

# CONSTITUTION OF THE EASTERN PEQUOT TRIBAL NATION

## PREAMBLE

We, the Members of the **Eastern Pequot Tribal Nation** (the "Tribe", descendants of the historic Pequot Tribe, in order to protect our sovereign rights, preserve our history and culture, develop our common resources, promote self sufficiency and provide for the general welfare of the Tribe for seven generations yet unborn, do hereby ordain and establish this Constitution.

## ARTICLE I

### TRIBAL NAME

We shall be known as the **Eastern Pequot Tribal Nation**. In making this declaration, we also acknowledge that we are the same Tribe referred to in Connecticut General Statutes, Chapter 824, Section 47-59a and 47-59b (1971), as the Paucatuck Eastern Pequot Tribe and the same Tribe acknowledged by the Secretary of the Interior as the historical Eastern Pequot Tribe in the Final Determination on Petitions #35 and #113, published in the Federal Registry on July 1, 2002 (67 Fed. Reg. 44234 (2002)).

## ARTICLE II

### JURISDICTION

Except as prohibited by federal law, the **Eastern Pequot Tribal Nation** shall have jurisdiction over: (1) all tribal members; (2) all persons and entities doing business with the Tribe and its members; (3) all persons, entities, subjects, real and personal property, and all activities within the Tribe's territory as defined by Article III of this Constitution. Nothing in this article shall be construed to limit the ability of the Tribe to exercise any jurisdiction it possesses as a result of its inherent tribal sovereignty.

## ARTICLE III

### TERRITORY

The territory of the **Eastern Pequot Tribal Nation** shall include, to the fullest extent allowed by applicable law, all lands, waters, property, airspace, surface and subsurface rights, and other natural resources in which the Tribe now has or may acquire an interest in and/or which owned or are subsequently acquired now or in the future by: (1) the Tribe; (2) the State of Connecticut; (3) any other State of the United States; (4) the United States of America; (5) or any other government for the benefits of the Tribe or for one or more individual members of the Tribe.

Section 1. Tribal Lands. The Tribe shall have the authority to establish land policies, land use ordinances and otherwise regulate land use within the tribal territory, in accordance with this Constitution. This shall include all new and existing structures and abandoned property.

Section 2. Tribal Residences. Tribal members desiring to live on the reservation or on common tribal lands shall make application to the Tribal Housing Authority as shall be prescribed in a Tribal Housing Ordinance as may from time to time be amended. Any member who prior to the adoption of this Constitution, owned or maintained a residence on the reservation shall be exempted.

Section 3. Hunting & Fishing. Tribal members may hunt and fish on tribal land and in tribal waters subject to the limitations as the Tribe may impose by law, ordinance or resolution.

Section 4. Natural Resources. Tribal members who are lawful residents on tribal land may take down trees for personal use. No Tribal member may clear or remove trees without prior written approval. No tribal member may remove any stone or gravel from tribal land without prior approval of the Tribe. Non-tribal members shall not remove or exploit natural resources from tribal lands without written approval and are subject to the jurisdiction of the Tribe arising from such action.

Section 5. Tribal Waters and Airspace. The Tribe shall have authority to establish laws, regulations and ordinances to govern the waterways, airspaces and natural resources located within the Territory of the Tribe.

## ARTICLE IV

### MEMBERSHIP

Section 1. The membership of the **Eastern Pequot Tribal Nation** shall consist of:

- (A) Persons whose names are contained on the base rolls of the Eastern Pequot Tribal Nation as approved by the Secretary of the Interior in the Final Determination published in the Federal Register on July 1, 2002 (the "Base Roll") and
- (B) Persons who are the lineal descendants of persons whose names appear on the Base Roll and who have applied for and been accepted as members of the Tribe in the manner which shall be prescribed in the Tribal Enrollment Ordinance of the **Eastern Pequot Tribal Nation** as the same may from time to time, be amended.
- (C) Persons who have not voluntarily enrolled in any other federally recognized Indian Tribe, band, group or any other tribal entity.

Section 2. Disenrollment. Any member of the Tribe shall be disenrolled following notice, if said member voluntarily becomes an enrolled member of any other federally recognized Indian tribe, band, group or any other tribal entity. Once disenrolled, based on proof of enrollment in another federally recognized Indian tribe, band, group or any other tribal entity, the member shall be barred permanently from reapplying for membership in the **Eastern Pequot Tribal Nation.**

Section 3. Relinquishment of Membership. Any member of the Tribe may relinquish his/her membership and the membership of their minor children under the age of 18 by submitting a signed written request to relinquish membership in the manner which shall be prescribed in the Tribal Enrollment Ordinance which may from time

to time be amended. Any member, who has relinquished his/her membership in the **Eastern Pequot Tribal Nation**, may not be re-enrolled in the Tribe, provided however, that a minor whose membership in the Tribe was relinquished by his/her parents or legal guardian, may reapply for membership in the Tribe and be re-enrolled at any point following his/her eighteenth (18) birthday.

