

Schaghticoke
Indian
Tribe

RECEIVED

NOV 0 1 2022

DO/OS/AS-IA/OFA
Washington, DC

Schaghticoke Indian Tribe

COMMENTS OF THE SCHAGHTICOKE INDIAN TRIBE IN RESPONSE TO THE
PETITION PROCESS FOR SCHAGHTICOKE PETITION # 401

The Schaghticoke Indian Tribe (“SIT”) hereby submits these comments as part of the process of its Petition # 401 and the regulatory process conducted by the Department of Interior’s Office of Federal Acknowledgment (“OFA”) pursuant to 25 Code of Federal Regulations Part 83. The deadline for SIT’s comments is November 1, 2022.

The Schaghticoke Indian Tribe is pleased that the initial public comment period for its federal acknowledgment petition has concluded and SIT has found nothing in them preventing the Department of Interior from determining the Schaghticoke Indian Tribe is an American Indian tribe pursuant to 25 C.F.R. Part 83. The Schaghticoke Indian Tribe may properly petition the Department pursuant the Department’s earlier October 11, 2005 Revised Final Determination rejecting the Schaghticoke Tribal Nation’s petition and where it ruled “Since those SIT members known to have been involved in STN in the recent past are not currently members of STN, the regulatory prohibition against repetition by a group already considered (83.10(p)) would not apply to SIT, based on the information about the group currently available.” RFD at 64. Moreover, the Schaghticoke Indian Tribe’s enrolled membership is separate and distinct from the membership roll submitted by the Schaghticoke Tribal Nation. Therefore, it is not a component or faction of the previously rejected petitioner.

The collection of individuals calling itself the Schaghticoke Tribal Nation (“STN”) was rejected as an acknowledged American Indian tribe by the Department on October 11, 2005. It may not repetition for acknowledgment. In fact, the Department of Interior issued a notice of proposed rulemaking on April 27, 2022, reaffirming its regulatory provision prohibiting repetitions from rejected entities.

The Schaghticoke Indian Tribe, the true historical tribe of Schaghticoke Indians of the Kent reservation and adjacent area, has already submitted an extensive Petition documenting its historical descendency to the pre-1900 historic Schaghticoke Tribe. Moreover, the OFA office also has a long history, extensive evidence and familiarity with issues related to the Schaghticoke Indian Tribe. The SIT’s enrollment records and Petition are designed to stand on their own as the true reservation based Tribe. As such, legal doctrines like res judicata and collateral estoppel from administrative and court decisions involving the rejected Petition of STN do not apply to SIT since they are separate entities. Similarly, positions taken by the United States regarding the Schaghticoke United States Court of Claims filings are not dispositive since those positions were not adopted by the Court of Claims and occurred prior to the publication of the Part 83 regulations.

SIT understands there is always a value for technical assistance from OFA and the Phase I review is designed to provide such assistance. SIT looks forward to such assistance as the regulatory process progresses. In that regard, and while not required, SIT has provided an updated revised 2022 Constitution to these comments. The Constitution has been updated to replace the prior Clan structure of governance to one based on a Tribal council selected from the entire adult membership. A copy of the revised Constitution is attached.

Alan Russell
Chairman
Schaghticoke Indian Tribe



Schaghticoke
Indian
Tribe

RECEIVED

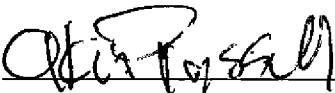
NOV 01 2022

DO/OS/AS-IA/OFA
Washington, DC


Allan Russell/Tribal Chairman
Deborah Richards/Vice Chairman
Jason Lamb/Council Member
Mark Beatty/Council Member
Jeff Kilson/Council member

Tribal Council Resolution

This resolution of the governing body of the Schaghticoke Indian Tribe (SIT) authorizes the transmittal of requested Certifications to the SIT membership approving amendments to the SIT Constitution.

Tribal Chairman/Chief:  10/1/22
Signature: Date:

Co-Chairman: _____
Signature: Date:

Council person:  10/4/22
Signature: Date:

Council person: _____
Signature: Date:

Council person: _____
Signature: Date:



Schaghticoke
Indian
Tribe

RECEIVED

NOV 01 2022

DOYOS/AS-IA/OFA
Washington, DC

Allan Russell/Tribal Chairman
Deborah Richards/Vice Chairman
Jason Lamb/Council Member
Mark Beatty/Council Member
Jeff Kilson/Council member

Tribal Council Resolution

This resolution of the governing body of the Schaghticoke Indian Tribe (SIT) authorizes the transmittal of requested Certifications to the SIT membership approving amendments to the SIT Constitution.

Tribal Chairman/Chief: Alan Russell

Signature:

Oct 1 2022-

Date:

Co-Chairman: _____

Signature:

Date:

Council person: _____

Signature:

Date:

Council person: _____

Signature:

Date:

Council person: _____

Signature:

Date:



Schaghticoke
Indian
Tribe

RECEIVED

Allan Russell/Tribal Chairman
Deborah Richards/Vice Chairman
Jason Lamb/Council Member
Mark Beatty/Council Member
Jeff Kilson/Council member

NOV 01 2022

DOI/OS/AS-IA/OFA
Washington, DC

Tribal Council Resolution

This resolution of the governing body of the Schaghticoke Indian Tribe (SIT) authorizes the transmittal of requested Certifications to the SIT membership approving amendments to the SIT Constitution.

Tribal Chairman/Chief: Allan Russell OCT 2 2022
Signature: Date:

X Co-Chairman: Dwain A. Hill 10-10-22
Signature: Date:

Council person: _____
Signature: Date:

Council person: _____
Signature: Date:

Council person: _____
Signature: Date:



Schaghticoke
Indian
Tribe

Allan Russell/Tribal Chairman
Deborah Richards/Vice Chairman
Jason Lamb/Council Member
Mark Beatty/Council Member
Jeff Kilson/Council member

Tribal Council Resolution

This resolution of the governing body of the Schaghticoke Indian Tribe (SIT) authorizes the transmittal of requested Certifications to the SIT membership approving amendments to the SIT Constitution.

Tribal Chairman/Chief: Alan Russell 10/2/22
Signature: Date:

Co-Chairman: _____
Signature: Date:

Council person: Mark Beatty 10/9/22
Signature: Date:

Council person: _____
Signature: Date:

Council person: _____
Signature: Date:



Schaghticoke Indian Tribe

Allan Russell/Tribal Chairman
Deborah Richards/Vice Chairman
Jason Lamb/Council Member
Mark Beatty/Council Member
Jeff Kilson/Council member

NOV 01 2022
DOIC/AS-IA/OFA
Washington, DC

Tribal Council Resolution

This resolution of the governing body of the Schaghticoke Indian Tribe (SIT) authorizes the transmittal of requested Certifications to the SIT membership approving amendments to the SIT Constitution.

Tribal Chairman/Chief: Alan Russell 10/2/22
Signature: Date:

Co-Chairman: Jason Lamb OCT 10 2022
Signature: Date:

Council person: _____
Signature: Date:

Council person: _____
Signature: Date:

Council person: _____
Signature: Date:



Schaghticoke
Indian
Tribe

RECEIVED

NOV 01 2022

DOI/OS/AS-IA/OFA
Washington, DC

Allan Russell/Tribal Chairman
Deborah Richards/Vice Chairman
Jason Lamb/Council Member
Mark Beatty/Council Member
Jeff Kilson/Council member

THE CONSTITUTION OF THE SCHAGHTICOKE INDIAN TRIBE

PREAMBLE:

We, the people of the Schaghticoke Indian Tribe, (SIT) hereby adopt this Constitution in order to: Promote the common good and well-being of the SIT; Protect and preserve our culture and traditions including our language, arts and crafts, and archeological sites; Protect our land, water and natural resources; Promote and protect the health and welfare of our people; Encourage and promote educational opportunities for members of the SIT; Foster economic development; Protect the individual rights of our members; Acquire additional lands for the benefit of the SIT; Promote self-government and ensure the political integrity of the SIT; Preserve, secure and exercise all the inherent sovereign rights and powers of an Indian Tribe.

ARTICLE I- TERRITORY AND JURISDICTION:

Section 1. Territory.

The territory of the Schaghticoke Indian Tribe, (SIT) shall include, to the fullest extent possible consistent with applicable law, all lands, water, property, airspace, surface rights, subsurface rights and other natural resources in which the SIT now or in the future has any interest, which are owned now or in the future by the SIT or by the United States or the State of Connecticut for the exclusive or non-exclusive benefit of the SIT or for individual SIT members, or which are located within the boundaries of the reservation now existing in Kent, Connecticut or which may be established for the SIT, notwithstanding the issuance of any right-of-way.

Section 2. Jurisdiction.

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

ARTICLE II – DESIGNATION OF FAMILY CLANS:

The Schaghticoke Indian Tribe shall continue to be comprised of members who are direct descendants from one or more of the historical Schaghticoke core families that trace their origins to the 1 Schaghticoke ancestors from at least 1884. SIT shall be governed by a five (5) member Council.

