

CONSTITUTION
OF
[THE UNIFIED YUPIIT TRIBES]
[UNIFIED TRIBES OF THE YUKON-KUSKOKWIM DELTA]
[COUNCIL OF ABORIGINAL PEOPLES]¹

PREAMBLE

We, the indigenous Alaska Native People of the Yukon-Kuskokwim Delta Region, desire for ourselves a stronger voice and ability to act as a sovereign regional government than is currently possible under our current forms of government. In doing so, we recognize and respect the traditions of our elders and those that have come before us who have protected our sovereign tribal governments and created non-governmental organizations to provide important services to improve the quality of life for our people. We seek to build upon these prior efforts by establishing a new constitutional federation of village governments to strengthen our political voice, to better protect our inherent rights to fish, gather, and hunt within our lands, to improve our regional economy, to provide a better means for engaging in foreign relations with other nations and governments, and to overcome the injustice that has sought to weaken us politically, economically and culturally and to destroy our traditional way-of-life. In doing so, we assert our inherent rights as indigenous peoples as recognized under the Declaration on the Rights of Indigenous Peoples.

I. THE PEOPLE

Section 1. Citizenship.

The people to be governed under this Constitution shall be comprised of (i) all individuals enrolled as tribal citizens or members of tribal governments listed in Article III, (ii) all individuals who are voting shareholders of the Calista Corporation or any village corporation listed in Article III, and (iii) the children of the individuals set forth in (i) and (ii) and their blood descendants.

Section 2. Citizenship Roll.

The Clerk shall maintain a roll of all citizens and ensure its accuracy. No person may be removed from the roll unless by death, voluntary relinquishment, or error. The House of the People shall approve any additions and deletions to the citizenship roll.

¹ As new names are suggested, they will be listed until the time that a decision must be made and notated by "XXX" throughout this draft document.

Section 3. Voting Eligibility.

All citizens age eighteen (18) and over shall be eligible to vote, except for citizens who have been convicted of a violent felony in the ten (10) years before seeking to vote.

II. DECLARATION OF RESPONSIBILITIES AND RIGHTS

Section 1. Responsibilities.

Citizens of the XXX government shall –

- a. Give their best efforts to participate in efforts to improve the quality of their lives and of the lives of all people in the Yukon-Kuskokwim Delta Region; and
- b. Provide support to the best of their abilities for the efforts to strengthen the XXX government to protect the inherent rights of the people of the Yukon-Kuskokwim Delta Region and the purposes for which this government is formed.

Section 2. Rights.

The XXX government shall not –

- a. make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
- b. violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- c. subject any person for the same offense to be twice put in jeopardy;
- d. compel any person in any criminal case to be a witness against himself;
- e. take any private property for a public use without just compensation;
- f. deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense (except as provided in subsection (b));
- g. take the following actions in criminal proceedings:

- i. require excessive bail, impose excessive fines, or inflict cruel and unusual punishments;
 - ii. except as provided in subparagraph 7(c), impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 1 year or a fine of \$5,000, or both;
 - iii. subject to 25 United States Code § 1302(b) and (d), impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 3 years or a fine of \$15,000, or both; or
 - iv. impose on a person in a criminal proceeding a total penalty or punishment greater than imprisonment for a term of 9 years;
- h. deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
 - i. pass any bill of attainder or ex post facto law; or
 - j. deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of at least six citizens.

Section 3. Rights of Defendants in Certain Criminal Proceedings.

In a criminal proceeding in which the XXX government seeks to impose a total term of imprisonment of more than 1 year on a defendant, the XXX government shall comply with the provisions of 25 United States Code § 1302(c) and (d).

Section 4. Sovereign Immunity; Limit on Relief.

In any proceeding against the XXX government or its officials, sovereign immunity shall be available as a defense upon such terms and conditions as may be defined by law, provided, that any relief that may be authorized shall be limited to mandamus or injunctive relief, proceeds from insurance, but not money damages against the XXX treasury.

III. THE TRIBAL GOVERNMENTS AND ORGANIZATIONS

Section 1. Tribal Governments.

