000
Date of Constitution	2002
Key Facts:	not recognized by the U.S. Government

PREAMBLE

The Abenaki People of the St. Francis/Sokoki Band of the Sovereign Republic of the Abmaki 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 Sovereign Republic 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 Sovereign Republic of the Abenaki Nation of Missisquoi.

A “Citizen” is any enrolled individual of the Sovereign Republic of the Abenaki Nation of Missisquoi.

“The “Board of Elders” is a group of five or more citizens, age 50 years and over, who are steeped in the Law of the Nation.

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

“Tribal Property” shall mean any building, land, structures, or equipment of any nature belonging to and controlled by the Sovereign Republic 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 receivables, 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 asset.

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

“Abenaki Territory” shall be those geographical areas within the present day borders of the New England States as well as other territories which have been and are now, historically and traditionally, the homelands of the Sovereign Republic of the Abenaki Nation and to such other lands as may hereafter 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 Chief and Tribal Council of the Sovereign Republic of the Abenaki Nation of Missisquoi.

Section 2. Persons desiring to be considered for citizenship must submit an official enfranchisement form and genealogical proof of Abenaki descent to the Chief and Tribal Council. The Chief and Tribal Council shall review the submission of documentary proof by the petitioner, making use of the genealogical research conducted by the Abenaki Research Project. The Chief and Tribal Council shall make use of the following criteria in 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 Chief and 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. The Chief and Tribal Council may seek advice and council from the Board of Elders regarding citizenship eligibility.

Section 3. The Tribal Council acts as an advisory group to the chief and shall enact resolutions which shall have the force of law when approved by a 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) Procedure to be followed in accepting the voluntary resignation of a Tribal citizen.
- c) Citizens are subject to statutes of the Sovereign Republic of the Abenaki Nation of Missisquoi.

Section 4. Should any protest arise regarding the addition to or the removal from the Tribal Roll or List, the procedure of the Sovereign Republic of the Abenaki Nation of Missisquoi shall be subject to the statutes.

Section 5. The Chief and Tribal Council shall have the sole and absolute authority with respect to any issue regarding Tribal citizenship. Decisions of the Chief and 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 Chief and Tribal Council shall be cause for expulsion from Tribal citizenship pending due process.

Section 7. Instigating or joining in any treasonous activity directed towards the Chief, Tribal Councilor Sovereign Republic of the Abenaki Nation of Missisquoi shall be cause for temporary expulsion from citizenship pending due process.

ARTICLE II: CHIEFTAINSHIP

The Chieftainship of the Sovereign Republic of the Abenaki Nation of Missisquoi shall rest exclusively within the traditional hereditary families of chieftains as has been established in the Nation. The Chieftainship shall be held for life and shall be without regard to gender. However, in the event of voluntary retirement or the onset of serious illness which could result in death or the impairment of the abilities of the Chief to conduct the affairs of the Nation, it shall be incumbent on the present Chief to designate a successor from within the hereditary families, capable of assuming the Chieftainship. The selection and designation of a successor to the present Chief, should it become necessary, shall in no case be subject to approval or review by any other Tribal authority.

ARTICLE III: DUTIES AND POWERS OF THE CHIEF

Section 1. The Chief shall preside over all meetings of the Tribal Council.

Section 2. The Chief shall be responsible for calling special meetings of the Tribal Council.

Section 3. The Chief shall be the sole Authority Giver for marriages, divorces, adoptions, driving permits, fishing hunting and firearms permits and vehicle registration.

Section 4. The Chief shall appoint committees as deemed necessary to render advice in the affairs of the Nation.

Section 5. The Chief shall be the spokesperson for the Tribe in matters of policy and Tribal affairs and may designate one or more persons to act as agent and delegate to other Bands or to agencies of the United States, the Dominion of Canada or to individual States within the United States.

Section 6. The Chief shall ensure that Tribal funds are only expended upon proper authorization and that expenditures are consistent with established Tribal policies.

Section 7. The Chief shall cause to be maintained an adequate bookkeeping system showing the financial records of the tribe during each fiscal year.

Section 8. The Chief shall report annually to the Tribal citizenry on the State of the Tribe.

Section 9. The Chief shall be responsible for the supervision of all Tribal employees. However, the Chief may delegate supervisory authority to Tribal officials when necessary.

Section 10. The Chief shall ensure that the Tribal Council is fully informed as to all aspects of Tribal business.

Section 11. The Chief may appoint the Tribal Judge who shall have all powers invested in him/her by the Chief and Tribal Council to carry on Justice for the Sovereign Republic of the Abenaki Nation of Missisquoi. A Tribal Judge's authority shall extend to all cases and matters in any laws pertain to the Sovereign Republic of the Abenaki Nation of Missisquoi and equity arising under this Constitution and the ordinances of the Tribe. The Tribal Judge shall acquaint himself/herself with all statutes of the Sovereign Republic 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 malfeasance, misfeasance, dereliction of duty, incompetence, misuse of Tribal funds, bribery or conviction of a crime.