ARTICLE III - MEMBERSHIP:

Section 1. Criteria for Enrollment:

Any person who can document their direct descent from one or more of the SIT recognized families are entitled to be enrolled as a member of the SIT.

Section 2. Enrollment:

The SIT Council shall have the responsibility of implementing the enrollment ordinance as referred to in section 3.

Section 3. Enrollment Ordinance:

The SIT Council shall enact ordinances which will specify the procedures which must be followed by any person who is applying for SIT membership. Upon initial adoption of a membership ordinance, no subsequent membership ordinance adoption or amendment shall be effective unless it is approved by a minimum of three-fourths majority of the SIT five (5) member council.

Section 4. Limitation:

No person shall qualify for membership in the SIT who is a member of any other organized tribe, band or Indian community, whether or not it is recognized by the Secretary of the Interior or the State of Connecticut, unless he or she has relinquished in writing his or her membership in such tribe, band or community.

Section 5. Transfer of Membership.

Membership in the SIT is not transferable or assignable.

Section 6. Resignation and Removal.

A member may resign at any time by written notice filed with the SIT Secretary. A SIT member may be removed at any time, with cause, by the affirmative vote of a minimum of three-fourths majority of the SIT Council, and a member shall be removed, upon clear and convincing evidence, presented to the SIT Council, that such person does not meet the criteria for membership as set forth in Section 1 of this Article **III**.

Section 7. Loss of Membership.

All relinquishments of membership in the SIT shall be done in writing in accordance with the procedures established by an enrollment ordinance. The SIT Council shall remove from the SIT membership roll the name of any person who voluntarily relinquishes his or her membership in the SIT in accordance with such procedures. Any member of the SIT who is or becomes a member of any other organized tribe, band, or Indian community shall be disenrolled by the SIT Council in accordance with the procedures established by an enrollment ordinance.

Section 8. Reinstatement.

Any person, who relinquishes his or her membership in the SIT or who has been disenrolled from the SIT pursuant to Section 8 above, shall be reinstated as a member of the SIT by the Tribal Council in accordance with the provisions of the enrollment ordinance.

Section 9. Voting.

Each enrolled member of the SIT, who is at least eighteen (18) years of age, shall be entitled to one vote upon each matter submitted to a vote at a meeting of members. At all meetings of members, a member may vote in person, by fax, electronic email or teleconferencing. Elections of SIT Council members may be conducted by mail, fax, electronic email or teleconferencing in accordance with Article VIII.

Section 10. Meetings.

The annual meeting of the SIT members, beginning with the year 2022, shall be

held in September of each year at the office of the SIT, or at such other place and at such time as may be provided by resolution of the SIT Council. Special meetings of the SIT members may be held at any time by the call of the SIT Council or by members having 35% of the votes entitled to be cast at such meeting. Special meetings shall be held at the office of the SIT, or at such other place as may be provided by resolution of the SIT Council.

Section 11. Notice of Meetings.

Written notice to each SIT member entitled to vote stating the place, day and hour of the meeting, and in case of a special meeting, stating the purpose or purposes for which the meeting is called, shall be mailed and postmarked not less than five (5) days before the date of the meeting or emailed to all SIT members who have an email address on file with the SIT Office and will be at the direction of the SIT Council Secretary.

Section 12. Quorum.

Members holding 30% of the votes entitled to be cast represented in person, or by teleconferencing at a meeting of the SIT membership, at which time eligible voters from not less than a majority of the SIT with members enrolled are represented in person or by teleconferencing shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the votes present or by teleconferencing within the SIT shall be the vote of the entire SIT. The vote of the majority of the SIT present or by teleconferencing shall be necessary for the adoption or decline of any matter voted upon by the SIT members, unless a greater proportion is required by law or this Constitution.

Section 13. Membership Roll.

The SIT Council shall maintain a membership roll of all current and former tribal members.

ARTICLE IV - CIVIL RIGHTS:

Section 1. Civil Rights Generally.

The SIT Council, in the exercise of its sovereign powers of self-government, shall not:

(a) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the SIT people peaceably to assemble and to petition for redress of grievances;

(b) violate the right of the SIT 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 person or thing to be seized;

(c) subject any SIT person for the same offense to be twice put in jeopardy;

(d) compel any SIT person in any criminal case to be a witness against himself,

(e) take any private property for a public use without just compensation;

(f) deny to any SIT 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 them, to have compulsory process for obtaining witnesses in their favor, and at their own expense to have the assistance of counsel for their defense and to have these rights explained at the time of arrest;

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

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

(i) pass any bill of attainder or ex post facto law, or

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

Section 2. Full Disclosure and Equal Opportunity.

The members of the SIT are guaranteed full disclosure of information concerning

the governance of the SIT and an equal opportunity to participate in all SIT programs and business activities. This Article shall be interpreted liberally and shall favor disclosure.

Section 3. Rights of Members:

In furtherance of the basic principles stated in Section 2 of this Article, the SIT Council shall:

(a) permit SIT members to attend any meeting in which SIT business or governance is being discussed, except those meetings wherein personnel or membership matters are being resolved.

(b) allow the opportunity to inspect all audit reports which examine the financial condition of the SIT, including but not limited to, annual audits of funds expended to benefit the SIT or any audit done in connection with a SIT enterprise or any partnership in which the SIT may be involved.

(c) SIT members shall have the right to inspect any and all employment or consulting contracts which have been entered into between the SIT and individuals covered by these contracts.

Section 4. Claims:

The SIT Council shall hear all claims arising under the provisions of this Article unless a SIT court system is adopted by the SIT.

ARTICLE V - THE SIT COUNCIL

Section 1. The SIT Council.

The governing power of the Schaghticoke Indian Tribe shall be vested in the tribal council, which shall be known as the SIT Council (Tribal Council). Each SIT Council member shall be an enrolled member of the SIT. The current Council shall be for a four (4) year term and then elected each two years after. (2026).

Section 2. Terms of Office.

The terms of office for all SIT Council members, shall be four (4) years or until their successors are duly elected and installed in office, except that those persons holding any SIT office at the time this Constitution is adopted shall continue in office until the next annual general membership meeting to be held in 2003, at which time one seat from each Clan shall expire and that council seat shall be filled in accordance with Article VIII. There shall be no limitations on serving consecutive terms on the SIT Council. Each SIT Council member must continue to meet the Clan affiliation requirements set forth above for his or her respective SIT Council seat during his or her term of office. The term of the office of Chairman, Vice Chairman, Secretary and Treasurer shall be for two (2) years or until their successors are duly elected and installed in office. Nominations and elections of SIT officers shall be every two (2) years at the annual meeting of the SIT Council beginning in 2024.

Section 3. Annual Meetings.

The annual meeting of the SIT Council shall be held without other notice than this Constitution immediately following and at the same place as the annual meeting of members, or at such other place and at such time as may be determined by the SIT Council.

Section 4. Regular Meetings.

The SIT Council shall hold regular meetings at such place and at such times as may be designated by resolution of the SIT Council without other notice than such resolution. All SIT Council meetings shall be open to all members of the SIT.

Section 5. Special Meetings.

Special meetings of the SIT Council may be held at any time on the call of the Chairman or at the request in writing of any three (3) members of the SIT Council or thirty-five per cent (35%) of voting SIT members. Special meetings of the SIT Council may be held at such place as shall be specified or fixed in the call for such meeting or notice thereof.

Section 6. Notice of Meetings.

Notice of each special meeting shall be delivered by or at the direction of the Secretary to each SIT Council member at least five (5) days before the day on which the meeting is to be held. Notice may be waived in writing by a SIT Council member, either before or after the meeting. Attendance of a SIT Council member at any meeting shall constitute a waiver of notice of such meeting, except where the SIT Council member attends the meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at, or the purpose of any special meeting of the SIT Council must be specified in the notice or waiver of notice of such meeting.

Section 7. Quorum.

A majority of the members of the SIT Council shall constitute a quorum for any regular or special SIT Council meeting. A quorum of at least three SIT Council members present is required at all meetings in order to conduct official business of the SIT Council

Section 8. Participation at Meetings by Conference Telephone.

SIT Council members may participate in and act at any meeting of the SIT Council through the use of a conference telephone or other communications equipment by means of which all persons participating in the meeting can communicate with each other. Participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating .

Section 9. Voting.

The SIT Council shall make decisions by a majority vote of those present, except as otherwise provided in this Constitution or in an ordinance which requires more than a majority vote. All SIT Council members shall have the power to vote. Proxy voting shall be prohibited.

Section 10. Minutes of Meetings.

At each regular or special meeting of the SIT Council the Secretary of the SIT or another appointed person shall take minutes of the meeting, and a copy of the

minutes shall be preserved by the SIT Secretary and published on the official SIT web site within thirty, (30) days thereof.

Section 11. Code of Ethics.

The SIT Council shall have the power to adopt a Code of Ethics governing the conduct of SIT officials. The Code of Ethics may include disciplinary procedures so long as the official in question is informed of the charges and given an opportunity to respond to those charges, including the opportunity to present witnesses and other evidence in his or her defense.

