

THE CONSTITUTION OF THE UNITED CHEROKEE NATION

Preamble

We, the Representatives of the people of The United Cherokee Nation-Aniyvwiya, in confederation assembled and with a true aversion to Federalization, which has broken the spirit of many tribes, in order to establish justice, ensure tranquility, promote our common welfare and secure to ourselves and our posterity the blessings of true liberty, do ordain and establish this Constitution for the government of The United Cherokee Nation-Aniyvwiya. We acknowledge, with humility and gratitude, the goodness of the sovereign Ruler of the Universe in offering us an opportunity so favorable to this design and implore his aid and direction in its accomplishment.

Article I

Sec. 1- Since the people of The United Cherokee Nation-Aniyvwiya (hereinafter referred to as The United Cherokee Nation or the Nation) are scattered to and fro across the face of North America and even beyond and since that very dilution makes a geo-political locus impractical, no geographic borders have been established for The United Cherokee Nation. It maintains a floating jurisdiction.

Sec. 2- The position stated in Section 1 does not preclude the possibility of the establishment of some kind of “homeland” for those United Cherokee Nation members who may wish it at some future date.

Sec. 3- The United Cherokee Nation shall establish lodges in the old Cherokee territory. The number and location of each to be determined as needed.

Article II

Sec. 1- The power of this government shall be divided into two distinct departments: Legislative and Judicial.

Sec. 2- No person or persons occupying a seat in one of these Departments shall exercise any of the powers properly belonging to the other, except in cases hereinafter expressly directed or permitted.

Sec. 3- Until the High Star Council shall be fully populated, a majority vote will be sufficient to make Tribal decisions.

Article III

Sec. 1- Our Cherokee community's Legislative power shall be vested in one great Council called The Star Council. It shall contain two levels. The High Star Council shall consist of three Council members. They will make the final decisions regarding Cherokee Nation legislative issues. A unanimous vote is required to make an item a law. As the Tribe's membership numbers and/or the

responsibilities of the High Council grow, the High Star Council members may increase to 5 or even 7. At that time, a simple majority would be required to pass an item into law.

The Associate Star Council shall be made up of the heads (or elders) of the various clans (or spheres of influence) represented by the seven points of the Cherokee Star. Each elder shall be responsible for the well- being of The United Cherokee Nation and its membership within the purview of his or her clan.

Sec. 2- The designations and meanings of the star points are as follows:

Purple - Bird - Maple
Spirituality/Faith - Purple represents higher power or creator and the bird symbolizes flight to the creator. Birds were originally thought to be messengers from the Heavens since they appeared to come "from above".

Blue- Sky- Ash - Education - Blue is a primary color and represents a foundation. No nation can exist long without the foundation of education. Ash represents perhaps chalk or writing. One of the original ways of communication was taking a burnt stick and marking on rocks or human skin.

Brown - Deer – Oak - Business - Brown represents the grounding of ideas on the firm foundation of Mother Earth and the deer, also known as the Hart, has long been a symbol of strength, stamina, skill, courage and integrity. Businesses that choose to be “Cherokee” must demonstrate those characteristics.

White - Paint – Locust -
Medicine/Alternative Health Care - White represents purity of mind and body, free from disease and contamination. As paint is applied to a body or thing to be useful, so the principles of healing and

health must be applied for them to be useful.

Yellow - Twister/Longhair – Beech - Security/Defense/Military - Yellow represents the brightness of the Cherokee Nation day; clouds of doubt or suppression being noticeably absent. Traditionally, the Longhairs were peacemakers. A dedicated defense force helps to keep the peace.

Green - Wild Potato – Birch- Environment/Air, Food, Water/Agriculture - Green represents plants and growth; the well-being of the United Cherokee Nation in particular and the Earth in general. The wild potato represents nourishment and sustainability to thrive in life.

Red - Wolf – Hickory- Law/Justice - Red represents fire and passion for what is right, especially where The United

Cherokee Nation is concerned. The wolf proudly, ferociously, stands its ground both offensively and defensively.

