

CONSTITUTION OF THE CHEROKEE NATION

Formed by a Convention of Delegates in General Council Assembled, _____ 2027.

Preamble

Whereas the Delegates of the several clans of the Aniyvwiya Tribal-nation, assembled in Committee and Council, on the Ninth and Sixteenth day of May in the year of our Creator Two Thousand and Twenty-Six respectively, agreed to amend the Constitution of the Cherokee Nation of July, 1827 to such extent that said Constitution as lawfully amended does now create certain **articles of Confederation** and perpetual Union between the **nine tribes** that comprise the organic tribal nation of the Aniyvwiya people. We the Aniyvwiya people, commonly known by exonym: the Cherrokee in America, Cherokee nation of Indians and/or Cherokee Nation (Trust's created by treaties of past centuries), in confederation, assembled in the divine traditions of our ancestors, in order to establish a more perfect nation, to secure our rightful station among the nations of the world and establish peace, commerce, trade and diplomatic government to government relations; to ensure tranquility, promote common good, general welfare, common defense, customs, usage, trade, and wellbeing; and, to ensure to ourselves and our posterity in perpetuity the blessings of Freedom, Liberty and full and complete autonomy as a self-governing nation-state; and, to dispel for all time the subjugated carnal theory that any man, nation, state, person or any third country or any purported leaders, heads of state/State of any of the afore mentioned is/are "our father(s)", "custodian", and/or "guardians" for we have only one Father, custodian and guardian: the One Source of all creation, to whom we owe and openly give our ligeance and, the One whom gave us Stewardship of the Soil and Lands that we and our ancestors have occupied for millennia, to wit: the Northern Continent on the Western Hemisphere, currently known among the Nations of the world as "North America", within the Land Boundaries establish by Article IV of the Treaty of Peace and Friendship July 2, 1791, "*Made and concluded between the President of the United States of America, on the Part and Behalf of the said States....*"; and, TREATY WITH THE CHEROKEE INDIANS, June 26, 1794, Proclamation January 21, 1795.

With certain clarity being made as to Article VI of the Treaty of Peace and Friendship July 2, 1791, as follows: We the Aniyvwiya people disavow the carnal theory that the United States may regulate our trade apart from our trade with the People of the "States" as the term "States" was defined in the language of that time and said terms shall not be held synonymous with current definitions of the same term in present time. Furthermore, We the Aniyvwiya people reserve the right to rescind recognition of any subsequent land cessions after the TREATY WITH THE CHEROKEE INDIANS, June 26, 1794.

We, the Aniyvwiya, do ordain and establish this Amended Constitution for the Government of the Cherokee Nation TO WIT:

ARTICLE I (Metes and Bounds)

Sec. 1. The Aniyvwiya acknowledge that as a matter of historical and political record, our 1827 Constitution recorded THE BOUNDARIES of this nation, embracing the lands solemnly guarantied and reserved forever to the Cherokee Nation by the Treaties concluded with the United States, are as follows; and shall forever hereafter remain unalterably the same-to wit- Beginning on the North Bank of Tennessee River at the upper part of the Chickasaw old fields; thence along the main channel of said river, including all the islands therein, to the mouth of the Hiwassee River, thence up the main channel of said river, including islands, to the first hill which closes in on said river, about two miles above Hiwassee Old Town; thence along the ridge which divides the waters of the Hiwassee and Little Tellico, to the Tennessee River at Tallasasei, thence along the main channel, including islands, to the junction of the Cowee and Nanteyalee; thence along the ridge in the fork of said river, to the top of the Blue Ridge; thence along the Blue Ridge to the Unicoy Turnpike road; thence by a straight line to the main source of the Chestatee; thence along its main channel, including islands, to the Chattahoochy; and thence down the same to the Creek boundary at Buzzard Roost; thence along the boundary line which separates this and the Creek Nation, to a point on the Coosa River opposite the mouth of Will's Creek; thence down along the south bank of the same to a point opposite to Fort Strother; thence up the river to the mouth of Will's Creek; thence up along the east bank of said creek to the west branch thereof, and up the same to its source; and thence along the ridge which separates the Tombechee and Tennessee waters, to a point on the top of said ridge; thence due north to Camp Coffee on Tennessee River, which is opposite the Chickasaw Island; thence to the place of beginning.

