

## PREAMBLE (PROPOSED)

We, the citizens of the four confederated bands, Čawî', Kitkehaki, Pîtahawirâta and Ckiri of the Pawnee Nation, with faith in Atî'as Tirawâhat, abounding pride in our culture, and determination to promote our cultural, social, economic, and political advancement, and in exercise of our inherent sovereign authority, do solemnly ordain and adopt this Constitution of the Pawnee Nation.

**NOTES: The Pawnee Nation consists of four confederated bands:**

- Čawî' (Chauí / "Grand")
- Kitkehaki (Kitkehahki / "Republican")
- Pîtahawirâta (Pitahawirata / "Tappage")
- Ckiri (Skidi / "Wolf")

**The Preamble outlines the Nation's intent to advance its cultural, social, economic, and political interests through its inherent sovereign authority. It specifically invokes faith in Atî'as Tirawâhat (the Supreme Being or "Father Above").**

## ARTICLE I – NAME (PROPOSED)

The name of this Sovereign Nation shall be the "Pawnee Nation."

**NOTES: This provision establishes the formal name of the entity as the "Pawnee Nation," explicitly emphasizing its status as a Sovereign Nation.**

## ARTICLE II – PURPOSE (PROPOSED)

**Section 1.** To secure for the Pawnee Nation and its citizens all rights, powers, privileges and benefits of a sovereign nation.

**NOTES:**

**Terminology Shift:** The word "members" is replaced by "citizens" throughout the document to emphasize national identity over organizational membership.

**Removal of "of Oklahoma":** Consistent with Article I, the reference to "Oklahoma" is removed to emphasize the Nation's inherent sovereign authority, rather than a state-based designation.

**Section 2.** To establish its Jurisdiction and Powers.

(A) The governmental powers of the Pawnee Business Council, acting for the sovereign Pawnee Nation shall extend to all persons, and all real and personal property including, but not limited to, lands and other natural and cultural resources, and all waters and air space, within Indian Country and other lands over which the Pawnee Nation has jurisdiction.

**NOTES: Key Components of Section 2(A):**

**Comprehensive Scope:** The power extends to all persons and all property (real and personal) within the Nation's territory, over which the Pawnee Nation has jurisdiction.

**Natural Resources:** It explicitly includes natural and cultural resources, ensuring the Nation can protect its heritage and environment.

**Environmental Sovereignty:** By naming all waters and air space, the Nation asserts its right to regulate environmental quality, such as water rights and air emissions, within its borders.

**Geographic Definition:** It applies to all Indian Country and any other lands where the Pawnee Nation holds jurisdiction, providing a flexible legal foundation for future land acquisitions or jurisdictional claims.

(B) The Pawnee Nation is empowered to maintain and operate under the laws of the U.S., the Pawnee Nation, and its judicial systems to protect the peace, safety, health, and welfare of the citizens of the Pawnee Nation, provided the concepts of separation of powers is maintained.

**NOTES: Key Elements of Section 2(B):**

**Legal Framework:** It grants the Nation authority to operate under a combined framework of U.S. law, Pawnee Nation law, and the Nation's own judicial systems.

**Protection Mandate:** The primary purpose of this authority is to safeguard the peace, safety, health, and welfare of its citizens.

**Separation of Powers:** This is a crucial "check" included in the text. It ensures that while the Nation has broad powers to protect its people, those powers must be exercised through a balanced government structure where the legislative/executive (Pawnee Business Council) and judicial branches remain distinct.

**Why is "Separation of Powers" Included?**

By embedding this concept directly into the "Purpose" Article, the Pawnee Nation ensures that no single branch of government can override the others when enforcing laws or protecting the public. This provides a constitutional guarantee of due process and fairness for all citizens.

(C) The Constitution is the supreme law of the Pawnee Nation and to all persons subject to its jurisdiction. The Pawnee Business Council and all governmental bodies shall exercise their power in a manner consistent with the provisions of this Constitution.

**NOTES: Key Functions of Section 2(C):**

**Supreme Legal Standing.** It establishes that the Constitution is the highest authority within the Pawnee Nation, overriding any conflicting Tribal ordinances or administrative policies.

**Binding Mandate.** It explicitly commands the Pawnee Business Council and all other Tribal entities to operate strictly within the boundaries set by the Pawnee Nation Constitution.

**Universal Jurisdiction.** The phrase "to all persons subject to its jurisdiction" ensures that the Constitution's protections and requirements apply to anyone within Pawnee lands.

**Accountability.** By requiring all governmental bodies to act "in a manner consistent with the provisions," it provides a legal basis for the Judicial branch to strike down actions that exceed the government's granted power.

(D) Nothing in this Article shall be construed to limit or impair the ability of the Pawnee Nation to exercise jurisdiction based upon its inherent sovereign authority.

**Key Implications of Section 2(D):**

**Inherent vs. Delegated Power:** It clarifies that Pawnee sovereignty does not come from the Constitution or the U.S. government; rather, it is inherent - it has always existed. This prevents any legal argument that a power "not mentioned" in Article II is a power the Nation does not have.

**Protection Against Narrow Interpretation:** In legal disputes, courts sometimes use the "expressio unius" rule (the inclusion of one thing implies the exclusion of others). Section 2(D) explicitly forbids that logic here.

**Future-Proofing:** As the legal landscape for Tribal Nations evolves, this clause ensures the Pawnee Nation can exercise new or reclaimed facets of sovereignty without needing to amend the Constitution every time a new jurisdictional issue arises.

**ARTICLE III – CITIZENSHIP OF THE PAWNEE NATION  
(SEE SEPARATE DOCUMENT)**

**ARTICLE IV - PAWNEE BUSINESS COUNCIL (PROPOSED)**

**Section 1.** The supreme governing body of the Pawnee Nation shall be the Pawnee Business Council, which shall consist of eight (8) members.

**NOTES:** This section is the foundation of the Nation's governance, establishing the Council as the supreme authority, meaning the Council holds the legislative and executive authority to act on behalf of the Nation, subject to the limitations of the Constitution and the powers reserved to the Rêšâru (Nasharo/Chiefs) Council.

**Section 2.** Subject to the limitations imposed by this Constitution and applicable Federal law, the Pawnee Business Council shall exercise all the inherent, statutory, and treaty powers of the Pawnee Nation by the enactment of legislation, the transaction of business, and by otherwise speaking or acting on behalf of the Pawnee Nation on all matters which the Pawnee Nation is empowered to act, including the authority to hire legal counsel to represent the Pawnee Nation.

**NOTES:** Subject to the limitations imposed by the Constitution and applicable Federal law, the Council is authorized to:

- **Exercise Sovereign Powers:** This includes all inherent, statutory, and Treaty powers of the Pawnee Nation.
- **Enact Legislation:** The Council functions as the legislative body empowered to create Pawnee Nation laws.
- **Transact Business:** The Council manages the Nation's business affairs and financial transactions.
- **Official Representation:** The Council acts as the official voice, speaking or acting on behalf of the Pawnee Nation in all matters where the Nation has the power to act.
- **Legal Representation:** The Council has the specific authority to hire legal counsel to represent the Pawnee Nation.

**Section 3.** All acts regarding Citizenship or Claims or Treaty Rights of the Pawnee Business Council shall be subject to review by the Rêsâru Council in accordance with this Constitution.

**NOTES:** This Section highlights the unique bi-cameral (two-house) nature of the Pawnee Nation's government. While the Business Council is the "supreme governing body," Section 3 acts as a critical "check and balance" by involving the Rêsâru (Nasharo) Council.

**Section 4.** The present Pawnee Business Council members shall serve until the next regular election or until their successors are elected and installed provided

**NOTES:** This Section establishes the terms of office and election standards for the Pawnee Business Council. While it mandates that current members serve until their successors are installed.

