

RESOLUTION NO. 63-06

COUNCIL OF THE CHEROKEE NATION

A RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 1 OF THE CHEROKEE NATION CONSTITUTION OF 1975 AND ARTICLE IV, SECTION 1 OF CHEROKEE CONSTITUTION OF 1999 PURSUANT TO ARTICLE 15, SECTION 2, DETERMINING CRITERIA FOR CITIZENSHIP INTO THE CHEROKEE NATION

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people; and,

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America;

WHEREAS, the Constitution of the Cherokee Nation was approved by the Commissioner of Indian Affairs on September 5, 1975, seconded by Principal Chief Ross O. Swimmer on October 2, 1975, and ratified by the Cherokee people on June 26, 1976 and the Constitution of the Cherokee Nation was ratified by the people on July 26, 2003, after said Constitution was revised at a duly called Convention of Delegates as provided by Cherokee law, and;

WHEREAS, the Cherokee Nation Tribal Council is empowered by Article XV, Section 2 of the Constitution to propose constitutional amendments when the same are approved by a majority of all members of the Council and submitted to the people for their approval at a general election, or at a special election called for that purpose by a two-thirds vote of the Council.

WHEREAS, Article III, Section 1, of the Cherokee Constitution of 1975 provides as follows:

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

WHEREAS, Article IV, Section 1, of the Cherokee Constitution of 1999 provides as follows:

All citizens of the Cherokee Nation must be original enrollees or descendants of original enrollees listed on the Dawes Commission Rolls, including the Delaware Cherokees of Article II of the Delaware Agreement dated the 8th day of May, 1867, and the Shawnee Cherokees as of Article III of the Shawnee Agreement dated the 9th day of June, 1869, and/or their descendants.

The Cherokee Nation recognizes the basic rights retained by all distinct People and groups affiliated with the Cherokee Nation, retained from time immemorial, to remain a separate and distinct People. Nothing in this Constitution shall be construed to prohibit the Cherokee-Shawnee or Delaware-Cherokee from pursuing their inherent right to govern themselves, provided that it does not diminish the boundaries or jurisdiction of the Cherokee Nation or conflict with Cherokee law.

WHEREAS, it is deemed proper that the Cherokee people determine, by vote, on which class or classes of persons should be lawfully entitled to be citizens of the Nation.

NOW, THEREFORE, BE IT RESOLVED by the Cherokee Nation that through its Tribal Council, that a proposed amendment to substitute language in Article III, Section 1, of the Cherokee Nation Constitution of 1975 and Article IV, Section I (paragraph 1) of the Cherokee Nation Constitution of 1999 and that the same be submitted to the duly qualified registered voters of the Cherokee Nation setting forth the following question:

REFERENDUM ON CONSTITUTIONAL AMENDMENT

There is hereby proposed an amendment to the Constitution of the Cherokee Nation, pursuant to Article XV, Section 2. Said amendment would modify Article III, section 1 of the Cherokee Constitution of 1975 and the first paragraph of Article IV, Section 1 of the Cherokee Constitution of 1999 to read:

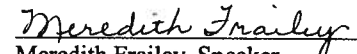
Notwithstanding any provisions of the Cherokee Nation Constitution approved on October 2, 1975, and the Cherokee Nation Constitution ratified by the people on July 26, 2003, upon passage of this Amendment, citizens of the Cherokee Nation shall be only those originally enrolled on, or descendants of those enrolled on, the Final Rolls of the Cherokee Nation, commonly referred to as the Dawes Rolls, for those listed as Cherokees by blood, Delaware Cherokees pursuant to Article II of the Delaware Agreement dated the 8th day of May, 1867, and the Shawnee Cherokees pursuant to Article III of the Shawnee Agreement dated the 9th day of June, 1869.

_____ Yes in favor of the Amendment

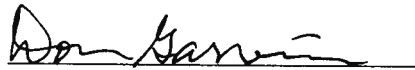
_____ No against the Amendment and keep the present language

CERTIFICATION

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 12th day of June, 2006, having 15 members present, constituting a quorum, by the vote of 13 yea; 2 nay; 0 abstaining.

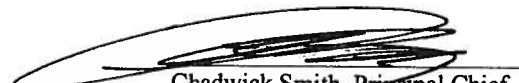

Meredith Frailey, Speaker
Council of the Cherokee Nation

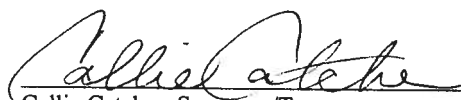
ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 19th day of June, 2006.

ATTEST:


Chadwick Smith, Principal Chief
Cherokee Nation


Callie Catcher, Secretary/Treasurer
Cherokee Nation