Sec. 2. The people of The Aniyvwiya Tribal-nation (hereinafter referred to as Aniyvwiya nation) by and through the established trusts: Cherrokee in America and Cherokee nation of Indians (hereinafter referred to as Cherokee nation of Indians) are and shall be in perpetuity the paramount authority and true sovereigns of the Aniyvwiya nation, to be known hereafter in international law and commerce as Cherokee nation of Indians. In respect of the soil (land) identified in the Treaty(s) of Holston in 1791 with the United States of America, the geographic locations established therein shall be interpreted as one land mass which includes without limitation the soil with all property rights not limited to the surface and minerals. Reserving all rights preserved under this Article, stated at section 3, Supra., the Sovereignty and

Jurisdiction of this Government shall extend over the country within the boundaries above described, and the lands therein are, and shall remain the common property of the Nation; but the improvements made thereon, and in the possession of the citizens of the Nation, are the exclusive and indefeasible property of the citizens respectively who made, or may rightfully be in possession of them; Provided, That the citizens of the Nation, possessing exclusive and indefeasible right to their respective improvements, as expressed in this article, shall possess no right nor power to dispose of their improvements in any manner whatever to the United States, individual states, nor to individual citizens hereof; and that, whenever any such citizen or citizens shall remove with their effects out of the limits of this Nation, and become citizens of any other government, all their rights and privileges as citizens of this nation shall cease; Provided nevertheless, That the Legislature shall have power to re-admit by law to all the rights of citizenship any such person or persons, who may at any time desire to return to the Nation on their memorializing the General Council for such readmission. Moreover, the Legislature shall have the power to adopt such laws and regulations, as its wisdom may deem expedient and proper, to prevent the citizens from monopolizing improvements with the view of speculation.

Sec. 3. Tracts of land held by tribes seeking to join the Cherokee Nation of Indians, pursuant to Section 4 of this Article, may be admitted by the Legislature into this Nation. Additionally, land cessions our Preamble states as subject to objection may be readmitted into the metes and bounds of the Cherokee Nation of Indians; but no new clan shall be formed or erected within the Jurisdiction of any other clan; nor any clan be formed by the Junction of two or more clans, or Parts of clans, without the Consent of the Legislatures of the clans concerned as well as of the Legislature of these Articles.

Sec. 4. Other Tribes or indigenous nations or any society so considered may join, accede or become a party to this confederation, and joining in the measures of the Cherokee Nation of Indians, shall be admitted into, and entitled to all the advantages of this Union; provided however, that no Tribe or indigenous nations or any society so considered may join without first having renounced, or otherwise renounced allegiance to their former sovereign, state or nation having jurisdiction over them; Provided further, no other tribe or indigenous nation as aforementioned shall be admitted into the same, unless such admission be agreed to by a unanimous concurrence of all the tribes then a part of the confederacy.

ARTICLE II (The Seven Clans)

Sec. 1. The stile of this confederacy shall be “Cherokee Nation of Indians”.

Sec. 2. The ultimate and inherent power of the Cherokee Nation of Indians is vested in and derived from the seven clans which are:

- **Paint Clan (Ani Wodi):** Also known as the Red Paint Clan;
- **Wild Potato Clan (Ani Go De Keyawi):** Also known as the Raccoon, or Blind Savannah Clan;
- **Deer Clan (Ani Ka Wi);**
- **Bird Clan (Ani Tsiskwa):** Also known as the Hawk Clan.
- **Long Hair Clan (Ani Gi Lo Hi):** Also known as the Twister, Hair Hanging Down, Wind Clan, or Stranger Clan.
- **Wolf Clan (Ani Wahya);**
- **Blue Clan (Ani Sa Ho Ni):** Also known as the Bear, Panther, Wildcat or Blue Holly Clan.