Sec. 3- Until such time as the elders of each clan have been designated and the Star Council fully populated, the High Star Council of the United Cherokee Nation shall make nominations and vote upon the ascension of those thought qualified to become a clan elder. Once an elder is chosen, he or she immediately becomes a member of the Star Council. When all seven elders of the various clans are seated, the Star Council, comprised of both the High Council and the Associate Council, will be altogether realized. In cases of necessity an elder may, temporarily, hold authority over more than one clan. Any additional clan elderships held by one elder must be immediately surrendered when a suitable elder is found to fill that position.

Sec. 4- Once completed, the High Star Council shall have sole power to nominate and install clan elders. The installation of an elder will require a majority of High Star Council members. Council decisions shall

be guided, where practicable, by the will of the membership of The United Cherokee Nation.

Sec. 5- The High Star Council shall meet once a quarter on the second Wednesday of the month and whenever else there are issues to consider that are deemed important enough for the Council to take under advisement.

Sec. 6- The appropriate means of meeting and voting shall be decided by the High Star Council members and may include electrical or electronic devices.

Sec. 7- All members in good standing of The United Cherokee Nation, having demonstrated wisdom, maturity and leadership, may aspire to an eldership and, thus, a seat on the Star Council. No member who is of unsound mind or a felon will be considered for an eldership or Star Council seat. Other qualifications and/or disqualifications may be added by said Council as they see fit.

Sec. 8- The members of the High Star Council shall, in all cases except those of treason, felony or breach of the peace, be privileged from arrest

during their attendance at said Council and in going to and returning from the same.

Sec. 9- The High Star Council shall be the sole judge of the qualifications and retention of its members.

Sec. 10- The High Star Council may determine the rules of its proceedings and punish its members for disorderly or inappropriate behavior.

Sec. 11- A majority of the High Star Council's membership in attendance on any given day shall constitute a quorum to do business.

Sec. 12- Elders of clans and all members of the Star Council shall receive from the public Treasury a compensation for their services. The amount and period shall be set by law. Council members are also entitled to reimbursement for expenses incurred while engaged in Council related business. Compensation increases may be instigated every two (2) years.

Sec. 13- The High Star Council shall have power to make all laws and regulations which they shall deem necessary and proper for the good of The United Cherokee Nation, which laws and

regulations shall not be contrary to this Constitution.

Sec. 14- No power of suspending the Constitution or laws of The United Cherokee Nation shall be exercised by the Legislature or any other authority.

Sec. 15- The High Star Council shall have power to make laws laying and collecting taxes, duties, tariffs, etc. for the purpose of raising a revenue.

Sec. 16- The High Star Council shall have sole power of deciding on the construction of all external Treaty stipulations. They shall be guided, however, to such extent possible, by the will of the people of The United Cherokee Nation.

Sec. 17- The Grand Court of The United Cherokee Nation shall have sole power of impeachment of the High Star Council. Impeachment and removal from the High Star Council will also mean removal from the office of elder. In which case, see Section 3 above. Judgement in such cases shall not extend further than removal from office and disqualification to hold any office of honor, trust or profit in The United Cherokee Nation. If convicted

after removal, the party shall be liable to indictment, trial, judgement and punishment, according to law.

Sec. 18- All High Star Council members are required to visit each of the lodges of The United Cherokee Nation at least once a year for the purpose of familiarizing themselves with the lodge, its people and their situations.

Sec. 19- A log of all of the meetings and decisions of the High Star Council shall be kept. The method of this recordkeeping shall be decided by said Council and may allow electrical or electronic instrumentation.

Sec. 20- Every two (2) years, the High Star Council shall elect one of its members to act as “Chief”. The person so elected shall serve as the spokesperson for the Nation and as general figurehead; Provided: The “Chief” shall have no independent power and must take all important issues before the High Star Council. If the “Chief” cannot fulfill his or her duties, another High Star Council member may be appointed. Elder/High Star Council members who are designated as “Chief” will receive additional

compensation. The amount will be decided by the High Star Council and set into law.