#### Section 4. Appeal.

- (A) Any person whose application for enrollment in the Tribe, is denied, shall have a right to receive an explanation of that decision and a right to appeal that decision in the manner which shall be prescribed in the Tribal Enrollment Ordinance which may from time to time be amended.
- (B) Any person, who is disenrolled from the tribe, shall have a right to receive an explanation of the decision and a right to appeal that decision in a manner which shall be prescribed in the Tribal Enrollment Ordinance which may from time to time be amended.

Section 5. Enrollment Ordinance. The Tribe shall enact a Tribal Enrollment Ordinance which shall be consistent with the provisions of this Constitution. Copies of the ordinance shall be made available to all tribal members and applicants for enrollment.

## ARTICLE V

### RIGHTS OF TRIBAL MEMBERS

The **Eastern Pequot Tribal Nation** and its instrumentalities, shall not, when exercising powers of self government:

- (A) Make or enforce any law prohibiting the free exercise of religion; abridge freedom of speech, freedom of the press, or the right of tribal members to peacefully assemble and to petition for redress of grievances.
- (B) Violate the right of a tribal member to be secure in their persons, houses, papers and effects against unreasonable search and seizures, nor issue warrants, except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing seized.

- (C) Take any private property from a tribal member for public use without due process and just compensation.
- (D) Deny any tribal member the equal protection of its law or deprive any member of liberty or property without due process of law.
- (E) Abridge any right guaranteed to a tribal member by the United States Constitution.
- (F) Deprive any tribal member of any right guaranteed by the Indian Civil Rights Act.

## ARTICLE VI

### CODE OF CONDUCT AND ETHICS

Section 1. Code of Conduct – Members. The Tribe shall adopt and enforce a Code of Conduct applicable to all tribal members, which includes a disciplinary process with full rights of due process, for those tribal members whose conduct is deemed detrimental to the Tribe, as shall be prescribed in a Tribal Code of Conduct Ordinance, which may from time to time be amended.

Section 2. Code of Ethics – Tribal Council. The Tribe shall adopt and enforce a Code of Ethics applicable to Tribal Councilors. The Code of Ethics shall include disciplinary procedures with full rights of due process and shall include provisions for the sanctioning of Tribal Councilors for gross neglect of duty, improper conduct or other malfeasance, as shall be prescribed in a Tribal Council Code of Ethics ordinance which may from time to time be amended.

## ARTICLE VII

### VOTING

Section 1. All Members of the **Eastern Pequot Tribal Nation** who are at least eighteen (18) years of age on the date of any tribal balloting shall be eligible to vote. Each tribal member shall have one (1) vote.

Section 2. Eligible members may vote by absentee ballot upon request, for the election of Tribal Council members and Officers, in accordance with the provisions which shall be prescribed in the Tribal

Voting Ordinance. In all other instances, absentee ballot votes shall only be allowed if it is specifically authorized in the ordinance authorizing that particular vote.

Section 3. The Tribe shall prescribe a Tribal Voting Ordinance, which may from time to time, be amended consistent with the provisions of this Constitution. Copies of the Tribal Voting Ordinance shall be made available to all eligible voters.

Section 4. Notice. The Tribe shall have notice sent to all eligible voters at least thirty (30) days prior to a vote.

## ARTICLE VIII

### ELECTIONS

Section 1. Qualifications for Office. Except as otherwise provided in this Constitution, any person nominated as a tribal Officer or member of the Tribal Council, (a) must be a member of the **Eastern Pequot Tribal Nation**, (b) must be at least twenty-five (25) years of age at the time of such election, (c) must have attended at least fifty percent (50%) of the tribal membership meetings from the date of the prior annual meeting through the date of nominations, and (d) must not have been convicted of a felony, if so, all penal obligations must have been satisfied at least ten (10) years prior to the date of nominations.

Section 2. General Election. The General Election of the Officers and At-large Members of the Tribal Council shall be held at the time and in the manner provided for in this Constitution, as prescribed in a Tribal Election Ordinance, which may from time to time be amended.