Sec. 3. The delegated head of each clan and/or tribe shall be a chief who is ratified by the matrilineal elders of each clan respectively, known as the “elisee” or “grandmothers.”

Sec. 4. In all matters of delegation of authority to any enrolled member who shall sit in any office of ministerial authority under this Constitution, it shall be the duty of the headman or headwoman of each of the seven clans, to cast his or her vote for the enrolled member nominated to sit in said Constitutional office. Said vote is null and void unless it is ratified by the respective elisee of the respective tribe.

ARTICLE III (The Government)

Sec. 1. All delegated power herein granted shall be divided among four separate branches of government which shall consist of the following: the Legislative, the Executive, the Judicial and the Law Council.

Sec. 2- No man or woman holding an office in one branch of government shall exercise any of the functions or powers of any other branch, except in cases herein expressly directed provided.

Sec. 3- No one of unsound mind or convicted of a high crime according to the laws established by this Constitution shall hold any public office in any branch of government, neither in the individual tribes or any branch of government for Cherokee nation of Indians.

ARTICLE IV (The Legislative Assembly)

Sec. 1. The Legislative Branch shall be vested in a Grand Fire Council of Elders, which shall consist of a Counselor from each of the seven clans and shall require a minimum of six office holders to establish a quorum to conduct any official matters concerning the nation;

Sec. 2. The Legislative Branch shall have the responsibility for the written laws of the nation; to establish processes for general elections of officials of every branch of government, to make all needful rules and regulations for implementing said laws, with the advice and concurrence of the Law Council.

Sec. 3- The Grand Fire Council, when assembled, shall choose its own officers; a majority shall constitute a quorum to do business, but a smaller number adjourn from day to day, and compel the attendance of the absent members in such manner and under such penalty as they may prescribe.

Sec. 4. The Legislative Branch shall establish all needful laws of immigration and a uniform Rule for Naturalization; To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of Cherokee nation of Indians, or in any Department or Officer thereof, with the advice and concurrence of the Law Council.

Sec. 5. No law either abridging nor impairing the obligations of contracts shall ever be passed within Cherokee nation of Indians.

Sec. 6. The Legislative Branch shall have the power to impeach members of its own body and those ministers and officers of the other respective branches for alleged high crimes and misdemeanors against the Cherokee Nation of Indians in violation of its Constitution and Laws. In the event articles of impeachment are introduced and carried by a simple majority, the impeachment shall move to a hearing for removal of the party accused. A three-fourths majority vote in the Legislative is required for removal.

ARTICLE V (The Executive Office)

Sec. 1- The Supreme Executive power shall be vested in a Principal Chief, who shall be chosen by the Grand Fire Council, and shall hold office for seven years. The Grand Fire Council, by a supermajority vote at every seventh annual session, shall elect the Principal Chief. No one except an enrolled member

shall be eligible to the office of Principal Chief; neither shall anyone be eligible to that office who shall not have attained the age of forty-nine years.

Sec. 2- There shall also be chosen at the same time, by the Grand Fire Council, in the same manner, for seven years, an assistant Principal Chief.

Sec. 3- In the case of the removal of the Principal Chief from office, or of his or her death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Assistant Principal Chief, until the inability be removed or the vacancy filled by the Grand Fire Council. The Grand Fire Council may, by law, provide for the case of removal, death, resignation or inability of both the Principal Chief and assistant Principal Chiefs, declaring what officer shall then act as Principal Chief, until the disability be removed, or a Principal Chief shall be elected.

Sec. 4- Before the Principal Chief enters on the execution of the office, the Principal Chief shall take the oath (or affirmation) so stated in Article IX of this Constitution.

Sec. 5- The Principal Chief may, on extraordinary occasions, convene the Grand Fire Council at the Seat of Government.

