

# St. Regis Mohawk Nation



**Location:** Spans border between New York and  
Canada

**Population** 2700

**Date of Constitution** 1995

## PREAMBLE

We, the members of the Saint Regis Mohawk Tribe, in order to secure to us and to our posterity the political and civil rights we possess from time immemorial; to guarantee individual rights and freedom of religion; to exercise the right to self-government; to promote the betterment of our tribe; to administer our affairs, both as a self-governing body and as a proprietor of our tribal assets, to maintain our tribal customs and traditions; to utilize, increase and protect our tribal resources; to secure educational advantages and vocational opportunities, do ordain and establish this Constitution.

## ARTICLE I: ORGANIZATION AND JURISDICTION

Section 1. Name. The name of this tribe shall be the Saint Regis Mohawk Tribe (commonly referred to as Akwesasne).

Section 2. Organization. This Constitution and laws of the tribe adopted here under are the law of the Saint Regis Mohawk Tribe. The fundamental objective of this Constitution and any laws enacted here under is to assert and use all sovereign tribal rights and benefits.

Section 3. Territorial Jurisdiction. The territorial jurisdiction of the Saint Regis Mohawk Tribe shall extend to all lands within the present boundaries of the Saint Regis Mohawk Indian Reservation located in the United States; such other lands as may be added by virtue of negotiation, litigation, acquisition, donation, or other means, and held in trust by the United States for the benefit of the Saint Regis Mohawk Tribe; and all tribal natural resources. It is hereby declared that title to Saint Regis Mohawk lands includes, but is not limited to all surface rights, subsurface rights, enements, hereditaments, all water hunting, and fishing rights and all accretions, except as may be prohibited by Federal law, the Saint Regis Mohawk Tribe shall have jurisdiction over all persons, firms, corporations, property, lands, water, air, space, resources, and all activities occurring within the present or future boundaries of the Saint Regis Mohawk Reservation, notwithstanding the issuance of any right-of-way.

Section 4. Coverage of Mohawk Laws. The Constitution, laws, customs and traditions of the Saint Regis Mohawk Tribe shall apply to all members of the Tribe, persons permitted to reside on the lands of the Mohawk Reservation, and all persons who enter the Saint Regis Mohawk Reservation.

Section 5. Non-members Residing on Mohawk Lands. Non-members may reside on the lands of the Saint Regis Mohawk Tribe only with the written consent of the Tribal Council under such procedures as the Tribal Council may enact by ordinance. Any non-member who violates the Saint Regis Mohawk Tribal Constitution, ordinances, customs, or traditions may be penalized, fined, enjoined, removed or excluded from Mohawk lands in accordance with ordinances of the tribe which shall provide for due process.

## ARTICLE II: MEMBERSHIP

All members whose names appear on the base rolls of the Saint Regis Mohawk Tribe together with any lawful additions thereto as of the date of adoption of this Constitution are members of the Saint Regis Mohawk Tribe. The Tribal Council shall adopt a tribal membership ordinance defining membership eligibility and benefits of membership without prejudice to the rights of those persons who were members of the Saint Regis Mohawk Tribe when this Constitution was lawfully adopted. The Tribal Council is vested with exclusive authority to determine membership absent a showing of fraud.

## ARTICLE III: RIGHTS OF MEMBERS

Section 1. Individual Rights. Each duly enrolled member of the Saint Regis Mohawk Tribe shall have the following rights:

- a) Voting in all tribal elections;
- b) Exercising the powers of initiative and referendum;
- c) Recall of elected tribal officials;
- d) Amending this Constitution;
- e) Civil rights protections contained in Article IV of this Constitution.

Section 2. Community Rights. The following are declared to be rights of the Mohawk Community which may be enforced by the Mohawk tribal government or Mohawk citizens:

- a) The right to a clean and safe environment.
- b) The right to preserve and enjoy Mohawk culture, history, heritage and language.
- c) This Constitution will not alter any rights claimed under the Great Law of Peace.

## ARTICLE IV: CIVIL RIGHTS

Section 1. Civil Rights. The Saint Regis Mohawk Tribe in exercising its powers of self-government

- a) Shall not make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or the press, or the right to assemble and to petition for redress of grievances;
- b) Shall not violate the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches 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) Shall not subject any person for the same offense to be twice put in jeopardy;
- d) Shall not compel any person in any criminal case to be a witness against himself;
- e) Shall not take any private property for public use without just cause and compensation;

- f) Shall not 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 to have the assistance of counsel in criminal cases for his defense if unable to afford counsel;
- g) Shall not require excessive bail, impose excessive fines, or inflict cruel and unusual punishment;
- h) Shall not deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
- I) Shall not pass any bill of attainder or ex-post facto laws;
- j) Shall not deny any person accused of an offense punishable by imprisonment the right upon request, to a trial by jury of not less than six (6) persons; and
- k) Shall not deny any person the right to personal privacy.
- l) Shall not deny the right to bear arms.

