

CONSTITUTION OF THE NANTICOKE LENNI-LENAPE AN AMERICAN INDIAN NATION

PREAMBLE

We, the Nanticoke Lenni-Lenape, under the protection and guidance of our almighty Creator, in order to preserve the legacy of our ancestors, promote the interests of our people, affirm our tribal identity, establish justice, ensure domestic tranquility, defend the general welfare, exercise our governmental jurisdiction, protect our environmental, cultural and human resources, and secure our national sovereignty for future generations of our people, do ordain and establish this constitution for our tribal nation.

ARTICLE I NAME, STATUS, JURISDICTION AND POWERS

SECTION ONE: In keeping with its history, the name of this tribe is the "Nanticoke Lenni-Lenape Tribal Nation," hereinafter also referred to as the "Tribe"

SECTION TWO: We, the Nanticoke Lenni-Lenape Tribal Nation, assert that we are a distinct nation of Nanticoke and Lenape people of North America, whose seat of government has remained in our homeland since ancient times. We assert our inherent right to: self determination; freely determine our political status; freely pursue our economic, social, religious and cultural development, and determine our membership, without external interference. These same rights and principles we acknowledge to be inherent among other peoples, nations and governments throughout the world. We recognize their sovereignty and pledge to maintain relations with those peoples, nations, and governments who acknowledge those same fundamental human rights and principles, and who recognize the sovereignty of the Nanticoke Lenni-Lenape Tribal Nation.

SECTION THREE: The Tribe is a sovereign American Indian Nation made up of the Nanticoke and Lenni-Lenape people whose core tribal ancestral families are from the homeland of our historic tribal communities in Southern New Jersey and the Delmarva Peninsula. Our tribal sovereignty was granted by the almighty Creator to our ancestors, was never surrendered by our tribal leadership to any other authority, and has continued from ancient times to the present. The Tribe shall exercise such authority as is inherent in any sovereign American Indian Nation.

SECTION FOUR: The Tribe's governing jurisdiction extends over its citizens and non-enrolled protectorates, regardless of their location or place of residence, The Tribe's jurisdiction shall be exercised to the fullest extent consistent with this Constitution, the laws promulgated under this Constitution, and the inherent sovereign powers of the Tribe.

SECTION FIVE: The Tribe's governing jurisdiction extends over all tribal lands and any interests therein. The legal description of such lands currently held, acquired in the future, or placed in trust by, or on behalf of, the Tribe to be detailed in held deeds and trust documents. The Tribe's territorial authority encompasses all property and rights of property belonging to the Nanticoke Lenni-Lenape people, with perpetual succession. This jurisdiction includes, but is not limited to, air, water, surface, subsurface, natural and cultural resources, and any interests therein. The Tribe's jurisdiction shall be exercised to the fullest extent consistent with this Constitution, the laws promulgated under this Constitution, and the inherent sovereign powers of the Tribe.

SECTION SIX: There shall be constitutional supremacy over all subordinate entities of the Tribe.

SECTION SEVEN: Nothing in this Article shall be construed as restricting the treaty rights of the Tribe or its citizens or infringing upon the inherent sovereign powers of the Tribe.

ARTICLE II ENROLLED CITIZENSHIP

SECTION ONE: The privileges of full tribal citizenship are limited to enrolled citizens.

SECTION TWO: Enrolled citizenship is limited to those individuals who are the descendants of the historic core tribal families of the Nanticoke of the Delmarva Peninsula and the Lenni-Lenape of Southern New Jersey and Northern Delaware as indicated in the Tribal Base Rolls. Enrolled citizenship is exclusive to those who meet the

mandatory descent requirements and all other criteria for citizenship as set forth in the laws adopted under this Constitution.

SECTION THREE: Enrolled citizens shall be under the jurisdiction of, and shall pledge allegiance to, the Tribe and shall abide by any and all laws and rules of the Nanticoke Lenape and its governing documents and will respect and comply with the decisions, policies, laws, and rulings of the Tribal Government.

