

CHEROKEE NATION CODE



Volume 1

Cherokee Nation Constitutions

Titles 1 to 19



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PRINCIPAL CHIEF'S FOREWORD

Osiyo.

As Principal Chief of the Cherokee Nation, the largest tribal sovereign government in the United States, I am proud we are able to produce this publication of our Nation's Code of Law.

Historically, the Cherokee people were one of the most socially and culturally advanced societies in the world. From the beginning of time to our modern court system, the Cherokee value system is centered on fairness and respect. Our laws regulate life in the Cherokee Nation and strengthen our inherent tribal sovereignty as a government.

After forced removal from our homelands in the Eastern United States along the Trail of Tears to Indian Territory in modern-day Oklahoma, our Cherokee ancestors rebuilt this great tribe's government, education and judicial systems. Today, the Cherokee Nation is a national leader in education, housing, vocation training, language and cultural preservation, business, and economic development.

Our history and critical role in the American legal system are important to all Native people. The foundation of most federal tribal laws is based on the United States government's early relationship with the Cherokee Nation.

After the Trail of Tears, our tribe was nearly decimated. However, the fire to live and thrive would never die with our people. The Cherokee leaders 175 years ago reestablished our three branches of government: executive, judicial and legislative. They constructed courthouses across the Cherokee Nation and created a system of checks and balances that the Cherokee Nation still operates under to this day.

The iconic Cherokee Nation Supreme Court Building in Tahlequah was the first government structure built by Cherokees upon arrival to Indian Territory, and, as such, it symbolizes the importance our leaders placed on the rule of law and our court systems.

This Code, compiled by the tireless work of the Attorney General's office, provides access to the laws that govern our tribe. It covers the procedures of Cherokee agencies, regulations of Cherokee gaming, protections for Cherokee children, access to Cherokee courts, and punishment of criminal activities within the Nation.

The Cherokee Nation is a model for true democracy, where ensuring justice is a value we live by. It is our inherent right to exercise our sovereignty and protect our people, our government and our rights as a tribal nation.

All elected Cherokee leaders take an oath to preserve our history, heritage and culture. That oath is deeply personal to me and guides me every day as Principal Chief.

We honor our ancestors by living healthy, productive lives that leave our world better for the next seven generations. We honor our people today by enacting and enforcing good laws that protect our way of life, which ensures the Cherokee Nation remains strong, balanced and fair.

PRINCIPAL CHIEF'S FOREWORD

As Cherokee people, this is our government, and I am proud to share our Code of Laws, which will allow each and every Cherokee citizen to better know and understand our laws and our justice system.

Wado.

Bill John Baker,
Cherokee Nation Principal Chief

SPEAKER OF THE COUNCIL'S FOREWORD

As the tribe with the largest number of enrolled citizens in the United States, the Cherokee Nation has a long history of legal actions that has set precedents for Indian Country in a number of ways for at least 182 years beginning with *Worchester v. Georgia* in 1832. This year, 2014, is the 175th anniversary of the Trail of Tears as the final group of the great removal arrived in Indian Territory. Those who survived the Trail of Tears set a clear and tremendous example of strength, resilience, and commitment to the tribe for survival and sustainability despite the historical trauma endured by those ancestors.

Moving forward to create its new home land in Indian Territory, the Cherokee Nation also accomplished a great number of things such as establishment of its unique and expansive syllabary, increased its enrollment and continued to exhibit strength for future generations.

From the 20th Century until now, the Cherokee Nation has set examples in a huge number of ways. Creating a tribal code, consistently updating it as needed, providing it through a number of venues and publishing it is a great example to all other tribes across the country and is a strong symbol of the Cherokee Nation's inherent sovereign status recognized by treaty and by law.

Having this tribal code is a tremendous benefit to our tribal citizens and will be beneficial to future generations as well. I want to thank everyone who has had a part in creating this code and getting it in this current version.

My parents served this tribe as Tribal Councilors and I have worked for the tribe in a variety of areas before being elected to the Tribal Council and now serving as Speaker of this legislative body. It is a great pleasure and honor to introduce this tribal code to all who want to view it as well as utilize it for a number of purposes. It is my wish that this serves as a benefit to all, making sure all issues pertaining to the Cherokee Nation are resolved by creating a code to conduct business, rules to govern all elected officials, creating codes for fair and appropriate justice and accountability, and preserving our language and culture in a number of ways.

As the Speaker of the Council and on behalf of the Council of the Cherokee Nation; I dedicate this code to all the Citizens of the Cherokee Nation and all future generations.

