

**ARKANSAS CHEROKEE NATION
OTHERWISE KNOWN AS CHICKAMAUGA CHEROKEE OF
ARKANSAS - CONSTITUTION**

PREAMBLE

The Arkansas Cherokee Nation, known as Chickamauga Cherokee of Arkansas, herein after referred to as the Arkansas Cherokee Nation. We the people of the Arkansas Cherokee Nation in order to establish justice, ensure tranquility, promote the common welfare, and to secure to ourselves and our posterity the blessing of freedom, including the blessings of our ancestral heritage, culture, and tribal sovereignty, acknowledging with humility and gratitude the goodness of the Sovereign Ruler – do ordain and establish this Constitution for the government of the sovereign Arkansas Cherokee Nation.

**ARTICLE I
JURISDICTION**

SECTION 1. The boundary of the Arkansas Cherokee Nation Indian Reservation shall include the area described in the Treaty of July 8, 1817; follow up Treaty of 1819; as well as settlements on the St. Francis River in Northeast Arkansas in 1721 and Chief Bowles village established south of the Arkansas River in 1811. Whereas; in pursuance of an enactment by the South Carolina Colonist in years prior, began a migration from the land of the Cherokee Nation East of the Mississippi River to the land West of the Mississippi River, within the present boundary of the State of Arkansas.

Whereas; these descendants of the Arkansas Cherokee Nation continued the process of immigration into the lands stated therein from the land of our ancestors east of the Mississippi River.

Whereas; to formally recognize this part of the Cherokee Tribe with its Chief, and to commence the policy of land exchange process.

SECTION 2. The jurisdiction of the Arkansas Cherokee Nation shall extend within the exterior boundaries of the Arkansas Cherokee Nation Indian Reservation, and in addition may extend to all other trust or restricted land held now or later acquired by the Arkansas Cherokee Nation or its members.

**ARTICLE II
MEMBERSHIP**

SECTION 1. The membership of the Arkansas Cherokee Nation shall consist of those persons, whose names appear on the final roll of the Arkansas Cherokee Nation approved by the Bureau of Indian Affairs, and their lineal descendants by blood.

SECTION 2. The Arkansas Cherokee Nation Chiefs and Council shall have the authority to enact rules and regulations regarding future enrollment of tribal members.

SECTION 3. The Chiefs of the Arkansas Cherokee Nation shall appoint a membership board comprised of up to five members with the responsibility of the establishment and maintenance of a membership roll.

- A.** Under 83.7 (E) (1) – (v), the member of the Arkansas Cherokee Nation must show a direct blood linkage to the Cherokee of Arkansas in the 1800’s. This will be done by use of Birth and Death Certificates, Marriage Licenses, Census Rolls, School Records, Military Records, Bible Records, or other Legal Records. The applicant must provide full name, including maiden name, date of birth and current physical residential address.

Under 83.7, the Arkansas Cherokee Nation has established that it has function throughout history until the present as a separate and autonomous Indian tribe entity. The Arkansas Cherokee Nation members do not maintain a bilateral, political relationship with the acknowledged tribes and that its members have provided written confirmation in the petitioning group. Under 83.7 (f), neither the Arkansas Cherokee Nation nor its members are the subjects of Congressional Legislation that has expressly terminated or forbidden the federal relationship.

- B.** The membership of the Arkansas Cherokee Nation:

- The Tribal roll will consist of those persons who proved their Ancestry and migration routes through the Arkansas Territory and experienced persecution and duress stress of hiding themselves, their family, their Cherokee identity and culture from the government structure.

The Roll is composed of persons who are not members of the Eastern Band of Cherokees in North Carolina (Baker Roll) or with the Western Cherokee Nation of Oklahoma otherwise known as the Cherokee Nation of Oklahoma (Dawes Roll).

- C.** The Arkansas Cherokee Nation has established the procedure by which tribal membership is determined. The enrollment officer and committee determine the eligibility, and makes recommendations for membership. The final approval of membership will be reserved to the tribal council.

ARTICLE III GOVERNMENTAL STRUCTURE

SECTION 1. The powers of the Arkansas Cherokee Nation shall be divided into three distinct departments; (1) the 3 Chiefs, with three separate votes (2) the Councilmen, which will consist of 6 members with six separate votes, therefore, the 3 Chiefs and the 6 Councilmen shall constitute the Arkansas Cherokee Nation Council and (3) the Judiciary.

SECTION 2. No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases hereinafter expressly directed or permitted.

