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Constitution of the Cherokee Nation of Oklahoma - Final

Draft - 1973

cast in such election. Any measure referred to the people by the referendum shall take effect and be in force when it shall have been approved by a majority of the votes cast in such election. Any measure referred to the people by the referendum shall take effect and be in full force when it shall have been approved by a majority of the votes cast thereon and not otherwise.

The style of all bills shall be: "Be it Enacted By the Cherokee Nation". SECTION 5. Petitions and orders for the initiative and for the referendum shall be filed with the Secretary-Treasurer and addressed to the Principal Chief of the Cherokee Nation, who shall submit the same to the people. The Legislature shall make suitable provisions for carrying into effect the provisions of this article.

SECTION 6. The referendum may be demanded by the people against one or more items, sections or parts of any act of the Legislature in the same manner in which such power may be exercised against a complete act. The filing of referendum petition against one or more items, sections or parts of an act shall not delay the remainder of such act from becoming operative.

SECTION 7. If two or more amendments are proposed they shall be submitted in such manner that electors may vote for or against them separately.

SECTION 8. No proposal for the amendment or alteration of this Constitution which is submitted to the voters shall embrace more than one general subject and the voters shall embrace more than one general subject and the voters shall vote separately for or against each proposal submitted; provided, however, that in the submission of proposals for the amendment of this Constitution by articles, which embrace one general subject, each proposed article shall be deemed a single proposal or proposition.

SECTION 9. No convention shall be called by the Legislature to propose alterations, revisions or amendments to this Constitution, or to propose a new Constitution, unless the law providing for such convention shall first be approved by the people on a referendum vote at a regular or special election, and any amendments, alterations, revisions or new Constitution, proposed by such convention, shall be submitted to the electors of the Cherokee Nation at a general or special election and be approved by a majority of the electors voting thereon, before the same shall become effective: Provided, that the question of such proposed convention shall be submitted to the members of the Cherokee Tribe at least once in every twenty (20) years.

**ARTICLE XIV
SUPERSEDES OLD
CONSTITUTION 1839**

The provisions of this Constitution overrule and supersede the

provisions of the Cherokee Nation Constitution enacted the 6th day of September, 1839.

**ARTICLE XV
EFFECTIVE DATE**

This Constitution shall become effective the 31st day after the final approval required by law is obtained.

**ARTICLE XVI
SEAT OF GOVERNMENT**

The Seat of Government of the Cherokee Nation shall be at Tahlequah, Oklahoma.

**CHANGES TO REVISED
CONSTITUTION**

Cherokee Nation of Oklahoma Elected Cherokee Community Representatives.

**CHANGES TO REVISED
CONSTITUTION**

The following changes in the Revised Constitution were voted upon and approved by the Elected Cherokee Community Representatives on November 3, 1973, in the conference room, Bureau of Indian Affairs, Tahlequah, Oklahoma. The changes approved by the Community Representatives are as follows:

First page: Constitution of the Cherokee Nation of Oklahoma. The word State was omitted. Voted upon and passed by majority. Changes were made to Article III- suffrage

Amendment to section 13—was the addition: The absentee voting ballots be limited. The voting was approved by the majority with 17 approvals and 5 in opposition.

ARTICLE VI—Executive

SECTION 2—Was changed to read: No person except a natural born Cherokee citizen of one-fourth (1/4) degree or more of Cherokee Indian blood and a resident of the Cherokee Nation shall be eligible for the office of Principal Chief. Neither shall any person be eligible to that office who, at the time he would take office shall have attained the age of thirty (30) years or who shall have attained the age of sixty-one (61) years. Voted upon and passed by a majority.

SECTION 3.—Was changed to read: The qualified voters shall elect a Deputy Principal Chief who shall be a natural born Cherokee citizen of one-fourth (1/4) degree or more of Cherokee Indian blood and a resident of the Cherokee Nation shall be eligible for the office of Principal Chief. Neither shall any person be eligible to that office who, at the time he would take office shall have attained the age of thirty (30) years or who shall have attained the age of sixty-one (61) years. He shall serve a term of four (4) years at the same time and in the same manner as herein provided for the Principal Chief. Voted upon and passed by a majority.

The above revisions and amendments were voted upon and passed by majority rule by the Elected Cherokee Community Representatives of the Cherokee Nation of Oklahoma.