Sec. 6- The Principal Chief shall from time to time give to the Grand Fire Council information of the State of the Government and recommend to their consideration such measures as the Principal Chief may deem necessary and proper.

Sec. 7- The Principal Chief shall take care that the laws be faithfully executed and may delegate authority to the assistant Principal Chief and other subordinates under said office to conduct the necessary functions of the Government. The Principal Chief, with the advice and consent of the Grand Fire Council, shall name the ministerial heads of the Post Office, the Consular Office, and the Law Council. Should a vacancy in any of these offices or councils arise, it shall be the duty of the assistant Principal Chief to fulfill the respective duties until such time as the office or council head can be replaced.

Sec. 8- No power of suspending the Constitution or laws of the Cherokee nation of Indians shall be exercised by any branch of government or any other authority whatsoever except that the Principal Chief shall have a veto power over any law, except this Constitution, passed by the Legislative Branch. In the event of a veto, the Legislative may override the veto by a supermajority vote.

Sec. 9- The Principal Chief and the Grand Fire Council, with a two third majority, shall have the power to regulate foreign trade, coin money, regulate the value thereof, and fix a standard of weights and measures; and to establish Post Offices; to enter into contracts, provided however, that no contract shall be entered into to borrow against the credit of Cherokee nation of Indians.

ARTICLE VI (The Judiciary)

Sec. 1- The Judicial Powers of interpretation, enforcement, and execution of the laws and customs of the Aniyvwiya shall be vested in One High Court. Said Judicial Powers shall be extended to all laws arising out of this constitution; disputes or causes between tribes; suits in equity; treaties made or which may be made; causes affecting Ambassadors, Consuls and public officials and disputes concerning foreign Nations and Judgments thereof; suits between Cherokee nation of Indians and citizens or subjects of foreign states. In every extension herein provided, the One High Court shall have original Jurisdiction.

Sec. 2. Appellate Jurisdiction shall extend to judgments of the inferior tribal courts and their interpretation as to the laws and causes in law and suits in equity. Inferior Tribal Courts shall be established separately and independently by and for the several clans by the accepted procedures within each respective clan.

Sec. 3. Nothing in this Constitution shall in any way supplant, dilute or suspend the powers of the local tribal courts. Said local tribal courts shall have original jurisdiction over any case or controversy between members of their respective clan as well as original and diversity jurisdiction over cases and controversies between members of different clans. In cases of diversity, the complainant seeking remedy shall petition his or her claim to the tribal court from whose clan the accused wrongdoer is an enrolled member who may not claim as a defense the want of personal or in rem jurisdiction of his or her clan over the matter under petition.

Sec. 4- The One High Court shall consist of a minimum of three (3) Judges. The Tribal Courts shall consist of a single Judge per area. The number of Tribal Court Judges may be increased as necessary or determined by the Law Council with a two thirds majority concurrence of the Grand Fire Council.

Sec. 5- The Judges of the One High Court shall hold their office for a term of seven (7) years; but any

of them may be removed from office for malfeasance or other misconduct by impeachment as described in Article IV Section 4 of this Constitution. Tribal Court Judges shall hold their commissions for four (4) years but any of them may be removed from office for malfeasance or other misconduct by impeachment as described in Article IV Section 4 of this Constitution.

Sec. 6- The Judges of the One High Court, as well as the Tribal Court Judges, shall, at times and in amounts provided by law, receive compensation for their service in office, which shall not be increased or diminished during their continuance in office.

Sec. 7- No one may be appointed a Judge of the One High Court or of the Inferior Tribal Courts before they shall have attained to the age of thirty (30) years and have been an enrolled member of the Cherokee Nations of Indians for less than two years.

Sec. 8 Judges of the One High Court, as well as Judges of the Tribal Courts, shall be elected by the people, having attained to the age of sixteen (16) years, of the Aniyvwiya Tribal-nation.