ARTICLE VI - POWERS OF THE TRIBAL COUNCIL

The SIT Council shall have all powers vested in the SIT through its inherent sovereignty or federal law. It shall execute these powers in accordance with established customs of the SIT and subject to the express limitations contained in this Constitution or other applicable laws. These powers include, but are not limited to, the following:

- (a) to represent the SIT and act in all matters that concern the welfare of the SIT, and to make decisions not inconsistent with or contrary to this Constitution;
- (b) to negotiate and enter into contracts with federal, state, local and tribal governments, and with individuals, associations, corporations, enterprises or organizations;
- (c) to purchase or accept any land or property for and on behalf of the SIT;
- (d) to enact laws regulating the use, disposition and inheritance of all property within the territory of the SIT;
- (e) to prevent or veto the sale, disposition, lease or encumbrance of SIT lands, interests in land, SIT funds or other SIT assets;
- (f) to employ legal counsel in accordance with applicable laws;
- (g) to enact laws regulating the domestic relations of persons within the

jurisdiction of the SIT in accordance with applicable laws;

(h) to enact a law and order code governing the conduct of persons within the jurisdiction of the SIT in accordance with applicable laws;

(i) to levy and collect taxes, duties, fees and assessments in accordance with applicable laws;

(j) to appropriate and regulate the use of SIT funds in accordance with an annual budget approved by the SIT Council;

(k) to regulate all business activities within the jurisdiction of the SIT, and to manage all SIT economic affairs and enterprises,

(l) to regulate all matters and to take all actions necessary to preserve and safeguard the health, safety, welfare and political integrity of the SIT and its members;

(m) to appoint subordinate committees, commissions, boards, SIT officers and employees, and to set their compensation, tenure and duties;

(n) to enact laws, ordinances and resolutions necessary or incidental to the exercise of its legislative powers, and

(o) to take any and all actions necessary and proper for the exercise of the foregoing powers and duties, including those powers and duties not enumerated above, and for all Official Schaghticoke Indian Tribe Website other powers and duties now or hereafter delegated to the SIT Council or vested in the SIT by applicable law or through its inherent sovereignty.

ARTICLE VII - THE SIT ADMINISTRATION

Section 1. SIT Administration.

The SIT Council shall select from within its members (i) a Chairman, (ii) a Vice Chairman, (iii) a Secretary, (iv) a Treasurer, and (v) such other officers and committees as the SIT Council may deem necessary or appropriate from time to

time. The SIT officers shall oversee the administration of the SIT business and shall supervise the day-to-day operations of the SIT. The SIT officers shall be subordinate to the SIT Council.

Section 2. Duties of the Officers.

The duties of the Chairman, Vice Chairman and the other officers shall be established by ordinance enacted by the SIT Council.

Section 3. Resignation.

Any SIT officer may resign at any time by giving written notice to the SIT Council or to the Chairman or Secretary of the SIT. Such resignation shall take effect when the notice is delivered unless the notice specifies a future date; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 4. Removal.

Any of the officers of the SIT may be removed by the SIT Council in accordance with Article IX Section 2 of this Constitution. Election or appointment of an officer shall not of itself create any contract rights.

Section 5. Vacancies.

Any vacancy in any office because of death, resignation, removal, disqualification or any other cause shall be filled by the SIT Council at an annual or regular meeting or at a special meeting called for such purpose.

ARTICLE VIII - ELECTIONS

Section 1. General Elections.

General elections to vote for SIT Council members shall be held in odd numbered years on the 3rd Sunday of July beginning in 2003. Election of SIT Council members shall be staggered so that no more than half of the SIT Council seats shall be up for election at any one time.

Section 2. Special Elections.

Special elections shall be held when called for by the SIT Council, by this Constitution, or by the voters, as provided for in this Constitution or appropriate ordinances.

Section 3. The First Election.

The first election of SIT Council members under this Constitution shall be held on the 3rd Sunday of July, 2003. The incumbent Chairman, Vice Chairman and other tribal

Official Schaghticoke Indian Tribe Web Site officials of the Tribe as of the date of the adoption of this Constitution shall remain in office until the general election to be held in September 2026. At the first election one representative from each of the Clans, which at the time has eligible voters enrolled in the SIT, shall be elected to the SIT Council. The seat of the second representative from each Clan on the SIT Council shall remain occupied until the election to be held in September 2026. The candidates from each Clan receiving the highest number of votes of the eligible voters from said Clan for each vacant SIT Council seat in the first election shall be declared the winners and shall serve four (4) year terms until the general election to be held in September 2026. The first election under this Constitution shall be held in accordance with all other applicable provisions of this Constitution and applicable ordinances.

Section 4. Nominations.

For all elections of SIT Council members the SIT Council shall accept nominations signed by at least three eligible voters from each Clan to nominate a SIT member as a candidate for each SIT Council seat to be filled by a representative of such Clan. The SIT Council shall mail to all eligible tribal voters advance notice of the date of the election at least thirty (30) days prior to the election. Any SIT person may not be nominated as a candidate for more than one seat.

Section 5. Qualifications for SIT Council.

Persons nominated to run for SIT Council seats must be enrolled tribal members who are at least eighteen (18) years of age on or before the date of the election, and they must meet the requirements set forth in Article II for at least one (1) year prior to the date of the election. No person may run for a SIT Council seat who has served twelve (12) or more consecutive months in any federal, state or tribal jail or prison within the past two years.

Section 6. Eligible Voters.

All SIT members who are eighteen (18) years or older shall be eligible to vote.

Section 7. Ballots.

All voting at regular and special elections shall be done by secret written ballot. Voting by mail and absentee ballot shall be provided for by the election ordinance. The ordinance shall require that such ballots be made available to eligible voting members sufficiently in advance of any election to permit cast ballots to be submitted to the SIT Council prior to the scheduled date of the election. Ballots so submitted by mail or email shall be counted along with ballots cast in person at the polls.

Section 8. Election Results.

The SIT Council shall certify the results of an election within three (3) days after the Election Day and published on the official SIT website within thirty, (30) days the elections. For each Clan the candidate receiving the highest number of votes for each available seat to be filled by a representative from said Clan shall be declared the winner of said seat.

Section 9. Oath of Office.

The oath of office for each newly elected SIT Council member shall be administered by the SIT Council within thirty (30) days after the SIT Council declares the winner of a seat.

Section 10. Election Ordinance.

The SIT Council shall enact an election ordinance consistent with this Constitution which covers all necessary procedures for all elections.

Section 11. Council Elections.

The future elections of SIT Council members under this Constitution shall remain the same as it is presently on January 1, 2009. The incumbent Chairman, Vice Chairman, Secretary and other SIT Council members of the SIT as of the before mention date shall remain in office until the general election to be held in September 2026. At this election all participating Clans are asked to elect one of their members to the council and one alternate/substitute, which at the time has eligible voters enrolled in the SIT, and shall be elected to the SIT Council.

ARTICLE IX - RESIGNATION, REMOVAL, RECALL AND VACANCY

Section 1. Resignations.

Any SIT Council member may resign at any time by giving written notice to the SIT Council, the Chairman or the Secretary of the SIT. Such resignation shall take effect when the notice is delivered unless the notice specifies a future date; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. All resignations from the SIT Council shall be done in writing

Section 2. Removal.

The SIT Council shall review and a decision will be made by the Chairman and two other council members for removal of a SIT Council member for

(a) final conviction of a felony by any tribal, federal, or state court while serving on the SIT Council.

(b) converting SIT property or monies for personal use;

(c) failing to attend four (4) regular or special meetings consecutively without good cause;

(d) violation of the Code of Ethics.

In all proceedings the SIT Council member in question shall be afforded full due process rights, including a written statement of the charges, the right to respond to those charges and the right to present witnesses and other evidence in his or her defense. The time limit for appeals will be thirty, (30) days from the mailing of a disciplinary actions. The decision of the SIT Council shall be final. A SIT Council member removed from office must wait at least five (5) years from the official date of removal to run for office again.

Section 3. Recall.

Any adult SIT member may initiate recall proceedings against any SIT Council member by filing a written request with the SIT Council, provided, that a recall proceeding may not be initiated against any SIT Council member whose term expires within six (6) months. After receipt of the written request, the SIT Council shall issue official petition forms to the SIT member who initiated the recall. The SIT member shall have sixty (60) days to collect the signatures from thirty percent (30%) of the eligible voters within a majority of the Clans. Individual petitions shall be circulated for each SIT Council member who is subject to recall. A maximum of three (3) Tribal Council members may be recalled at a time. The Tribal Council shall verify the signatures on a recall petition within ten (10) days of receipt of the petition. If the tribal member seeking recall has collected the required number of signatures in the allotted time, then the Tribal Council shall hold a recall meeting within sixty (60) days of the receipt of the petition. Notice of the recall meeting shall be mailed and or emailed to eligible tribal voters at least thirty (30) days prior to the recall meeting. The person initiating the recall and the person subject to recall shall be given a reasonable opportunity to speak and present evidence at the recall meeting. A minimum of three fourths (75%) of the Clans with a majority vote within each shall be necessary to recall a council member provided that at least thirty percent (30%) of the eligible voters actually vote at the recall meeting. The recall meeting shall be held in accordance with the provisions of an election ordinance, which shall include a section on recall procedures.