SECTION FOUR: No enrolled citizen of the Tribe may also be receiving benefits as a citizen of another American Indian Tribe.

SECTION FIVE: Tribal citizens may surrender their citizenship in the Tribe by indicating the same in a notarized letter to the Tribal Council. At such time, they shall be removed from the tribal rolls and lose all privileges of tribal citizenship.

SECTION SIX: In accordance with tribal law citizens may have their citizenship privileges suspended or their enrollment revoked by the Tribal Council or Tribal Court if their conduct has proven to be detrimental to the Tribe or if it is determined that they have falsified information during the application process.

SECTION SEVEN: The Tribal Council shall promulgate ordinances governing enrollment, disenrollment, adoption, dependent and honorary status; provided that the Tribal Council shall have no power to change or establish substantive requirements for membership in addition to those established in this Article without following the procedure for amending the Tribal Constitution.

SECTION EIGHT: Any enrolled citizen or non-enrolled protectorate may have such status declined, suspended, or revoked by the tribal government in accordance with the requirements of this article.

SECTION NINE: Nothing in this Constitution shall authorize or empower the governing body, while exercising its power of self-government, to violate the civil rights of tribal citizens. Tribal citizens have the right to:

- (a) the free exercise of religion, freedom of speech, freedom the press, freedom to peaceably assemble and to petition for a redress of grievances;
- (b) the right of the people to be secure in their persons, house, papers, and effects against intrusion by tribal officials or agents, unreasonable search and seizures;
- (c) freedom from being twice put in jeopardy before the Tribal Court for any single offense;
- (d) freedom from being compelled to be a witness against himself before the Tribal Court;
- (e) freedom from having private property seized for tribal use.

SECTION TEN: The Tribal Government is precluded from denying any person the equal protection of its laws or deprive any person of liberty or property without due process of law, nor the passing of any bill of attainder or ex post facto law.

SECTION ELEVEN: All citizens may request the mediation of disputes and resolution of grievances in the manner set forth by laws adopted under this constitution.

SECTION TWELVE: Voting privileges are extended only to enrolled citizens in good standing who are at least eighteen (18) years of age and have met the tribal participation requirements as set forth by laws adopted under this constitution.

ARTICLE III NON-ENROLLED PROTECTORATES

SECTION ONE: As set forth in laws adopted under this constitution, the Tribe may provide, at its discretion, a Verification of Tribal Descent to those with documented descent from the historic core tribal families, but who may not meet all of the requirements for enrolled membership as set forth by laws adopted under this constitution.

SECTION TWO: Official tribal adoptees are considered to be non-enrolled citizens. Official tribal adoption is restricted to the children or spouse of an enrolled tribal citizen and may only be granted by Tribe in the manner set forth by tribal law, under the following conditions:

- (a) The biological child of an enrolled tribal citizen in good standing, who does not meet blood quantum requirements for enrollment, is eligible to be adopted by the tribe at the discretion of the Tribe;
- (b) The legally adopted child of an enrolled citizen in good standing, who can be verified as being American Indian by blood to the satisfaction of the body designated to make such a determination as set forth in the laws adopted under this constitution, is eligible to be adopted at the discretion of Tribe;
- (c) The legal spouse of an enrolled tribal citizen is eligible for consideration as a tribal adoptee at the discretion of the body designated to make such a determination as set forth in the laws adopted under this constitution, only if they are American Indian by blood and can verify the same to the satisfaction of the Tribe;
- (d) An application for adoption may only be submitted by the enrolled sponsor of the applicant and should include any proofs of tribal descent that the candidate may provide (or that may be provided on their behalf). Descent from an American Indian Tribe may be confidentially determined through any one of the following means; 1) proof of membership in another tribe; 2) Certificate of Determination of Indian Blood card or a letter indicating a determination of Indian Blood from another tribe; 3) The listing of ancestors on historic tribal rolls; 4) Government records indicating American Indian ancestry; 5) Family records or certified statements which provide a consistent and coherent tradition of American Indian identity that is supported by the personal knowledge and ongoing observations of enrolled tribal citizens in good standing;
- (e) Adoptees may receive a tribal identification card, with a special designation identifying their adopted status and verifying that they have been determined to be American Indian by blood;
- (f) Any exceptions to this section must be approved by the unanimous vote of the Tribal Council.