## ARTICLE V: ELECTIONS AND VOTING

Section 1. Management of Elections and Voting. Election and voting procedures shall be managed by an independent Election Board appointed by the Tribal Council.

Section 2. Composition of Election Board. The Tribal Election Board shall consist of three (3) eligible voters of the Saint Regis Mohawk Tribe. The Tribal Clerk shall function as the Executive Director of the Election Board and administer the tribal election code and regulations in conformity with this Constitution. The Executive Director of the Election Board shall not vote as a member of the board.

Section 3. Duties of the Election Board. The members of the Election Board shall ensure that elections and voting are fair, impartial and in conformity with this Constitution and the tribal election code enacted by the Tribal Council. The members of the Election Board shall determine and certify the eligibility of candidates for office, approve and certify election petitions of any kind, certify election results, and referee initial disputes arising under the tribal election laws.

Section 4. Board Impropriety. Allegations of impropriety or violations of any election law or procedure may be heard and settled by the Tribal Courts.

Section 5. Election Board Term of Office. The term of office for the Election Board shall be three years. Members of the Election Board shall not be eligible to hold or run for any office in the tribal government. Members of the Election Board who desire to become a candidate for the Tribal Council shall resign from the board and the Tribal Council shall appoint a replacement.

Section 6. Election of Officers: Elections of the Saint Regis Mohawk Tribe shall be held annually on the first Saturday in June. At the initial election held following the adoption of this Constitution, (June, 1996) qualified voters of the Saint Regis Mohawk Tribe shall by secret ballot elect two (2) members to the Tribal Council, a Tribal Chief, a Tribal Vice-Chief. Eligible voters must be duly enrolled members of the Saint Regis Mohawk Tribe and be at least eighteen (18) years of age. Enrolled members of the Saint Regis Mohawk Tribe are entitled to vote in Tribal elections by Absentee Ballot in accord with the Tribal Election Laws. The Tribal Chief and Vice Chief shall be elected for four year terms. The Tribal Clerk shall be elected to a three year term. The members of the Tribal Council shall be elected to staggered

terms. The initial Tribal Council shall consist of not less than five (5) members but may be enlarged to seven (7) members as provided in Section 7 of this Article.

Section 7. Enlargement of the Tribal Council. The Tribal Council may enlarge its membership from five (5) to as many as seven (7) members through enactment of a tribal resolution and referendum of the community to enlarge the number of council members. Such enlargement of the Tribal Council shall not become effective during the current term of the elected tribal council.

Section 8. Transition Provisions. Upon adoption of this Constitution, the Chiefs shall continue to serve their terms in office as members of the Tribal Council. The incumbent Head Chief shall serve as the interim Tribal Chief and exercise the powers conferred by Article V11 until the expiration of his term of office. The office of Sub-Chief is abolished upon the adoption of this Constitution but the Sub-Chiefs shall serve as interim members of the Tribal Council until term expires.

Section 9. Vacancies. Should a vacancy occur in any elected office due to death, resignation, removal from office or recall, the vacancy shall be filled by appointment until the next annual election. The authority to fill vacancies in office through temporary appointment shall be vested in the Tribal Council. At the next annual election, elections held due to vacancies shall be for the unexpired term of the predecessor in office.

Section 10. Qualifications For Office. All candidates for tribal elected office must be validly enrolled members on the American side of the Mohawk Reservation. All candidates for tribal office who have, within the past five years been convicted of a felony under the Major Crimes Act shall not be eligible to hold office. Candidates for the office of Tribal Chief must be thirty (30) years old to run for Tribal Chief. Candidates for the Tribal Council and Tribal Clerk must be at least twenty five (25) years old to run for these offices.

## ARTICLE VI: DIVISION OF THE POWERS OF TRIBAL GOVERNMENT

Section 1. Three Branches of Government. The Saint Regis Mohawk Tribal government shall be divided into three (3) separate and independent branches of government consisting of the Legislative, Executive and Judicial Departments. No person or group of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except as this Constitution may otherwise expressly direct or permit.