ARTICLE IV GENERAL COUNCIL

SECTION 1. The 3 Chiefs and 6 Councilmen shall convene an annual meeting of all members of the Arkansas Cherokee Nation on the 2nd Saturday of August to present the tribal union address.

SECTION 2. Notice of the Annual Council Meeting shall be given by the Principal Chief not less than thirty (30) days preceding the meeting through the U.S. Postal and/or by public notice. Such notice shall include an agenda.

SECTION 3. The annual meeting shall be chaired by the speaker.

ARTICLE V EXECUTIVE BOARD

SECTION 1. The Supreme Executive power of the Arkansas Cherokee Nation shall be vested in 3 Chiefs, whose responsibilities are as follows:

- Principal Chief – whose powers are to run the day to day operations of the Council and make all appointments with the concurrence of the Social and Security Chiefs. All appointments must be confirmed by the Arkansas Cherokee Nation Council.
- Social Chief – will assume the duties of the Principal Chief in the absence or disability of the Principal Chief. His responsibilities are to handle all domestic activities for the tribe or other activities as assigned by the Principal Chief.
- Security Chief – will be responsible for all security and intelligence for the tribe.

SECTION 2. The 3 Chiefs shall hold office for the term of four (4) years.

SECTION 3. Any member of the Arkansas Cherokee Nation shall be eligible to run for Chief provided a member:

- A. Has attained the age of thirty (30) years on the date of the elections; and
- B. Has served as one of the 6 Councilmen; and
- C. Must be willing to establish a permanent residence in the State of Arkansas; and
- D. Has never been convicted of a felony.
- E. Misconduct involving moral turpitude.

SECTION 4. In case of the removal of one of the Chiefs from office, or of death, or inability to discharge the powers and duties of said office, the same shall devolve on the remaining Chiefs until the vacancy is filled by the Executive Board.

SECTION 5. The Arkansas Cherokee Nation may compensate the 3 Chiefs and 6 Councilmen for their services, as prescribed by law.

SECTION 6. Duties;

- A. The 3 Chiefs shall faithfully execute the laws of the Arkansas Cherokee Nation.
- B. Every bill which shall pass, before it becomes law, must be signed by the Principal Chief, but if not, it shall be returned with written instructions to the Arkansas Cherokee Nation Council who shall enter the objections in the journals of the record and proceed to reconsider it. If, after such reconsideration, two-thirds of the Arkansas Cherokee Nation Council shall agree to pass the bill, it becomes law.
- C. The Principal Chief may appoint, subordinate committees, commissions, boards, tribal officials, delegates, employees, not otherwise provided for in this Constitution, and an Executive Cabinet, salaries, tenure, duties, policies and procedures will likewise be approved by the 3 Chiefs and confirmed by the Arkansas Cherokee Nation Council.
- D. No money shall be drawn from the Treasury but by warrant from 2 of the 3 Chiefs and in consequence of appropriations made by law.

ARTICLE VI ARKANSAS CHEROKEE NATION COUNCIL

SECTION 1. The legislative power shall be vested in the 3 Chiefs and the 6 Councilmen and the style of their acts shall be: Be it enacted by the Arkansas Cherokee Nation Council. All such legislative acts shall be committed to writing and made available to the public at all reasonable times at the Arkansas Cherokee Nation headquarters.

SECTION 2. The Arkansas Cherokee Nation Councilmen shall consist of 6 members, chosen at large by the duly qualified electors for four-year terms.

SECTION 3. Any member of the Arkansas Cherokee Nation shall be eligible for tribal council office provided the member:

- A. Has attained the age of thirty (30) years on the date of the election; and
- B. Must be willing to establish an address in the State of Arkansas; and
- C. Has never been convicted of a felony.

SECTION 4. The Arkansas Cherokee Nation Council, which will consist of 3 Chiefs and 6 Councilmen, shall at the first regular Arkansas Cherokee Nation Council Meeting and thereafter as may be necessary, choose its officers from among its own members, consisting of a Speaker and a Second Speaker. The Speaker or in the Speaker's absence, the Second Speaker, shall preside over all meetings.

SECTION 5. Robert's Rules of Order as revised shall be followed in conducting Arkansas Cherokee Nation Council business unless in conflict with this Constitution. The Arkansas

Cherokee Nation Council may meet in executive session, wherein no minutes shall be taken, to discuss personnel matters, matters involving attorney client privilege, and business matters including consideration of bids or contracts which are privileged or confidential. Executive session requires an affirmative vote of two-thirds (2/3) of the members present; however, any official action taken upon any matter discussed in executive session shall be in accordance with Section 7 of this article.

