

CONSTITUTION OF THE CAPE FEAR BAND OF SKARURE AND WOCCON INDIANS
CHILDREN OF THE TUSCARORA

PREAMBLE

We, The Cape Fear Band of Skarure and Woccon Indians, desire to: Provide our people with all the liberties needed to thrive in the way of our ancestors; Inspire all the achievements of self-government for the Cape Fear Band of Skarure and Woccon Indians; Respect and perpetuate the traditions of our ancestors. With our future members at least seven generations yet unborn, we will regain, retain, and share the history of this people for our welfare and benefit, and we here by proclaim our autonomy and do adopt the following constitution.

ARTICLE I-NAME

The name of this sovereign “autonomous” nation shall be the Cape Fear Band of Skarure and Woccon Indians.

ARTICLE II-JURISDICTION

The jurisdiction of the Cape Fear Band of Skarure and Woccon Indians shall extend to: All lands acquired, or may hereafter be acquired, under proper authority by or for the Cape Fear Band of Skarure and Woccon Indians; All residing on or entering such lands; All persons living on or entering such lands; All persons who are now or may hereafter become members of Cape Fear Band of Skarure and Woccon Indians.

ARTICLE III-MISSION

We, the sovereign “autonomous” Cape Fear Band of Skarure and Woccon Indians, do resolve to promote, protect, respect our rights to self-sufficiency, self-determination, and in the ways of our ancestors, to do and promote our spiritual and cultural traditions. We resolve to maintain, create, and provide health, social, employment, and educational opportunities and services, and we resolve to conserve and to preserve the resources of Mother Earth for the prosperity and the advancement of our present generations and seven generations yet unborn.

ARTICLE IV-MEMBERSHIP

Any member of Cape Fear Band of Skarure and Woccon Indians shall meet the following requirements:

- A. Core Members: A core member must be a direct descendant of one (or more) of the core families that make up our nation.
- B. Non-Core Members
 - I. Indian members will have documentation attesting to Indian ancestry regardless of tribal affiliation. This documentation will consist of genealogy charts, birth certificates, etc. In the absence of such documentation, the bloodline will be authenticated by a majority vote of the tribal council. The amount of evidence that is required to substantiate the bloodline will be determined by majority vote of the tribal council. Lineal descendants of members will be eligible for membership according to membership requirements.
 - II. Non-Indian Adopted Members-Membership may be awarded to non-Indian persons whenever they petition and apply for membership and must be affiliated with a member of the nation (such as a spouse). They will have to meet the requirements of the Tribal Council. When a membership is awarded, it will be based upon merit, and no documentation attesting to race is required. The membership will be for the one applicant only and will expire with the death of that member. Lineal descendants of non-Indian members are not eligible for membership. Being an adopted member does not afford any of the rights provided to other members referred to above
 - III. The disenrollment of a tribal member will be the responsibility of the Tribal Council, Clan Mothers, and Chief of Elders.
 - IV. If the core membership is below seventy-five (75) percent of the total tribal roll, no member may be added until the core percentage increases.
 - V. No member will be registered on the tribal roll of any other Indian tribe. However, a tribal member may be a member of another organization formed for the advancement of Indian persons or interests if that organization does not seek or promote the recognition of itself as an Indian tribe, whenever a dual tribal membership is discovered, membership with Cape Fear Band of Skarure and Woccon Indians will be revoked.
 - VI. Associate Members – A person of any ethnic background, based on their desires and contributions, may become an associate member. In addition, the spouse (or other non-blood family member) of a tribal member as outlined above, may be awarded associate membership by virtue of their marriage, however, associate membership will not be given otherwise without the requesting party

having made a significant contribution to the tribe and/or its goals, as decided by the majority decision of the Tribal Council in private session. Whenever awarded, associate membership may be withdrawn based on the same criteria upon which it was awarded. Being an associate member does not afford any of the rights provided to other members referred to above.

- VII. The Tribal Council shall have the power to pass ordinances governing tribal membership, loss of membership, and the adoption of new members.

ARTICLE V-GOVERNING BODY

The Cape Fear Band of Skarure and Woccon Indians shall be governed by three separate branches of Tribal Government. Each branch shall be vested with the power and authority as described herein. All cases shall be addressed within thirty (30) days of the dispute, and the final vote, motion, proposal, and/or mandate marked or specifically indicated shall stand as a final and permanent decision. This decision shall not be reversed, except by referendum.