Section 4. Vacancies.

Any vacancy occurring on the SIT Council, or any SIT Council seat to be filled by reason of the enrollment in the SIT of eligible voters not then represented on the SIT Council, may be filled by a special election of the eligible voters for that purpose, which shall be conducted in accordance with the applicable enrollment ordinance. Each SIT Council member elected to fill a vacancy shall hold office for the unexpired term of his or her predecessor in office.

ARTICLE X - LAND

The SIT Council shall have the authority to establish land policies, adopt a land use ordinance and otherwise regulate land within the territory of the SIT in accordance with applicable law.

ARTICLE - I - INITIATIVE AND REFERENDUM

Section 1. Initiative.

The SIT Council shall submit any proposed ordinance or resolution, except those regarding land or housing to popular initiative upon petition of at least thirty percent (30%) of the eligible voters of the SIT, or upon the request of the majority of the members of the SIT Council. The initiative election shall be held within sixty (60) days after receipt of the qualifying number of petition signatures or the SIT Council request. The two-thirds vote of the qualified voters within each clan of the SIT voting at an election called for that purpose, provided, also that three-fifths of the clans vote in favor of such initiative.

Section 2. Referendum.

The SIT Council shall submit any enacted ordinance, resolution or other official action of the SIT Council, except those regarding land or housing to popular referendum upon petition of at least thirty percent (30%) of the eligible voters of the SIT or upon the Official Schaghticoke Indian Tribe Web Site request of the majority of the members of the SIT Council. The referendum election shall be held within sixty (60) days after the receipt of the qualifying number of petition signatures or the SIT Council request. The two-thirds vote of the qualified voters within each clan of the SIT voting at an election called for that purpose, provided, also that three-fifths

of the clans vote in favor of such a referendum.

Section 3. Procedures.

Initiative and referendum elections shall be conducted by the SIT Council and shall be held in accordance with the provisions of an election ordinance which shall include a section on initiative and referendum procedures.

ARTICLE X-I - ORDINANCES AND RESOLUTIONS

Section 1. Resolutions.

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

Section 2. Ordinances.

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

ARTICLE XI-I - SOVEREIGN IMMUNITY

The SIT shall be immune from suit, except to the extent that the SIT Council expressly waives the SIT sovereign immunity, or as provided by this Constitution.

ARTICLE X-V - GENERAL MEETINGS

The SIT Council shall call at least one (1) general meeting per year of all the eligible voters of the SIT to identify and discuss important tribal matters.

ARTICLE -V - AMENDMENTS

This Constitution may be amended by a two-thirds vote of the qualified SIT voters at an election called for that purpose, provided that three-fifths of the SIT vote in favor of such amendment(s).

ARTICLE X-I - SAVINGS CLAUSE

All enactments of the SIT adopted before the effective date of this Constitution shall continue in full force and effect to the extent that they are consistent with this Constitution.

ARTICLE XV-I - ADOPTION OF CONSTITUTION

This Constitution has been adopted by the Schaghticoke Indian Tribe (SIT) Council and shall be effective from the date listed above.

AMENDMENTS TO THIS CONSTITUTION: Updated: February 14, 2009

Constitutional Amendments:

- 1.- Change all words, (Tribal) to SIT through out the document.
- 2.- Article II Designation of Family Clans; Line four: omit the word and number eight (8), add the word and number nine (9) Line five; omit the words Indian nation and add the words The SIT Line six; omit the word and number eight (8), add the word and number nine (9) Line eight, omit the word and number two (2), add the word and number one (1), Line three: add the original ancestors from at least 1884 to the changes
3. - Article III Section 9. Voting; Line three add the words, (by fax, electronic email or Teleconferencing) Line four add the words, (fax, electronic email or teleconferencing)
4. - Article III Section 11. Notice of Meetings; Line three add the words, (or emailed to all SIT members who have an email address on file with the SIT Office and will be)
5. - Article IV Section 1, Civil Rights, (f); Line two change the word (him) to (them), change the word (his) to (their), change the next word (his) (their), next line change the word (his) to (their)
6. - Article V Section 1. The SIT Council; Line three change the words and number

from two (2) to one (1), also add the words (when ever possible)

7. - Article V Section 7. Quorum; Line two add the words, (of at least three SIT Council Members present)

8. - Article V Section 10. Minutes of Meetings; Line three add the words, (and published on the official SIT website within thirty, (30) days thereof.)

9. - Article VI Powers of the SIT Council; (c) add the words (for and on the behalf of)

10.-Article VIII Elections, Section 5; Line five add the words (within the past two years

Section 8; Line two add the words (and published on the official SIT website within thirty, (30) days the elections)

11.-Article IX Resignation, Removal, Recall and Vacancy; Section 2, Remove the words The Tribal Council may suspend a Tribal Council member charged with a felony pending the outcome of the trial and any appeals. Also remove the words: under Section 1(a) or 1(b) above, Also add the words: The time limit for appeals will be thirty, (30) days from the mailing of a disciplinary actions. Section 3, Line12 add the words (and or emailed)

12.-Article XVII Adoption of Constitution; CHANGE TO READ, (This Constitution Official Schaghticoke Indian Tribe Web Site has been adopted by the Schaghticoke Indian Tribe (SIT) Council and shall be effective from the date listed above.)

Amendments to This Constitution: Updated September 2022

1. Article II- Designation of Family Clans; Line two add the word (Schaghticoke), change (family) to (families), remove clans. Line three remove the following paragraph: For the purpose of enrollment in the SIT, voting and representation on the SIT Council the nine (9) recognized family

Clans are as follows: Bradley, Bunker, Chickens, Cogswell, Kilson, Mauwee, Phillips, Sowarrow, and Rice. The SIT will consist of one Tribe of nine (9) Clans, each with a representative totem animal. The totem animal for each Clan by SIT law shall always be referred to using the Algonquin language name. Each Clan that has voting members enrolled in the SIT shall have one (1) representative on the SIT Council. Clans shall be maintained by the female line of descent. Children born of parents from different Clans within the SIT by tribal law will belong to the Clan of their mother. Children born of a father who is an enrolled member of the SIT and a mother from an Indian tribe other than the SIT who choose to enroll their children in the SIT shall by tribal law be members of a Clan approved by the SIT Council in accordance with the enrollment ordinance. Children born of a father who is an enrolled member of the SIT and a non Indian mother by tribal law shall belong to the Clan of their father. Evidence of DNA in relation to said Father and genealogical descent from one of the core Clans can be presented in accordance with Article III and an enrollment ordinance adopted by the SIT, in accordance with Section 3 of Article III. Line three add SIT shall be governed by a five (5) member Council.

2. Article III- Membership; Section 1: Criteria for Enrollment, line two remove (Clans) and replace with (families)

Section 3: Enrollment Ordinance, line five after SIT add (five (5) member), and capitalize Council

Section 10: Meetings, line one replace (2002) with (2022), line two remove (at the hour of 11am on the third Sunday in July) replace with (in September 2022).

Section 11: Notice of Meetings, line three remove (20) replace with five (5)

3. Article V- Section 1: The SIT Council, line two remove (The SIT Council shall consist of one (1) representative from each of the Clans when ever possible, which at the time has eligible voters enrolled as members of the SIT. Each SIT Council member shall be an enrolled member of the SIT. The

eligible voters from each of the Clans represented in the SIT shall elect from among the members of their respective Clans their representative to the SIT Council in accordance with this Constitution) replace with (The current Council shall be __ for a four (4) year term and then elected each two years after. (2026).

Section 2: Terms of Office, line four remove (2003, at which time one seat from each Clan shall expire) replace with (2026), line five, capitalize Council, line seven remove Each SIT Council member must continue to meet the Clan affiliation requirements set forth above for his or her respective SIT Council seat during his or her term of office, line thirteen replace 2003 with 2024.

Section 6: Notice of Meetings, line two replace ten (10) with five (5).

4. Article VIII- Elections: Section 3- The First Election, line five replace July,2003 to September 2026, line eight replace July, 2005 with September 2026, line nine remove (from each Clan), line eleven replace July,2007 with September 2026.

Section 4: Nominations, line two remove (from each Clan)

Section 10: Election Ordinance, line one capitalize Constitution

Section 11: Council Election, line four change July, 2010 to September, 2026, line six remove (The seat of the second alternate/substitute representative from each Clan on the SIT Council will be used if the first voted in member cannot attend any SIT Council meetings. The second Clan seat will always be used as just an alternate or substitute when necessary. These seats shall remain occupied until the election to be held in July, 2012. The candidates from each Clan receiving the highest number of votes of the eligible voters shall serve four (4) year terms until the general election to be held in July, 2014. All elections under this Constitution will be held in accordance with all other applicable provisions of this Constitution and applicable ordinances.)

Article IX- Resignation, Removal, Recall and Vacancy, Section 2: Removal, capitalize Chairman

Section 4: Vacancies, line two remove (affiliated with a Clan).