SECTION THREE: Non-Native Tribal Dependent status may be extended at the discretion of the body designated to make such a determination as set forth in the laws adopted under this constitution, and with the approval of the Tribal Council in accordance with the following:

- (a) The non-Native legally adopted child of an enrolled citizen in good standing;
- (b) The non-Native spouses and dependents of tribal citizens, who may not meet the requirements for official tribal adoption, are eligible for non-Native Tribal Dependent status so long as they have demonstrated consistent loyalty and support for the Tribe and the culture;
- (c) Non-Native Tribal Dependents may surrender their status in the Tribe by indicating the same in a notarized letter to the Tribal Council. At such time, they lose all privileges of Non-Native Tribal Dependent status;
- (d) As set forth in the laws adopted under this constitution, Non-Native Tribal Dependents may have their status suspended or revoked by the Tribal Government if their conduct has proven to be detrimental to the Tribe;
- (e) Non-Native Tribal Dependents may receive a tribal identification card, with a special designation identifying their status.

SECTION FOUR: Honorary tribal citizenship may be extended at the discretion of the body designated to make such a determination as set forth in the laws adopted under this constitution, and with the approval of the Tribal Council in accordance with the following:

- (a) The courtesy of honorary citizenship may be sparingly extended by the Tribal Council to those non-Natives, or individuals of American Indian descent that do not meet the requirements for tribal Enrollment or Adoption and who have demonstrated outstanding tribal loyalty, embracing of tribal culture, and providing consistent support to the Tribe over many years;

- (b) Honorary citizenship does not provide any legal standing, shall not extend tribal citizenship in any form to the recipients, and may be withdrawn at the discretion of the body designated to make such a determination as set forth in the laws adopted under this constitution, or the Tribal Government.

SECTION FIVE: Non-enrolled Protectorates must agree to submit to the jurisdiction of, and pledge allegiance to, the Tribe and agree to abide by any and all laws and rules of the Tribe and its governing documents and will respect and comply with the decisions, policies, laws, and rulings of the Tribal Government

- (a) Non-enrolled Protectorates shall have no right, privilege or immunity as an enrolled citizen.
- (b) Non-enrolled Protectorates may surrender their status in the Tribe by indicating the same in a notarized letter to the Tribal Council, or such status may be suspended or removed in accordance with law.

SECTION SIX: Polices governing descendant, adoption, dependent and honorary status shall be determined by the Tribal Council in accordance with the laws adopted under this constitution.

ARTICLE IV THE TRIBAL EXECUTIVES, COUNCIL, AND JUDICIARY

SECTION ONE: The Tribal Executives, Tribal Council, and Tribal Supreme Court, must be enrolled tribal citizens in good standing, at least twenty one (21) years of age, of good moral character, with proven leadership skills and ethics, and have demonstrated an appreciation for, and an understanding of, tribal sovereignty and the cultural sensitivities of the Tribe. No person shall serve as a Tribal Executive, member of the Tribal Council or Tribal Judge within seven years of completion of a sentence or probation upon being convicted of a felony, unless such conviction has been vacated or overturned by a court of competent jurisdiction.

SECTION TWO: The Tribal Executives shall be the Chairperson, Co-Chairperson, Treasurer and Secretary, who shall be elected by the voting enrolled tribal citizenry to staggered terms of four years each. Candidates nominated to serve as Tribal Executives must have served at least two years as a Council Member At-Large, this requirement shall only be waved in extraordinary circumstances by the consent of the standing Tribal Council. Presided over by the Tribal Chairperson, also known as the Principal Chief, the executives shall be charged with the regular administration and general oversight of tribal affairs and executing tribal law and policy. The specific duties of the Tribal Executives are indicated as follows...