## ARTICLE VII: EXECUTIVE AUTHORITY

Section 1. Chiefs of the Tribe. The executive power of the Saint Regis Tribal government shall be vested in the Chief of the Saint Regis Mohawk Tribe. The Chief and Vice Chief shall be elected for a term of four years.

Section 2. Executive Authority. The Chief is the Chief Executive Officer of the tribe and shall exercise the following powers, subject to any limitations contained in this Constitution:

- a) To oversee the administration and management of the tribal government.
- b) To have veto power over enactments of the Tribal Council.

- c) To oversee the carrying out of all laws, ordinances, resolutions and other enactments of the Tribal Council.
- d) To act as the official representative of the Tribe.
- e) To apply for or accept grants, cooperative agreements, and donations from any person, firm, Corporation, Foundation, foreign country, organization, State, local government or the United States, for the benefit of the tribe.
- f) With the approval of the Tribal Council, to appoint a Tribal Administrator, other officers and heads of government departments, who shall serve until replaced at the request of the Chief.
- g) To communicate to the Tribal Council the condition of the Tribe and recommend such other matters as the Chief shall deem appropriate.
- h) To call the Tribal Council into special session.
- i) To exercise all other powers delegated to the Chief by the Tribal Council.

Section 3. Vice Chief. The Vice Chief shall assist the Chief when requested to do so, and in the absence of the Chief, shall have the same powers and responsibilities possessed by the Chief.

Section 4. Compensation. The Chief and Vice Chief shall receive reasonable compensation for their services as determined by the Tribal Council. The Tribal Council may not diminish the compensation of the Chief and Vice Chief during their continuation in office.

Section 5. Veto Authority. Every law, ordinance, resolution or separate appropriation item passed by the Saint Regis Mohawk Council shall be presented to the Chief for signature before they become effective. If the Chief approves, the enactment of Council shall become law. If the Chief should disapprove an enacted measure, it shall be returned within five (5) days together with a statement of objections. If after further consideration, the disapproved measure shall again be passed by not less than 2/3 vote of the Tribal Council, the vetoed measure shall become law and the Chief shall sign the measure notwithstanding earlier objections.

#### ARTICLE VIII: LEGISLATIVE AUTHORITY.

Section 1. Powers of the Tribal Council. The Tribal Council of the Saint Regis Mohawk Tribe shall be vested with all powers of its inherent sovereignty including, but not limited to the following:

- (a) To promote and protect the health, safety, education and general welfare of the Saint Regis Mohawk Tribe.
- (b) To enact ordinances, and adopt resolutions not inconsistent with this Constitution, and to enforce the same;
- (c) To negotiate with Tribes, Tribal Organizations, Federal, State, and Local Governments, and other entities;
- (d) To charter subordinate organizations, including housing, financial and health boards, and to delegate to such organizations or to any subordinate boards or officials of the organizations, the power to manage the economic affairs and enterprises of the Saint Regis Mohawk Tribe, reserving the right to review any action taken by virtue of such delegated power;
- (e) To establish a Tribal Education System exclusively for the benefit of its members and residents.

- (f) To employ legal counsel, and fix compensation and fees. In fixing the compensation of counsel, cost plus a percentage of cost and success fee contracts are prohibited.
- (g) To regulate its own procedures for the management of Tribal Council business through the adoption of ordinances and resolutions.
- (h) To regulate the use and disposition of all land within the jurisdiction of the Tribe, including but not limited to the enactment of ordinances providing for the manner of making, holding and revoking assignments of tribal lands or interests therein;
- (f) To enact ordinances providing for the removal or exclusion of any nonmembers who may remain within the territory of the Tribe. Provided, that all actions of exclusion or removal shall be done by filing an action for removal in Tribal Court;
- (j) To provide by ordinance for the establishment and regulation of organizations or entities, including public and private corporations, for any lawful purpose, which may be profit or non-profit-making.
- (k) To borrow money and issue bonds and other evidences of indebtedness, for the public purposes of the Tribe, to issue both general obligation bonds and bonds secured by the revenues of specific income producing properties, and to qualify such bonds as tax exempt under the Internal Revenue Laws of the United States.
- (l) To negotiate and Contract with the Federal, state, local and other governments; and with the councils and governing authorities of other Indian tribes, or Indian organizations, and private organizations, corporations and other entities.
- (m) To levy and collect fees, general and special assessments from any member or other person, firm or entity residing on, or engaged in an activity on the lands of the Saint Regis Mohawk Tribe and to the lands of the Tribe, and to raise revenue for the needs of Tribe.
- (n) To veto any sale disposition, lease or encumbrance of Tribal lands, interests in lands, or other tribal assets without the formal consent of the Tribe;
- (o) To request the Secretary of the Interior to confer trust or reservation status on lands reserved for, granted to or purchased by the tribe;
- (p) To advise the Secretary of the Interior or his representative on all activities that may affect the Saint Regis Mohawk Tribe, and on all appropriation estimates and Federal projects for the benefit of the Tribe before such estimates and projects are submitted to the Office of Management and Budget and to Congress;
- (q) To provide by ordinance for the jurisdiction of the Tribe over Indian Child Welfare matters and all other domestic relations matters: and
- (r) To conduct inquiries and hearing on the activities and performance of the Executive Branch of the government.
- (s) To take action, not inconsistent with this constitution, which shall be necessary and proper to carry out the sovereign powers of the Saint Regis Mohawk Tribe.