- A. Regular meetings of the Arkansas Cherokee Nation Council shall be called at least twelve (12) times per year, at monthly intervals, at the Arkansas Cherokee Nation Headquarters or as otherwise designated by the Arkansas Cherokee Nation Council. The meetings shall be the second Saturday of every month or as prescribed by law.
- B. Special meetings of the Arkansas Cherokee Nation Council shall be called by the Chiefs.

SECTION 6. A quorum shall exist when five (5) or more of the Arkansas Cherokee Nation Council, which consists of 3 Chiefs and 6 Councilmen, are present. A quorum is required at all meetings in order to conduct official business of the Arkansas Cherokee Nation Council.

SECTION 7. The Arkansas Cherokee Nation Council shall conduct official business of the Arkansas Cherokee Nation by a majority vote of the members present at a duly called meeting in which a quorum of the Council is present. All votes on any matter shall be in open session and shall be made via voice roll call. The Council of the Arkansas Cherokee Nation shall maintain a written record of all roll call votes.

SECTION 8. Any Chief or Councilmen who has a direct personal or financial interest in any matter before the Arkansas Cherokee Nation Council shall not be permitted to vote on such matters.

SECTION 9. The Arkansas Cherokee Nation may compensate members of the Arkansas Cherokee Nation Council for their services, as prescribed by tribal law.

SECTION 10. If an Arkansas Cherokee Nation Council member should die, resign, be removed, or be recalled from office, the Principal Chief shall declare the position vacant. The vacancy shall be filled by a special election, unless only ninety (90) days remain in the term, in which case the position shall remain vacant. The person who fills the vacancy shall serve out the term of the person who he/she is replacing, until the next election.

ARTICLE VII POWERS OF THE ARKANSAS CHEROKEE NATION COUNCIL

The Arkansas Cherokee Nation Council shall be vested with all powers of its inherent sovereignty and Federal law and shall, in accordance with established customs, traditions, and values of the Arkansas Cherokee Nation and subject to the express limitations contained in this Constitution and the applicable laws of the United States, have the following powers:

- A. To make all laws and regulations which they shall deem necessary and proper for the good of the tribe, this shall not be contrary to Federal or Tribal law or this Constitution.

- B. To negotiate and make contracts and grants with the Federal, State and local governments.
- C. To make laws for the levy and collection of taxes for the purpose of raising revenue.
- D. To purchase, lease, acquire by gift, take by devise or bequeath, acquire by eminent domain or otherwise acquire land, interests in land, personal property, or other assets which may deemed beneficial to the Arkansas Cherokee Nation.
- E. To regulate the sale, disposition, lease, or encumbrance of tribal lands, interest in lands, or other assets.
- F. To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, but only so long as such approval is required by Federal law.
- G. To manage all tribal economic affairs and enterprises.
- H. To make expenditures from available funds for tribal purposes subject to all regulations and applicable laws. All expenditures of tribal funds shall be a matter of public record open to all citizens of the Arkansas Cherokee Nation at all reasonable times at the Arkansas Cherokee Nation Headquarters.
- I. To adopt a Code of Ethics governing the conduct of tribal officials, which may include disciplinary procedures as long as due process is afforded.
- J. To take any and all actions necessary and proper in the exercise of the powers and duties of the Arkansas Cherokee Nation, including any powers and duties not enumerated above, and all other powers and duties now or hereafter delegated to the Arkansas Cherokee Nation Council or vested in the Arkansas Cherokee Nation Council by virtue of its inherent sovereignty.
- K. It shall be the duty of the Arkansas Cherokee Nation Council to pass such laws as may be necessary and proper to decide difference by arbitration or traditional form of dispute resolution, to be utilized by the parties who may choose that summary mode of adjustment.

ARTICLE VIII JUDICIAL DEPARTMENT

SECTION 1. The Judicial powers shall be vested in a supreme court and such inferior courts as the Arkansas Cherokee Nation Council may from time to time ordain and establish.

SECTION 2. The judiciary shall exercise jurisdiction over all cases, matters, or controversies arising under this constitution and the laws, ordinances, regulations, customs, and judicial decisions of the Arkansas Cherokee Nation, including such disputes as may be referred by the Arkansas Cherokee Nation Council pursuant to Article VII, unless limited by Federal law.

SECTION 3. The Supreme Court shall consist of a Superior Court Judge and the Arkansas Cherokee Nation Council may establish such inferior court judges as may be necessary.