THE ASSOCIATE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON, DC 20240

AUG 30 2006

Honorable Chad Smith
Principal Chief, Cherokee Nation
P.O. Box 948
Tahlequah, Oklahoma 74465-0948

Dear Chief Smith:

Thank you for your letter of June 9, 2006, advising me that the Cherokee Nation was withdrawing its request for approval of the Cherokee Nation's Constitutional Amendment approved by the Cherokee people on May 24, 2003. Your letter indicated that you consider the approval of the amendment moot in light of the June 7, 2006, decision by the Cherokee Nation's Judicial Appeals Tribunal in the matter styled "In Re: The Status and Implementation of the 1999 Constitution of the Cherokee Nation," JAT 05-04.

I read the Tribunal's decision with interest. While we can appreciate Mr. McCaleb clarifying what he intended, his stated intention is not an adequate substitute for the necessary action of actual approval. As an elected tribal official, I am sure that you can appreciate the difficulties created when a former official attempts to bind his successor by stating what he had intended to do when he was in office. The Cherokee Nation's constitution requires Secretarial approval of amendments and neither the Secretary nor any authorized representative of the Secretary has approved the amendment.

If the Cherokee Nation would like the Secretary's approval of the proposed amendment, it should resubmit its request for approval. It would be helpful to our consideration of such a request, if the Nation would address the effect of the *Lucy Allen v. Cherokee Nation Tribal Council*, JAT-04-09, decision of March 7, 2006, which concluded that 11 C.N.C.A. § 12, governing the Nation's membership, was more restrictive than the Nation's constitution and therefore unconstitutional. The *Allen* decision suggests that not all persons who were entitled to membership in the Nation were considered eligible to vote in the 2003 elections, which purported to adopt the constitutional amendments.

If you have any questions, please don't hesitate to call on me.

Sincerely,

James E. Cason

Keetoowah Chief George Wickliffe letter to the public!

September 13 2006

To: The Public From: UKB Chief George Wickliffe (Historian M.ED.) Date: 8/29/06

Topic: CNO (1976 A.D.) Lies - (Chad Smith has decided to have a FREE FOR ALL with the UKB)

The New 1976 A.D., Cherokee Nation of Oklahoma (STYLED CNO) is telling lies about the UKB in many newspapers throughout Oklahoma. The Cherokee Nation of Oklahoma (CNO) was organized new in 1976 A.D. It has NO HISTORY prior to 1976 A.D. The United Keetoowah Band of Cherokee Indians in Oklahoma was organized under the Oklahoma Indian Welfare Act in 1950 and is federally recognized, and has a GOVERNMENT to GOVERNMENT relationship with the United States. The New Cherokee Nation of Oklahoma (1976 A.D., CNO) is not the Cherokee Nation of 1839 A.D. When CNO makes the claim it is the 1839 A.D. Cherokee Nation, it is a lie because it has no history before 1976 A.D.

The New (1976 A.D., CNO) tells people the UKBCIO and Cherokee Nation should work together and then follows up with lies about the UKB. Most of the lies CNO tells are not worth writing about because this corporate organized CNO has not been around long enough for anyone to take anything serious it says. The UKB knows the TRUTH, and that is why it is easy to respond to CNO LIES. The main problem that CNO has is their top leader Chad Smith, it is not the CNO members.

The UKB is a homebased Keetoowah Cherokee Band. We rub 'ELBOWS' with our members everywhere in the 9 Districts of the 1839 A.D., Cherokee Nation. We deliver SERVICES to our people using funds generated from our One Casino. We believe in serving our members.

CNO wants to close our casino down, and keeps writing it is not legal which is a LIE, because there is a DECLARATORY JUDGEMENT ruling that keeps our casino open.

Also, CNO tells the UKB car tags are not legal. They are, because the UKB tag office is located at the same property. The NEW (1976 A.D., CNO) tells people that the UKB has NO LAND CLAIM, and has no treaties with the United States which are LIES. The UKB's ORIGIN is 'The Old Settlers' who left the Old Cherokee Nation in 1817 A.D. under a treaty with the U.S., and came to a reservation in Arkansas, thus making Arkansas our FORMER RESERVATION.

In 1828 A.D., 'The Old Settlers' moved on west to what today is Oklahoma, again under a treaty with the U.S. In 1833 A.D., 'The Old Settlers' agreed to establish boundary lines with the Creeks near Ft. Gibson, also members in the UKB own over 2,000 acres of RESTRICTED Indian land throughout the 9 Districts of the Cherokee Nation of 1939 A.D. The UKB (The Old Settlers) were in the present state of Oklahoma 10 years before the forced removal (the Old Cherokee Nation) came here as immigrants in 1838-39.