Section 12. The Chief 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 special meeting of the Chief and Tribal Council will be called and a new Head of Security will be appointed.

Section 13. The Chief shall seek the advice of the Tribal Council regarding future policy and the conduct of Tribal business.

Section 14. The Chief 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 report shall be made available to the Chief, Tribal Council and the citizens.

Section 15. The Chief shall be fully acquainted with the laws of the Sovereign Republic of the Abenaki Nation of Missisquoi and shall ensure that said laws are properly enforced and shall, when necessary, bring to the attention of the Tribal Council, any instance of a law being inadequate or improperly enforced.

Section 16. The Chief may appoint a Board of Elders to rule over certain electoral and/or citizenship issues. Members of the Board shall not be from the Chief's immediate family.

Section 17. The Chief can exercise other powers not listed in the constitution only if they are not in conflict with this constitution.

ARTICLE IV: ELECTION OF TRIBAL COUNCIL

Section 1. Nominations for Tribal Council shall be made from the floor at the general annual meeting of the Tribal citizenry, which will be held four to eight weeks before the election. 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 from the floor by the Chief at the general annual meeting. The Committee shall consist of at least five and not more than seven citizens of the Sovereign Republic of the Abenaki Nation of Missisquoi, not within the immediate family of those 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 ballot and have a locked box for ballots.
- c) the Election Committee will certify the election results.
- d) the Election Committee will make sure all ballots are sealed and placed in a fireproof safe thereafter for a period of two years.
- e) 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 within six weeks the Annual General Meeting in October.

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 annually by a stagger vote. In the event there are more than three vacancies, the top three vote getters shall serve for two year terms and the remainder will serve for one year.

Section 6. In the event of a tie vote, the Chief 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 shall take effect upon receipt of same by the Tribal Council.

Section 8. The Chief shall accept nominations from the Tribal Council to fill any vacancy of Tribal Council members at the first regularly scheduled meeting of the Council which takes place within thirty (30) days of the date of the vacancy.

Section 9. All persons nominated must be eligible to vote in the next annual Tribal elections. Voting shall be by secret ballot and a majority of votes shall elect. The elected member shall fill the unexpired term of the Council member who is being replaced.

ARTICLE V: DUTIES AND POWERS OF THE TRIBAL COUNCIL

Section 1. The Tribal Council shall possess and, at their discretion, exercise such inherent sovereign powers as those possessed by any other federally recognized Indian Tribe except as specifically limited by this Constitution. The Tribal Council may make by-laws not inconsistent with this Constitution or with any regulation or by-laws made by the Sovereign Republic of the Abenaki Nation of Missisquoi in Common

Council, or such regulations as may be imposed by Tribal Council members shall be elected annually by a stagger vote. In the event Article V continued the United States Government pursuant to recognition. A majority of the Tribal Council shall constitute a quorum for the purposes of exercising its powers and responsibilities under this Constitution.

Section 2, The Chief and Tribal Council shall be responsible for the appropriation and expenditures of monies of the Tribe to defray administrative and other expenses of the tribe.

Section 3. The Chief and Tribal Council shall be responsible for the approval of officials to conduct the business of the Tribe, prescribing their duties and providing for their remuneration.

Section 4. The Chief and Tribal Council shall be responsible for the establishment of corporations under the laws.

Section 5. The Chief and Tribal Council may recommend sanction of any citizen of the Sovereign Republic of the Abenaki Nation of Missisquoi for serious violations of any of the provisions of this Constitution or any of the statutes made pursuant thereof.

Section 6. The Tribal Council shall appoint one of the Council as Secretary. The Secretary shall be selected by a majority vote of the Council and shall have the following duties.

- a) To attend all regular and special meetings of the Tribal Council and shall be responsible for the preparation and preservation of an accurate record of all meetings of the Tribal Council and general citizenship, regarding resolutions, decisions and other proceedings.
- b) To be responsible for the processing of all freedom of information requests filed by Tribal citizens pursuant to this Constitution, with appropriate fees.
- c) To ensure that all notices of meetings are mailed as required by this Constitution.
- d) To keep in his/her office or in a place designated for this purpose, the originals of all by-laws and minutes of all proceedings of the Tribal Council
- e) To keep and ensure that all records, accounts, and correspondence acted upon by the Tribal Council or general citizenship are preserved and filed.
- f) Perform such other duties as may from time to time be required by the Chief and the Tribal Council.
- g) In the event of recall petition, the Secretary will verify through personal communication, the authenticity of signatures.

Section 7. Tribal Council members who miss three consecutive regular meetings without just cause shall be reported to the Chief by the Tribal Council with a recommendation that said member be replaced. The Council member to be replaced shall be removed from office by a vote of the majority of the Council present at the next regular meeting of the Council for a special meeting called for that purpose, provided the Council member so accused has been given reasonable notice of said meeting and is afforded a full opportunity to present his/her reasons in defense of his/her non-attendance prior to the vote.