The tribal governments for the following communities are eligible to constitute the federation formed under this Constitution:

Akiachak	Emmonak	Mountain Village	Quinhagak
Akiak	Georgetown	Napaimute	Red Devil
Alakanuk	Goodnews Bay	Napakiak	Russian Mission

Andreafsky	Hamilton	Napaskiak	Saint Mary's
Aniak	Hooper Bay	Newtok	Scammon Bay
Atmaultluak	Kasigluk	Nightmute	Sleetmute
Orutsarmiut	Kipnuk	Nunam Iqua	Stony River
Bill Moore's Slough	Kongiganak	Nunapitchuk	Toksook Bay
Chefornak	Kotiik	Ohogamiut	Tuluksak
Chevak	Kwethluk	Oscarville	Tuntutuliak
Chuathbaluk	Kwigillingok	Paimiut	Tununak
Chuloonawick	Lime Village	Pilot Station	Umkumiute
Crooked Creek	Marshall	Pitkas Point	Upper Kalskag
Eek	Mekoryuk	Platinum	Lower Kalskag

No tribal government or the people of the village it represents shall be bound by the provisions of this Constitution unless ratified by (i) a majority vote by the members of the tribal government or (ii) a majority vote of the people of the village.

Section 2. Preservation of Sovereign Tribal Government Status.

Nothing contained in this Constitution shall be construed to limit the sovereignty of any tribal government, unless expressly so provided herein.

Section 3. Organizations.

The following organizations are eligible to participate in the government formed under this Constitution:

a. Regional Organizations.

Association of Village Council Presidents	Coastal Villages Region Fund
AVCP Regional Housing Authority	Yukon Delta Fisheries Development Association
Calista Corporation	Yukon-Kuskokwim Health Corporation

b. Village Corporations.

Akiachuk Limited	Kwethluk Inc.
Alakanuk Native Corporation	Kwik Inc.
Arviq Inc.	Lime Village Company
Askinuk Corporation	Maserculiq, Inc.
Atmaultluak Limited	Nagamut Limited
Azachorok Inc.	Napakiak Corporation
Bethel Native Corporation	Napaskiak Inc.
Chefarnmute, Inc.	Nerklikmute Native Corporation
Chevak Company Corporation	Newtok Native Corporation, Inc.
Chinuruk Incorporated	Nima Corporation
Chuloonawick Corporation	Nunakauiak Yupik Corporation
Emmonak Corporation	Nunapiglluraq Corporation

Iqfijouaq Co
Kasigluk Inc.
Kuitsarak Inc.
Kokarmiut Corporation
Kongnikilnomuit Yuita Corporation
Kotlik Yupik Corporation
Kugkaktlik Limited
The Kuskokwim Corporation (representing the shareholders of these former village corporations: Aniak, Limited; Chauthbaluk Company; Kipchaughpuk Limited; Lower Kalskag, Inc.; Upper Kalskag, Inc.; Napaimuite, Limited; Red Devil, Inc.; Sleetmute, Limited; Stony River, Inc.; and Georgetown, Inc.)

Nunapitchuk Limited
Oscarville Native Corporation
Paimiut Corporation
Pilot Station, Incorporated
Pitka's Point Native Corporation
Qanirtuuq Inc.
Qemirtalek Coast Corporation
Qinarmiut Corporation
Sea Lion Corporation
St. Mary's Native Corporation
Swan Lake Corporation
Tulkisarmute Inc.
Tununrmiut Rinit Corporation

IV. LEGISLATURE

Section 1. Legislature.

There is hereby established a legislature to be known as the Alerquuciurta. The Alerquuciurta shall have two houses, the House of the People and the House of Organizations. The House of the People shall be comprised of one representative from each tribal government, each of whom shall be called a Representative. The House of Organizations shall be comprised of one representative from the Association of Village Council Presidents, the AVCP Regional Housing Authority, the Calista Corporation, the Coastal Villages Region Fund, the Yukon Delta Fisheries Development Association, the Yukon-Kuskokwim Health Corporation, and each of the village corporations in good standing listed in Article III, each of whom shall be called a Delegate.

A quorum for the conduct of business by the House of the People shall be fifty percent (50%) of the number of tribal governments ratifying this Constitution. A quorum for the conduct of business by the House of Organizations shall be fifty percent (50%) of the number of eligible corporations ratifying this Constitution. Official enactments of any measure by the Legislature shall require passage by both Houses. Passage by each House shall occur upon approval by a majority vote.

The House of the People shall be presided over by a Speaker, who shall be selected by the Representatives and who shall have authority to set rules governing operations of that House. The House of Organizations shall be presided over by a Chairman, who shall be selected by the Delegates and who shall have authority to set rules governing operations of that House.