- A. The Executive Branch shall consist of the Tribal Chief and up to three (3) second chiefs.
1. The Tribal Chief shall be a member with genealogical ties to Cape Fear Band of Skarure and Woccon Indians and shall be elected by the Cape Fear Band of Skarure and Woccon Indians at large. Each voting tribal member is entitled to one vote during this election. The election of the Tribal Chief will coincide with the election of the even numbered seats of the Tribal Council. The Second Chiefs will be nominated by the Tribal Chief but subject to confirmation by the majority of the Tribal Council.
 2. The term of the Tribal Chief may be permanent or no less than four (4) years and until the successor is duly elected and seated. Unless otherwise removed, the Second Chief(s) will leave office with the Chief that nominated him/them.
 3. All external matters to the tribe shall be made by the Tribal Chief, but decisions, contracts, agreements, and/or bargains made by him/her shall be subject to oversight by the Tribal Council. If the Tribal Council challenges such a decision(s), it shall be binding upon the tribe unless and until it is overturned by an affirmative vote of at least six(6) of the seven(7) council members, called to a public meeting, and required to vote specifically on overturning that decision.
 4. The Tribal Chief shall have "refusal" power over the decisions made by the Tribal Council if the applicable resolution was passed with less than six (6) votes. The disputed decision(s) is/are declared null and void unless and until five (5) of the seven (7) council members vote in agreement on the decision(s). If this act needs to be exercised, it will be carried out in a public meeting of the Tribal Council which will vote in the affirmative to overturn the refusal.

5. The Second Chiefs shall have the power to call for a re-vote on any issue before the Tribal Council. In which case, the challenged decision shall take effect unless it is changed by another vote taken by the Tribal Council held in the next open meeting and after the challenging Second Chiefs has/have explained the perceived problem with the proposal, resolution, or statute.
 6. Whenever matters have both and both internal and external aspect, the Tribal Council shall be the authority, but the Tribal Chief shall take the initiative to ensure that external issues are considered.
- B. The Legislative Branch shall consist of seven (7) elected representatives who will act as the policy makers for the tribe. Should it become necessary for the chief to appoint a member to serve on the Tribal Council, the Tribal Chief will place priority on appointing a member who has genealogical ties to a core family of Cape Fear Band of Skarure and Woccon Indians. If less than such descendants fill four(4) seats:
1. The Tribal Council shall be elected by the Cape Fear Band of Skarure and Woccon Indians at large, with each voting tribal member entitled to one vote.
 2. The term of the Tribal Council members shall be for two (2) years and until the successor is duly elected and seated. In order to ensure continuity of the Tribal Council, Council seats number one (1), three (3), five (5), and seven (7) will be elected during the same the same years as the presidential elections of the United States. Seats two (2), four (4), and six (6) will be elected two (2) years with the Tribal Chief.
 3. The Tribal Council shall have control of all matters internal to the tribe and its member, along with the Clan Mother(s). However, the Tribal Chief will have “refusal power” over decisions, contracts, agreements, statutes, and regulations made by the Tribal Council as described in paragraph A-4 above.
 4. Each Tribal Council member shall be allotted time to express their views and opinions concerning any issue placed before the council for decision.
 5. Each Tribal Council member shall have one vote to exercise his or her vested power of influence over any issue pending decision before the Tribal Council. When a member is absent from a meeting wherein a vote is taken, he or she may designate one of the Second Chiefs, Clan Mothers, or Chief of Elders to vote his/her proxy. The vote to be registered by the proxy will be related to the proxy and to the Chief of the Tribal Council prior to the meeting.
 6. Whenever such actions affect the general membership of the tribe, there shall be no ordinance passed, no privileges barred, and no regulations imposed whatsoever unless it has been read three(3) times, two(2) of which must be in meetings open to the tribal community. The Tribal Chief may seek and be granted an exception to this rule in cases wherein he thinks it would have an adverse impact on the tribal community if a decision is not rendered sooner. The Tribal Council shall retain the authority to decide if the rule

will be waived and shall do so only if approved by a majority vote of the Tribal Council in a vote taken specifically for that purpose.

7. In a closed session, issues of a personal nature may be discussed which may cause embarrassment and disclosure of personal information not needed by the general membership and pertinent to a specific tribal matter will not be discussed with others outside the session. Whenever any vote is taken from the Tribal Council concerning a personal matter which may be embarrassing or disclosed, it shall be in a closed meeting unless otherwise requested by the affected tribal member. Exceptions to this rule will not be granted unless justified to the satisfaction of the Tribal Chief and a majority of the Tribal Council.