Section 3. Special Election. Special Elections shall be held at the time and in the manner when called by the Tribal Council, the Tribal Election Committee, and the Constitution or by the voting members, as provided for in this Constitution, as shall be prescribed in a Tribal Election Ordinance, which may from time to time be amended.

Section 4. Vacancy. In the event of a vacancy on the Tribal Council, the unexpired term shall be filled, by way of an election open to all

eligible members, as provided in this Constitution and as prescribed in the Tribal Election Ordinance.

Section 5. Election Committee. The Tribe shall establish an Election Committee to conduct all elections, including special elections, recall votes, initiatives, and referenda. The Election Committee shall consist of no fewer than five (5) tribal members, who shall not be eligible to run for Tribal Council office during their term on the Election Committee. The Election Committee may appoint clerks, poll workers and others to assist in conducting the voting.

Section 6. Ballots. All voting for the election or recall of Tribal Councilors and for all initiatives and referenda, shall be by secret, written ballot.

Section 7. Absentee Ballots. Absentee voting shall be allowed in all elections. An absentee ballot shall be mailed with an official "Return Receipt Requested", upon request of an eligible voter.

Section 8. Election Results. Election results shall be made available as soon as practicable following a vote. All ballots shall be secured for the record by the Election Committee for a period of not less than seven (7) years.

## ARTICLE IX

### ORGANIZATION OF TRIBAL GOVERNMENT

Section 1. Organization of the Tribal Government. The government of the Eastern Pequot Tribal Nation shall include the Tribal Council, a Tribal Court System, a Tribal Administration and an Elders' Council, each of which shall exercise the powers enumerated in the Constitution.

## ARTICLE X

### GOVERNING BODY

Section 1. Commencement. The Tribal Council ("The Tribal Council") shall commence to be the governing body of the **Eastern**

**Pequot Tribal Nation** upon adoption of this Constitution pursuant to Article XIX.

Section 2. Tribal Council

- (A) The Tribal Council shall be comprised of fourteen (14) members who shall be elected to staggered terms.
- (B) The Tribal Council shall be comprised of six (6) officers and eight (8) at-large members. A tribal member shall serve at least one complete term as a Tribal Councilor to be eligible for nomination to a Tribal Officer position.
- (C) All subsequent Council seats shall be for a term of three (3) years

Section 3. Tribal Council Officers and Duties. The Officers of the Tribal Council shall consist of a Chairperson, a Vice Chairperson, a Recording Secretary, a Treasurer, a Comptroller and a Corresponding Secretary. A tribal member shall serve at least one complete term on a Tribal Council to be eligible for nomination to a tribal officer position. The Tribal Councilor Officer duties are:

- (A) The Chairperson shall preside over all meetings of the Tribal Council and general/special membership meetings; report to the tribal membership on the state of the Tribe; implement all laws, resolutions, ordinances, directives and policies of the Tribe or Tribal Council; act as the principal officer and perform such other duties as may be required by the Tribe.
- (B) The Vice-chairperson shall act as Chairperson in the absence or inability of the Chairperson to perform official duties; and perform such other duties as may from time to time, be delegated by the Chairperson, Tribal Council or the Tribe.
- (C) The Recording Secretary shall keep an accurate record of Tribal Council proceedings, including minutes of regular and special meetings; prepare and preserve a true and accurate record of all meetings affecting the official records of the Tribe; and perform such other duties as



may from time to time, be required by the Tribal Council or the Tribe.

- (D) The Treasurer shall account for, preserve and safeguard all tribal funds; keep and maintain accurate accounts and disburse funds as directed by the Tribe or Tribal Council; report all receipts, expenditures and accounts to the Tribe; and otherwise act as the principal financial officer of the Tribe and perform such other duties as may from time to time, be required by the Tribe or Tribal Council.
- (E) The Comptroller shall audit the accounting activities of the Tribe; oversee the utilization of sound accounting procedures; report on the adherence to sound fiscal prudence and budgetary projections; and perform such other duties as may from time to time, be required by the Tribe or Tribal Council.
- (F) The Corresponding Secretary shall attend to all correspondence, distribution of tribal information or other duties incidental to the office, including the reproduction of minutes, resolutions and ordinances and oversee its distribution; and perform such other duties as may from time to time, be required by the Tribe or Tribal Council.
- (G) Tribal Council Member Duties. The Tribal Council Members shall fulfill any and all fiduciary duties of the Tribe.