Sec. 9- The Stile of All processes of the Courts shall be “The People of Cherokee nation of Indians” and by authority of the same.

ARTICLE VII (The Law Council)

Sec. 1. The Law Council shall consist of no more than **thirteen** office holders. The Law Council shall serve as an authorized advocate for any enrolled member or clan upon their due and public request. **The Law Council has the inherent power of prosecution in any case or controversy be it criminal or civil.**

Sec. 2. In foreign matters, the Law Council is authorized to function pro hoc vice.

Sec. 3. Additionally, upon request, the Law Council shall issue opinions on issues raised which question any duly enacted law, rule or regulation of the Cherokee Nation of Indians.

Sec. 4. The head of the Law Council shall be vested in one Chair, and the senior advisor of the Chairman and the Law Council shall be one of the head women of the Tribal nation and shall be determined by them.

Sec. 5. There shall be established by the Law Council a quorum of not less than fifty one percent of the sitting law council office holders to conduct any official matters to be determined by said council; however, under exigent circumstances the Chairman may choose to substitute or fill a required quorum from an office holder of the Grand Fire Council to be determined by said Grand Fire Council.

Article VIII (Enumerated Fundamental Rights)

Sec. 1 – The enumeration of certain rights in this Constitution does not exclude any other rights of an enrolled member not so enumerated in this Article. The ultimate recognition of a right of any enrolled member shall ultimately be determined in a case before the Judiciary. The legislative branch may also, by and through its law-making powers, declare such rights by statute.

Sec. 2 – In all criminal prosecutions the accused shall have the right of being heard, of being fully informed of the nature and cause of the accusation against him or her, of confronting his/her accusers and any and all the witnesses for or against him/her, of having compulsory process for obtaining witnesses in his/her favor and a speedy public trial by an impartial jury, if requested. No accused shall be compelled to give evidence against him or herself.

Sec. 4 – The people of Cherokee nation of Indians shall be secure in their persons, houses, papers and possessions from seizures and searches; no warrants for arrest, searches or to seize any persons, property or things shall be issued without describing them as nearly as may be possible to a Judge of the Court having jurisdiction of the cause, nor without good cause, supported by oath or affirmation, under penalty of law to the same. All prisoners shall have the right to reasonable bail, with sufficient security except for capital offenses, where the proof is evident or the presumption great and foreigners who pose flight a risk.

Sec. 5 – The free exercise of the spiritual journey of any member shall not be questioned; Provided, that this liberty of conscience shall not be so construed as to justify practices inconsistent with the peace or safety of all people with the borders of Cherokee nation of Indians. Furthermore, the free spiritual exercise of an individual member, or a collective group of members, shall not include the practice of any conduct or behavior in violation of the laws of nature or natures creator; such practices shall be considered high crimes and punishable as such under the laws of Cherokee nation of Indians and the Legislative branch shall exercise such diligence as required to ensure such practices are

punished to the full extent of the law.

Sec. 6 – No one shall be denied the right to hold any office in The Cherokee nation of Indians, except as expressly provided by this constitution, based on spiritual preference, religion, race, creed, color, national origin, gender or physical disability that does not cause for an unsound mind.

Sec. 7 – All appointments shall be in the name and by the authority of the Cherokee nation of Indians and sealed with the seal of the Nation and signed by a majority (as established in Article II, Sec. I) of the Grand Fire Council.

Sec. 8 – No person shall, for the same offense, be twice put in jeopardy of life or limb, nor shall any property be taken or applied to public use without his or her consent; All courts shall be open and every person, for an injury done to him or her in his or her person, property or reputation, shall have remedy by the course of law.

Sec. 9 – The right of trial by jury shall remain inviolate.

Sec. 10 – The appointment of all officers, not otherwise provided by this Constitution, shall be vested in the Grand Fire Council.

Sec. 11 – Immigration laws not herein provided shall be established with a concurrence of all three (3) branches of the Cherokee nation of Indians government.