(A) Citizens of the Pawnee Nation, twenty-five (25) years of age or older, shall be eligible for election to the Pawnee Business Council. Citizens of the Pawnee Nation convicted of or having plead guilty to a felony, with the exception of a sex crime, violent crime, or misappropriation of funds regardless of jurisdiction, or dishonorably discharged from the Armed Forces of the United States of America are ineligible for no more than seven (7) years for candidacy for elected office as prescribed by law;

**Candidate Eligibility:** Candidates must be at least 25 years old.

**Disqualifications:** Individuals convicted of certain felonies or dishonorably discharged from the U.S. Armed Forces are ineligible for a period of time, or a maximum of seven (7) years.

(B) Whereas, at the first election after the adoption of this Constitution (1999), the President, Treasurer, and the First and Second Council Members were elected to a four-year term, and the Vice-President, Secretary, and Third and Fourth Council members were elected to a two-year term in order to stagger the terms of office.

Henceforth, all members of the Pawnee Business Council shall be elected to a four-year term of office and shall serve until their successors shall be duly installed in office. In cases when a vacancy is being filled to complete an unexpired term due to the death, resignation, forfeiture, or recall of a Pawnee Business Council member, a successor will be appointed pursuant to Article VI of this Constitution.

**NOTES:** This Section establishes a staggered term system for the Pawnee Business Council (PBC). It is designed to ensure that the entire eight-member governing body is never up for election at the same time, providing the Pawnee Nation government with continuous stability and experienced leadership.

(C) A Rêsâru Council member shall resign his/her position if elected or appointed to the Pawnee Business Council

**NOTES:** The requirement for a Rêsâru Council member to resign upon being elected or appointed to the PBC exists to maintain the integrity of the Nation's check-and-balance system. Because the Rêsâru Council is tasked with reviewing specific acts of the Business Council regarding citizenship, claims, and Treaty rights, a single person cannot serve on both bodies simultaneously without creating a conflict of interest.

(D) A Pawnee Nation employee shall resign his/her position if elected or appointed to the Pawnee Business Council.

**NOTES: This provision serves as a fundamental conflict-of-interest rule to ensure that no individual simultaneously holds an administrative job within the Pawnee Nation government while serving in its supreme governing body, the Pawnee Business Council.**

(E) A Pawnee Business Council member shall not be eligible for employment by the Pawnee Nation during his/her term of office.

**NOTES: The Constitution of the Pawnee Nation creates a total ban on “double-dipping.” It means that while someone is serving as an elected leader on the Council, they cannot also be a paid employee of the Pawnee Nation government. This provision serves as a definitive conflict-of-interest barrier.**

(F) Elected members of the Pawnee Business Council shall be inaugurated and sworn into office fourteen (14) calendar days after Election Day.

**NOTES: This constitutional provision establishes a precise fourteen-day transition period between the popular vote and the formal transfer of governing power.**

**By mandating an inauguration exactly fourteen (14) calendar days later, the Nation achieves several critical goals:**

- **Finalizing Results:** Allows the Election Commission time to certify official results and resolve any potential challenges.
- **Mandatory Resignations:** Provides the necessary window for elected members to resign from prohibited roles.
- **Record Transfer:** Gives outgoing members time to compile and hand over all official documentation.

(G) Pawnee Business Council records, and all related documentation for each outgoing Pawnee Business Council member shall be made available to the newly elected Pawnee Business Council members. Failure to comply shall result in ineligibility to file for candidacy for the Pawnee Business Council for ten (10) years or until records and documents are returned.

**NOTES: This provision is a accountability measure designed to ensure government continuity and the protection of Pawnee Nation history. It mandates a seamless transition of information from one administration to the next. The Constitution imposes a strict penalty on any outgoing member who fails to comply with this requirement. They face a mandatory period of ineligibility for future office.**

(H) Candidates declare the position they are seeking.

**NOTES: This is a self-explanatory provision.**

(I) If positions are vacant due to a lack of candidates, they are considered vacant and filled according to Article VI.

**NOTES: This provision means that if an election is held and no one runs for the office of President, Treasurer, or a specific Council Seat, that position is not “deleted” or left in limbo.**

Instead, it is legally declared vacant the moment the new term begins, and the Nation must use the emergency filling procedures found in Article V.

**Why Is This Important?**

**Quorum Protection:** The Council needs at least five (5) members to conduct business. If multiple seats went unfilled and couldn't be replaced, the government could "freeze" and be unable to pass laws or pay bills.

**Avoids Costly Special Elections:** Rather than forcing an immediate, expensive second election for a seat no one applied for, the Council can hand-pick a qualified individual to keep the government running until the next scheduled vote.

**Section 5.** All acts of the Pawnee Business Council shall be determined by a majority vote of the membership present, provided five (5) members of the Council shall constitute a quorum to transact business. In the event of a tie, the President or President pro tem shall cast the deciding vote.

**NOTES:** The Pawnee Business Council must meet specific thresholds to legally pass laws or conduct official business.

**Quorum and Voting Standards:**

**Quorum Requirement:** At least five (5) members of the eight-member Council must be present to constitute a quorum. If fewer than five members are in attendance, the Council cannot legally transact any business.

**Majority Rule:** Once a quorum is established, all official acts are determined by a majority vote of the members present at the meeting.

**Tie-Breaking Vote:** In the event of a tied vote, the President (or the President pro tem in their absence) has the constitutional authority to cast the deciding vote.

**Section 6.** Regular quarterly meetings of the Pawnee Business Council shall be held on the first Saturday in February, June, August and November of each year in a place designated by the Pawnee Business Council, provided:

(A) Special meetings may be called by the President.

**NOTES:** The Council is constitutionally mandated to meet four (4) times a year on a fixed schedule. These meetings typically serve as the venue for major policy decisions, budget approvals, and reports to the Pawnee Nation citizenship. The President has the sole authority to call a special meeting at their discretion.

(B) Special meetings shall be called by the President within two (2) weeks after receiving a written request, by regular mail or by certified and return receipt mail, from a majority of the occupied Pawnee Business Council positions, provided:

(1) If the President fails to call and conduct a special meeting as requested within two (2) weeks, a majority of the occupied members of the Pawnee Business Council shall be authorized to call and conduct a special meeting by affixing their signatures to a document listing in detail the need for the meeting and citing this Section of the Constitution as their authority to meet.

(2) A minimum of two (2) days' notice of all meetings, regular or special, shall be posted in public view. Provided that in an emergency, posting in public view for two (2) days shall be deemed sufficient notice. Notice shall include the agenda.

**NOTES: This section provides a critical “safety valve” for Pawnee Nation governance. It ensures that the President cannot block the Council from meeting if a majority of the members believe there is urgent business to attend to.**

(C) All meetings in this section may be held in-person, virtually, or as a hybrid meeting with both in-person or virtual attendance as may be determined by the Pawnee Business Council.

**NOTES: This provision reflects a significant update to the Pawnee Nation Constitution. It codifies the use of technology to ensure the government can function regardless of physical barriers.**

**By explicitly allowing virtual and hybrid formats, the Constitution ensures that the Business Council can meet and maintain a quorum even during:**

- **Public Health Emergencies:** (e.g., pandemics).
- **Inclement Weather:** Ensuring safety during Oklahoma's severe weather seasons.
- **Travel/Distance:** Allowing Council members or citizens who are away from the Pawnee Nation Reserve to participate or observe

**Section 7.** All members of the Pawnee Business Council shall attend tribal constitution orientation classes as prescribed by the Pawnee Business Council.

**NOTES: This provision serves as a mandatory professional development and accountability requirement. It ensures that every elected official - regardless of their prior experience - fully understands the legal and cultural framework they are sworn to uphold.**

**Section 8.** The Pawnee Business Council shall provide an election commission to conduct all elections, provided that regular elections are held on the first Saturday in May of each odd-numbered year.