- (a) The Chairperson of the Tribal Council shall:
- (1) Preside at all meetings of the Tribal Council;
 - (2) Represent the Tribal Council in its relations with others, in a manner consistent with this Constitution;
 - (3) Appoint members of all committees and subcommittees of the Tribal Council, subject to the approval of the Council and in accordance with the rules and procedures of the Tribal Council;
 - (4) Call special meetings of the Tribal Council and of any committee of the Council, in accordance with this Constitution and the rules and procedures of the Tribal Council.
 - (5) Receive reports of all committees and agents and deliver such reports or cause such reports to be delivered to the Tribal Council;
 - (6) Be an ex officio member of all committees of the Tribal Council;
 - (7) Exercise supervision over all committees of the Tribal Council and recommend to the Council the establishment, consolidation, and abolition of any Council committees;
 - (8) Perform such other duties as may be specified by this Constitution, by ordinance, or as required by the Tribal Council.
- (b) The Co-Chairperson shall:
- (1) Perform the duties of the Chairperson in the Chairperson's absence;
 - (2) Assume responsibility for those functions delegated to him/her by the Chairperson;
 - (3) Perform such other duties as required by the rules and procedures of the Tribal Council;
- (c) The Treasurer shall:
- (1) Monitor the fiscal matters of the Tribe;
 - (2) Submit financial reports to the Tribal Council at least every three months or at any other time requested to do so by the Tribal Council;

- (3) Perform such other duties as required by the rules and procedures of the Tribal Council;
- (4) Acquire a surety bond, in an amount and with a surety company satisfactory to the Tribal Council, to administer the Tribe's fiscal affairs.

(d) The Secretary shall:

- (1) Submit a report of the minutes of all Tribal Council and tribal general membership meetings to the Tribal Council;
- (2) Maintain and protect the Tribal Seal;
- (3) Perform such other duties as required by the rules and procedures of the Tribal Council.

SECTION THREE: The Tribal Council shall be made up of the Tribal Executives and five Council Members At-Large. The Council Members At-Large shall be elected by the voting enrolled tribal citizenry in good standing to staggered terms of two years each. Presided over by the Tribal Chairperson, the Tribal Council shall be charged with the legislative governance of the Tribe, establishing laws, resolutions, administrative and fiscal policies. The Tribal Council may not sell or encumber the real estate assets of the Tribe without a majority vote of the citizens in good standing. The Tribal Council has the power to:

- (a) propose, enact, and enforce tribal law;
- (b) pass resolutions;
- (c) form subsidiaries;
- (d) acquire and manage assets;
- (e) create alliances and partnerships;
- (f) establish treaties and compacts;
- (g) appoint commissions, subcommittees, deputies and agents;
- (h) hire, direct and fire tribal staff;
- (i) approve and administer tribal business transactions and establish tribal administrative procedures;
- (j) provide for tribal cultural preservation, social services, economic development and ensure the protection of tribal sovereignty;
- (k) perform all other actions as necessary to protect the tribal government and tribal people.

SECTION FOUR: The Tribal Judiciary shall be made up of one Supreme Court and other inferior courts as established by law. The Supreme Court shall be comprised of one Principal Justice and four Associate Justices nominated by the Tribal Chairperson and confirmed by the Tribal Council to staggered six year terms. Nominees for the Supreme Court must have previously served at least two years on the Tribal Council or served for at least three years as a appointed tribal official. At least two of the four Associate Justices must be tribal elders as acknowledged by the tribal community. Presided over by the Principal Justice, the Judiciary shall be charged with interpreting the Tribal Constitution, tribal statutes and official policies. Individual Associate Justices of the Supreme Court, and those judges presiding over inferior courts as established by law, shall also be charged with presiding over tribal court hearings aimed at mediating and resolving grievances between tribal citizens and ruling in matters of tribal law; and, therefore, should be regarded by the tribal citizens as being of high spiritual character and wisdom..