Section 4. Meetings and Quorum. Meetings of the Tribal Council shall be held on seven (7) days written notice or not less than forty-eight (48) hours prior telephonic notice to all members; provided that if ten (10) members of the Tribal Council are present at a meeting they may waive the requirement for forty-eight (48) hours prior notice and proceed to conduct business as provided herein for duly called meetings. At a duly called meeting, the presence in person of eight (8) or more members of the Tribal Council shall constitute a quorum for the purpose of conducting business. No action shall be taken by the Tribal Council unless a quorum shall be present. All action of the Tribal Council shall be by affirmative vote of a majority of those present at a duly convened meeting, unless a different procedure is prescribed by this Constitution or applicable law. All members of the Tribal Council shall vote, except the Chairperson or Officer chairing

the meeting, who shall not vote except in case of a tie vote by the members of the council.

Section 5. Participation in Subordinate and Collateral Entities. Members of the Tribal Council shall not serve as an officer of any subordinate board, committee, entity or instrumentality that the Tribal Council or the tribal membership may establish. Members of the Tribal Council shall not hold a position in the Judicial, Administrative or Executive branches of government.

## ARTICLE XI

### POWERS OF THE TRIBAL COUNCIL

Section 1. General Powers of the Tribal Council. The Tribal Council is authorized to exercise all powers vested in the Tribe, including, but not limited, to the powers to legislate, appropriate and delegate, whether such powers derive from the Tribe's inherent sovereignty, the Tribe's aboriginal rights or from applicable law. The Tribal Council shall have the authority to exercise all ordinary and necessary powers in the governance of the tribal affairs.

Section 2. Future Powers of the Tribal Council. The Tribal Council shall exercise such additional powers as may in the future, be granted by the tribe, or be recognized by applicable law.

Section 3. Reservation of Powers. The Tribal Council in exercising its fiduciary obligations shall be limited in the exercise of its powers and shall not infringe upon any sovereign right, sovereign land or significantly impact the Tribe's financial solvency prior to soliciting an endorsement, by referendum of tribal members.

## ARTICLE XII

### THE TRIBAL COURT

Section 1. Establishment. The judicial powers of the **Eastern Pequot Tribal Nation** shall be vested in the Eastern Pequot Tribal Court. The Tribal Court system shall consist of a Tribal Court and such appellate and lower courts of special jurisdiction, including forums for

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alternative dispute, as the tribe shall prescribe in a Tribal Court Ordinance, as may from time to time be amended.

Section 2. Jurisdiction. The judicial powers of the Tribal Courts shall extend to all cases and controversies within the jurisdiction of the Tribe, all cases in law and equity, all cases arising under this Constitution, all laws or customs of the Tribe, and all matters of any nature which are vested in the Tribal Courts by tribal, federal or other applicable law or by virtue of the Tribe's inherent sovereignty or aboriginal rights.

### ARTICLE XIII

#### THE TRIBAL ADMINISTRATION

The Tribe shall establish an Administrative Branch and employ a Tribal Manager to oversee that office and to carry out the day-to-day responsibilities of the tribal government. The Tribal Manager shall be under the direct supervision of the Tribal Council and shall have responsibility for the oversight and management of the personnel and operations of the **Eastern Pequot Tribal Nation** on such terms and conditions as the Tribal Council may establish from time to time. The Tribal Manager shall be responsible for ensuring that the Tribal Council is fully informed of the work of the tribe and that the personnel of the tribe are fully informed of the actions of the Tribal Council. The Administrative Branch shall be comprised of a Department of Records Management, Human Resources, Financial Services, and such other departments as the tribe may deem necessary. The Tribal Manager and all employees of the Tribe shall comply with the Tribe's Personnel Policy and Procedure Manual; the Tribe's Operations Manual and all tribal, federal and other applicable laws governing the **Eastern Pequot Tribal Nation** as shall be prescribed in a Tribal Administrative Ordinance, as may be from time to time be amended.

### ARTICLE XIV

#### ELDERS' COUNCIL

Section 1. Qualifications for Elders' Council. Any person may be a member of the Elders' Council, provided that he/she (a) must be a

member of the **Eastern Pequot Tribal Nation**, (b) must be at least fifty-five (55) years of age at the time of induction.

Section 2. Mission of the Elders' Council. It shall be the purpose of the Elders' Council to preserve and maintain tribal history, culture, traditions and values of the Eastern Pequot people.

## ARTICLE XV

### RESERVED POWERS

Any rights and powers not defined to an arm of the **Eastern Pequot Tribal Nation** by this Constitution shall be exercised by a majority vote of the members of the Tribe at any properly called meeting of the tribal membership.

## ARTICLE XVI

### SOVERIEGN IMMUNITY

The **Eastern Pequot Tribal Nation**, as a sovereign entity and its officers, employees, agents, and agencies shall have immunity from suit. No action in law or equity may be commenced or prosecuted against the tribe, or agents thereof, without the written consent of the Tribal Council.