Section 8. The Tribal Council may exercise other powers not listed in the constitution only if they are

not in conflict with this constitution.

Section 9. The Tribal Council shall perform all duties in concert with the Chief.

ARTICLE VI: PROVISION FOR RECALL OF TRIBAL COUNCIL MEMBER

Section 1. A member of the Tribal Council may be recalled by a petition stating the grounds for recall submitted to the Secretary of the Tribe. 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 of enfranchised Tribal citizens, with their band numbers, who are eligible voters in Tribal elections. Each signature must be accompanied by the printed name, address, and telephone number of the signing citizen.

Section 2. Within seven (7) business day of the submission of the petition, the Secretary will be required to validate the signatures which appear on the recall petition and also the necessary numbers of signatures. In the event that the Secretary is being recalled, then the Chief shall validate the signatures.

Section 3. Should the Secretary find that an insufficient number of eligible signatures appears on the recall petition, the Secretary shall return the petition with a statement indicating why each unaccepted signature was rejected. The sponsors of the recall petition shall have ten calendar days from the date they receive the returned petition to correct said petition. If they fail to correct the defective signatures, the petition shall be deemed, invalid, and no new petition may be circulated against the same office holder for one hundred eighty (180) days.

Section 4. Should a recall petition be successfully validated, a special election shall be held within thirty (30) days of said validation.

Section 5. At least ten (10) days prior to the recall election the Secretary shall cause a notice to be sent to the citizenship for the purpose of the recall election. The notice shall state the date of the recall election and the hours of polling. The recall election shall be conducted under the same provisions which govern a 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 for at least one year from the date of the recall election.

ARTICLE VII: TRIBAL COUNCIL MEETINGS

Section 1. The Tribal Council shall meet at the discretion of the Chief once a month. A notice of the time and place of the monthly Tribal Council meeting and the proposed agenda shall be posted in a prominent place in the Tribal Offices at least twenty-four (24) hours before the start of the monthly meeting. At least five (5) days prior to the date of the monthly Council meeting, each member of the Council shall be contacted by the Secretary. A majority of voting members of the Tribal Council shall constitute a quorum for the conduct of business at the monthly meeting of the Tribal Council. The monthly meeting date of the Tribal Council may be changed by the Chief

Section 2. Tribal Council members may petition the Chief in writing for special meetings. At least three(3)members of the 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. Council members must be notified at least twenty-four (24) hours in advance of the special meeting by the Secretary upon approval of the meeting by the Chief.

Section 3. In the event that an emergency arises that requires immediate action by the Tribal Council and an emergency session of the Tribal Council is deemed necessary by the Chief, the Tribal Council will assemble immediately at a location designated by the Chief. Any action taken in emergency session must be ratified at the next regular meeting of the Tribal Council.

ARTICLE VIII: DUTIES OF THE TRIBAL JUDGE AND HEAD OF SECURITY

Section1. The Tribal Judge shall bring before the Chief and Tribal Council, when necessary, sufficient proof to sustain an indictment of a citizen suspected of a transgression against the Laws of the Sovereign Republic 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 Chief and 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 of the Tribal Council by secret ballot, could override the conviction.

Section2. 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 Council. The Tribal Judge and Head of Security may not vote nor may they be counted in order to achieve a quorum at any Council meeting. They may, at the request of the Chief or Council, represent the Tribe at social or official functions where a representative of the Tribe is appropriate.

Section3. The Head of Security will follow all regulations established by the Chief and 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 IX: CIVIL RIGHTS

Section I. The Tribal Council, in the exercise of its sovereign powers of self government, shall not make or enforce any law prohibiting the right of citizens to petition the Tribal Council for a redress of grievances.

Section2. 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 Sovereign Republic 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 policy of non-discrimination regardless of gender, sexual orientation, or disability. Preference in hiring will be given to enrolled Abenaki citizens.

ARTICLE X: DISTRIBUTION OF TRIBAL TRUST ASSETS

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.

ARTICLE XI: CONTINUITY OF ACTION

Section 1. Ratification of Prior Tribal Action. All action, including but not limited to ordinances, resolutions, enactments, staffing decisions or any other action taken on behalf of the Nation by the Tribal Council and the Chief, adopted before the effective date of this constitution shall continue in effect to the extent that they are consistent with this constitution.

Section 2. Savings Clause. Should any 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 XII: AMENDMENTS

This Constitution may be amended by a vote of two-thirds (2/3) of the citizens present at a regular or special meeting of the citizens called for that purpose providing that a notice of the meeting and the proposed changes have been sent to each citizen at least twenty-one (21) days prior to the date of the meeting. A quorum shall consist of ten (10) percent of the citizens who are eligible to vote.

ARTICLE XIII: RATIFICATION

This Constitution was presented to the citizenry at a Special General Meeting on November 5, 1995 at 1:00 PM.

This Constitution was ratified at a Special General Meeting on Sunday, February 25, 1996.