

# Seneca Nation



Location: New York

Population: 7800

Date of Constitution: 1848, as amended through 1993

## PREAMBLE

We the people of the Seneca Nation of Indians, residing on the Cattaraugus, Allegany, and Oil Spring Reservations, in the States of New York, grateful to Almighty God of our national preservation, growth and prosperity, for the freedom and manifold blessings heretofore by us enjoyed honoring the traditions of our Nation, trusting in the present, with confidence in the future advancement and better condition of our race and desiring greater enlightenment in order to perpetuate our national relations to provide for ourselves greater safeguards to pursuit of life, liberty and happiness, and to bring ourselves, as a Nation, to as high a plane intellectually, socially, morally as possible, do make, adopt and establish the following resolution:

SECTION I. Our government shall have a legislative, executive, and judiciary department. The legislative power shall be vested in a Council of sixteen members, who shall be known and called the Councilors of the Seneca Nation of Indians, eight Councilors elected to the Council shall be from the Cattaraugus Reservation, and eight Councilors elected to the Council shall be from the Allegany Reservation. Councilors shall be elected for four-year terms, except for the November, 1978 election. The staggered terms will be determined by the four Councilors having obtained the highest number of votes from the Allegany and Cattaraugus Reservations. The four Councilors, per reservation, with the least number of majority votes shall serve a two year term. No person shall be eligible for the office of Councilor unless he is an enrolled member of the Nation, has attained age twenty-one (21), and has resided on the Reservation he represents for at least one (1) year prior to the date on which he takes office.

The first election under the Constitution will be held on the first Tuesday of November, 1999, and thereafter on the first Tuesday of November every second year. The votes of the Nation shall be by single ballot containing the names of all party candidates and independent candidates, and shall be cast by the individual voter, out of presence of others, and be cast by him, without inspection by the Board of Inspectors. That on Election Day the polls shall be open at 9:00 a.m. and close at 7:00 p.m.

On or before the 15th day preceding the biennial election, all candidates shall file with the Clerk of the Nation their name and office, and no further candidate shall be allowed to file for office after the 15th day preceding the biennial election, except in case of death, substitution will be permitted on party tickets so filed.

This single ballot shall be printed at the expense of the Nation, and by the Clerk distributed to the Board of Electors twenty-four (24) hours before the date of the election.

SECTION II. Ten of said Councilors when assembled in session regularly organized shall constitute a quorum for the transaction of business.

In all appropriations of public money an affirmative vote of at least ten of the whole number elected shall be necessary. It shall not be lawful for the Council to make appropriations of public money in any one year exceeding the sum of the aggregate revenue of that year; but the Council shall make appropriation of public money to carry on the government in extraordinary cases for the welfare of the Nation.

In case of vacancy in the office of the president, the Council shall choose from their number a president, who shall hold office until his successor shall be duly elected and shall have qualified.

In case of absence of the president, the Council shall choose from their number a presiding officer pro tempore.

The council shall have the power of impeachment, by vote of the majority of all the members elected.

The court for the trial of an impeachment shall be composed of the president and the Council or a majority of them in all cases except in that of the trial of the president; in that case, the court for the trial of impeachment shall be composed of at least a majority of the Council and of the surrogates of the Nation.

SECTION III. The executive power shall be vested in a president whose duty it shall be at all times to preside over the deliberations of the Council having a casting vote therein.

The president shall from time to time give to the Council information of the state of the Nation and recommend to their consideration such measures as he shall judge necessary and expedient, not inconsistent with the true spirit and intent of the laws of the Seneca Nation. It shall be his duty to see that the laws applicable to the Nation are faithfully executed. He shall have power to fill all vacancies by appointment that shall occur either by death, resignation or impeachment of any of the officers of the Nation.

Such appointees shall hold office until their successors are elected and duly qualified. The president shall have the power of veto. Every resolution or other measure, passed by Council carrying with it any appropriation out of the funds of the Nation, before it becomes operative shall be presented to the president for his approval or objections; if he approves, he shall sign it; but if not, he shall return it to the Council with his objections in writing.

The objections shall be entered at large on the minutes of the Clerk; after which the same may become operative and binding on the Nation only by a second passage of the same by not less than twelve votes of the Council.

In all such cases, the name of each member voting shall be entered in the journal of the proceedings of the Council.

SECTION IV. The Judicial power shall be vested in a Court of Appeals, a Peacemakers Court, and a Surrogates Court. There shall be one Court of Appeals. There shall be two Peacemakers Courts and two Surrogates Courts, one each to be established upon the Cattaraugus Reservation and one each to be established upon the Allegany Reservation.

The Court of Appeals shall be comprised of six judges, any three of whom shall hear each appeal. The judges of the Court of Appeals shall be trained in the law. The Peacemakers Court shall be comprised of three judges each, and two of whom shall have the power to hold Court and discharge all the duties of the Peacemakers Court. The Surrogates Court shall be comprised of one judge each.

The judges of the Court of Appeals shall be elected from the residents of the Allegany, Cattaraugus and Oil Springs Reservations, with three of the judges elected from the residents of the Cattaraugus Reservation and three of the judges elected from the residents of the Allegany and Oil Springs Reservations. The judges of each of the Peacemakers and Surrogates Courts on the Cattaraugus Reservation shall be elected from the residents of the Cattaraugus Reservation and the judges of each of the Peacemakers and Surrogates Courts on the Allegany Reservation shall be elected from the residents of the Allegany and Oil Springs Reservations. The election of judges shall be on the first Tuesday of November. Beginning in 1993, judges shall not be elected in the same year that the other Nation officials are elected. Judges elected in November, 1992 shall serve in office until their successors are duly elected in November, 1993, provided that judges of the Court of Appeals shall first be elected in November 1993.