## ARTICLE XVII

### MEMBERSHIP MEETINGS

Section 1. Annual Meeting. The Tribal Council shall call an annual meeting of all members of the tribe. This meeting shall be held on the fourth Saturday of July.

Section 2. General/Special/Membership Meetings. The Tribal Council shall provide members with at least ten (10) days written notice of all general and special meetings.

(a) Tribal Council shall convene at least nine (9) membership meetings per year.

## ARTICLE XVIII

### SAVING CLAUSE

In the event any provisions of the Constitution or the application thereof to any person or circumstances is held invalid, the remainder of the Constitution shall not be affected thereby and to this, the provisions of this Constitution are declared to be servable.

## ARTICLE XIX

### ADOPTION OF THE CONSTITUTION

This Constitution shall be submitted for approval and adoption by the members of the **Eastern Pequot Tribal Nation**. All eligible voting members of the Tribe shall be called upon thirty (30) days prior written notice, specifying the purpose of the vote. This Constitution shall be deemed approved and adopted upon receiving an affirmative vote by a majority of votes cast by the eligible voting members of the Tribe.

## ARTICLE XX

### AMENDMENTS

This Constitution shall only be amended by a three (3) step process:

1. A proposed amendment shall be initiated by the Tribal Council, a standing tribal committee, or a member/or members. The initiator must submit a petition with signatures of not less than ten percent (10%) of the voting members as determined by the membership roll at the time of the preceding annual meeting. A petition shall be submitted on or before March 1<sup>st</sup> of the year in which it is to go to referendum.
2. A general/special meeting shall be called not less than thirty (30) days, nor more than sixty (60) days following the submission of the proposed amendment. The proposed amendment shall receive at least a two-thirds (2/3) affirmative vote of the eligible voting members present at the general/special meeting in order to go to referendum at the annual meeting. A quorum of at least ten percent (10%) of the eligible voting membership shall be required at the general/special meeting.

3. The amendment shall be deemed accepted upon the receipt of at least a two-thirds (2/3) affirmative vote of those eligible voting members at the annual meeting.

The amendment process shall be in a manner that shall be prescribed in a Tribal Amendment Ordinance, as may from time to time be amended.

## **ARTICLE XXI**

### **INITIATIVE**

A proposed initiative shall entail a two (2) step process:

1. A proposed initiative shall be commenced by the Tribal Council, a standing tribal committee or eligible voting member/members. The initiator shall submit a petition, signed by at least ten percent (10%) of the eligible voting members of the Tribe, as determined by the membership roll at the time of the preceding annual meeting.
2. A general/special meeting shall be scheduled not less than thirty (30) days following the submission of the petition. The proposed initiative must receive at least a two-thirds (2/3) affirmative vote of the eligible members present at a public general/special meeting in order to warrant further action, which may include an investigation, redress, referral for disciplinary proceedings, recall election, referendum or such other action as the body may deem appropriate. A quorum of at least ten percent (10%) of the eligible voting members shall be required at the general/special meeting.

Section 1. Recall and Referendum. Any action calling for a removal of office or a recall election, pursuant to Section 1 of this article, shall require an affirmative vote of at least two-thirds (2/3) of the eligible voting members, in a properly noticed election held in accordance with the provisions of the Tribal Election Ordinance.

Section 2. Redress. A tribal member or members, may seek any lawful remedial action upon meeting the requirements of Section 1 of this Article.

Section 3. Referendum.

- a. Any action calling for referendum, pursuant to Section 1 of this Article, shall be in accordance with the provisions of the

Tribal Election Ordinance and the Tribal Voting Ordinance. Any action will require an affirmative vote by a majority of those eligible voting members, in a properly noticed vote.

- b. Any proposed constitutionally mandated ordinance, whether initiated by the Tribal Council or the Tribe, shall require an affirmative vote, by the majority of the eligible voting members, voting at a properly noticed vote.
- c. Any referendum initiated pursuant to any provision of this Constitution, shall require an affirmative vote by a majority of those eligible members, voting in a properly noticed vote.

## ARTICLE XXII

### USE OF THE TRIBAL NAME

It shall be prohibited, without prior expressed written approval of the Tribal Council, to use any name, trademark, or other symbol depicting, identifying or in any manner, representing the **Eastern Pequot Tribal Nation**, for whatever purpose, including commercial or philanthropic usage.

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Tribal Membership of the Eastern Pequot Tribal Nation  
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