SECTION FIVE: All enrolled citizens, adopted citizens, and those with non-native dependent status may request the mediation of disputes and resolution of grievances by the Tribal Judiciary, which may grant a hearing or assign a mediator at its discretion.

SECTION SIX: Vacancies resulting from the death, incapacitation, resignation or removal of a Tribal Council Member or Tribal Judge:

- (a) The vacancy may be filled by a qualified enrolled citizen upon the nomination by the Principal Chief/Tribal Chairperson and confirmation by the Tribal Council until the next regular election, at which time the vote shall be to fill the duration of the unexpired term;
- (b) In the event that the vacancy is the position of the Tribal Chairperson or Co-Chairperson, the nomination of a qualified enrolled citizen will be made by a consensus of the remaining Tribal Executives and confirmed by the entire Tribal Council, at which time the interim Tribal Chairperson or Co-Chairperson will serve until the next regular election, at which time the vote shall be to fill the duration of the unexpired term.

SECTION SEVEN: Any Tribal Council Member or Tribal Judge may be suspended by the consensus of the Tribal Council or Tribal Judiciary and, following any decision to impose suspension, removed from office by a two thirds majority vote of the tribal citizens in good standing in the event of:

- (a) Unethical, immoral or illegal conduct;
- (b) Physical or mental disability which prevents the performance of duties;
- (c) Persistent failure to perform duties;
- (d) Gross misconduct that impedes the good will and faith of the citizenry or negatively impacts the tribe.

SECTION EIGHT: Tribal officials must recuse themselves from situations involving conflicts of interest or be disqualified by their peers from participation in decisions or activities in which they may be prejudiced by personal fiscal or intimate familial involvement.

SECTION NINE: The Tribal Council and Tribal Judiciary have the power to enact operational procedures to govern their respective functions.

SECTION TEN: A Tribal Council member shall not hold two or more positions on the Tribal Council simultaneously and will be required to resign one if elected to another.

SECTION ELEVEN: No Tribal Executive Officer may also simultaneously serve as a Tribal Judge and will be required to resign one position if elected to the other.

SECTION TWELVE: Oaths of Office, approved by the Tribal Council, shall be administered by a Tribal Judge or Tribal Spiritual Leader to all elected and appointed officials of the Tribe in a ceremony open to tribal citizens and with the invocation of the Creator's blessing upon the proceedings.

SECTION THIRTEEN: Matters of a confidential nature shall be held in confidence by all tribal officials and agents, who may be required by the tribal government to sign a confidentiality / non-disclosure agreement.

SECTION FOURTEEN: Persons residing in the same household shall not serve as Tribal Executives, or on the Tribal Council, or as Tribal Supreme Court Justices at the same time.

ARTICLE V ELECTIONS

SECTION ONE: All candidates for elected office must be enrolled citizens in good standing and have demonstrated the skills, moral character, spiritual maturity, professional bearing, cultural values, historical perspective and tribal loyalty commensurate with the position to which they have been nominated. They should not be given to petty disputes, divisive activities, irreverent or immoral behavior. They should exemplify the very best of the heritage that they are charged to protect and preserve. All tribal officials must strive to act in the Tribe's best interest, reflecting the struggle and hopes of the previous seven generations of our people, while prayerfully considering the impact of their actions and decisions for the next seven generations of our people.

SECTION TWO: Enrolled tribal citizens in good standing may nominate candidates for elected office for seats open at the end of terms or due to vacant offices. Nominations shall be recorded in the minutes of the regularly

scheduled general meetings of the tribal citizenry beginning three regularly scheduled meetings of the tribal membership / citizenry prior to the date of the election.