SECTION 4. The Supreme Court Judge and such inferior judges shall hold office for the term of four years. They will be appointed by a majority vote of the Arkansas Cherokee Nation Council.

SECTION 5. Any member of the Arkansas Cherokee Nation shall be eligible to run for the judiciary provided the member:

- A. Has attained the age of thirty (30) years on the date of the election.
- B. Has to be practicing law, have a law degree, a valid U.S. law license and must be approved to practice Federal law in U.S. Courts.
- C. Has never been convicted of a felony.

SECTION 6. The Supreme Court and such circuit and inferior court judges shall be compensated at a rate prescribed by the Arkansas Cherokee Nation Council which shall not be diminished or increased during their continuance in office for the term to which most recently elected, but they shall receive no fees or perquisites of office, nor hold any other office or profit or trust under the government of this tribe of any other power.

SECTION 7. No judge shall sit on trial on any cause when the parties are connected with the judge. In case all the judges of the court system have an interest in the issue before the court, the Arkansas Cherokee Nation Council may provide by law for the selection of a qualified alternate for the determination thereof, who shall be specially commissioned for the adjudication of such case by the Chiefs.

SECTION 8. If a member of the judiciary should die, resign, be removed, or be recalled from office, the Principal Chief shall declare the position vacant. The vacancy shall be filled by appointment made by the Principal Chief with the concurrence of the Social and Security Chief within ten (10) business days. This appointment must be approved by the Arkansas Cherokee Nation Council. The person who fills the vacant position shall serve out the term of the replaced judge.

SECTION 9. The judiciary shall establish the practice and procedures to be followed in the courts subject to the approval of the Arkansas Cherokee Nation Council.

SECTION 10. All writs and other process shall run “In the name of the Arkansas Cherokee Nation of Arkansas” and bear test and be signed by the respective clerks. “Indictments shall conclude against the peace and dignity of the Arkansas Cherokee Nation of Arkansas”.

SECTION 11. In all criminal prosecutions, the accused shall have the right of being heard, of demanding the nature of accusation; of confronting the witnesses; of having compulsory process for obtaining witnesses in his/her favor, and in prosecutions by indictment or information a speedy public trial; nor shall the accused be compelled to give evidence against him or herself.

ARTICLE IX RECALL AND REMOVAL

SECTION 1. The recall of any elected official or an officer who has been appointed to complete the term of an elected official of the Arkansas Cherokee Nation shall be initiated upon a petition to the Arkansas Cherokee Council stating the reasons for recall and signed by fifteen percent (15%) of the number of persons voting in the last tribal election.

SECTION 2. The Arkansas Cherokee Nation Council shall by affirmative vote of six (6) of the nine (9) members petition the Supreme Court of the Arkansas Cherokee Nation to convene and conduct a hearing in the presence of the Arkansas Cherokee Nation Council thirty (30) days from the date the petition is filed, to remove any elected official for any of the following reasons.

- A. Gross misconduct in office.
- B. Conviction of a felony under Federal, state, or tribal law after taking office.
- C. Conviction of any offense under Federal, state or tribal law involving moral turpitude.

SECTION 3. The petition shall state with specificity the grounds for the proposed removal.

SECTION 4. Any elected official accused of wrongdoing shall be given a copy of the petition and afforded the right to respond to the charges and the right to present witnesses and other evidence in his defense at the hearing convened by the Supreme Court.

SECTION 5. The Supreme Court shall preside over the removal hearing and receive the evidence, provided that in the case of removal of a Supreme Court Judge, the Arkansas Cherokee Nation Council may provide by law for the selection of a judge who shall be specially commissioned to preside in this case. The Supreme Court shall determine if grounds exist for removal. The decision by the Supreme Court shall be final and binding on the Arkansas Cherokee Nation.

SECTION 6. Should any member of the Arkansas Cherokee Nation Council miss four (4) consecutive council meetings, the remaining of the Arkansas Cherokee Nation Council shall have the authority to remove the absent Council member upon 2/3 majority vote of the Council.

ARTICLE X ELECTIONS

SECTION 1. General elections to vote for the Arkansas Cherokee Nation; 3 Chiefs, 6 Councilmen, at the voting places and in a manner established by tribal law, shall be held from July 1 to July 31, the first initial election being scheduled for July 2011. In the first election, half of the Council will be elected for two (2) years terms and the other half for four (4) year terms, which will be decided by lot draw. After the initial election, the Arkansas Cherokee Nation shall hold an election every two years to elect Council on four (4) year terms. The elected officials will be sworn in and take office on the 2nd Saturday of September.