13.- Article-VIII - Elections; (ADD SECTION 11; The election of SIT Council members under this Constitution shall remain the same as it is on ~~January 1, 2009~~ September 2022. The incumbent Chairman, Vice Chairman and other SIT officials of the SIT as of the date of the adoption of this Constitution shall remain in office until the general election to be held in ~~July, 2010~~ September 2026. ~~At this election all participating Clans are asked to elect one of their members to the council and one alternate/substitute, which at the time has eligible voters enrolled in the SIT, and shall be elected to the SIT Council. The seat of the second alternate/substitute representative from each Clan on the SIT Council shall remain occupied until the election to be held in July, 2012. The candidates receiving the highest number of votes of the eligible voters shall serve four (4) year terms until the general election to be held in July, 2014.~~ All elections under this Constitution will be held in accordance with all other applicable provisions of this Constitution and applicable ordinances.)



Schaghticoke
Indian
Tribe

RECEIVED

NOV 01 2022

DO/OS/AS-IA/OFA
Washington, DC

Allan Russell/Tribal Chairman
Deborah Richards/Vice Chairman
Jason Lamb/Council Member
Mark Beatty/Council Member
Jeff Kilson/Council member

THE CONSTITUTION OF THE SCHAGHTICOKE INDIAN TRIBE

PREAMBLE:

We, the people of the Schaghticoke Indian Tribe, (SIT) hereby adopt this Constitution in order to: Promote the common good and well-being of the SIT; Protect and preserve our culture and traditions including our language, arts and crafts, and archeological sites; Protect our land, water and natural resources; Promote and protect the health and welfare of our people; Encourage and promote educational opportunities for members of the SIT; Foster economic development; Protect the individual rights of our members; Acquire additional lands for the benefit of the SIT; Promote self-government and ensure the political integrity of the SIT; Preserve, secure and exercise all the inherent sovereign rights and powers of an Indian Tribe.

ARTICLE I- TERRITORY AND JURISDICTION:

Section 1. Territory.

The territory of the Schaghticoke Indian Tribe, (SIT) shall include, to the fullest extent possible consistent with applicable law, all lands, water, property, airspace, surface rights, subsurface rights and other natural resources in which the SIT now or in the future has any interest, which are owned now or in the future by the SIT or by the United States or the State of Connecticut for the exclusive or non-exclusive benefit of the SIT or for individual SIT members, or which are located within the boundaries of the reservation now existing in Kent, Connecticut or which may be established for the SIT, notwithstanding the issuance of any right-of-way.

Section 2. Jurisdiction.

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

ARTICLE II – DESIGNATION OF FAMILY CLANS:

The Schaghticoke Indian Tribe shall continue to be comprised of members who are direct descendants from one or more of the historical Schaghticoke core families that trace their origins to the 1 Schaghticoke ancestors from at least 1884. SIT shall be governed by a five (5) member Council. ~~For the purpose of enrollment in the SIT, voting and representation on the SIT Council the nine (9) recognized family Clans are as follows: Bradley, Bunker, Chickens, Cogswell, Kilson, Mauwee, Phillips, Sowarrow, and Rice. The SIT will consist of one Tribe of nine (9) Clans, each with a representative totem animal. The totem animal for each Clan by SIT law shall always be referred to using the Algonquin language name. Each Clan that has voting members enrolled in the SIT shall have one (1) representative on the SIT Council. Clans shall be maintained by the female line of descent. Children born of parents from different Clans within the SIT by tribal law will belong to the Clan of their mother. Children born of a father who is an enrolled member of the SIT and a mother from an Indian tribe other than the SIT who choose to enroll their children in the SIT shall by tribal law be members of a Clan approved by the SIT Council in accordance with the enrollment ordinance. Children born of a father who is an enrolled member of the SIT and a non Indian mother by tribal law shall belong to the Clan of their father. Evidence of DNA in relation to said Father and genealogical descent from one of the core Clans can be presented in accordance with Article III and an enrollment ordinance adopted by the SIT, in accordance with Section 3 of Article III.~~

ARTICLE III - MEMBERSHIP:

Section 1. Criteria for Enrollment:

Any person who can document their direct descent from one or more of the SIT recognized families ~~Clans~~ are entitled to be enrolled as a member of the SIT.

Section 2. Enrollment:

The SIT Council shall have the responsibility of implementing the enrollment ordinance as referred to in section 3.

Section 3. Enrollment Ordinance:

The SIT Council shall enact ordinances which will specify the procedures which must be followed by any person who is applying for SIT membership. Upon initial adoption of a membership ordinance, no subsequent membership ordinance adoption or amendment shall be effective unless it is approved by a minimum of three-fourths majority of the SIT five (5) member council.

Section 4. Limitation:

No person shall qualify for membership in the SIT who is a member of any other organized tribe, band or Indian community, whether or not it is recognized by the Secretary of the Interior or the State of Connecticut, unless he or she has relinquished in writing his or her membership in such tribe, band or community.

Section 5. Transfer of Membership.

Membership in the SIT is not transferable or assignable.

Section 6. Resignation and Removal.

A member may resign at any time by written notice filed with the SIT Secretary. A SIT member may be removed at any time, with cause, by the affirmative vote of a minimum of three-fourths majority of the SIT Council, and a member shall be removed, upon clear and convincing evidence, presented to the SIT Council, that such person does not meet the criteria for membership as set forth in Section 1 of this Article **III**.

Section 7. Loss of Membership.

All relinquishments of membership in the SIT shall be done in writing in accordance with the procedures established by an enrollment ordinance. The SIT Council shall remove from the SIT membership roll the name of any person who voluntarily relinquishes his or her membership in the SIT in accordance with such procedures. Any member of the SIT who is or becomes a member of any other organized tribe, band, or Indian community shall be disenrolled by the SIT Council

in accordance with the procedures established by an enrollment ordinance.

Section 8. Reinstatement.

Any person, who relinquishes his or her membership in the SIT or who has been disenrolled from the SIT pursuant to Section 8 above, shall be reinstated as a member of the SIT by the Tribal Council in accordance with the provisions of the enrollment ordinance.

Section 9. Voting.

Each enrolled member of the SIT, who is at least eighteen (18) years of age, shall be entitled to one vote upon each matter submitted to a vote at a meeting of members. At all meetings of members, a member may vote in person, by fax, electronic email or teleconferencing. Elections of SIT Council members may be conducted by mail, fax, electronic email or teleconferencing in accordance with Article VIII.

Section 10. Meetings.

The annual meeting of the SIT members, beginning with the year ~~2002~~ 2022, shall be held ~~at the hour of 11 a.m. on the third Sunday in July~~ in September of each year at the office of the SIT, or at such other place and at such time as may be provided by resolution of the SIT Council. Special meetings of the SIT members may be held at any time by the call of the SIT Council or by members having 35% of the votes entitled to be cast at such meeting. Special meetings shall be held at the office of the SIT, or at such other place as may be provided by resolution of the SIT Council.

Section 11. Notice of Meetings.

Written notice to each SIT member entitled to vote stating the place, day and hour of the meeting, and in case of a special meeting, stating the purpose or purposes for which the meeting is called, shall be mailed and postmarked not less than five (5) ~~(20)~~ days before the date of the meeting or emailed to all SIT members who have an email address on file with the SIT Office and will be at the direction of the SIT Council Secretary.

Section 12. Quorum.

Members holding 30% of the votes entitled to be cast represented in person, or by teleconferencing at a meeting of the SIT membership, at which time eligible voters from not less than a majority of the SIT with members enrolled are represented in person or by teleconferencing shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the votes present or by teleconferencing within the SIT shall be the vote of the entire SIT. The vote of the majority of the SIT present or by teleconferencing shall be necessary for the adoption or decline of any matter voted upon by the SIT members, unless a greater proportion is required by law or this Constitution.

Section 13. Membership Roll. The SIT Council shall maintain a membership roll of all current and former tribal members.

ARTICLE IV - CIVIL RIGHTS:

Section 1. Civil Rights Generally.

The SIT Council, in the exercise of its sovereign powers of self-government, shall not:

- (a) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the SIT people peaceably to assemble and to petition for redress of grievances;
- (b) violate the right of the SIT 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 person or thing to be seized;
- (c) subject any SIT person for the same offense to be twice put in jeopardy;
- (d) compel any SIT person in any criminal case to be a witness against himself,
- (e) take any private property for a public use without just compensation;
- (f) deny to any SIT 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 them, to have compulsory process for obtaining witnesses in their favor, and at their own expense to have the assistance of counsel for their defense and to have these rights explained at the time of arrest;

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

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

(i) pass any bill of attainder or ex post facto law, or

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

Section 2. Full Disclosure and Equal Opportunity.

The members of the SIT are guaranteed full disclosure of information concerning the governance of the SIT and an equal opportunity to participate in all SIT programs and business activities. This Article shall be interpreted liberally and shall favor disclosure.

Section 3. Rights of Members:

In furtherance of the basic principles stated in Section 2 of this Article, the SIT Council shall:

(a) permit SIT members to attend any meeting in which SIT business or governance is being discussed, except those meetings wherein personnel or membership matters are being resolved.