Section 2. Membership. The Tribal Council shall consist initially of five (5) elected members. The elected council shall elect a Chairman from among its members to preside at meetings of the Tribal Council.

Section 3. Term of Office. Council members shall be elected for three year terms.

## ARTICLE IX: TRIBAL CLERK

Section 1. Office of Tribal Clerk. There is hereby created a Constitutional office of Tribal Clerk. The Tribal Clerk shall be elected on a non-partisan basis for a three year term and shall perform the following duties:

- (a) Administration of the tribal election laws as provided for in this Constitution and the tribal election laws.
- (b) Administration of the tribal membership laws as provided in this Constitution and the tribal membership laws.
- (c) Certification of the official acts of the Tribal Council as may be reflected in ordinances, resolutions, minutes or other official acts of the Tribal Council in accordance with ordinances and procedures adopted by the Tribal Council.
- (d) Certification of official records of the Mohawk Tribe when requested by other tribal officials or the public.
- (e) Preparation of the Tribal Council agenda docket and recording the minutes or other official acts of the Tribal Council.
- (f) Administration of the Mohawk Tribal Records and Public Access Act.
- (g) Record wills leases and property conveyances in accord with Mohawk Ordinances.

Section 2. Non-Partisan Office. The Tribal Clerk is hereby declared to be a non-partisan Constitutional Officer, of the Mohawk Tribe. The Tribal Clerk shall run for office on a non-partisan basis. The Tribal Clerk may not participate in a partisan tribal political campaign while elected to office as Tribal Clerk. A Tribal Clerk may run for the Tribal Council or as Tribal Chief but must resign the office of Tribal Clerk office within 10 days of announcing candidacy for Chief or the Tribal Council.

Section 3. Deputy Clerks. The Tribal council may by ordinance provide for the appointment of one or more Deputy Clerks to assist the Tribal Clerk.

## ARTICLE X: JUDICIAL AUTHORITY

Section 1. The Judiciary. The judicial power of the Saint Regis Mohawk Tribe shall be vested in the judicial branch of tribal government which shall consist of a Tribal Court, a Court of Appeals and such other lower courts as deemed necessary by the Tribal Council.

Section 2. Jurisdiction.

- (a) Tribal Court. The Tribal Court shall have original jurisdiction extending to all cases, matters or controversies arising under this Constitution and the laws, ordinances, regulations, customs and judicial decisions of the Saint Regis Mohawk Tribe
- (b) Court of Appeals. The Court of Appeals shall have both original and appellate jurisdiction. The Court of Appeals shall have jurisdiction to hear all appeals from the Tribal Court. Decisions of the Court of Appeals on all matters within its appellate jurisdiction shall be final.
- (c) Peacemaker Court. The Peacemaker Court shall have such original and subject matter jurisdiction as may be authorized by the Saint Regis Mohawk Tribe Judiciary Act.

Section 3. Power of the Courts. The Courts of the Saint Regis Mohawk Tribe shall have the power to:

- (a) Interpret, construe and apply the Constitution, laws and regulations of the Tribe.
- (b) Declare the laws and regulations of the Saint Regis Mohawk Tribe void if such laws or regulations conflict with the Constitution.
- (c) Issue injunctions, attachments, writs of mandamus, quo warranto, review, extradition, certiorari and prohibition, and to issue writs of habeas corpus upon petition by, or on behalf of any person held in actual custody.
- (d) Establish court rules, forms and procedures for the Saint Regis Mohawk Tribal Courts except that the Tribal Council may enact a judiciary ordinance consistent with this Constitution.