SECTION THREE: At least ninety days prior to an election, the Tribal Council will appoint an election board from among the tribal citizens to administer the election and count votes. The committee will be responsible for the upholding of election rules and reporting to the citizenry on the same:

- (a) All nominators and nominees are enrolled citizens in good standing;
- (b) No candidate may run for two elected offices during the same election;
- (c) Voters shall be free from any form of coercion in regard to their vote;
- (d) Voting is restricted to only enrolled tribal citizens in good standing;
- (e) No enrolled tribal citizen in good standing, who is present at the time set for the election, shall be denied the opportunity to vote for the duly nominated candidate or candidates of their choice;
- (f) Absentee ballots may be provided to tribal citizens in good standing, at the discretion of the Tribal Council, but must be returned to the elections board no later than the time specified for voting.
- (g) Secret ballots, containing the names of candidates and the offices to which they were nominated, will be distributed only to enrolled tribal citizens in good standing and a ballot box will be provided by the election board for the first hour of the regularly scheduled tribal general membership / citizenry meeting during which the election shall take place;
- (h) Votes will be counted by the elections board and reported to the citizenry;
- (i) Candidates receiving the highest votes for each office shall be elected to that office.

SECTION FOUR: No candidate may be an immediate family member residing in the same household of another candidate or elected member of the Tribal Council. Immediate family members residing in the same household shall not serve on the Tribal Council at the same time. In the event that two or more immediate family members residing in the same household are elected, they may designate in writing which one will serve. If no such designation is made, only the family member with the highest number of votes shall serve. In case of a tie, and no designation being made, a run-off election shall be conducted. Any seat left vacant under the terms of this section shall be filled by the candidate with the next highest number of votes and is eligible to serve under the terms of this section.

SECTION FIVE: Within sixty days after the election, elected officials shall assume the full duties of the office to which they have been elected.

ARTICLE VI MEETINGS

SECTION ONE: The Chairman may call meetings of the Executive Council as may be deemed necessary to execute the approved policies and actions of the Tribal Council.

SECTION TWO: The Tribal Council shall meet bi-monthly at a time and location determined by the members of the Council, with all meetings being opened with prayer, conducted in an orderly fashion and shall include the reading of minutes, official reports, hearing of old and new business. Additionally:

- (a) A quorum consisting of the majority of the tribal council membership shall be required to conduct a meeting in order to set tribal council policy, pass laws or resolutions;
- (b) At the discretion of current council members present, past council members may be utilized to form a quorum so long as the majority voting are current council members and providing that no law shall be passed under this special provision;

- (c) Meetings shall be chaired by the Tribal Chairman or another elected member of the Tribal Council as prescribed in Article IV, Section Two of this Constitution;
- (d) Motions, policies, ordinances and resolutions shall be passed by a majority of the Tribal Council members in attendance of a meeting;
- (e) The Tribal Council may establish rules of order and business procedures as it deems appropriate for the conduct of its meetings, so long as such rules and procedures do not violate the Tribal Constitution;
- (f) All current elected members of the Tribal Council shall have both a voice and a vote at all meetings of the Tribal Council;
- (g) A record of official council motions, policies, ordinances and resolutions shall be kept, with notice of the same to be provided in a timely fashion to the tribal citizenry;
- (h) The Tribal Council may conduct closed sessions as it sees fit and may request the counsel, reports or presentations of non-council members at closed sessions;
- (i) The Tribal Council may, in its discretion, determine not to keep a record of all or any of the discussion in closed session, provided that the general reason for such determination shall be recorded and a record shall be kept of any action taken in closed session and such record may be withheld from inspection by tribal members pending final disposition of the matter concerned;
- (j) Tribal citizens and agents not on the Tribal Council may attend open Tribal Council meetings as observers without a voice or a vote, unless requested to provide counsel, reports, or presentations by the Chairman of the Tribal Council;
- (k) Tribal citizens may, in advance of a scheduled Council meeting, request permission from the Tribal Council Chairman to appear before the council to speak on a concern, such permission may not be unreasonably withheld by the Chairman;
- (l) The tribal council may extend an invitation to non-citizens to attend a specific Tribal Council meeting for the purpose of hearing a proposal, receiving a report or presentation... however, such guests shall not have a voice beyond the scope of the matter for which they were invited;
- (m) Emergency meetings of the Tribal Council may be called by the Chairperson to handle matters requiring the immediate action of the council so long as a quorum may be assembled for the same and that no other business other than that for which the emergency meeting was called, may be acted upon.