(b) allow the opportunity to inspect all audit reports which examine the financial condition of the SIT, including but not limited to, annual audits of funds expended to benefit the SIT or any audit done in connection with a SIT enterprise or any partnership in which the SIT may be involved.

(c) SIT members shall have the right to inspect any and all employment or consulting contracts which have been entered into between the SIT and individuals covered by these contracts.

Section 4. Claims:

The SIT Council shall hear all claims arising under the provisions of this Article unless a SIT court system is adopted by the SIT.

ARTICLE V - THE SIT COUNCIL

Section 1. The SIT Council.

The governing power of the Schaghticoke Indian Tribe shall be vested in the tribal council, which shall be known as the SIT Council (Tribal Council). ~~The SIT Council shall consist of one (1) representative from each of the Clans when ever possible, which at the time has eligible voters enrolled as members of the SIT. Each SIT Council member shall be an enrolled member of the SIT. The eligible voters from each of the Clans represented in the SIT shall elect from among the members of their respective Clans their representative to the SIT Council in accordance with this Constitution.~~ The current Council shall be for a four (4) year term and then elected each two years after. (2026).

Section 2. Terms of Office.

The terms of office for all SIT Council members, shall be four (4) years or until their successors are duly elected and installed in office, except that those persons holding any SIT office at the time this Constitution is adopted shall continue in office until the next annual general membership meeting to be held in 2003, at which time one seat from each Clan shall expire and that council seat shall be filled in accordance with Article VIII. There shall be no limitations on serving consecutive terms on the SIT Council. Each SIT Council member must continue to meet the Clan affiliation requirements set forth above for his or her respective SIT Council seat during his or her term of office. The term of the office of Chairman, Vice Chairman, Secretary and Treasurer shall be for two (2) years or until their successors are duly elected and installed in office. Nominations and elections of

SIT officers shall be every two (2) years at the annual meeting of the SIT Council beginning in 2003. 2024

Section 3. Annual Meetings.

The annual meeting of the SIT Council shall be held without other notice than this Constitution immediately following and at the same place as the annual meeting of members, or at such other place and at such time as may be determined by the SIT Council.

Section 4. Regular Meetings.

The SIT Council shall hold regular meetings at such place and at such times as may be designated by resolution of the SIT Council without other notice than such resolution. All SIT Council meetings shall be open to all members of the SIT.

Section 5. Special Meetings.

Special meetings of the SIT Council may be held at any time on the call of the Chairman or at the request in writing of any three (3) members of the SIT Council or thirty-five per cent (35%) of voting SIT members. Special meetings of the SIT Council may be held at such place as shall be specified or fixed in the call for such meeting or notice thereof.

Section 6. Notice of Meetings.

Notice of each special meeting shall be delivered by or at the direction of the Secretary to each SIT Council member at least ~~ten (10)~~ five (5) days before the day on which the meeting is to be held. Notice may be waived in writing by a SIT Council member, either before or after the meeting. Attendance of a SIT Council member at any meeting shall constitute a waiver of notice of such meeting, except where the SIT Council member attends the meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at, or the purpose of any special meeting of the SIT Council must be specified in the notice or waiver of notice of such meeting.

Section 7. Quorum.

A majority of the members of the SIT Council shall constitute a quorum for any regular or special SIT Council meeting. A quorum of at least three SIT Council members present is required at all meetings in order to conduct official business of the SIT Council

Section 8. Participation at Meetings by Conference Telephone.

SIT Council members may participate in and act at any meeting of the SIT Council through the use of a conference telephone or other communications equipment by means of which all persons participating in the meeting can communicate with each other. Participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating .

Section 9. Voting.

The SIT Council shall make decisions by a majority vote of those present, except as otherwise provided in this Constitution or in an ordinance which requires more than a majority vote. All SIT Council members shall have the power to vote. Proxy voting shall be prohibited.

Section 10. Minutes of Meetings.

At each regular or special meeting of the SIT Council the Secretary of the SIT or another appointed person shall take minutes of the meeting, and a copy of the minutes shall be preserved by the SIT Secretary and published on the official SIT web site within thirty, (30) days thereof.

Section 11. Code of Ethics.

The SIT Council shall have the power to adopt a Code of Ethics governing the conduct of SIT officials. The Code of Ethics may include disciplinary procedures so long as the official in question is informed of the charges and given an opportunity to respond to those charges, including the opportunity to present witnesses and other evidence in his or her defense.

ARTICLE VI - POWERS OF THE TRIBAL COUNCIL

The SIT Council shall have all powers vested in the SIT through its inherent sovereignty or federal law. It shall execute these powers in accordance with established customs of the SIT and subject to the express limitations contained in this Constitution or other applicable laws. These powers include, but are not limited to, the following:

- (a) to represent the SIT and act in all matters that concern the welfare of the SIT, and to make decisions not inconsistent with or contrary to this Constitution;
- (b) to negotiate and enter into contracts with federal, state, local and tribal governments, and with individuals, associations, corporations, enterprises or organizations;
- (c) to purchase or accept any land or property for and on behalf of the SIT;
- (d) to enact laws regulating the use, disposition and inheritance of all property within the territory of the SIT;
- (e) to prevent or veto the sale, disposition, lease or encumbrance of SIT lands, interests in land, SIT funds or other SIT assets;
- (f) to employ legal counsel in accordance with applicable laws;
- (g) to enact laws regulating the domestic relations of persons within the jurisdiction of the SIT in accordance with applicable laws;
- (h) to enact a law and order code governing the conduct of persons within the jurisdiction of the SIT in accordance with applicable laws;
- (i) to levy and collect taxes, duties, fees and assessments in accordance with applicable laws;
- (j) to appropriate and regulate the use of SIT funds in accordance with an annual budget approved by the SIT Council;

(k) to regulate all business activities within the jurisdiction of the SIT, and to manage all SIT economic affairs and enterprises,

(l) to regulate all matters and to take all actions necessary to preserve and safeguard the health, safety, welfare and political integrity of the SIT and its members;

(m) to appoint subordinate committees, commissions, boards, SIT officers and employees, and to set their compensation, tenure and duties;

(n) to enact laws, ordinances and resolutions necessary or incidental to the exercise of its legislative powers, and

(o) to take any and all actions necessary and proper for the exercise of the foregoing powers and duties, including those powers and duties not enumerated above, and for all Official Schaghticoke Indian Tribe Website other powers and duties now or hereafter delegated to the SIT Council or vested in the SIT by applicable law or through its inherent sovereignty.

ARTICLE VII - THE SIT ADMINISTRATION

Section 1. SIT Administration.

The SIT Council shall select from within its members (i) a Chairman, (ii) a Vice Chairman, (iii) a Secretary, (iv) a Treasurer, and (v) such other officers and committees as the SIT Council may deem necessary or appropriate from time to time. The SIT officers shall oversee the administration of the SIT business and shall supervise the day-to-day operations of the SIT. The SIT officers shall be subordinate to the SIT Council.

Section 2. Duties of the Officers.

The duties of the Chairman, Vice Chairman and the other officers shall be established by ordinance enacted by the SIT Council.

Section 3. Resignation.

Any SIT officer may resign at any time by giving written notice to the SIT Council or to the Chairman or Secretary of the SIT. Such resignation shall take effect when the notice is delivered unless the notice specifies a future date; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 4. Removal.

Any of the officers of the SIT may be removed by the SIT Council in accordance with Article IX Section 2 of this Constitution. Election or appointment of an officer shall not of itself create any contract rights.

Section 5. Vacancies.

Any vacancy in any office because of death, resignation, removal, disqualification or any other cause shall be filled by the SIT Council at an annual or regular meeting or at a special meeting called for such purpose.

ARTICLE VIII - ELECTIONS

Section 1. General Elections.

General elections to vote for SIT Council members shall be held in odd numbered years on the 3rd Sunday of July beginning in 2003. Election of SIT Council members shall be staggered so that no more than half of the SIT Council seats shall be up for election at any one time.

Section 2. Special Elections.

Special elections shall be held when called for by the SIT Council, by this Constitution, or by the voters, as provided for in this Constitution or appropriate ordinances.

Section 3. The First Election.

The first election of SIT Council members under this Constitution shall be held on the 3rd Sunday of July, 2003. The incumbent Chairman, Vice Chairman and other

tribal

Official Schaghticoke Indian Tribe Web Site officials of the Tribe as of the date of the adoption of this Constitution shall remain in office until the general election to be held in ~~July, 2003~~ September 2026. At the first election one representative from each of the Clans, which at the time has eligible voters enrolled in the SIT, shall be elected to the SIT Council. The seat of the second representative from each Clan on the SIT Council shall remain occupied until the election to be held in ~~July, 2005~~ September 2026. The candidates from each Clan receiving the highest number of votes of the eligible voters from said Clan for each vacant SIT Council seat in the first election shall be declared the winners and shall serve four (4) year terms until the general election to be held in ~~July, 2007~~ September 2026. The first election under this Constitution shall be held in accordance with all other applicable provisions of this Constitution and applicable ordinances.