Section 4. Composition of the Judiciary. The Tribal Court shall consist of a Chief Judge and two Associate Judges elected by the eligible voters of the Mohawk Community for a term of seven (7) years. The Court of Appeals shall consist of a Chief Judge and two Associate Justices. Two of the three Tribal Court Judges may sit as members of the Court of Appeals. The future composition of the Tribal Courts may be changed through amendments to the tribal Judiciary Code.

Section 5. Election and Qualification of Judges

Tribal judges shall be elected for seven (7) year terms. Judges shall be at least twenty five (25) years old, of good moral character and not have been convicted of a felony within the past ten (10) years. Judges who run for office shall meet one or more of the following professional qualifications to be eligible to serve as a tribal judge:

- (a) Graduation from an American law school accredited under the American Bar Association;
- (b) Admission to practice law before any State or Federal Court;
- (c) Previous experience as a magistrate or lay judge in any local or tribal court;
- (d) Possession of an advanced degree with substantial law-related experience.

The Tribal Council in consultation with the Chief Judge of the Tribal Court shall implement the requirements of this section through a tribal ordinance.

## ARTICLE XI: COUNCIL MEETINGS AND OFFICIAL ACTS

Section 1. Meetings of the Tribal Council Community Meetings. The Saint Regis Mohawk Tribal Council is authorized by this Constitution to establish its own procedures but shall meet in regular, special or emergency session as follows:

- a) Regular Meetings. The Tribal Council shall meet in official session at least twelve (12) times a year, at monthly intervals, at such time and place as shall be established by resolution to conduct council business and meet with the community membership.
- (b) Special Meetings. Special Meetings of the Tribal Council:
  - 1. May be called by the chairperson of the Tribal Council at his or her discretion,
  - 2. Shall be called by the chairperson of the Tribal Council upon the written request of any three (3) Council Members or,
  - 3. Shall be called upon the petition of ten percent (10%) of the eligible tribal voters;



c) Emergency Meetings. An emergency meeting of the Tribal Council may be called upon less than seventy-two (72) hours written notice, notwithstanding Section 1(b) of this Article, if such meeting is necessary for the preservation or protection of the health, welfare, peace, safety, or property of the Tribe. Efforts shall be made to give notice to each Tribal Council member. The emergency meeting notice shall state the purpose, time, and place of such a meeting. No business other than that stated in the notice shall be transacted at the emergency meeting.

(d) Authority of the Tribal Council to meet in executive session. The Tribal Council may meet in executive session to discuss matters involving personnel, litigation, negotiations, or confidentiality as deemed essential to a free and open discussion. However, the Tribal Council may not take final action on matters discussed in executive session until the results of the executive session are fully reported in a subsequent public session of the Tribal Council. All results of the executive session meetings must be embodied in discussion and votes at a public tribal meeting.

Section 2. Ordinances. All final decisions concerning matters of a permanent interest shall be embodied in ordinances. Such enactments shall be available for inspection by members of the Tribe during normal business hours.

Section 3. Resolutions. All final decisions concerning matters of a temporary nature where a formal expression is needed shall be embodied in a resolution, noted in minutes, and shall be available for a inspection by members of the Tribe during normal business hours.

Section 4. Form. All ordinances and resolutions shall be dated and numbered, cite the appropriate constitutional authority, and include a certificate showing the presence of a quorum and the number of members voting for and against the proposed enactment. A quorum of the Tribal Council shall consist of no less than 3 of 5 members or 4 of 7 members within the legislative body.

Section 5. Records of the Tribe.

(a) The Tribal Council shall provide access for review by any tribal member or his/her authorized representative of the records of the Tribe. Review and access to records of the tribe shall be conducted during normal office hours of the Tribe in accordance with the rules and procedures established by the Tribal Council. Records access procedures shall not be inconsistent with any other provision of this Constitution, Federal law, or individual tribal members and tribal employees' rights to privacy.

(b) All Tribal records are the exclusive property of the Saint Regis Mohawk Tribe and shall be transferred by the Tribal Officials leaving office to the Tribal Clerk's Office for the benefit of their successors in office. The Tribal Council shall implement this provision of the Constitution through the enactment of a tribal records ordinance.

## ARTICLE XII: ETHICS AND REMOVAL OF OFFICIALS

Section 1. Elected Officials. An elected or appointed official of the Saint Regis Mohawk Tribe may be removed from office by a majority vote of the Tribal Council for any of the following offenses:

(a) Conviction by a Tribal, State or Federal Court of competent jurisdiction for the

commission of a felony or serious misdemeanor:

(b) Conviction of any sex-related felony or misdemeanor

(c) Three (3) misdemeanor convictions, excluding traffic offenses, while serving on the Tribal Council.