8. A quorum will exist whenever four (4) of the seven (7) council members are present. If a meeting is called wherein a quorum is not present, it shall be in the decision of the Clan Mother(s) whether or not a vote will be allowed. If decided so, this vote will constitute a favorable or failing vote. In all cases, if a vote is taken which results in a tie, either the Tribal Chief or Clan Mother(s) will cast the deciding vote.

9. Ordinances, proposals, resolutions, and other issues which receive a majority of the votes taken will be declared passed unless otherwise indicated in the applicable paragraphs above.

C. The Judicial Branch shall exist as an advisory body called the Council of Elders. This Council will oversee the governing actions of the Tribal Council and Chiefs and interaction of tribal members with other tribal members. The Council of Elders shall ensure that each ordinance that is passed by the governing body has no conflict with this constitution and that each member of the Cape Fear Band of Skarure and Woccon Indians is treated justly and fairly.

1. The Chief of Elders shall consist of three (3) and no more than seven (7) elders. This council shall be appointed by the Tribal Chief with each appointment subject to approval by a majority vote of the Tribal Council. The term of the members of the Chief of Elders will not expire, but members of the Chief of Elders may be removed for cause whenever their actions or lack thereof has an adverse impact on the tribal community as decided by an affirmative vote of six (6) of seven (7) of the Tribal Council members. The Tribal Chief shall be the focal point of the actions of the Chief of Elders and shall seek relief in any manner(s) deemed appropriate. The Tribal Council shall determine whether or not the sought actions shall be taken.

2. Whenever applicable, the Chief of Elders shall cause a review to be conducted on any ordinance, proposal, resolution or other issue offered to the Tribal Council for decision. This Council will determine whether or not the decision conflicts with this constitution, these bylaws, and/or existing procedure. This review will not necessarily be automatic but may be at the request of any afflicted party internal to the tribe and any may occur

at any time. Whenever any investigation is undertaken, it will be limited to the ordinance under review and the specific facts pertinent to that review. The Tribal Council shall determine the relevance, scope, and limitations of the investigation.

3. If by a majority vote, the Chief of Elders determines that a conflict exists as outlined above, the Chief of Elders shall submit a report requesting resolution to the Chief of the Tribal Council and to the Tribal Chief or the Judicial Second Chief. This report will clearly outline the conflict and if applicable, make recommendations for the resolution.

4. Any issue challenged by the Chief of Elders will not take effect until a resolution is found or until the issue is again brought before the full Tribal Council and reaffirmed by the affirmative vote of at least six (6) of the seven (7) Tribal Council members and the Tribal Chief or the Judicial Second Chief. Issues so challenged will be discussed and resolved in a special open meeting held solely for that purpose.

5. Clan Mothers-All cultural matters shall be under the auspices of the Clan Mothers according to the Great Law of Peace and must be subject to their approval.

- a. Clan Mothers shall be consultants to the Tribal Council on all personal/cultural matters. In the event of a conflict between the chairperson and other tribal members, the Clan Mother(s) will listen to both sides, and then make a decision. The decision of the Clan Mother(s) is final.
- b. A Clan Mother(s) makes the decision whether or not a Tribal Council member, after the completion of their second term, (a total of four (4) years) may seek re-election to the same elected seat.
- c. The Clan Mother(s) shall be appointed by the vote of the Tribal Chief, subject to the approval by a majority vote of the Tribal Council. The term of the members of the Clan Mother(s) will not expire, but Clan Mother(s) may be removed for cause whenever their actions or lack thereof has an adverse impact on the tribal community. Removal of a Clan Mother(s) will be decided by an affirmative vote of six (6) of the seven (7) Tribal Council members.

ARTICLE VI-TRIBAL ELECTIONS

The Tribal Council, consistent with this constitution, shall prescribe rules and regulations to govern the conduct of tribal elections; however, all elections will be by secret ballot until their successors are duly elected and seated. All seated officials and representatives shall remain in office.

- A. Eligibility to Vote in Tribal Elections – Any member or non-Indian adopted member of the Cape Fear Band of Skarure and Woccon Indians of the age of eighteen (18) years or older and registered in accordance with the rules set forth by the Tribal Council, shall be

entitled to one vote in any tribal election; however, this privilege is not extended to associate (spousal or honorary) members.