Section 4. Nominations.

For all elections of SIT Council members the SIT Council shall accept nominations signed by at least three eligible voters from each Clan to nominate a SIT member as a candidate for each SIT Council seat to be filled by a representative of such Clan. The SIT Council shall mail to all eligible tribal voters advance notice of the date of the election at least thirty (30) days prior to the election. Any SIT person may not be nominated as a candidate for more than one seat.

Section 5. Qualifications for SIT Council.

Persons nominated to run for SIT Council seats must be enrolled tribal members who are at least eighteen (18) years of age on or before the date of the election, and they must meet the ~~Clan-affiliation~~ requirements set forth in Article II for at least one (1) year prior to the date of the election. No person may run for a SIT Council seat who has served twelve (12) or more consecutive months in any federal, state or tribal jail or prison within the past two years,

Section 6. Eligible Voters.

All SIT members who are eighteen (18) years or older shall be eligible to vote.

Section 7. Ballots.

All voting at regular and special elections shall be done by secret written ballot. Voting by mail and absentee ballot shall be provided for by the election ordinance. The ordinance shall require that such ballots be made available to eligible voting members sufficiently in advance of any election to permit cast ballots to be submitted to the SIT Council prior to the scheduled date of the election. Ballots so submitted by mail or email shall be counted along with ballots cast in person at the polls.

Section 8. Election Results.

The SIT Council shall certify the results of an election within three (3) days after the Election Day and published on the official SIT website within thirty, (30) days the elections. For each Clan the candidate receiving the highest number of votes for each available seat to be filled by a representative from said Clan shall be declared the winner of said seat.

Section 9. Oath of Office.

The oath of office for each newly elected SIT Council member shall be administered by the SIT Council within thirty (30) days after the SIT Council declares the winner of a seat.

Section 10. Election Ordinance.

The SIT Council shall enact an election ordinance consistent with this Constitution which covers all necessary procedures for all elections.

Section 11. Council Elections.

The future elections of SIT Council members under this Constitution shall remain the same as it is presently on January 1, 2009. The incumbent Chairman, Vice Chairman, Secretary and other SIT Council members of the SIT as of the before mention date shall remain in office until the general election to be held in ~~July,~~ 2010-September 2026. At this election all participating Clans are asked to elect one of their members to the council and one alternate/substitute, which at the time has

eligible voters enrolled in the SIT, and shall be elected to the SIT Council. ~~The seat of the second alternate/substitute representative from each Clan on the SIT Council will be used if the first voted in member cannot attend any SIT Council meetings. The second Clan seat will always be used as just an alternate or substitute when necessary. These seats shall remain occupied until the election to be held in July, 2012. The candidates from each Clan receiving the highest number of votes of the eligible voters shall serve four (4) year terms until the general election to be held in July, 2014. All elections under this Constitution will be held in accordance with all other applicable provisions of this Constitution and applicable ordinances.~~

ARTICLE IX - RESIGNATION, REMOVAL, RECALL AND VACANCY

Section 1. Resignations.

Any SIT Council member may resign at any time by giving written notice to the SIT Council, the Chairman or the Secretary of the SIT. Such resignation shall take effect when the notice is delivered unless the notice specifies a future date; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. All resignations from the SIT Council shall be done in writing

Section 2. Removal.

The SIT Council shall review and a decision will be made by the Chairman and two other council members for removal of a SIT Council member for

- (a) final conviction of a felony by any tribal, federal, or state court while serving on the SIT Council.
- (b) converting SIT property or monies for personal use;
- (c) failing to attend four (4) regular or special meetings consecutively without good cause;
- (d) violation of the Code of Ethics.

In all proceedings the SIT Council member in question shall be afforded full due process rights, including a written statement of the charges, the right to respond to those charges and the right to present witnesses and other evidence in his or her defense. The time limit for appeals will be thirty, (30) days from the mailing of a disciplinary actions. The decision of the SIT Council shall be final. A SIT Council member removed from office must wait at least five (5) years from the official date of removal to run for office again.

Section 3. Recall.

Any adult SIT member may initiate recall proceedings against any SIT Council member by filing a written request with the SIT Council, provided, that a recall proceeding may not be initiated against any SIT Council member whose term expires within six (6) months. After receipt of the written request, the SIT Council shall issue official petition forms to the SIT member who initiated the recall. The SIT member shall have sixty (60) days to collect the signatures from thirty percent (30%) of the eligible voters within a majority of the Clans. Individual petitions shall be circulated for each SIT Council member who is subject to recall. A maximum of three (3) Tribal Council members may be recalled at a time. The Tribal Council shall verify the signatures on a recall petition within ten (10) days of receipt of the petition. If the tribal member seeking recall has collected the required number of signatures in the allotted time, then the Tribal Council shall hold a recall meeting within sixty (60) days of the receipt of the petition. Notice of the recall meeting shall be mailed and or emailed to eligible tribal voters at least thirty (30) days prior to the recall meeting. The person initiating the recall and the person subject to recall shall be given a reasonable opportunity to speak and present evidence at the recall meeting. A minimum of three fourths (75%) of the Clans with a majority vote within each shall be necessary to recall a council member provided that at least thirty percent (30%) of the eligible voters actually vote at the recall meeting. The recall meeting shall be held in accordance with the provisions of an election ordinance, which shall include a section on recall procedures.

Section 4. Vacancies.

Any vacancy occurring on the SIT Council, or any SIT Council seat to be filled by

reason of the enrollment in the SIT of eligible voters ~~affiliated with a Clan~~ not then represented on the SIT Council, may be filled by a special election of the eligible voters of such ~~Clan~~ called for that purpose, which shall be conducted in accordance with the applicable enrollment ordinance. Each SIT Council member elected to fill a vacancy shall hold office for the unexpired term of his or her predecessor in office.

ARTICLE X "LAND"

The SIT Council shall have the authority to establish land policies, adopt a land use ordinance and otherwise regulate land within the territory of the SIT in accordance with applicable law.

ARTICLE - I - INITIATIVE AND REFERENDUM

Section 1. Initiative.

The SIT Council shall submit any proposed ordinance or resolution, except those regarding land or housing to popular initiative upon petition of at least thirty percent (30%) of the eligible voters of the SIT, or upon the request of the majority of the members of the SIT Council. The initiative election shall be held within sixty (60) days after receipt of the qualifying number of petition signatures or the SIT Council request. The two-thirds vote of the qualified voters within each clan of the SIT voting at an election called for that purpose, provided, also that three-fifths of the clans vote in favor of such initiative.

Section 2. Referendum.

The SIT Council shall submit any enacted ordinance, resolution or other official action of the SIT Council, except those regarding land or housing to popular referendum upon petition of at least thirty percent (30%) of the eligible voters of the SIT or upon the Official Schaghticoke Indian Tribe Web Site request of the majority of the members of the SIT Council. The referendum election shall be held within sixty (60) days after the receipt of the qualifying number of petition signatures or the SIT Council request. The two-thirds vote of the qualified voters within each clan of the SIT voting at an election called for that purpose, provided, also that three-fifths

of the clans vote in favor of such a referendum.

Section 3. Procedures.

Initiative and referendum elections shall be conducted by the SIT Council and shall be held in accordance with the provisions of an election ordinance which shall include a section on initiative and referendum procedures.

ARTICLE X-I - ORDINANCES AND RESOLUTIONS

Section 1. Resolutions.

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

Section 2. Ordinances.

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

ARTICLE XI-I - SOVEREIGN IMMUNITY

The SIT shall be immune from suit, except to the extent that the SIT Council expressly waives the SIT sovereign immunity, or as provided by this Constitution.

ARTICLE X-V - GENERAL MEETINGS

The SIT Council shall call at least one (1) general meeting per year of all the eligible voters of the SIT to identify and discuss important tribal matters.

ARTICLE -V - AMENDMENTS

This Constitution may be amended by a two-thirds vote of the qualified SIT voters at an election called for that purpose, provided that three-fifths of the SIT vote in favor of such amendment(s).

ARTICLE X-I - SAVINGS CLAUSE

All enactments of the SIT adopted before the effective date of this Constitution shall continue in full force and effect to the extent that they are consistent with this Constitution.

ARTICLE XV-I - ADOPTION OF CONSTITUTION

This Constitution has been adopted by the Schaghticoke Indian Tribe (SIT) Council and shall be effective from the date listed above. **AMENDMENTS TO THIS CONSTITUTION:** Updated: February 14, 2009

Constitutional Amendments:

- 1.- Change all words, (Tribal) to SIT through out the document.
- 2.- Article II Designation of Family Clans; Line four: omit the word and number eight (8), add the word and number nine (9) Line five; omit the words Indian nation and add the words The SIT Line six; omit the word and number eight (8), add the word and number nine (9) Line eight, omit the word and number two (2), add the word and number one (1), Line three: add the original ancestors from at least 1884 to the changes
3. - Article III Section 9. Voting; Line three add the words, (by fax, electronic email or Teleconferencing) Line four add the words, (fax, electronic email or teleconferencing)
4. - Article III Section 11. Notice of Meetings; Line three add the words, (or emailed to all SIT members who have an email address on file with the SIT Office and will be)
5. - Article IV Section 1, Civil Rights, (f); Line two change the word (him) to (them), change the word (his) to (their), change the next word (his) (their), next line change the word (his) to (their)
6. - Article V Section 1. The SIT Council; Line three change the words and number from two (2) to one (1), also add the words (when ever possible)

7. - Article V Section 7. Quorum; Line two add the words, (of at least three SIT Council

Members present)

8. - Article V Section 10. Minutes of Meetings; Line three add the words, (and published on the official SIT website within thirty, (30) days thereof.)