**NOTES: This provision mandates that an Election Commission should be formed by the Business Council to conduct elections. Regular elections must be held on the first Saturday in May, odd numbered years.**

## **ARTICLE V - DUTIES OF OFFICERS (PROPOSED)**

**Section 1.** The President of the Pawnee Business Council shall:

- Preside at all general meetings, meetings of the Pawnee Business Council, and joint meetings of the Pawnee Business Council and the Rêsâru Council;
- Vote only in the case of a tie of all general meetings, meetings or acts of the Pawnee Business Council, and joint meetings of the Pawnee Business Council and the Rêsâru Council;
- Dutifully support the Constitution and laws of the Pawnee Nation;
- Ensure that all decisions of the Pawnee Business Council are faithfully executed, administered, and enforced;

- (E) Administer oaths and affirmations when required or permitted;
- (F) Be bonded;
- (G) Be authorized to countersign checks disbursed by the Treasurer according to the requirements of Article V, Section 4 of this Constitution;
- (H) Call Special meetings under the authority granted by Article IV, Section 6 of this Constitution; and
- (I) Unless authorized by this Constitution, the President shall not take any action unless directed by the Pawnee Business Council.

**NOTES: The President of the Pawnee Business Council (PBC) serves as the presiding officer of the Nation's supreme governing body, with duties focused on administrative oversight and the execution of council decisions. The President's mandated duties include:**

- **Presiding over Meetings:** The President must preside at all general meetings, PBC meetings, and joint meetings of the PBC and the Rêsâru Council.
- **Tie-Breaking Vote:** The President is authorized to vote only in the case of a tie during any general meetings, PBC meetings, or acts of the council.
- **Constitutional Support:** The President is tasked with dutifully supporting the Constitution and laws of the Pawnee Nation.
- **Executive Execution:** They must ensure all PBC decisions are faithfully executed, administered, and enforced.
- **Administrative Powers:** The President is authorized to administer oaths and affirmations when required or permitted and has general supervision of the affairs of the PBC.
- **Financial Oversight:** The President is authorized to countersign checks disbursed by the Treasurer, subject to Constitutional requirements.
- **Meeting Authority:** They have the authority to call special meetings.
- **Limitation of Action:** Unless specifically authorized by the Constitution, the President cannot take any action unless directed by the Pawnee Business Council.
- **Bonding Requirement:** The President must be bonded.

**Section 2.** In the absence of the President, the Vice-President shall perform the duties of that office. In the case of vacancy, the Vice-President shall succeed at once to the office of the President. The Vice-President shall be bonded.

**NOTES: The Vice-President of the Pawnee Business Council (PBC) has the following defined duties and requirements:**

**Assumption of Presidential Duties:** In the absence of the President, the Vice-President must perform all the duties of that office, which include presiding over meetings and ensuring the execution of Council decisions.

**Succession to Presidency:** In the case of a vacancy in the office of the President, the Vice-President succeeds at once to that position.

**Bonding Requirement:** Like the President, the Vice-President is constitutionally required to be bonded.

**Section 3.** The Secretary shall be responsible for the following duties:

- (A) Record the proceedings of all meetings of the Pawnee Business Council and Rêsâru Council, and all special meetings as assigned by the Pawnee Business Council;

- (B) Prepare the agenda for meetings of the Pawnee Business Council;
- (C) Maintain all records and files of the Pawnee Business Council. All records and files of the Pawnee Business Council, except such records as shall be explicitly made exempt by law, shall be public information to any member of the Pawnee Nation;
- (D) Maintain the Pawnee Nation official membership roll;
- (E) Attest to enactments of the Pawnee Business Council;
- (F) In the absence of the President and Vice-President, call to order regular and special meetings of the Pawnee Business Council until a Chairman pro tem is selected;
- (G) Perform the duties of the Treasurer, in the absence of the Treasurer; and
- (H) The Secretary shall be bonded.

**NOTES: the Secretary of the Pawnee Business Council (PBC) is responsible for the following eight mandated duties:**

**Recording Proceedings:** Record all meetings of the PBC and the Rêsâru Council, as well as any special meetings assigned by the PBC.

**Agenda Preparation:** Prepare the official agenda for all meetings of the Pawnee Business Council.

**Records Maintenance:** Maintain all files and records of the PBC. These are public information for any member of the Pawnee Nation, except for those explicitly exempted by law.

**Membership Roll:** Maintain the official membership roll of the Pawnee Nation.

**Attesting Enactments:** Attest to all official enactments and resolutions passed by the Pawnee Business Council.

**Presiding Authority:** In the absence of both the President and Vice-President, call regular and special meetings to order until a Chairman pro tem is selected.

**Treasury Backup:** Perform the duties of the Treasurer in their absence.

**Section 4.** The Treasurer shall be responsible for the following duties:

- (A) Receive funds from all sources for which the Pawnee Business Council is held accountable and maintain financial records that shall reflect actual receipts and disbursements of all funds and which shall reflect the financial position of the Pawnee Nation;
- (B) Deposit funds from any and all sources for which the Pawnee Business Council is held accountable in an insured bank or other approved financial institution;
- (C) Disburse funds for which the Pawnee Business Council authorizes. Funds shall be disbursed by the Treasurer and approved according to the hierarchy listed under Article V;
- (D) An annual independent audit of all funds for which the Pawnee Business Council is held accountable;
- (E) Present financial status reports and budget reports as determined by the Pawnee Business Council;
- (F) Perform the duties of the Secretary, in the absence of the Secretary;
- (G) The Treasurer shall be bonded; and
- (H) If the Treasurer fails to fulfill his or her Constitutional or statutory duties of the office of the Treasurer, funds may be jointly disbursed by two (2) officers of the Pawnee Business Council.

**NOTES: The Treasurer of the Pawnee Business Council (PBC) is tasked with the primary fiscal management and accountability of the Nation.**

**The Treasurer's constitutional duties include:**

**Financial Record-Keeping:** Receive all funds for which the PBC is accountable and maintain records that accurately reflect the Nation's financial position, including all receipts and disbursements.

**Fund Security:** Deposit all accountable funds into insured banks or approved financial institutions.

**Authorized Disbursement:** Disburse funds as authorized by the PBC. All checks disbursed by the Treasurer must be countersigned.

**Independent Audits:** Ensure an annual independent audit is conducted for all funds under the PBC's accountability.

**Reporting:** Present financial status and budget reports as required by the PBC.

**Secretarial Backup:** Perform the duties of the Secretary in their absence.

**Bonding Requirement:** The Treasurer must be bonded.

**Contingency Disbursement:** If the Treasurer fails to fulfill their duties, funds may be jointly disbursed by two (2) other officers of the PBC.

## **ARTICLE VI – VACANCIES (PROPOSED)**

**Section 1.** In the event of a Presidential vacancy, the Vice-President shall temporarily vacate his/her office and fulfill the duties of the office of President until another President is elected by a majority of Pawnee Nation voters in a specially called election. The Business Council shall elect from the current council citizenship a Temporary Vice President to serve until the next President is elected by a majority of Pawnee Nation voters in a specially called election, at which time the Temporary Vice President shall return to his/her previous position.

**NOTES: This process for filling a Presidential vacancy is specifically designed to ensure continuity while maintaining the democratic requirement of a popular vote. It also prevents an unelected official from holding the Nation's highest office for an extended period without a mandate from the people.**

**Section 2.** If the offices of the President and Vice President are vacant, the Treasurer shall temporarily vacate his/her office and fulfill the duties of the President, and the Secretary shall temporarily vacate his/her office and fulfill the duties of the Vice President. The Business Council shall elect from the current council citizenship a Temporary Treasurer and a Temporary Secretary until the next President and Vice President are elected by a majority of Pawnee Nation voters in a specially called election, at which time the Temporary Treasurer and Temporary Secretary shall return to his/her previous position.

**NOTES: This provision ensures that the Nation's financial and administrative leadership remains intact even during a major executive vacancy.**

**Section 3.** If the offices of the President, Vice President, and Treasurer are vacant, the Secretary shall temporarily vacate his/her office and fulfill the duties of the President. The Business Council

shall elect from the current council citizenship a Temporary Vice President, Temporary Treasurer, and Temporary Secretary until the next President, Vice President, and Treasurer are elected by a majority of Pawnee Nation voters in a specially called election, at which time the Temporary Vice President, Temporary Treasurer and Temporary Secretary shall return to his/her previous position.