- B. Eligibility to Hold Office in the Tribal Government – In order to qualify for election or appointment to any seat on the governing body, a person must be in good standing and an enrolled member of the tribe. This privilege is not extended to associate, spousal, or honorary members. No person may hold more than one seat of the government at the same time, and no member of the immediate family of the Tribal Chief shall simultaneously hold office as the Chief of the Tribal Council.
 - 1. Persons that are barred from any privilege offered, afforded, or available to tribal members will not serve in the tribal government unless such bar was not based upon a purposeful action (or lack of action) taken by the member.
 - 2. Members of tribal government must be at least twenty-one (21) years of age and must have a personal history consistent with the office to be held.
 - 3. Persons convicted of any state, federal, tribal, or local felony within the last ten (10) years shall not be eligible to hold any position in the tribal government.
- C. Elected Officials – All tribal elections in which the person receiving the most votes cast for the sought position shall be declared elected. All elected members of the tribal government shall be two (2) years until their successors are duly elected and seated. All newly elected members of the government shall take office at the first regular meeting of the council following their election.
- D. Tribal Council – At the first regular meeting following each election, the Tribal Council shall elect from among themselves a Chief of Council who will act as chairperson for the Council.
 - 1. The Tribal Council may appoint committees and elect officers of those committees at any time.
 - 2. Tribal Council members are elected by the tribal members.
 - 3. All officers shall serve without compensation unless there are extenuating circumstances.
 - 4. The same person may hold more than one office, except that neither the secretary or the treasurer may serve as the chairperson concurrently.
 - 5. It will be at the discretion of the Tribal Council whether or not the secretary treasurer be a paid member of the tribe. In either case, they will fulfill duties as hereinafter enumerated.
- E. Tribal Chief – When the election of the Tribal Chief has been voted on and in the event of a tie, the candidates shall be paired in a runoff election. This runoff election shall be held within thirty (30) days of the initial election, and the person receiving the majority of the total votes cast shall be declared elected. In the event a tie occurs a second time, the oldest candidate shall be named Senior Second Chief. When a Senior Second Chief

is seated in this manner, there shall be three (3) Second Chiefs authorized, and no approval is required by the Tribal Council of the fourth Second Chief. The Senior Second Chief will serve until the next Chief is seated.

ARTICLE VII-VACANCIES AND REMOVAL FROM OFFICE

- A. Vacancy – A vacancy exists whenever:
 - 1. A person resigns his/her position
 - 2. A member dies while in office
 - 3. A person is removed from office
 - 4. A person is declared unable to hold office due to medical or psychological problems
 - 5. No person is elected to fill a position during an election
- B. Removal from office – A person holding a position within the tribal government, and whom through their own actions or the actions of others taken on their behalf, becomes ineligible as described in paragraph (B) – (1) and (B) – (2) shall be removed from office. The time of a hearing specifically held to address this issue, the removal from office, will be under the authorization of the Tribal Council, the Chief of Elders, the Clan Mother(s), and the Tribal Chief.
- C. A Second Chief may be removed from office if, in the view of the Tribal Chief, sufficient cause exists. This can only take place when a special council meeting is held in which the Chief represents just cause for the request, and the Second Chief is allowed to answer those accusations. The Tribal Council will decide the issues carefully, reviewing the evidence, and taking a Secret Vote, wherein a majority of the council members decide on removal, warning, or cumbered continuance. The Clan Mother(s) will count votes.
- D. Filling a Vacancy
 - 1. If a vacancy occurs in the office of Tribal Chief, the position shall automatically be filled by the Senior Second Chief. The Senior Second Chief will be the person with the longest service in a Second Chief position as outlined in Section VI above. This position may also be awarded in cases of a tie in the Tribal Chief’s election. If in the event this position is awarded in this manner, the award shall take precedence over seniority. Whenever appointed to act as Chief, the awarded Chief will perform the official duties of Tribal Chief as detailed by this constitution.

2. In the office of Second Chief a vacancy occurs, at his/her option the Tribal Chief may fill the position. If filled, the appt will comply with the Article V, (A) – (1) above.
3. If a vacancy occurs in the position of Chief of the Tribal Council, the Tribal Council shall elect another Council member to serve in that position until the next regularly scheduled election.
4. The Tribal Chief shall appoint a successor in the event of vacancy in the membership of the Tribal Council. The appointee will serve without encumbrance until a successor is duly elected and seated at the next regular election.
5. If a vacancy occurs in the position of Secretary Treasurer, the Tribal Council shall appoint or elect someone to fill that position for as long as the Council and the appointee may agree.

ARTICLE VIII-COMMUNITY ORGANIZATIONS

The enrolled members of The Cape Fear Band of Skarure and Woccon Indians communities shall have the power to form local community organizations and adopt their own rules and regulations in harmony with this constitution. It has be the duty of the Tribal Council to regularly report all of the actions and decisions of the Tribal Council on behalf of all The Cape Fear Band of Skarure and Woccon Indians.