The UKB is made of members from all Keetoowah Societies, and most other TRADITIONAL Cherokee people groups. We have 12,000 members and are growing daily. The UKB will NEVER HONOR ANDREW JACKSON by placing a wreath on his grave like CHAD SMITH did a few months ago. Would a SOUX Indian do that for General Custer? NEVER. CNO's top leader Chad Smith is so 'out of it' when it comes to THINKING like a CHEROKEE, he is willing to FORGIVE Andrew Jackson, a man responsible for the deaths of over 4,000 Cherokee people during "the Trail of Tears".

The TRADITIONAL Cherokee people do not celebrate anything about the "Trail of Tears." We don't even want to talk about it. Chad Smith supported having Andrew Jackson's former home made part of the memorial route where over 4,000 Cherokees died. The New Echota Treaty of 1835 signed by mostly mixed bloods still affects Cherokee people today. In conclusion, Chad Smith's corporate organization has no place in Cherokee History prior to 1976 A.D. His organization is called the Cherokee Nation of Oklahoma (CNO) also, the 76 acres trust land decision, and the Arkansas Riverbed decisions are both under appeal by the UKB, with the support of the U.S. Dept. of Justice.

Chad Smith fails to tell you that. Regardless of the lies CNO tells, the UKB will stay FOCUSED, and continue looking for jobs and other opportunities for the members, we are proud Cherokee people. (The GEEH-DUE-WAH people). We are HUMANE people interested in all people regardless of their RACE which is the Cherokee Indian Way.

Chad Smith doesn't care about SERVING the people like the UKB does, and if he should close the Casino down (which will NEVER happen), he will cause the loss of around 300 jobs which doesn't matter to him because it is all about POWER with him. The UKB will never do anything that will HARM another NATIVE AMERICAN in the United States and it will NEVER do anything that is not legal. We are HONORABLE people.

A note of caution to the Delaware people

September 18 2006 - David Cornsilk
It is important for all people to see themselves in a truthful light. Those of us who are viewing the struggles of the Delaware people for independence also have seen a darker side to the political voice of this frustrated and oppressed people.

In the previous Delaware election, some of the leaders of the Delaware Tribe, including Chief Brooks, were dismissed by a majority vote. I believe the Delaware people reacted to the loss of federal recognition by first booting from office those they blamed for the travesty of justice. And second, electing a gaggle of politicians who used pretty words and hollow promises to garner their votes. I don't know what kind of Chief Mr. Brooks was, but I do know that he worked hard for a true independence for the Delaware people and he was punished, not for his failure, but for the attack on the Delaware Nation by Cherokee Nation Principal Chief Chad Smith.

A knee-jerk reaction to such a powerful and hurtful event is understandable. But you, my Delaware friends, brothers and sisters, now have time and experience under your belt. You have been lied to, sold a bill of goods and the end result is that you are not free of the Cherokee Nation, you don't have federal recognition and sitting on the table is an MOU and possible recognition bill that will strip your Nation of its dignity and rights.

In the ensuing election season, many will come to you for your vote with pretty words and empty promises. But you are a changed people. You know the difference and can spot a poser. There are some who are now asking for your support to lead the Delaware Nation who do not deserve your vote. The tide of public opinion among the Delaware people is against the MOU and the current version of the federal recognition bill. This singular issue will be the linchpin of most of the candidates efforts

to secure your vote. Keep in mind, some will outright lie to you about their true beliefs on the issues.

First, you must explore each candidate's views on the subject of federal recognition. While it is very important that the candidate share your views on the issue of federal recognition, it is also important that the candidate be sincere. Some candidates hold a "recognition at any price" view," but will tell you what they think you want to hear. For your own sake, do not elect someone who waffles, or worse, supported the MOU/recognition bill and just because of the tide is against it, now claims it is bad. You, the voter, must force each candidate to not only publicly state in no uncertain terms why the MOU and federal recognition bill is bad, and what they would offer to supplant it. It is not enough for them to say there is a better way.

Second, the officers you elect will lead your tribe in other areas. Don't allow your attention to be taken off of the other areas of government that are now and will continue to be important to the every day issues of life. Make sure the candidate has a good grasp of housing, health, tribal law, Indian law, culture, language, community and history.

And third, make sure you know who these people are. There is no reason why you should elect someone who is an unknown commodity. And always keep in mind that someone more closely connected to the community, through clans, family, traditions, marriage and residence, will also be much easier to control. Afterall, there is no better control of our behavior than an elder auntie giving us the whatfor at the pow wow or stompdance.

In closing, your brethren the Cherokee people, will be watching and hoping as the Delaware people take the democratic sword in their hands and hack to pieces the MOU, recognition bill and the sell outs currently serving in their tribal government.

Register to VOTE in 2007 - NOW!