**NOTES: This ensures the Nation has a presiding officer to manage Business Council meetings and execute council decisions during a crisis or mass vacancy.**

**Section 4.** Notwithstanding Article IV, Section 5, if four (4) or more positions are vacant, a quorum shall consist of the remaining Council members. If all officer positions are vacant, any remaining council member may call a special Business Council meeting, at which time that Council member shall chair and the remaining council shall elect officers.

**NOTES: This provision serves as an emergency “failsafe” to prevent a total government shutdown when a majority of the eight-member Council is vacant.**

**Section 5.** If a vacancy occurs in a First, Second, Third, or Fourth Business Council member position before the last six (6) months of a term, it shall be filled by a majority of Pawnee Nation voters in a specially called election.

**NOTES: If a vacancy occurs more than six (6) months before the end of the term:**

**Mandatory Election:** The seat must be filled by a majority of Pawnee Nation voters.

**Method:** A specially called election is required.

**No Appointment:** Unlike some Tribal governments where the Council might appoint a successor, this provision preserves the right of the Pawnee Nation citizens to choose their council representatives via a secret ballot.

**Section 6.** If a vacancy occurs in a First, Second, Third, or Fourth Business Council member's position in the latter six (6) months of that term, that position shall remain vacant until the next general election.

**NOTES: If a vacancy occurs within the last six (6) months of a term, this provision allows for the position to remain vacant until the next regular election to avoid the high cost of a special election for a very short duration.**

**Section 7.** If a vacancy occurs in any Business Council position in the six (6) months prior to a general election, the specially called election shall be held with the general election.

**NOTES: Self-explanatory. No discussion needed.**

**Section 8.** Any successful candidate who is elected in a special election shall serve only the remaining term of that vacant position.

**NOTES: Self-explanatory. No discussion needed.**

**Section 9.** Unless Sections 6 and 7 apply, the Election Board shall set and conduct a special election within sixty (60) days, but not before thirty (30) days, after a position is vacant.

**NOTES: Timing is important. No election can be held before the thirty (30) days after a position is vacated but must be held within sixty (60) days.**

**Section 10.** A position is vacant when:

- (A) Subject to an effective date, a resignation is received in writing by the Office of the President;
- (B) Vacant pursuant to Article VII, Section 1;
- (C) Death;
- (D) Recall;
- (E) Removal; or
- (F) A suspension is imposed under Article VII, Section 3, in which case a specially called election is not required if the Business Council finds that suspension is likely to be resolved within six (6) months. If the Business Council finds that the suspension is likely to be longer than six (6) months, a special election may be called. If the suspension is removed, the person elected in the special election shall step down, and the suspended Business Council Member shall retake his/her position.

**NOTES: A position on the Pawnee Business Council is officially considered “vacant” under the following six circumstances:**

**Resignation:** When a written resignation is received by the Office of the President, subject to a specified effective date.

**Forfeiture:** When a position becomes vacant, which typically involves the loss of eligibility or failure to attend meetings.

**Death:** The passing of a sitting Council member.

**Recall:** The removal of a member from office by a vote of the Pawnee Nation citizens following a petition process.

**Removal:** A formal action taken to remove a member for cause, such as misconduct.

**Extended Suspension:** A suspension imposed under the Constitution.

- **Right of Return:** If the suspended member’s suspension is eventually removed, the person elected in the special election must step down, and the original member retakes their position.

**Current Update:** These updates aim to clarify the definitions of “forfeiture” and “suspension” to ensure more stable governance during legal or administrative disputes.

## **ARTICLE VII - FORFEITURE, RECALL, SUSPENSION, REMOVAL (PROPOSED)**

**Section 1. Forfeiture**

- (A) If a member of the Pawnee Business Council fails or refuses to attend two (2) regularly called quarterly or special meetings per year from the date of his/her oath of office, unless excused by majority vote of the Pawnee Business Council for illness or other causes for which the member cannot be held responsible, his/her seat shall be declared forfeited by a resolution of the Pawnee Business Council and become vacant.

(B) Any vacancy shall be filled consistent with the Vacancy provisions of this Constitution.

**NOTES: A seat on the Pawnee Business Council (PBC) is declared forfeited and becomes vacant if the following specific conditions are met:**

**Meeting Attendance Failure:** A member fails or refuses to attend two (2) regularly called quarterly or special meetings per year, measured from the date of their oath of office.

**Lack of Valid Excuse:** The absences are not excused by a majority vote of the Pawnee Business Council. Excuses are typically granted for illness or other causes for which the member cannot be held responsible.

**Formal Resolution Required:** The seat must be officially declared forfeited by a Resolution of the Pawnee Business Council to be considered vacant.

**Filling the Vacancy:** Once a forfeiture is declared, the resulting vacancy must be filled according to the Vacancy provisions in the Pawnee Nation Constitution

## **Section 2. Recall**

(A) A petition for recall of any member of the Pawnee Business Council shall be:

- (1) Filed with the Pawnee Nation Election Commission with a statement alleging specific facts and dates of actions or inactions by the Pawnee Business Council Member subject to recall, including the Article of the Pawnee Nation Constitution that was violated;
- (2) Verified by the Enrollment Department that **thirty-five percent (35%)** of the number of voters who voted in the last regular election signed the petition; and
- (3) Signed and include the following information for all individual signatures: full name, date of birth, and signature.

(B) Individual petitions shall be filed for each Pawnee Business Council Member who is subject to recall.

(C) The petitioner shall be required to pay a filing fee of fifty percent (50%) of the total cost of the last regular election payable to the Election Commission for each individual Pawnee Business Council Member being recalled.

(D) Once requirements of Section 2 (a)(1-3) and (c) have been completed, the Election Commission shall call and hold a recall election within sixty (60) business days but not before thirty (30) business days.

(E) Notice of the recall shall be sent to all eligible voters prior to the recall election.

(F) The Recall shall be effective when fifty percent (50%) + one (1) of the number voting votes in favor of the recall.

(G) Once a member has faced a recall attempt, no further recall action shall be brought against that member until at least twelve (12) consecutive months have passed. No member of the Pawnee Business Council shall be subject to a recall action within the first twelve (12) months of that member's term. A recall proceeding may not be initiated against a Council Member whose term expires within six (6) months.

(H) A maximum of three (3) Council Members may be recalled at a time.

**NOTES: The process for initiating a recall against a member of the Pawnee Business Council is strictly regulated to ensure legal and procedural validity.**

**To be valid, a recall petition must meet these three specific requirements:**

**Specific Allegations:** A petition must include a statement detailing specific facts and dates of the member's actions (or inactions) and identify the specific Article of the Pawnee Nation Constitution that was allegedly violated.

**Signature Verification:** The Enrollment Department must verify that the petition contains signatures from thirty-five percent (35%) of the number of voters who cast ballots in the last regular election.

**Required Signatory Data:** Each signature must be accompanied by the individual's full name and date of birth to ensure they are eligible Pawnee Nation voters.

The procedures for filing a recall and the financial obligations required to trigger an election are as follows:

**One Member Per Petition:** Recall efforts cannot be "grouped" into a single document for multiple officials. If a petitioner seeks to recall more than one member of the Pawnee Business Council, a separate, individual petition must be filed and verified for each specific member.

**Cost-Sharing Requirement:** The petitioner is required to pay a filing fee to the Election Commission for each member they seek to recall.

- **Amount:** This fee is set at fifty percent (50%) of the total cost of the last regular election.
- **Purpose:** This provision is generally intended to ensure that the Pawnee Nation treasury is not solely burdened by the high cost of holding unplanned special elections.

**Election Timeline once the statement of facts, the 35% signature verification, and the filing fees are all completed:**

- The election cannot be held sooner than thirty (30) business days after the requirements are met.
- The Election Commission must hold the recall election within sixty (60) business days.
- Official notice of the recall must be sent to all eligible voters prior to the election date.

**Timing Limitations on Recall Actions:**

**The "One-Year Wait" Post-Attempt:** Once a member has faced a recall attempt, they are immune from any further recall actions for at least twelve (12) consecutive months.

**The "First-Year Grace" Period:** No member of the PBC can be subject to a recall during the first twelve (12) months of their term.