Section 2. Powers.

The Alerquuciurta shall have authority to enact laws regarding the following matters:

- a. Protect, defend and regulate subsistence hunting, gathering, fishing and other natural resources;

- b. Promote economic development and job creation and regulate economic activities;
- c. Engage in foreign relations and make treaties or agreements with tribal, international, the United States federal, state, or local governments;
- d. Make agreements with the Alaska Native regional or village corporations, other profit or non-profit organizations or associations, and individuals;
- e. Provide for public safety and tribal justice;
- f. Determine rules and procedures governing its own operations;
- g. Determine rules and procedures governing the enforcement of laws by the president and cabinet members;
- h. Determine rules and procedures governing the operations of the Supreme Court;
- i. Generate revenues from taxation, business operations, grants and donations, or other related means;
- j. Expend revenues that may be generated in accordance with an annual budget recommended by the President and approved in advance by the Legislature, but not incur debts in excess of revenues in any fiscal year; and
- k. Such other laws as may be deemed necessary and proper to fulfill the provisions of this Constitution.

Section 3. Undefined Powers.

The Alerquucirta may expand its powers set forth under this Constitution by enactment of a law passed by at least a two-thirds (66.67%) vote of each House.

Section 4. Reserved Powers.

Any powers not expressly contained in this Constitution shall be reserved by the indigenous Alaska Native People of the Yukon-Kuskokwim Delta Region and the tribal governments.

V. EXECUTIVE

Section 1. President.

There is hereby established the office of President of the [XXX]. The President shall have the following duties and responsibilities:

- a. Enforce and execute all laws enacted by the Alerquuciartha;
- b. Carry out all judgments rendered by the Supreme Court;
- c. Fulfill the provisions of any treaties or agreements approved by the Alerquuciartha;
- d. Serve as the primary spokesman and diplomat for the indigenous Alaska Native people of the Yukon-Kuskokwim Delta Region; and
- e. Such other duties and responsibilities that may be defined by law.

Section 2. Clerk.

There is hereby established the office of Clerk of the [XXX]. The Clerk shall have the following duties and responsibilities:

- a. Certify all official records of the [XXX] government;
- b. Validate election results;
- c. Record and archive all official records of the [XXX] government; and
- d. Such other duties and responsibilities that may be defined by law.

Section 3. Cabinet.

There are hereby established the following offices to assist the President in conducting the operations of the [XXX] government:

- a. Ambassador, who shall be responsible for promoting diplomatic relations with other governments;
- b. Attorney General, who shall be a licensed attorney in good standing, and who shall be responsible for prosecuting violations of law, administering law enforcement agencies, promoting public safety and tribal justice, and serving as general counsel to the [XXX] government;
- c. Secretary of Commerce and Economic Development, who shall be responsible for promoting economic development and job creation and regulating economic activities;
- d. Secretary of Subsistence, Lands, and Natural Resources, who shall be responsible for protecting, defending and regulating subsistence hunting, gathering, fishing and other natural resources;

- e. Secretary of the Treasury, who shall have at least five (5) years of senior management experience in business or government finance, and who shall be responsible for accounting, generating, and expending revenues;
- f. Chief Administrative Officer, who shall have at least five (5) years of senior management experience in business or government, and who shall be responsible for administering government operations.

Cabinet members shall have such other duties and responsibilities that may be defined by law.

VI. JUDICIAL

Section 1. Supreme Court and its Jurisdiction.

There is hereby established a Supreme Court of the [XXX]. The Supreme Court shall be comprised of a Chief Justice and two Associate Justices who shall be licensed attorneys in good standing. The Supreme Court shall have jurisdiction to hear appeals from any tribal court within the territory. The Supreme Court shall have the power of judicial review and may, upon application by an aggrieved party, invalidate any law or other official action that violates the provisions of this Constitution. The rules and procedure for the Supreme Court shall be as determined by law.

Section 2. Council of Elders.

There is hereby established a Council of Elders of the [XXX] government. The Council of Elders shall be comprised of eleven (11) members. The Council of Elders shall have jurisdiction to hear disputes involving citizens defined in Article I or the tribal governments listed in Article III. The Council of Elders shall rely upon peacemaking and other traditional methods of dispute resolution. Parties appearing before the Council of Elders may not be represented by an attorney or spokesperson. Proceedings before the Council of Elders shall be as defined by law and such other rules that may be adopted by the Council of Elders.