The term of office of the judges of the Court of Appeals shall be four years. At the first election of the judges of the Court of Appeals, three positions on the Court of Appeals initially shall be for a term of two years and three positions initially shall be for a term of four years. The term of each position shall be determined by a lot prior to the election, provided that at least one judge from each Reservation shall serve a two year term. All subsequently elected judges of the Court of Appeals shall be elected for a term of four years.

The term of office of the Peacemakers and Surrogates shall be four years, provided that, at the next judicial election following the approval of this amendment, except if judicial elections are moved to an off-year, one Peacemaker from each Peacemakers Court shall be elected for a term of two years, with the remaining two Peacemakers from each court and all subsequently elected Peacemakers elected for a term of four years.

The judicial power shall extend to all cases arising under this Constitution, the customs of laws of the Nation, and to any case in which the Nation, a member of the Nation or any

person or corporate entity residing on, organized on, or doing business on any of the Reservations shall be a party.

The forms of process and proceedings in all Courts shall be such as is prescribed by law.

All determinations and decisions of the Peacemakers and Surrogates Courts shall be subject to appeal to the Court of Appeals. All cases of appeal shall be decided by the Court of Appeals upon the evidence taken in the Peacemakers and Surrogates Courts. In every case on appeal, it shall be the duty of the judge or judges before whom the case was heard to certify the evidence and record in that case to the Court of Appeals. The Court of Appeals shall then decide the case upon the certified evidence and record. Upon the hearing of the appeal, a party shall have the right to be heard and to appear in person or by counsel and argue the merits of the case at his own expense.

All determinations of the Court of Appeals shall be subject to appeal to the Council upon the granting of a writ of permission by a vote of not less than seven Councilors. Such appeal, if granted, shall be heard by at least a quorum of the Council. In the event that no appeal is made to the Council, the decision of the Court of Appeals is final, and no other court of subsequently elected Council shall have the right to re-open, re-hear, reverse or affirm the decision of the Court of Appeals. All cases of appeal shall be decided by the Council upon the evidence taken in the Peacemakers or Surrogates Courts. In every case on appeal, it shall be the duty of the judges before whom the case was heard to certify the record in the case to the Council. The Council shall then decide the case upon the certified evidence and record. Upon the hearing of an appeal, a party in interest shall have the right to be heard and to appear in person or by counsel and argue the merits of the case at his own expense.

On such matters of appeal from the Court of Appeals, the decision of the Council shall be final, and no subsequent elected Council shall have the right to re-open, re-hear, reverse or affirm the decision of a previous Council.

In every action in any Court, such action shall be brought in the name of the real party in interest.

Nothing herein shall be construed as affecting the right of any Council to repeal or modify existing laws and regulations passed and approved by a previous Council.

SECTION V. The power of making treaties shall be vested in the Council, subject to the approval of at least three-fourths of the legal voters and of the consent of three-fourths of the mothers of the Nation.

SECTION VI. There shall be a clerk and a treasurer of the Nation. The rights, duties and liabilities of such shall be defined by law.

SECTION VII. There shall be two marshals for the Nation; one shall reside on the Cattaraugus and one on the Allegany Reservation. The rights, duties, and liabilities of each shall be as defined by law.

SECTION VIII. The Council may provide for the election of Highway Commissioners, Overseers of the Poor, Assessors and Policeman for each of the said Reservations, their duties defined by law.

SECTION IX. All officers of the Nation named in this Constitution, except for certain officers otherwise provided for herein, shall be elected biennially for the term of two years. All officers of the Nation named in this Constitution may be impeached or removed for such cause as is recognized by law, in such manner and form as is prescribed by this Constitution.

SECTION X. Every member of the Seneca Nation of Indians of the age of Twenty-one years and upwards, who shall not have been convicted of a felony, shall be competent to vote at all elections and meetings of the electors of the Nation and shall be eligible to any office in the gift of the people of the Nation. No person shall be eligible for the office of president unless he is an enrolled member of the Nation, has attained the age of thirty (30) years, has resided on the Reservation he represents for at least one year.

SECTION XI. The compensation of all officers of the Nation named in this Constitution shall be such as prescribed by law and the salaries shall not be increased or diminished during their term of office.

SECTION XII. The Council of the Nation shall meet, in general session to conduct business of the Nation, on the second Saturday of each month in the year; provided, however that if the second Saturday of any month is a legal holiday or if the Council so votes at its next preceding session, the Council shall meet on the third Saturday of the month.

The president shall have the power to convene the Council in extra session as often as the interests of the Nation in his judgment requires.

SECTION XIII. The Council shall have the power to make laws not inconsistent with this Constitution.

SECTION XIV. The laws and regulations heretofore made and adopted by the Council and not inconsistent with this Constitution shall continue in full force and effect as heretofore until repealed or amended, to the extent and in the manner, as the Council shall deem lawful and proper.

SECTION XV. The present officers of the Nation shall hold their offices respectively until the first Tuesday of November, 1899, until others are elected in their place in accordance with the terms of this Constitution, unless removed for cause.

SECTION XVI. It shall be lawful for the Council in their discretion, by at least a quorum vote to appoint a committee of three for revision of the Constitution. The duty of the committee shall be on ten days' notice of their appointment, to prepare amendments or alterations of the Constitution as amended to the Council.

It shall be the duty of the Council to submit the same to the electors of the Nation for their approval or objection, to be determined by a majority vote of the qualified electors at a meeting called for that purpose on the Cattaraugus and Allegany Reservation, respectively. In the case the proposed amendments of the committee are rejected, no action shall be taken by the Council or the electors relative to amending the constitution within one year from the date of said meeting and rejection.