**The "Six-Month Exit" Rule:** A recall proceeding cannot be initiated against any Council member whose term is set to expire within six (6) months.

**Cap on Recalls:**

To prevent a total collapse of the governing body, a maximum of three (3) Council members may be recalled at any one time.

### **Section 3. Suspension**

(A) A Pawnee Business Council Member shall be suspended from the Business Council without compensation if:

- (1) Charges are pending for a felony offense;
- (2) An offense would be cause for removal as defined in Section 4 c (1-6); and

(3) The jurisdiction where the charges are pending guarantees equal rights and due process as is guaranteed under the Pawnee Nation Constitution.

(B) The suspension shall be effective from the date of the filing of the charges until dismissed.

(C) It is the duty of the defendant Business Council Member to immediately notify the Business Council and the Attorney General of any pending felony charges.

(D) A suspended Business Council Member is excused from attending meetings and other official duties during the suspension.

(E) No vote cast or other official action taken after suspension shall be valid and will constitute official misconduct.

(F) The suspended Business Council Member may bring a declaratory judgment action in Pawnee Nation Tribal Court to challenge the application of this Section.

(G) If the Court dismisses the pending felony charges, the suspension shall automatically be removed, and all withheld compensation shall be paid without interest.

**NOTES: A Pawnee Business Council (PBC) member is subject to mandatory suspension without compensation if three conditions are met:**

**Pending Felony Charges:** Criminal charges for a felony offense are currently pending against the member.

**Removal for Cause Alignment:** The alleged offense must be one that would constitute “cause for removal.” These causes include:

- Felony conviction or a plea of no contest/guilty in any court.
- Converting Pawnee Nation property or money for personal use.
- Willful neglect or refusal to fulfill constitutional or statutory duties.
- Official misconduct or abuse of lawful authority.
- Physical or mental incapacity.
- Cessation of Pawnee Nation citizenship.

**Due Process Guarantee:** The jurisdiction where the charges are pending must guarantee equal rights and due process similar to those protected under the Pawnee Nation Constitution.

#### **Procedural Rules for Suspended Members**

**Duration:** The suspension is effective from the date charges are filed until they are dismissed or resolved.

**Duty to Notify:** The member must immediately notify the Business Council and the Attorney General of any pending felony charges.

**Excused Absence:** A suspended member is excused from attending meetings and performing official duties during the suspension period.

**Invalid Actions:** Any vote cast or official action taken by a member after suspension is invalid and constitutes official misconduct.

**Reinstatement:** If the charges are dismissed or the member is found innocent, the suspension is automatically lifted, and all withheld compensation is paid in full without interest.

#### **Section 4. Removal of Pawnee Business Council Members**

- (A) A Pawnee Business Council member may be removed for cause by a petition for removal filed in Pawnee Nation District Court with the right of appeal to the Pawnee Nation Supreme Court.
- (B) A petition for removal may be filed on behalf of the Pawnee Nation by resolution of the Pawnee Business Council.
- (C) Removal for cause includes but is not limited to:
  - (1) A felony conviction by any Tribal, Federal, or State Court while serving on the Pawnee Business Council.
    - (a) Conviction means a final conviction or a plea of no contest or guilty, regardless of being dismissed, suspended, pardoned, or expunged.
  - (2) Converting Pawnee Nation property or monies for personal use, or financial gain or profit;
  - (3) Willful neglect or refusal to fulfill Constitution or statutory duties;
  - (4) Official misconduct in office or by abusing the lawful authority of an elected official;
    - (a) Official misconduct in office shall include but is not limited to harassment or unfair treatment of a Pawnee Nation citizen or employee by a Council Member due to religion, sex, age, or disability;
  - (5) Physical or mental incapacity; or
  - (6) Cessation of citizenship in the Pawnee Nation.
- (D) The grounds for removal shall be set forth with specificity in the petition for removal and the Pawnee Business Council Member shall be suspended from office until the Court rules on the petition.
- (E) Court Review
  - (1) The Pawnee Nation District Court shall review the removal petition in a new trial.
    - (a) An initial hearing must be held within thirty (30) days of receipt of the petition with a decision reached by the Court within ninety (90) days.
    - (b) The petitioner must prove the allegations contained in the petition by clear and convincing evidence.
  - (2) Before the Court rules on a petition for removal, the Court shall provide due process to each party, including:
    - (a) A copy of the petition;
    - (b) The right to respond to the petition; and
    - (c) The right to present witnesses and other evidence in his/her defense.
  - (3) If the Court finds grounds for removal as stated in the petition do exist, the Pawnee Nation shall be awarded reasonable costs and expenses, including attorney fees, not to exceed Ten Thousand Dollars (\$10,000), and any other relief that the Court deems fair and reasonable.
  - (4) If the Court finds grounds for removal as stated in the petition do not exist, the defending Council member shall be reinstated to the Pawnee Business Council and awarded reasonable costs and expenses, including attorney fees, not to exceed Ten Thousand Dollars (\$10,000), and any other relief that the Court deems fair and reasonable.

- (a) The costs and expenses, including attorney fees, shall be paid from Pawnee Nation funds.
- (5) All parties may be represented by an attorney of his/her choosing, provided at his/her own expense for the purposes of this Section.
- (6) Either party may seek an appeal of the decision of the District Court by filing an appeal with the Pawnee Nation Supreme Court.
- (7) No Pawnee Business Council member shall be subject to removal until more than twelve (12) months have passed since the previous petition for removal was filed.
- (8) A Pawnee Business Council member removed from office shall not be prohibited from running or holding office again at any time in the future, provided they meet eligibility requirements in Article IV.

**NOTES: A Council member can be removed for cause only through a petition filed in the Pawnee Nation District Court.**

**Right of Appeal: Any decision made by the District Court regarding removal may be appealed to the Pawnee Nation Supreme Court.**

#### **Defined “Causes” for Removal**

**“Cause” for removal includes, but is not limited to:**

- **Convictions:** A felony conviction by any Tribal, Federal, or State Court while serving in office.
- **Financial Misconduct:** Converting Pawnee Nation property or money for personal use or gain.
- **Neglect of Duty:** Willful neglect or refusal to fulfill constitutional or statutory duties.
- **Official Misconduct:** Abuse of lawful authority, including harassment or unfair treatment of citizens or employees.
- **Incapacity:** Physical or mental incapacity to perform duties.
- **Loss of Citizenship:** Cessation of citizenship in the Pawnee Nation.

#### **Procedural Safeguards**

**Temporary Suspension:** Once a petition is filed, the member is suspended from office until the Court reaches a final decision.

**Trial & Timelines:** The District Court reviews the petition in a new trial (de novo). An initial hearing must be held within thirty (30) days, with a final decision reached within ninety (90) days.

**Costs & Fees:** The court may award reasonable costs and attorney fees (not to exceed \$10,000).

**Frequency Limit:** A Council member cannot be subject to removal proceedings more than once every twelve (12) months

#### **Removal of Required Bond**

**One other substantial change in the proposed Removal revision is the removal of the Ten Thousand Dollar (\$10,000) bond requirement for filing a removal petition. The removal of**

the Ten Thousand Dollar (\$10,000) bond requirement for filing a removal petition represents a significant shift toward increasing tribal government accountability.

Under the current Constitution, any Pawnee Nation citizen filing a removal petition in District Court must deposit this substantial sum in cash or bond.

Reasons for this change include:

Financial Barrier: The \$10,000 requirement acted as a “wealth test,” effectively preventing many Pawnee Nation citizens from seeking the removal of officials for misconduct.

Access to Justice: Removing the bond aligns the process with broader Due Process goals, allowing the Pawnee Nation District Court to decide cases based on legal merit rather than the petitioner’s financial status.

Anti-Corruption: It simplifies the path for citizens to address issues like Official Misconduct or the conversion of Pawnee Nation funds, which are defined “causes” for removal.