SECTION THREE: Meetings of the Tribal Citizenship shall be conducted on a monthly basis and at a regular time and location determined by the members of the Tribal Council, for the purposes of informing the tribal citizens of the status of the affairs of the tribe and transacting such other business as may be deemed desirable by the Tribal Council. All meetings shall be opened with prayer, conducted in an orderly fashion and shall include the reading of minutes, official reports, hearing of old and new business. Additionally:

- (a) Meetings shall be chaired by the Tribal Chairman or another elected member of the Tribal Council as prescribed in Article IV, Section Two of this Constitution;
- (b) The Tribal Council may, at its discretion, deem a meeting of the tribal citizenship closed to non-tribal citizens;
- (c) Only enrolled tribal citizens in good standing may make motions or vote at meetings of the tribal citizenship;
- (d) Any persons present may, at the discretion of the chairman, be granted the floor to participate in discussions.
- (e) Motions shall be passed by a majority of members in good standing who are eligible to vote at meetings of the tribal citizenship.

- (f) Regular monthly meetings of the tribal citizenship shall be open to all tribal citizens so long as they maintain acceptable social order and do not interfere with the conducting of the meeting.

ARTICLE VII SOVEREIGN IMMUNITY

SECTION ONE: The Tribal Council shall not waive or limit the right of the Nanticoke Lenni-Lenape Tribal Nation to be immune from suit, except as authorized by tribal ordinance or resolution or in furtherance of tribal business enterprises. Except as authorized by tribal ordinance or resolution, the provisions of this Constitution shall not be construed to waive or limit the right of the Nanticoke Lenni-Lenape Tribal Nation to be immune from suit for damages.

SECTION TWO: Suits against the Nanticoke Lenni-Lenape Tribal Nation in Tribal Courts are subject to the following:

- (a) The Nanticoke Lenni-Lenape Tribal Nation, its Tribal Council members and other Tribal officials, acting in their official capacities, shall be subject to suit for declaratory or injunctive relief in the Tribal Court system for the purpose of enforcing rights and duties established by this Constitution and by the ordinances and resolutions of the Tribe.
- (b) Notwithstanding the authorization provided in subsection (a) of this Section, persons shall not be entitled to an award of damages, as a form of relief, against the Tribe, its Tribal Council members, or other Tribal officials acting in their official capacities; provided that the Tribal Council may by ordinance waive the right of the Tribe or Tribal officials to be immune from damages in such suits only in specified instances when such waiver would promote the best interests of the Tribe or the interests of justice.
- (c) The Tribe, however, by this Article does not waive or limit any rights, which it may have to be immune from suit in the courts of the United States or of any state.

ARTICLE VIII SEVERABILITY

If any provisions of this Constitution shall be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE IX AMENDMENTS

This Constitution may be amended by a majority vote of the qualified voters of the tribe voting in an election called for such purpose by the Tribal Council in accordance with the laws established under this constitution.

CERTIFICATION AND ADOPTION

This Constitution was approved at a special session of the Nanticoke Lenni-Lenape Tribal Council on June 20th, 2009 and adopted at a regularly scheduled meeting of the tribal citizenship by the affirmation of the Nanticoke Lenni-Lenape people as the primary governance document on July 18th, 2009, rendering all prior governance documents null and void.