ARTICLE IX-OUR RIGHTS

The Cape Fear Band of Skarure and Woccon Indians, in exercising powers of self-government will not:

1. Make or enforce any law prohibiting the free exercise of religion or abridging the freedom of speech, or of the press, or of the right of the people peaceably to assemble and to petition for a redress of grievances.
2. Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizure, 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.
3. Subject any person for the same offense to be twice put in jeopardy.
4. Compel any person in any criminal cast to be a witness against himself.
5. Take any private property for a public use without just compensation.
6. 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.

7. Pass any bill of attainder or ex post facto law.
8. Deny any person accused of any offense punishable by removal of membership, the right (upon request) to a hearing with the Tribal Council, Chief of Elders, Chief of the Tribe, and Chief of the Clan Mothers.

ARTICLE X-INITIATIVE AND REFERENDUM

The members of Cape Fear Band of Skarure and Woccon Indians reserve to themselves the power to propose ordinances and resolutions and to enact or reject the same at the polls independent of the Tribal Council as required by this constitution. The members of the tribe also reserve the power at their own option to approve or reject at the polls any act of the Tribal Council.

- A. The first power reserved by the members of Cape Fear Band of Skarure and Woccon Indians is the initiative.
 1. Forty percent (40%) of the registered voters shall have the right by petition to propose ordinances and resolutions.
- B. The second power is the referendum, which shall be ordered upon the petition signed by forty percent (40%) of the registered voters.
 1. Upon receipt of a request of an election, in the form of an initiative or referendum petition, the Tribal Chief shall, after ascertaining that a sufficient number of registered voters, have signed cause for an election to be held on the question or issue within sixty (60) days of receipt of said petition.
 2. Any measure referred to the tribe by the initiative or by the referendum shall take effect and be in force when approved by a majority of the votes cast in such an election in which at least forty percent (40%) of the registered voters have voted.
 3. All measures referred to the tribe for the approval or disapproval by election or by the Tribal Council in their capacity shall begin with the words "Be it resolved by a majority vote of Cape Fear Band of Skarure and Woccon Indians' governing Council.

Referendum or initiative petitions filed under the Article must be submitted under a cover letter signed by at least four (4) sponsors who are members of the tribe and who are registered to vote in tribal elections. Said cover letter must be signed by the sponsors in the presence of a registered notary public, and said petitions must be filed in accordance with a procedure to be established by the Tribal Council.

ARTICLE XI-REPEAL AND SAVING CLAUSE

The constitution of Cape Fear Band of Skarure and Woccon Indians is hereby ratified by a vote of Cape Fear Band of Skarure and Woccon Indians at large in the election of the Tribal Council and the Constitution Ratification concluded on December 17, 2018, as confirmed by the tribal government who has affixed their signature below. All ordinances and resolutions therefore enacted by Cape Fear Band of Skarure and Woccon Indians shall remain in full force and effect to the extent that they are consistent with this constitution and the Tribal Council shall retain the right and authority to continue to propose and pass ordinances and bylaws to govern the tribe as long as such ordinances and bylaws do not conflict with this constitution. In the event a court of competent jurisdiction shall hold any sentence, paragraph, or section of this constitution and be presumed consistent with the United States Constitution.

ARTICLE XII-AMENDMENTS

This constitution may be amended by a majority vote of the qualified voters of the tribe who cast their vote in election called for that purpose on December 17, 2018.

The undersigned hereby confirms that the people of Cape Fear Band of Skarure and Woccon Indians as a result of that vote have ratified this constitution.

[1] Skarù•re? Akawentc'aka, Haudenosaunee, Ogwehóweh, (The Real People) are pre-colonial Ekwehewe people who existed before the creation of the United States of America and all entities created during the colonial era. Skarù•re? Akawentc'aka, also known as Cape Fear Band of Skarure and Woccon Indians, is a sovereign, autonomous nation of Ekwehewe. We reserve all of our human rights under the creator, Rew weuh nee Yo Èh, and we relinquish none voluntarily or involuntarily, or unknowingly through verbiage, any use of English words, language, grammar, or otherwise.

Any use of the terms “Skarure Woccon”, “Indian(s)”, “Native American”, and/or “Cape Fear” written in this document or any verbal communications or correspondence with the readers of this document does not constitute an act of submission, nor does it constitute any type of contractual agreement through presumption.