## ARTICLE VIII - RÊSÂRU COUNCIL (PROPOSED)

**Section 1.** The Rêsâru Council shall consist of eight (8) members with a quorum of five (5) to transact business. Each band shall have two (2) representatives on the Rêsâru Council selected by the members of the tribal bands, Čawi’, Kitkehaki, Pítahawirâta and Ckiri. The Rêsâru Council shall have the right to review all acts of the Pawnee Business Council regarding the Pawnee Nation citizenship and Pawnee Nation claims or rights growing out of Treaties between the Pawnee Nation and the United States, provided: (A) (B) Such acts of the Pawnee Business Council shall be valid unless formally disapproved by the Rêsâru Council within thirty (30) days after the acts are referred to the Rêsâru Council; and Where such acts are disapproved by the Rêsâru Council, the Pawnee Business Council may submit them to a referendum vote by the Pawnee Nation citizens and the acts shall become valid and effective if approved by a majority vote of the adult citizens voting in person or by absentee ballot; provided that, at least fifty (50) of those qualified to vote shall cast ballots in such election.

**Section 2.** The Bands of the Pawnee Nation shall elect their respective representatives under rules and regulations prescribed by the Chiefs of each Band. The representatives selected shall serve until the next regular selection of members of the Rêsâru Council.

**Section 3.** Vacancies in the membership of the Rêsâru Council shall be filled under rules and regulations prescribed by the Rêsâru Council.

**Section 4.** The Rêsâru Council shall have the power to establish its own offices and to designate its officers, set its own meeting days, and adopt its own rules of procedure; provided a quorum is present to transact business. Records of the proceedings of this body shall be kept.

**Section 5.** All members of the Rêsâru Council shall attend tribal constitution classes as prescribed by the Pawnee Business Council.

**NOTES:** The Constitution Convention Committee did not change this Article’s substance. The Committee only updated the language, utilizing traditional Pawnee language. The most critical function of the Rêsâru Council remains intact. They act as a “higher house” or a specialized review board for three (3) specific areas that are fundamental to the Nation’s identity:

1. **Citizenship:** They review acts involving enrollment and who belongs to the Nation.

2. **Claims:** They review matters involving legal settlements or grievances arising out of claims or rights growing out of Treaties between the Pawnee Nation and the United States.
3. **Treaty Rights:** They ensure that any legislation passed by the Business Council does not violate the rights guaranteed to the Pawnee through historical Treaties.

## ARTICLE IX – COURTS (PROPOSED)

### Section 1. Establishment of Authority

Under its inherent sovereign authority, the judicial power of the Pawnee Nation shall be vested in the Pawnee Nation Courts established by this Article and consist of five (5) Judicial Officers and at least one (1) trial court, known as the Pawnee Nation District Court, and additional courts as may be established by Pawnee Nation law.

**NOTES:** This language confirms the Judicial Branch of the Pawnee Nation is a distinct branch of government, established under its inherent sovereignty.

**Jurisdiction:** Pawnee Nation courts are courts of general jurisdiction, hearing cases arising under Pawnee Nation Treaties, the Constitution, and Pawnee Nation law or in equity.

By including both, the Constitution ensures that the Pawnee Nation District Court has the flexibility to handle complex disputes where simply “paying a fine” would not result in a just outcome. This is a critical component of the Judicial Review powers used to hold Nation officials accountable.

**Judicial Review:** The courts are explicitly authorized to review actions of the Pawnee Business Council or other Nation officers to ensure compliance with Federal and Pawnee Nation law.

### Section 2. Jurisdiction

The Courts of the Pawnee Nation shall be courts of general jurisdiction and have jurisdiction in all cases or controversies arising under Pawnee Nation Treaties, this Constitution, or as provided by Pawnee Nation law or in equity. The Pawnee Nation Supreme Court shall have original jurisdiction in cases and controversies as provided by law or in equity appellate jurisdiction in all other cases.

**NOTES:** This language defines the scope and hierarchy of the Nation’s judicial system.

**General Jurisdiction:** The Pawnee Nation Courts have broad authority to hear all legal disputes (“cases or controversies”) that arise under Pawnee Treaties, the Constitution, or Pawnee Nation law and in equity.

**Supreme Court Original Jurisdiction:** The Pawnee Nation Supreme Court serves as the first court to hear specific types of cases only when explicitly “provided by law or in equity.”

**Supreme Court Appellate Jurisdiction:** In all other matters, the Supreme Court acts as the final reviewer of decisions made by the Pawnee Nation District Court.

**Finality:** Decisions issued by the Supreme Court are final and cannot be appealed further within the Nation’s court system.

**Scope of Authority:** This judicial power extends to criminal, civil, and juvenile matters involving Pawnee Nation citizens or other individuals subject to the Nation's jurisdiction.

**Section 3. Selection of Judicial Officers**

The Judges of the District Courts and the Justices of the Pawnee Nation Supreme Court shall be selected and appointed by a majority vote of the Business Council. Judges and Justices may, by Supreme Court Rule, assume the duties of a member of the other court to hear a specific case in which the regular Judge or Justice is disqualified or is otherwise unable to perform his/her duty. Provided, no Judge or Justice shall preside over a matter in the Pawnee Nation Supreme Court if he/she presided over the same matter in the Pawnee Nation District Court.

**NOTES:** This language outlines the specific procedures for judicial selection and conflict-of-interest management, such as a strict “no-over-review” rule applies: a judicial officer is prohibited from hearing a case on the Supreme Court if they previously presided over that same matter in the District Court.

**Section 4. Term of Office**

The Judges and Justices of the Pawnee Nation shall serve terms according to Pawnee Nation law beginning on the date of his/her appointment and continue if reconfirmed or until his/her successor has been duly appointed and confirmed.

**NOTES:** This language defers specific term lengths to Pawnee Nation law while ensuring judicial continuity.

**Term Commencement:** A judicial term begins on the date of appointment and confirmation by the Pawnee Business Council.

**Holdover Provision:** To prevent vacancies in the judicial system, an outgoing judge or justice continues to serve until their successor has been “duly appointed and confirmed.”

**Reconfirmation:** At the end of a term, a judicial officer is eligible to be considered for a new term upon filing a request before their current term expires.

**Section 5. Removal**

Judges and Justices of the Pawnee Nation may be removed from office only by a majority vote of the other active Judges and Justices sitting together upon a showing of habitual neglect of the duties of office, oppression in office for personal gain or advantage, or for cause as defined in Article VII, Section 4 (C). In no case may a judicial officer be removed from office because of his/her decision in any case before the Court.

**NOTES:** This language provides rigorous protections to ensure judicial independence. Under this provision, judicial officers can only be removed through a peer-review process by other active Judges and Justices for specific causes.

**Grounds for Removal**

While the primary grounds include habitual neglect of duties and oppression in office, grounds for removal also include:

- **Criminal Conduct:** A final felony conviction by any Tribal, Federal, or State Court while in office.
- **Financial Misconduct:** Converting Pawnee Nation property or monies for personal use, gain, or profit.
- **Refusal of Duty:** Willful neglect or refusal to fulfill Constitutional or statutory duties.
- **Abuse of Power:** Official misconduct in office, including harassment or unfair treatment of citizens or employees based on religion, sex, age, or disability.
- **Incapacity:** Physical or mental incapacity that prevents the fulfillment of duties.
- **Loss of Citizenship:** Ceasing to be a citizen of the Pawnee Nation.

### **Key Safeguards**

**Majority Peer Vote:** No outside political body can remove a judge; removal requires a majority vote of the other active Judges and Justices sitting together.

**Decision Immunity:** Explicitly, no judicial officer can be removed because of a ruling or decision they made in any case. This protects them from political retaliation for unpopular legal findings.

### **Section 6. Judicial Review**

The Pawnee Nation Courts are specifically authorized to review, in any case properly before them, the actions of the Pawnee Business Council, or any other officers, agents, or employees of the government of the Pawnee Nation to determine whether those actions are prohibited by Federal law, this Constitution or the laws of the Pawnee Nation. The Courts may enter an injunction or other equitable relief or declare the action unconstitutional and void as justice may require.

**NOTES:** This language establishes the principle of judicial review, a cornerstone of the separation of powers within the Nation's government.