VII. TERRITORY AND JURISDICTION

Section 1. Territory.

The territory shall be all lands and waters within between the Kuskokwim and Yukon Rivers, including the entirety of said rivers, bounded on the east by the Calista Region eastern land boundary, and bounded on the west by such high seas as customarily and traditionally utilized by the aboriginal people of the region for subsistence purposes.

Section 2. Jurisdiction.

The authority of this government shall extend to such people and such lands within the territory as may be determined by law.

VIII. ELECTIONS, APPOINTMENTS, AND REMOVAL

Section 1. Alerquuciuurta.

Each tribal government shall select one (1) person to represent it in the House of the People. The process for determining each representative shall be determined by each tribal government. However, if no representative is otherwise selected, the leader of the tribal council shall automatically be the tribal government representative to the House of the People. Representatives shall hold office for such time as their tribal government allows. No person shall represent more than one tribal government in the House of the People.

The Association of Village Council Presidents, the AVCP Regional Housing Authority, the Calista Corporation, the Coastal Villages Region Fund, the Yukon-Kuskokwim Heath Corporation, the Yukon Delta Fisheries Development Association, and the village corporations listed in Article III, Section 3(b) shall each select one (1) person to represent it in the House of Organizations. The process for determining each delegate shall be determined by each organization. However, if no representative is otherwise selected, the Chairman of the Board of Directors of the organization shall automatically be the representative to the House of Organizations. Delegates shall hold office for such time as their organization allows. No person shall represent more than one organization in the House of Organizations.

Section 2. President and Clerk.

The President shall be elected by the citizenry age eighteen and over on the same date as the U.S. Presidential Election, unless otherwise provided in Article XI. He or she must be a citizen, be at least thirty-five (35) years of age, and not have been convicted of a felony within ten (10) years of taking office, and become a resident of the territory if elected to office. The President shall serve for a term of four (4) years unless removed from office by death, resignation, or impeachment. The President may serve only two consecutive terms in office. The Clerk shall be elected and subject to the same qualifications and requirements as the President.

A vacancy in the office of the President arising from death, resignation, or removal shall be filled automatically by the Clerk, who shall hold office until the next scheduled general election. A vacancy arising in the office of the Clerk shall be filled by the House of the People by a majority vote, who shall hold office until the next scheduled general election.

Section 3. Cabinet.

The Ambassador, Attorney General, Secretary of Commerce and Economic Development, the Secretary of Subsistence, Lands and Natural Resources, Secretary of the Treasury, and Chief Administrative Officer shall be nominated by the President and confirmed by the House of the People by at least a majority vote.

Section 4. Supreme Court Justices and Council of Elders.

The Chief Justice and Associate Justices of the Supreme Court shall each be nominated by the President and confirmed by the House of the People by at least a majority vote.

Each member of the Council of Elders shall be at least 65 years of age and shall be selected by each of the ten (10) administrative units of the Calista Corporation at a meeting of each unit called for that purpose and one (1) member shall be selected by the President.

Section 5. Removal and Impeachment.

Legislators may be removed from their office by their appointing body at any time, upon such rules and procedures that may be determined by the appointing body.

The President may be removed from office by the Alerquucurta for just cause following an impeachment petition approved by the House of the People upon an affirmative vote of two-thirds (66.67%) of the Representatives and a trial before the House of Organizations upon an affirmative vote of two-thirds (66.67%) of the Delegates.

Cabinet members may be removed from office by the Alerquucurta for just cause upon at least a two-thirds (66.67%) vote of each House.

Justices may be removed from office by the Alerquucurta for just cause and upon at least a two-thirds (66.67%) vote of each House.

Section 6. Election Commission.

There is established an Election Commission that shall have authority over the conduct of the general election. The Election Commission shall be comprised of nine (9) members. One (1) member shall be appointed by the President and two (2) members shall each be appointed by the Speaker of the Legislature, the Chairman of the House of Organizations, the Chief Justice of the Supreme Court, and the Chief Elder of the Council of Elders at least six (6) months before the general election.

Section 7. Election Procedure.