SECTION 2. Special elections shall be held when called for by the Arkansas Cherokee Nation Council, by this Constitution, or appropriate ordinances.

SECTION 3. The Principal Chief shall appoint an Election Board to serve for four (4) years and may be reappointed subject to Article V Section 1 paragraph (A). All members of the Election Board must be eligible voters of the Arkansas Cherokee Nation. The duties, procedures, structure, and composition of the Election Board shall be included in the Election Ordinance.

SECTION 4. In all elections, the Arkansas Cherokee Nation Council shall have the power to prescribe ordinances governing the casting and canvassing of ballots and other necessary details of election procedures.

SECTION 5. All tribal members who are eighteen (18) years of age or older on the date voting begins, shall be entitled to vote in any election.

SECTION 6. All elections shall be by secret ballot.

SECTION 7. All voters shall be given the opportunity to vote by absentee ballot.

ARTICLE XI OATH OF OFFICE

SECTION 1. 3 Chiefs and 6 Councilmen shall be bound to support the Constitution of the Arkansas Cherokee Nation and the Constitution of the United States; and to perform the duties of their respective offices with fidelity by stating the following oath or affirmation:

“I _____, do solemnly swear or affirm that I will faithfully execute the duties of my office, and will, to the best of my ability preserve, protect, and defend the Constitution of the Arkansas Cherokee Nation and the Constitution of the United States and the rights of its members. I swear or affirm further, that I will do everything within my power to promote the culture, heritage, and traditions of the Arkansas Cherokee Nation.”

SECTION 2. Before the Judges of the Judicial Department enter on the execution of their office, they shall each take the following oath or affirmation:

“I _____, do solemnly swear or affirm that I will faithfully execute the duties of my office, and will, to the best of my ability preserve, protect, and defend the Constitution of the Arkansas Cherokee Nation and the Constitution of the United States and the rights of its members. I swear or affirm further, that I will do everything within my power to promote the culture, heritage, and traditions of the Arkansas Cherokee Nation.”

ARTICLE XII BILL OF RIGHTS

SECTION 1. There shall be certain inalienable rights, which shall not be abridged or denied by any department of the Arkansas Cherokee Nation or by any official of the Tribe.

SECTION 2. The Arkansas Cherokee Nation, in exercising powers of self-government, shall not:

- A. Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and petition for a redress of grievances;
- B. Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon

- probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be sized;
- C. Subject any person for the same offense to be twice put in jeopardy;
 - D. Compel any person in any criminal case to be a witness against himself or herself;
 - E. Take any private property for public use without just compensation;

 - F. Deny to any person in any criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with witnesses against him/her, to have compulsory process for obtaining witnesses in his/her favor, and at his/her own expense to have the assistance of counsel for his/her defense;
 - G. Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense greater than the guidelines and fines or both;
 - H. Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty of property without due process of law;
 - I. Pass any bill of attainder or ex post facto law;
 - J. Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six (6) persons.

SECTION 3. The Judicial Department of the Arkansas Cherokee Nation shall have jurisdiction to enforce and protect the rights delineated in this Article and in other parts of this Constitution.

ARTICLE XIII CONSTITUTIONAL AMENDMENTS

SECTION 1. Amendments to this Constitution may be initiated by;

- A. Majority vote of the Arkansas Cherokee Nation Council referring the matter to the people for voting; or
- B. Petition containing the proposed amendment and approval from the Supreme Court and signed by fifteen percent (15%) of the number of voters in the last tribal election. The petition must state the exact wording of the question, or may authorize one or more signatories to the petition to work with the council to finalize the wording, as long as the intent of the question is not changed.
- C. The council will conduct the referendum within 90 days of receiving a valid petition.
- D. Only one question, or related set of questions, may be covered by one petition.

SECTION 2. Any amendment adopted by a majority of the votes cast in the election shall be submitted to the Secretary of the Interior, or authorized delegate, for approval. If no action is taken within forty-five (45) days following its receipt by the Secretary's authorized delegate, the amendment shall be deemed approved and it shall thereafter be effective.

**Adopted this 1st day of December 2007 by the Arkansas Cherokee Nation
Board of Elders:**

Flossie Mae Russell Helton - Elder

Wayland Brown - Elder

Wayne Bartram - Elder

Marilyn Reeves - Elder

Leon Helton - Elder

Clifford Bartram - Elder

Louise Noel - Elder

Lillian Price - Elder

Alice Helton - Elder

Irene Helton - Elder

Geneva Ruth Tedder - Elder

Eula Mae Huffman - Elder