**Key authorities granted to the Pawnee Nation Courts under this provision include:**

- **Review of Official Actions:** The courts have the power to examine the actions of the Pawnee Business Council, as well as any Nation officers, agents, or employees.

### **Section 7. Separation of Powers**

The Pawnee Nation Courts shall be a separate branch of government. The Pawnee Business Council shall have the authority to enact such laws as may be necessary for the full and proper functioning of the Courts of the Pawnee Nation which are not inconsistent with this Article. All existing laws regarding the Courts shall remain in effect and may be amended to the extent that they do not conflict with this Constitution.

**NOTES:** This language solidifies the separation of powers and defines the legislative authority of the Pawnee Business Council over the judiciary.

**Key points include:**

- **Judicial Independence:** The provision explicitly establishes the Pawnee Nation Courts as a separate and distinct branch of government.
- **Legislative Authority:** The Business Council has the power to enact laws necessary for the proper functioning of the court system (e.g., funding, procedures).

- **Continuity of Law:** All existing Nation laws relating to the courts remain in effect until amended, provided they do not conflict with the newly adopted Constitution.

#### Section 8. Court Funding

The Pawnee Nation Courts shall be funded in the annual budget in an amount equal to or exceeding funding from the previous fiscal year. If overall funding shortfalls require budget cuts, the Court budget may be reduced but proportionately not more than any other branch of government.

**NOTES:** This language provides constitutional guarantees for the financial independence and stability of the judicial branch.

**Key fiscal protections for the Pawnee Nation Courts include:**

- **Non-Diminishment Principle:** The annual budget for the Courts must be equal to or greater than the funding provided in the previous fiscal year.
- **Proportional Budget Protection:** If a “funding shortfall” necessitates cuts across the entire Pawnee Nation government, the judicial budget cannot be reduced by a higher percentage than any other branch of government (e.g., the Pawnee Business Council).

## **ARTICLE X - BILL OF RIGHTS (PROPOSED)**

**Section 1.** All citizens of the Pawnee Nation shall enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly, association, and the right to a clean and sustainable environment.

**While this provision mirrors the civil liberties found in the U.S. Constitution, it includes a modern, sovereign-specific right that distinguishes it from older versions.**

**Key Features:**

**Environmental Sovereignty:** The phrase “the right to a clean and sustainable environment” is a major addition. It provides a constitutional basis for the Pawnee Nation to enact environmental protections against pollution or resource exploitation on its lands.

**Comprehensive Liberties:** It guarantees the standard “First Amendment” style freedoms - worship, speech, press, and assembly - ensuring the government cannot infringe upon the personal expression of its citizens.

**Freedom of Association:** Explicitly protecting the right to join groups or organizations without government “hindrance.”

**Comparison to Previous Versions:**

Earlier versions of the Pawnee Constitution often just focused on the Indian Civil Rights Act (ICRA) of 1968. This new language proactively asserts these rights as inherent to Pawnee law, rather than just complying with federal mandates.

**Section 2.** This Constitution shall not in any way alter, abridge, or otherwise jeopardize the rights and privileges of the Pawnee Nation or its citizens as citizens of the United States or of any State. The Indian Civil Rights Act (ICRA) of 1968 and the rights guaranteed under this Constitution are applicable to all tribal members and citizens and other persons subject to Pawnee Nation jurisdiction.

**NOTES:** This section acts as a Protective Clause, ensuring that Tribal citizenship and the adoption of this Constitution do not diminish the rights that Pawnee people hold as citizens of the broader United States.

**Key Breakdowns of this Section:**

**Preservation of Dual Rights:** It clarifies that being a citizen of the Pawnee Nation does not result in the loss of any rights or privileges held as a U.S. citizen or a citizen of a State (such as Oklahoma). This includes the right to vote in federal/state elections and access to social services.

**Incorporation of ICRA (1968):** By specifically naming the Indian Civil Rights Act, the Nation formally reaffirms its adoption of the Federal standards for due process, equal protection, and protection against self-incrimination within its own legal system.

**Universal Application:** Crucially, it states these rights apply to “other persons subject to Pawnee Nation jurisdiction.” This means that non-citizens (non-Indians or members of other Tribes) who are on Pawnee land or subject to Pawnee law are also guaranteed these fundamental civil rights.

**Section 3.** The individual property rights of any citizen of the Pawnee Nation shall not be altered, abridged, or otherwise affected by the provisions of this Constitution without the consent of such individual citizen.

**NOTES:** This serves as a Personal Property Guarantee. It acts as a constitutional shield to ensure that the reorganization of the government or the exercise of sovereign power does not result in the “taking” or involuntary modification of an individual’s private property.

**Key Protections Provided:**

**Protection of Allotments and Private Assets:** This is particularly significant in the context of allotted lands. It ensures that an individual citizen’s legal interest in their land or personal property remains intact and cannot be changed by the Pawnee Business Council or a constitutional amendment without that specific person’s consent.

**Limitation on Governmental Overreach:** It prevents the Nation from using its sovereign authority to diminish the economic rights of its citizens through legislative action alone.

**Individual Consent:** The requirement for “consent of such individual citizen” places the power back in the hands of the property owner, rather than the collective Tribe, regarding personal assets.

**Section 4.** The enumeration in the Constitution of the Pawnee Nation of certain rights shall not be construed to deny or disparage other rights retained by Pawnee Nation citizens.

**NOTES:** This serves as a Rule of Construction to ensure that the list of rights provided in the Constitution is not viewed as exhaustive.

**Key Implications:**

**Protection of Unenumerated Rights:** It acknowledges that Pawnee citizens possess rights beyond those explicitly written in the text. This is vital for protecting traditional and customary rights that may not be captured in modern legal language.

**Limitation on Government Interpretation:** It prevents the Pawnee Business Council or the courts from arguing that because a specific right (like a certain cultural practice or hunting right) is not mentioned by name, it does not exist.

**Preservation of Cultural Heritage:** This clause protects the distinct lifeways and oral traditions that have always belonged to the people, even if they are not “codified” in a Western-style legal document.

### Why is this Important?

**This section has been clarified to ensure that as the Nation asserts more inherent sovereignty, the individual liberties of the citizens expand rather than contract.**

**Section 5.** No citizen of the Pawnee Nation, eighteen (18) years of age or older, shall be denied the right to vote by secret ballot, either in person or by absentee ballot, provided that no write-in votes shall be allowed.

**NOTES: This provision prevents disenfranchisement (deprivation of the right or privilege to vote) of those citizens eligible to vote.**

**Section 6.** Pawnee Nation Citizens shall have the inherent right to preserve and foster their historical, linguistic, and cultural lifeways. The Pawnee Nation shall protect and promote the language, culture, and traditional ways of all Pawnee people.

**NOTES: This section is a powerful and essential addition to the Pawnee Nation Constitution. It codifies the preservation of identity as a constitutional mandate.**

### Key Provisions of this Section:

**Inherent Cultural Rights:** By stating these rights are “inherent,” the Constitution acknowledges that the right to be Pawnee - to speak the language and practice the culture - predates the Constitution itself and cannot be taken away by the government.

**Governmental Mandate:** This is not just a right for the people; it is a duty for the Nation. The phrase “The Pawnee Nation shall protect and promote” legally binds the Pawnee Business Council and Tribal programs to invest in and defend language and cultural initiatives.

**Three Pillars of Identity:** It specifically names three areas that must be fostered:

- ***Historical:*** Protecting the true history of the four bands.
- ***Linguistic:*** Ensuring the survival and revitalization of the Pawnee language.
- ***Cultural Lifeways:*** Protecting traditional ceremonies, social structures, and ways of living.

### Why is this Important?

Many older Tribal constitutions were based on standard Federal templates (“boilerplates”) that focused primarily on business and administrative functions. The inclusion of this language in the revisions represents a movement toward “Cultural Sovereignty” - ensuring the Nation functions not just as a business or a political entity, but as a living continuation of the Pawnee people.