9. - Article VI Powers of the SIT Council; (c) add the words (for and on the behalf of)

10.-Article VIII Elections, Section 5; Line five add the words (within the past two years

Section 8; Line two add the words (and published on the official SIT website within thirty, (30) days the elections)

11.-Article IX Resignation, Removal, Recall and Vacancy; Section 2, Remove the words The Tribal Council may suspend a Tribal Council member charged with a felony pending the outcome of the trial and any appeals. Also remove the words: under Section 1(a) or 1(b) above, Also add the words: The time limit for appeals will be thirty, (30) days from the mailing of a disciplinary actions. Section 3, Line12 add the words (and or emailed)

12.-Article XVII Adoption of Constitution; CHANGE TO READ, (This Constitution Official Schaghticoke Indian Tribe Web Site has been adopted by the Schaghticoke Indian Tribe (SIT) Council and shall be effective from the date listed above.)

Amendments to This Constitution: Updated September 2022

1. Article II- Designation of Family Clans; Line two add the word (Schaghticoke), change (family) to (families), remove clans. Line three remove the following paragraph: For the purpose of enrollment in the SIT, voting and representation on the SIT Council the nine (9) recognized family Clans are as follows: Bradley, Bunker, Chickens, Cogswell, Kilson, Mauwee, Phillips, Sowarrow, and Rice. The SIT will consist of one Tribe of

nine (9) Clans, each with a representative totem animal. The totem animal for each Clan by SIT law shall always be referred to using the Algonquin language name. Each Clan that has voting members enrolled in the SIT shall have one (1) representative on the SIT Council. Clans shall be maintained by the female line of descent. Children born of parents from different Clans within the SIT by tribal law will belong to the Clan of their mother. Children born of a father who is an enrolled member of the SIT and a mother from an Indian tribe other than the SIT who choose to enroll their children in the SIT shall by tribal law be members of a Clan approved by the SIT Council in accordance with the enrollment ordinance. Children born of a father who is an enrolled member of the SIT and a non Indian mother by tribal law shall belong to the Clan of their father. Evidence of DNA in relation to said Father and genealogical descent from one of the core Clans can be presented in accordance with Article III and an enrollment ordinance adopted by the SIT, in accordance with Section 3 of Article III. Line three add SIT shall be governed by a five (5) member Council.

2. Article III- Membership; Section 1: Criteria for Enrollment, line two remove (Clans) and replace with (families)

Section 3: Enrollment Ordinance, line five after SIT add (five (5) member), and capitalize Council

Section 10: Meetings, line one replace (2002) with (2022), line two remove (at the hour of 11am on the third Sunday in July) replace with (in September 2022).

Section 11: Notice of Meetings, line three remove (20) replace with five (5)

3. Article V- Section 1: The SIT Council, line two remove (The SIT Council shall consist of one (1) representative from each of the Clans when ever possible, which at the time has eligible voters enrolled as members of the SIT. Each SIT Council member shall be an enrolled member of the SIT. The eligible voters from each of the Clans represented in the SIT shall elect from among the members of their respective Clans their representative to the SIT

Council in accordance with this Constitution) replace with (The current Council shall be __ for a four (4) year term and then elected each two years after. (2026).

Section 2: Terms of Office, line four remove (2003, at which time one seat from each Clan shall expire) replace with (2026), line five, capitalize Council, line seven remove Each SIT Council member must continue to meet the Clan affiliation requirements set forth above for his or her respective SIT Council seat during his or her term of office, line thirteen replace 2003 with 2024.

Section 6: Notice of Meetings, line two replace ten (10) with five (5).

4. Article VIII- Elections: Section 3- The First Election, line five replace July,2003 to September 2026, line eight replace July, 2005 with September 2026, line nine remove (from each Clan), line eleven replace July,2007 with September 2026.

Section 4: Nominations, line two remove (from each Clan)

Section 10: Election Ordinance, line one capitalize Constitution

Section 11: Council Election, line four change July, 2010 to September, 2026, line six remove (The seat of the second alternate/substitute representative from each Clan on the SIT Council will be used if the first voted in member cannot attend any SIT Council meetings. The second Clan seat will always be used as just an alternate or substitute when necessary. These seats shall remain occupied until the election to be held in July, 2012. The candidates from each Clan receiving the highest number of votes of the eligible voters shall serve four (4) year terms until the general election to be held in July, 2014. All elections under this Constitution will be held in accordance with all other applicable provisions of this Constitution and applicable ordinances.)

Article IX- Resignation, Removal, Recall and Vacancy, Section 2: Removal,

capitalize Chairman

Section 4: Vacancies, line two remove (affiliated with a Clan).

13.- Article-VIII - Elections; (ADD SECTION 11; The election of SIT Council members under this Constitution shall remain the same as it is on ~~January 1, 2009~~ September 2022. The incumbent Chairman, Vice Chairman and other SIT officials of the SIT as of the date of the adoption of this Constitution shall remain in office until the general election to be held in ~~July, 2010~~ September 2026. ~~At this election all participating Clans are asked to elect one of their members to the council and one alternate/substitute, which at the time has eligible voters enrolled in the SIT, and shall be elected to the SIT Council. The seat of the second alternate/substitute representative from each Clan on the SIT Council shall remain occupied until the election to be held in July, 2012. The candidates receiving the highest number of votes of the eligible voters shall serve four (4) year terms until the general election to be held in July, 2014.~~ All elections under this Constitution will be held in accordance with all other applicable provisions of this Constitution and applicable ordinances.)

ALAN RUSSELL
PO BOX 111
Kent, CT
06757

RECEIVED

NOV 01 2022

DOVOS/AS-IA/OFA
Washington, DC



USPS TRACKING® #



9505 5119 8897 2299 1356 84



DEPARTMENT of The Interior
Office of the Assistant Secretary
Indian Affairs
Office of Federal Acknowledgment
Mail stop 4071 Mib
1449 C Street NW,
Washington DC

 **UNITED STATES
POSTAL SERVICE.**

Retail

P

US POSTAGE PAID

\$9.40

Origin: 06755
10/26/22
0827200755-10

PRIORITY MAIL®

0 Lb 9.80 Oz

1004

EXPECTED DELIVERY DAY: 10/28/22

**SHIP
TO:**

WASHINGTON DC 20240

Wm Russell
PO BOX 11
LITCHFIELD CT
06757

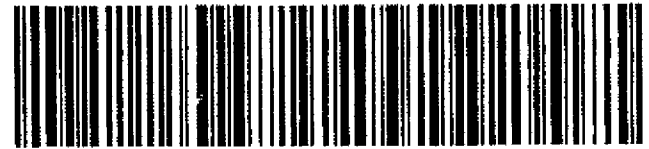
RECEIVED

NOV 01 2022

DOI/OS/AS-IA/OFA
Washington, DC



USPS TRACKING® #



9505 5119 8897 2299 1356 84



DEPARTMENT OF THE INTERIOR
OFFICE OF THE ASSISTANT SECRETARY
INDIAN AFFAIRS
OFFICE OF FEDERAL ACKNOWLEDGMENT
MAIL STOP 4071 NIB
1849 C STREET NW,
WASHINGTON DC

DEPARTMENT OF INTERIOR
OFFICE OF THE SECRETARY MAILROOM

CONTROLLED MAIL LOG: USPS

_____ U.P.S.

_____ FEDEX

_____ OTHER

DATE: 10/31/2022

FLOOR 4th

BUILDING _____

CONTROL NUMBER	ADDRESSEE		DATE	TIME	RECEIVED BY DIRECTOR SERVICES
	NAME (PRINT)	MAIL STOP			
9374889733015599520799	CYNTHIA KELLY	4061	10/31/2022	1:55	Cynthia Kelly
9374889733015602106408					
9374889733015607671192					
9510815074222302556294	ASSISTANT Secre.	4660	10/31/2022	1:58	Heathrow News
9374889733015562412496					
70181930000209260517	BIA	4606			
9114901189866775277693					
9205590243473038815444	Assist Secretary	4650			
9361289733015459055164	CYNTHIA KELLY	4061	10/31/2022	1:53	Signature
9361289733015445679477					
9361289733015459509951					
9505511988972299135684	Federal Acknowledg.	4071	10/31/2022	2:00	Cheng Franck

NAME OF COURIER: Damian Starks
PRINT

Damian Starks
Signature

10/31/2022
DATE

2:00
TIME