Sec. 12 – The Grand Fire Council may, at any time, propose such amendments to this Constitution as said Council shall deem expedient and needful, to be presented to the Aniyvwiya people, through their representatives, and a day and time shall be determined for a convention and a vote as to such amendment or amendments as there may be. The people shall in their proposals for amendment to the constitution, submit their proposals to their representatives of their respective tribes, wherein the several tribes together may concur or deny said proposals, and a day and time shall be determined for a convention or not, as the case may be, and a vote as to such amendment or amendments as there may be.

Sec. 13 – It is the Right of the Aniyvwiya People to organize its powers and to establish its government, in such form, as to them shall seem most likely to affect their safety and happiness, to alter or to amend

such national charters as to them is deemed necessary and expedient to secure their freedoms, peace, prosperity, safety and welfare. Wherefore, this Constitutional Charter may, in whole or in part, by a two thirds of majority of the tribes of the Aniyvwiya People, at the time of the making if this Confederation, **be abolished and a new Constitution enacted,** or they may, by a same majority, amend any or all these Articles or add to it other Articles as to them they see fit, to accomplish the results for which this Confederation is created and enacted.

ARTICLE IX (Oath of Office)

Sec. 1- All officers of The Cherokee nation of Indians, before he or she enters to his or her office, shall take the following oath, to wit:

I, ____, do solemnly swear that I have not attained my election by bribery, coercion, intimidation or taken unfair advantage of any kind, nor have I caused anyone to employ such methods; I further swear (or affirm) that I will not accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state, that I will not enter into any conference, agreement, alliance or treaty with any king, prince or state; and shall so conduct myself, as to avoid the very appearance of impropriety; I will bear true faith and allegiance to the Aniyvwiya People and, to the utmost of my ability and power; observe, conform to, support and defend the Constitution thereof, with full acknowledgement of penalty of the laws thereof.

The senior Chief of the One High Court shall administer the oath to all Judges of Cherokee nation of Indians; the Red Chief of the Warriors Council of Elders will administer the oath to the Grand Fire Council officials; the senior grandmother will administer the oath of the Red Chief.

Article X (Treasurer)

Sec. 1- A Treasurer of the Cherokee nation of Indians shall be chosen by the Grand Fire Council with a concurrence of the Law Council.

Sec. 2- It shall be the duty of the Treasurer to receive all Cherokee nation monies, in whatever form, to pay out such monies as are required of him/her by the Grand Fire Council and to make a regular statement and account of the receipts and expenditures of all Cherokee nation monies and to provide said statements, account and receipts to said Grand Fire Council on a monthly basis or upon demand.

Sec. 4- No money shall be drawn from the Treasury but by a concurrence of the Legislative and Executive branches, signed by two (2) members thereof and in consequence of appropriation made

by law.

ARTICLE XI (Amendments)

Sec. 1- This Constitution shall be subject to any amendment that is reviewed by the Law Council, passed by both the Legislature and the Executive and subsequently ratified by six of the seven clans.

Know ye that we the undersigned delegates, by virtue of the power and authority delegated to us for that purpose, do by these presents, in the name and in behalf of our respective Tribes, fully and entirely ratify and confirm each and every of the said Articles of Confederation for the Aniyvwiya Tribalnation for a Perpetual Union, and all and singular the matters and things therein contained: and we do further solemnly engage the faith of our respective Tribes, that they shall abide by the determinations of the Aniyvwiya Tribal-nation Council in assembly, on all matters, which by the said confederation are submitted to them; and, that the articles thereof shall be inviolably observed by the Tribes we respectively represent, and that the Union shall be perpetual.

In witness whereof in General Council Assembled, we have hereunto set our hands and seal. Done on the banks of the Holston River near the headquarters of the Aniyvwiya Tribal-nation, on the _____ day of _____ in the year of our Divine Creator Two Thousand and Twenty-Seven (Aniyvwiya Calendar - Eight Chuen Kan Nine).