

ARTICLE X – SOVEREIGN IMMUNITY

Section 1. Sovereign Immunity. The Tribes shall possess Sovereign Immunity. Nothing in this Constitution shall be deemed to waive Sovereign Immunity from suit. Only the Legislature and the Tribal Council may authorize a waiver of Sovereign Immunity by law. Any authorization by the Legislature to waive Sovereign Immunity shall be specific, for a limited scope and duration, in writing, and shall be limited to a maximum of one hundred thousand dollars per party. Any authorization by the Tribal Council to waive Sovereign Immunity shall be specific, for a limited scope and duration, and in writing.

Section 2. Immunity from Suit by Parties Outside the Jurisdiction of the Tribes. The Tribes and its Officials and Employees acting in their official capacity or within the scope of their authority shall be immune from suit brought by any party not subject to the Jurisdiction of the Tribes except to the extent waived in accordance with law.

Section 3. Immunity from Suit by Parties Within the Jurisdiction of the Tribes. The Tribes and its Officials and Employees acting in their official capacity or within the scope of their authority shall be immune from suit except for suits in equity filed exclusively in the Courts of the Tribes by any party subject to the Jurisdiction of the Tribes to enforce rights and duties established by law or this Constitution. Any Member of the Tribes may bring a suit exclusively in the Judicial Branch to enforce the terms of this Constitution. Sovereign Immunity shall not extend to Officials and Employees acting outside their official capacity or beyond the scope of their authority.

Section 4. Suits Against the Legislature and Legislators. Because the Legislature has no authority to take executive actions except those specifically authorized by this Constitution in accordance with this Constitution, the Legislature and individual Legislators acting in their official capacity shall be immune from suit in law and equity. When the Legislature is exercising an Executive function specifically authorized by this Constitution, the Legislature shall not be immune from suit in equity filed exclusively in the Judicial Branch by any party subject to the Jurisdiction of the Tribes.

Section 5. Suits Against Judges. Judges and Justices shall be immune from suit in law and equity for actions taken in their official capacity.