(d) Conviction in the Tribal Court for any offense in violation of the tribal ethics code where the penalty for such violation is removal from office.

Section 2. Due Process Consideration. Elected officials may not be suspended or removed from office unless the actions in question take place during the elected official's term of office. All actions to suspend or remove an appointed or elected official of the Tribe shall be in accordance with the Saint Regis Mohawk laws which shall afford due process of law.

### ARTICLE XIII: POPULAR PARTICIPATION IN TRIBAL GOVERNMENT

Section 1. Referendum. The Tribal Council on its own motion by 2/3 vote of the Council, or upon receipt of a petition signed by 20% of the eligible voters of the Saint Regis Mohawk Tribe, may submit any enacted or proposed law, ordinance or resolution to a referendum of the eligible voters of the tribe. The Tribal Council shall by resolution call the referendum election within 90 days from the receipt of a petition unless the 90 day period falls within six (6) months of a regular election, in which case the referendum question will be presented to the eligible voters at the regular election. Referendum elections are to be conducted in accord with the tribal election code and managed by the Election Board.

Section 2. Initiative. The members of the Saint Regis Mohawk Tribe reserve the authority to independently propose laws, ordinances and resolutions affecting the Tribal community. Any proposed initiative measure shall be presented to the Tribal Council accompanied by an initiative petition signed by twenty percent (20%) of the eligible voters of the Saint Regis Mohawk Tribe. Upon receipt of a valid petition in conformity with the tribal election code, the Tribal Council shall either adopt the initiative measure without alteration or call a special election allowing the tribal membership to vote on the initiative measure.

The Tribal Council shall by resolution call the Initiative election within 90 days from the receipt of a petition unless the 90 day period falls within six (6) months of a regular election, in which case the initiative measure will be presented to the eligible voters at the regular election. Initiative elections are to be conducted in accord with the tribal election code and managed by the Election Board.

Section 3. Recall. The eligible voters of the Saint Regis Mohawk Tribe shall have the right to recall any elected official of the tribe by filing a petition signed by at least 30% of the eligible voters of the tribe with the Tribal Council. Recall elections shall be administered according to the tribal election code. No elected official may be recalled from office unless a majority of the eligible voters vote in favor of the recall and at least thirty percent (30%) of the eligible voters vote in the recall election. No elected official shall face a recall election more than once during a term of office.

### ARTICLE XIV: TRIBAL INTERGOVERNMENTAL RELATIONS

Section 1. Self-Determination. The policy of the Saint Regis Mohawk Tribal Government in its relationships with Federal, State and local governmental bodies is one of self-determination.

Section 2. Government to Government Relations. The policy of the Saint Regis Mohawk Tribal Government in its relationships with Federal, State, Local and other Indian Tribal bodies is to do business with each other on a government to government basis using agreements and resolutions to the maximum feasible extent.

#### ARTICLE XV: SOVEREIGN IMMUNITY

Section 1. Sovereign Immunity The Saint Regis Mohawk Tribe hereby declares that, in exercising self determination and its sovereign powers to the fullest extent, the Tribe is immune from suit except to the extent that the Tribal Council expressly waives sovereign immunity, or as provided by this Constitution.  
Section 2. No tribal employee or elected official acting within the scope of their duties or authority is subject to suit.

#### ARTICLE XVI: AMENDMENTS TO THE CONSTITUTION

This constitution may be amended by a majority vote of the eligible voters of the Saint Regis Mohawk Tribe voting in a duly called election to amend the Constitution, provided that at least thirty percent (30%) of the eligible voters vote in the election. Procedures for amending this constitution shall be enacted as part of the tribal election code

#### ARTICLE XVII: SEVERABILITY

If any provision of this Constitution, or the applicability thereof should be held invalid by a court of competent jurisdiction, the remaining provisions shall not be affected. To this end, the provisions of this constitution are declared to be severable.

#### ARTICLE XVIII: SAVINGS PROVISIONS

All laws, resolutions and acts of the Saint Regis Mohawk Tribe adopted or carried out before the effective date of this Constitution shall continue in effect to the extent that they are consistent with this Constitution.

#### ARTICLE XIX: ADOPTION

This Constitution shall be adopted upon certification that fifty-one (51%) of those present and voting in the referendum called on June 03, 1995 have voted in favor of adopting the Constitution of the Saint Regis Mohawk Tribe.