

Constitution of the Cherokee Nation Of Oklahoma-Final Draft - 1973

ED. Note: Over the past 31 years many of our elders have stated the 1975 Constitution that Ross O. Swimmer presented to the Cherokee people was not the one that was approved by the Cherokee people and community representatives. We have been looking for this Constitution without luck ever since. Until now, this is the final draft that the people had chosen.

They have been told your crazy this one (swimmers) is the correct Constitution. Take it or leave it. So here is the final constitution of 1973. Chief Keeler stated the two main things that needs to be in the new constitution are; Two houses for legislative branch and Impeachment. Which both are in the final draft 1973. We will publish the rest of this historical draft. Swimmer took a few friends and stripped it to his liking. He took out the two houses for legislative branch and Impeachment. plus he was not 30 years old to run for chief. He changed the age so he could run for chief.

PREAMBLE

We, the people of the Cherokee Nation, in order to preserve and enrich our tribal culture, achieve and maintain a desirable measure of prosperity, insure tranquility and to secure to ourselves and our posterity the blessings of freedom, acknowledging, with humility and gratitude, the goodness of the Sovereign Ruler of the Universe in permitting us so to do, and imploring his aid and guidance in its accomplishment --do ordain and establish this Constitution for the government of the Cherokee Nation.

**ARTICLE I
FEDERAL REGULATIONS**

SECTION 1. The Cherokee Nation is an inseparable part of the State of Okla-

homa and the Federal Union, therefore, the Constitution of the United States is the supreme law of the land.

SECTION 2. The Cherokee Nation shall never enact any law which is in conflict with any State or Federal law.

**ARTICLE II
BILL OF RIGHTS**

SECTION 1. The judicial process of the Cherokee Nation shall be open to every member of the Cherokee Nation. Speedy and certain remedy shall be afforded under the terms of this Constitution for every wrong and injury to person, property or reputation, wherein said remedy does not conflict with the laws of Oklahoma or of the United States. The Legislature shall prescribe the procedure pertinent thereto.

**ARTICLE III
SUFFRAGE**

SECTION 1. All members of the Cherokee Nation must be citizens as proven by reference to the Dawes Commission Rolls, including the Delaware Cherokees as of Article II of the Delaware Agreement, dated 8th day of May, 1867 and the Shawnee Cherokees as of Article III of the Shawnee Agreement dated the 9th day of June, 1869.

SECTION 2. Cherokees who are not able to trace their ancestry to the Dawes Commission Rolls may, through the same steps as establishing heirship, legally prove that they are Cherokee citizens.

SECTION 3. There shall be established a Cherokee Registration Book, to be kept by the tribal office, for the registering of the names for any Cherokee who

so desires and presents the necessary evidence of the facts.

(a) A Registration Committee shall be established. It shall be the duty of the Registration Committee to consider the qualifications and to determine the validity of the names for those wishing to have their names entered in the Cherokee Register. The Registration Committee shall consist of a registrar and two (2) assistants. All members shall be appointed by the Principal Chief, and confirmed by a majority vote of the Senate.

(b) There shall be a number assigned to every name that is approved and entered into the Cherokee Register. This numbershall be preceded by the three words, "Cherokee Registry Number".

(c) The decision of the Registration Committee shall be subject to review by the Tribunal created by Article VII.

SECTION 4. All members of the Cherokee Tribe, as stated in Article III, Sections 1 and 2 of this Constitution, shall be eligible to vote and hold office in accordance with the Constitutional requirements. All members of the Cherokee Tribe as stated in Article III, Sections 1 and 2 of the Constitution, except those who are mentally incompetent or have been convicted of a felony shall be eligible to vote and hold office in accordance with the Constitutional requirements.

**ARTICLE IV
DISTRIBUTION OF POWERS**

The powers of the government of the Cherokee Nation shall be divided into three (3) separate departments: The legislative, Executive, and Ju-

dicial; and except as provided in this Constitution, the legislative, Executive and Judicial departments of government shall be separate and distinct and neither shall exercise the powers properly belonging to either of the others.

**ARTICLE V
LEGISLATIVE**

SECTION 1. The Legislative Department shall consist of two (2) divisions, to be called the Council of the Cherokee Nation (lower house) and the Senate of the Cherokee Nation (upper house).

SECTION 2. Each Division of the Legislative Department shall establish its own rules for its credentials, decorum and procedure.

SECTION 3. The Senate shall consist of two (2) members from each County and the Council will consist of three (3) members from each County to be chosen by the qualified electors in their respective Counties for the following terms: Two (2) years Council; Four (4) years Senate. The elections will be held in the respective Counties every two (2) years at such times and places as may be directed by law. The initial candidates for Senate from the following Counties shall serve for two (2) years; Adair, Cherokee, Delaware, Sequoyah, Mayes, Ottawa and Craig, and the Senators from the following Counties shall serve for four (4) years: Muskogee, Wagoner, Rogers, Nowata, Washington, Tulsa, and McIntosh. After the first election, all Senators will be elected for a full four (4) year term. The Legislative may reappointment but may not reduce the number of Senators or

Representatives from each County. This procedure with that be in accordance with that procedure prescribed by the Oklahoma Legislature for its reapportionment.

SECTION 4. There shall be at least one regular meeting of the Legislative Department in the calendar year which shall convene on the second Monday in each January. The session may not exceed a maximum of thirty (30)

SECTION 5. Special meetings of the Legislative Department may be called: (A) by the Principal Chief, (B) by the Deputy Principal Chief when he has the full powers of the Principal Chief as elsewhere defined, (C) upon written request of fifty-one percent (51 percent) of the active and functioning members of the Legislative Department, or (D) upon the written request of ten percent (10 percent) of the registered and qualified voters of the Cherokee Nation. The purpose of said meeting shall be stated and the Legislature may not consider any other subject not within the purposes, No special meetings may convene until thirty (30) days have elapsed after the adjournment of a prior meeting.

SECTION 6. All meetings of the Legislative Department and of its committees shall be open to the public except (A) when the discussion shall concern employment, retention, or discharge of personnel, (B) when the question of the moral turpitude of any member of the Tribe is discussed, or (C) when the decorum of the audience shall prejudice orderly administration of business. In the event that consider-

ation of a subject shall take place in Executive Session, the vote shall take place in an open meeting.

SECTION 7. No person who shall have been convicted of a felony under the laws of the United States of America, or any State or Territory thereof, Shall be eligible to any office or appointment of honor, profit or trust within this Nation. The Principal Chief, Deputy Chief and all officers shall be liable to impeachment, but judgment in such cases shall not extend further than removal from office and disqualification to hold an office of honor, trust or profit under this Constitution or any law pursuant thereto.

SECTION 8. The Legislature shall have the power to establish laws which it shall deem necessary and proper for the good of the Nation, which shall not be contrary to the provisions of this Constitution.

SECTION 9. No laws passed by the Legislature shall have retroactive effect of operation.

SECTION 10. The legislature shall have the sole power of impeachment and said impeachment must be conducted in accordance with Article IX of this Constitution.

SECTION 11. Members of the Legislative Department and all Executive Officers shall be bound by oath, provided in Article XI, to support the Constitution of the Cherokee Nation, the Constitution of the State Oklahoma and the Constitution of the United States of America, do everything within the

Continued in Sept 06 Issue

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