## ARTICLE XI – AMENDMENTS (PROPOSED)

**Section 1.** Amendments to this Constitution may be proposed by a majority vote of the Pawnee Business Council or by a petition signed by at least two percent (2%) of the adult citizens of the Pawnee Nation.

**NOTES:** This section defines the Procedures for Amending the Constitution, and it contains one of the most significant changes in the Constitution Amendment - the signature requirement for citizen petitions.

**Key Features of this Amendment Process; Two Paths to Change:**

- **Legislative Path:** A majority vote of the Pawnee Business Council can initiate an amendment.
- **Grassroots Path:** Citizens can bypass the Council by gathering signatures on a petition.

**The 2% Requirement:** In previous versions of the Constitution, the petition threshold was significantly higher (often 10%). The reduction to 2% of adult citizens makes the document much more “living” and responsive, allowing a smaller, dedicated group of citizens to bring important issues to a vote.

**Why the 2% change matters:** This lower threshold is designed to empower the Pawnee people. It acknowledges that for a modern, geographically dispersed Nation, a 10% requirement could be an impossible barrier. By setting it at 2%, the Constitution ensures that the Pawnee Nation remains a government “of the people,” where the founding document can be updated as the Nation’s needs evolve.

**Section 2.** This Constitution may be amended by a majority vote of the qualified voters of the Pawnee Nation voting in an election called for that purpose by the Pawnee Business Council and conducted pursuant to the rules and regulations of the Pawnee Nation. Provided that at least four percent (4%) of those qualified to vote shall cast ballots in such election.

**NOTES:** This section explains the final step required to change the Constitution. Essentially, it describes how a “proposal” becomes law.

There are three main “rules” established here:

**1. The Majority Rule**

For an amendment to pass, it simply needs a majority vote (more than 50%) of the people who actually show up to vote.

**2. The 4% Quorum (The “Validation” Rule)**

This is the most important technical detail. Even if 100% of people vote “Yes,” the election is invalid unless at least 4% of all qualified voters participate.

Why does this exist? It prevents a tiny, unrepresentative group of people from making massive changes to the Nation's supreme law during a low-turnout election.

In older versions of the Constitution, this requirement was often much higher (like 20% or 30%). Reducing it to 4% makes it much easier for the Nation to evolve and pass necessary updates, reflecting the reality of modern voter turnout.

### **3. Procedural Control**

The Pawnee Business Council is responsible for “calling” the election, but the election must be conducted according to the Pawnee Nation’s own rules and regulations, rather than following outside (federal) election laws. This is a further assertion of the Nation’s Sovereignty.

**Section 3.** An amendment shall become effective when the vote is certified by the Election Commission and submitted to the Secretary of the Pawnee Business Council.

**NOTES:** This means that the change does not happen the second the polls close; it happens when the administrative process is finalized.

**The Two Steps to Enactment:**

1. **Certification by the Election Commission:** The Election Commission must first verify the results. This involves counting all ballots (including absentee), ensuring the 4% quorum was met, and confirming there were no irregularities. Once they “certify” the result, the vote is legally official.
2. **Submission to the Secretary:** The certified results are then handed to the Secretary of the Pawnee Business Council. At this moment, the amendment is formally “on the books.”

**Why Is This Important?**

In previous versions of the Constitution (going back to 1937 and 1975), amendments often required approval by the Secretary of the Interior (the U.S. federal government) to become effective.

By removing the Federal government from this process and making the Election Commission’s certification the final word, the Pawnee Nation is asserting its full sovereignty. Meaning, the Pawnee Nation is declaring that the Pawnee people, and only the Pawnee people, have the authority to decide how they are governed.

## **ARTICLE XII - PLACE OF MEETINGS (PROPOSED)**

Unless some other location in the Pawnee Nation jurisdiction is designated in the notice, all meetings of the Pawnee Business Council and of the Rêsâru Council shall be held, in person or virtual, at the Pawnee Nation Reserve at Pawnee, Oklahoma.

**NOTES:** This Article defines the Official Seat of Government while modernizing how the Nation conducts its business.

**Key Provisions of Article XII:**

**The Geographic Heart:** The Pawnee Nation Reserve in Pawnee, Oklahoma, remains the default physical headquarters for Tribal governance. This anchors the political process to the Nation's historical and jurisdictional center.

**Virtual Flexibility:** A major addition in this Amendment is the phrase “in person or virtual.” This acknowledges modern technology and ensures that government operations can continue during emergencies or allow participation from Council Members who may be traveling or unable to attend physically.

**Jurisdictional Notice:** The language allows for meetings to be held elsewhere within the Pawnee Nation jurisdiction, provided proper notice is given. This allows the Councils to be mobile and accessible to citizens.

### **ARTICLE XIII - SAVINGS CLAUSE (PROPOSED)**

All enactments of the Pawnee Nation adopted before the effective date of this Constitution shall continue in effect to the extent that they are not inconsistent with this Constitution.

**NOTES:** This Savings Clause serves as a vital legal “bridge” between the old governing documents and the newly adopted Constitution.

**Key Functions of Article XIII:**

**Legal Continuity:** It ensures that all existing Pawnee Nation laws, resolutions, and ordinances - such as hunting regulations, housing codes, and business licenses - remain valid even after this new Constitution is ratified.

**The “Consistency” Test:** While it saves old laws, it includes a critical filter: “not inconsistent with this Constitution.” If an old law contradicts a new right (like the new “right to a clean environment” or the “2% petition” rule), the new Constitution wins, and the old law becomes void.

**Stability for Citizens:** This clause ensures that contracts, court cases in progress, and Tribal programs do not suddenly stop functioning the moment the Amendment takes effect.

*\*Original text is the Adoption Clause, which established the specific legal requirements for a Constitution to replace the previous one, namely the document must first be approved by the Secretary of the Interior. This replacement and approval removes the Secretarial provision thereby further asserting the Nation's independent sovereignty\**

### **ARTICLE XIV – SEVERABILITY (PROPOSED)**

If any provision of the Pawnee Nation Constitution shall, in the future, be declared invalid or unconstitutional or in violation of Federal or Pawnee Nation law, it is the intent of the Pawnee Nation that the invalid portion shall be severed and the remaining provisions shall remain in full force and effect.

**NOTES: Key Implications of Article XIV:**

**Targeted Removal:** If a specific sentence or section is found to conflict with Federal law or a core Pawnee Nation law, only that specific piece is “severed” (cut out).

**Constitutional Integrity:** Without this clause, a legal challenge to one small amendment could potentially collapse the entire governing structure. This Article prevents that “domino effect.”

**Sovereign Protection:** By explicitly mentioning both Federal and Pawnee Nation law, the Nation asserts that its own laws are a primary standard for determining what is “constitutional.”

## **ARTICLE XV – SOVEREIGN IMMUNITY (PROPOSED)**

In fully exercising its self-determination and sovereign powers, the Pawnee Nation shall be immune from suit except to the extent that the Pawnee Business Council expressly waives the Nation’s sovereign immunity or as provided by in this Constitution.

### **NOTES: Key Components of Article XV:**

**The Default Status:** The Nation is immune from suit by default. This means that, generally, no individual or corporation can take the Pawnee Nation to court unless the Nation has specifically allowed it.

**Express Waiver:** Only the Pawnee Business Council has the authority to “waive” this immunity. However, the word “expressly” is critical - it means the waiver must be written clearly in a contract or law. Immunity cannot be “accidentally” waived or implied.

**Constitutional Exceptions:** The phrase “or as provided by in this Constitution” allows for specific instances where the government can be held accountable, such as in cases involving the Bill of Rights or Due Process, ensuring the shield of immunity is not used to violate the fundamental rights of Pawnee citizens.

### **Why is this a "Sovereignty" Milestone?**

In many older Tribal documents, the limits of immunity were often vague or governed by Federal common law. By placing this in Article XV of the Amendments, the Pawnee Nation is:

- Asserting its status as a Sovereign Power equal to that of States or the Federal government.
- Protecting its Self-Determination, ensuring that Tribal resources are used for the benefit of the Nation and its citizens, rather than being drained by outside litigation.