Tina Glory Jordan

Speaker of the Council

ATTORNEY GENERAL'S FOREWORD

The Cherokee people have existed from time immemorial. Our presence today is a testament of the indelible spirit of our ancestors. The Cherokee Nation government has continuously existed from our ancient homelands through our first treaty with the United States of America in 1785 and beyond. This is demonstrated by the creation of our constitutions from 1823, 1839, 1975 to our present constitution of 1999. These documents were all created by Cherokees for the Cherokee People. They are the embodiment of our sovereignty and our self-determination. This code is a collection of laws by which the Cherokee people govern themselves. It is the purist form of sovereignty. It is with great pride that we present this code to the Cherokee People on the 175th Anniversary of the Act of Union of 1839 and the Cherokee Nation Constitution of 1839. When our people were forcefully removed from our native homelands and forced to relocate in Indian Territory, not only did we bring with us our brothers, sisters and traditions, but we also brought our government. Together with the Western Cherokees who migrated to Indian Territory prior to the removal, we brought together again, the two bands of the Cherokee family into one union, one body politic, that remains today. Our ancestors traveled on the trail on which they cried. Many of our forefathers forged these documents of union, under the most trying times. They were steadfast in their resolve to preserve the Cherokee Nation. We as their descendants honor their spirit and accomplishments by carrying on the Cherokee Nation from this date forward until the end of creation. We will always remain.

Todd Hembree
Attorney General

OFFICIALS OF THE CHEROKEE NATION

Executive Branch:

Bill John Baker, Principal Chief
S. Joe Crittenden, Deputy Principal Chief
Chuck Hoskin, Chief of Staff
Chuck Hoskin Jr., Secretary of State
Todd Hembree, Attorney General
Shannon Buhl, Marshal
Lacy Horn, Treasurer

Legislative Branch:

Tribal Council

Tina Glory Jordan, Speaker
Joe Byrd
David Walkingstick
Don Garvin
David Thornton, Sr.
Janelle Fullbright
Frankie Hargis
Jodie Fishinghawk
Curtis G. Snell
Harley Buzzard
Victoria Vazquez
Dick Lay
Cara Cowan Watts
Lee Kenner Jr.
Janees Taylor
Julia Coates
Jack D. Baker

OFFICIALS OF THE CHEROKEE NATION

Judicial Branch:

Supreme Court

Darrell Dowty, Chief Justice

Troy Wayne Poteete, Justice

James G. Wilcoxon, Justice

John C. Garrett, Justice

Angela Jones, Justice

District Court

John T. Cripps, III, Judge

C. Bart Fite, Judge

PUBLISHER'S PREFACE

This publication of the Cherokee Nation Code Annotated, as revised and recodified in 2014, is the result of extensive cooperation between the Office of the Attorney General of Cherokee Nation and the Publisher, drawing on the latter's considerable experience in the preparation of popular state, federal and tribal statutes and codes.

This volume contains the Act of Union between the Eastern and Western Cherokees; the 1839 and the 1975 Constitutions of Cherokee Nation; the current Constitution of Cherokee Nation, adopted in 1999; and Titles 1 to 19 of the Code. The text of the Code is complete through legislation passed in 2012.

Statutory text is followed by a chronological listing of citations to enacting and amending legislation, as well as notes indicating the effect of that legislation.

Extensive cross-references to other related provisions of the Constitution and Code and to corollary provisions of the Oklahoma Statutes are included, as well as complete references to cited United States Code and Code of Federal Regulations provisions.

A very important feature in the Cherokee Nation Code Annotated is the Key number references to the American Digest System and to Corpus Juris Secundum. The Key Number takes the user from the subject matter of the particular section of the statute to that same subject matter in the digests. There can be no greater amplification of the subject beyond the digest treatment.

In the last volume of the set, the Publisher has provided a comprehensive descriptive-word Index, with multiple, detailed references covering the Code, the Constitution of 1999, and the Rules of the District Court and Supreme Court of Cherokee Nation.

The Cherokee Nation Code Annotated will be kept up to date by a supplementary system of cumulative pocket parts. This system assures the fastest possible availability of new constitutional enactments and amendments, and changes to the laws and court rules.

The Publisher wishes to express its grateful appreciation to Principal Chief Bill John Baker, under whose administration this Code was prepared, and to Attorney General Todd Hembree and his staff, especially Christina Carroll, for their assistance in preparation of this Code.

The Publisher

November, 2014

CITE THIS CODE

Thus: __ CNCA § __