Candidates for the offices of President and Clerk shall file a notice of intent with the Clerk at least ninety (90) days before the next scheduled general election. The Clerk shall validate the qualifications of the candidates and certify a ballot at least seventy-five (75) days preceding the general election. If there are more than two (2) candidates for either position, there shall be a primary election which shall be held thirty (30) days before the general election. The top two candidates in the primary election for each position shall then be eligible for inclusion on the ballot for the general election.

The Clerk shall ensure that every village within the territory has a polling place and that a procedure for absentee voting is in effect. The Alerquucurta shall enact such additional rules and procedures governing the primary and general elections that shall be enforced by the

Election Commission, which shall also have authority to interpret such rules and procedures as may be necessary.

X. AMENDMENT

Section 1.

This Constitution may be amended upon (i) the approval of at least two-thirds (66.67%) of the number of tribal governments ratifying this Constitution or (ii) a vote of two-thirds of the qualified voters voting in the last general election for President, Vice-President, and Clerk.

Section 2. Procedure.

- a. Tribal Governments. For an amendment to be approved by the tribal governments, a petition describing the amendment to be proposed shall be filed with the Clerk. At such time as the tribal councils of at least two-thirds (66.67%) of the number of tribal governments ratifying this Constitution approve said petition, the Clerk shall give notice to the President and Legislature and distribute a copy of the amended Constitution to all of the government's officials and to all qualified voters.
- b. By Referendum. For an amendment to be approved by referendum, a petition describing the proposed amendment shall be filed with the Clerk along with the signatures of 30% of the qualified voters voting in the last general election for president and clerk. The referendum vote shall occur at the next general election. If at least 50 percent of the qualified voters approve the amendment, it shall be deemed approved and the clerk shall distribute a copy of the amended Constitution to all of the government's officials and to all qualified voters.

XI. APPROVAL

On November 24, 2014, the Yukon-Kuskokwim Delta Regional Committee of the Calista Corporation will convene for purposes of reviewing this proposed Constitution and other regional governance options. If said Committee agrees to forward this Constitution for consideration at a Constitutional Convention, the Chairman of the Board of Directors of the Calista Corporation shall deliver to all persons defined as citizens in Article I of this Constitution by December 31, 2014 such information relating to the activities of the Committee and explanatory materials.

Constitutional Convention Process. On [May 20, 2015], a constitutional convention shall be held in Bethel, Alaska for purposes of approving or disapproving this Constitution. Each of the tribal governments listed in Article III shall be entitled to have one (1) vote at said convention. Convention delegates shall be selected by the tribal government, or if no such action occurs, the leader of the tribal council shall be the official delegate. This Constitution shall take effect upon the approval vote of [thirty-seven (37)] tribal governments.

Alternative Process. If the Constitutional Convention fails to approve this Constitution, the matter of adoption shall be taken to the tribal governments directly. This Constitution shall take effect if, by December 31, 2015, [thirty-seven (37)] tribal governments act by law or resolution to approve this Constitution.

If this Constitution is approved in accordance with the procedure set forth above, the Legislature shall be convened by [the Chairman of the Board of Directors of the Calista Corporation] within thirty (30) days to (i) make preparations to conduct the initial general election, and (ii) select from amongst its members an Interim President and Interim Clerk. For purposes of the selection of the Interim President and Interim Clerk, both Houses of the Legislature shall meet as a combined body. Candidates for said offices shall be nominated from the legislators assembled. Voting shall occur by secret ballot and shall continue until the successful candidate has obtained more than fifty (50) percent of the support of the legislators assembled. At such time, the Interim President and Interim Clerk shall take such measures as may be necessary to conduct the initial general election by the citizenry, which shall occur within ninety (90) days after the Alerquucirta has initially convened. If the first President and Clerk elected by citizenry take office in 2015 or 2016, said officials shall hold office until the general election day in November 2020.

Upon the election of the first President and appointment of the Cabinet, the President shall seek recognition of this constitutional government by the United States of America, the State of Alaska, and other Alaska Native and Tribal governments.

XII. INITIAL REVENUES AND LANDS

Upon approval of this Constitution, the organizations listed in Article III, Section 3, shall each be requested to voluntarily contribute such funds as possible to the treasury of the XXX government to support initial government operations, which shall be under the temporary custody of the [Chairman of the Board of Directors of the Calista Corporation] until such time as the Interim President and Interim Clerk are appointed. The Interim President and Interim Clerk may make an application for self-governance funding from the United States, so long as doing so does not result in any net decrease in the aggregate funds received by the tribal governments within the territory.