Article IV

Sec. 1- The Judicial Powers of The United Cherokee Nation shall be vested (1) in a Grand Court and (2) in one Circuit Court per lodge.

Sec. 2- The function of the Grand Court shall be as a balance to, and possible safeguard against, the Legislative Branch. The body of law the Grand Court will use as reference will be the Cherokee Tribal natural law. The Grand Court holds sole power of impeachment against members of the Star Council.

Sec. 3- The Grand Court shall consist of three (3) Judges, any two (2) of whom shall constitute a quorum. Until adequate numbers of United Cherokee Nation members exist, a single Grand Court Judge will suffice. The Circuit Courts shall consist of a single Judge per lodge. The number of Circuit Court Judges may be increased as necessary.

Sec. 4- The Judges of The Grand Court shall hold their commissions for four (4) years but any of them may be removed from office for malfeasance or other misconduct by a majority vote of the High Star Council. Circuit 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 a majority vote of the High Star Council.

Sec. 5- The Judges of the Grand Court, as well as the Circuit Court Judges, shall receive from the Tribal Treasury a compensation. The period and amount will be set by law. Any compensation increase may only occur every two years.

Sec. 6- No individual who is not a member of The United Cherokee Nation may be considered for a Judgeship in any Court of said Nation. No member shall be appointed a Judge of The Grand Court or of the Circuit Courts before he or she shall have demonstrated wisdom, maturity and leadership. No member who is of unsound mind or a felon will be considered for a position in any United Cherokee Nation Court.

Sec. 7- Judges of The Grand Court, as well as Judges of the Circuit Courts, shall be appointed by the High Star Council.

Sec. 8- The Judges of the Grand Court and Circuit Courts shall have complete and original jurisdiction in all cases referred to them internally and, by assignment, externally.

Sec. 9- The Grand Court and Circuit Courts shall choose their own Clerks for the term of four (4) years. Any Clerk may be removed for breach of good behavior or incompetence at any time by the Judge(s) of that Court.

Sec. 10- No Judge shall sit on trial of any cause where any of the parties shall be connected to him or her by affinity or consanguinity. In case a majority of the Judges of the Grand Court shall be interested in the event of any cause, or related to any of the parties, the High Star Council may provide for the selection of as many as three (3) individuals of good character and knowledge, for the determination thereof, who shall be especially commissioned by the High Star Council for that case only.

In the same situation, as applied to the Circuit Courts, the Grand Court Justices shall choose an individual of good character and knowledge who shall be especially commissioned to try that particular case only.

Sec. 11- All writs and other process shall run in the name of The United Cherokee Nation and be in proper format and be signed by the respective clerks.

Sec. 12- The Grand Court and Circuit Courts shall hold their sessions as necessary. The Judges may convene in person or by whatever electrical or electronic means may be deemed appropriate by the Court.

Sec. 13- The Judges of the various Circuit Courts shall have power to appoint and remove all Tribal Marshals and/or Peacekeepers associated with their lodges. To be considered for the roll of Tribal Marshal/Peacekeeper, all such appointees shall be members of the United Cherokee Nation.

Article V

Sec. 1- In all criminal prosecutions across the entire United Cherokee Nation, the accused shall have the right of being heard, of demanding the nature and cause of the accusation against him or her, of meeting the witnesses face to face, of having compulsory process for obtaining witnesses in his or 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. 2- The people of The United Cherokee Nation shall be secure in their persons, houses, papers and possessions from unreasonable seizures and searches. No warrants to search any place or to seize any persons or things shall be issued without describing them as nearly as may be to a Judge of the Court holding jurisdiction, nor without good cause, supported by oath or affirmation to the same. All prisoners shall be bailable by sufficient security unless for capital offenses, where the proof is evident or the presumption great.

Sec. 3- The free exercise of religious/spiritual worship and serving The Great Spirit without distinction shall forever be allowed within The United Cherokee Nation; Provided, that this liberty of conscience shall not be so construed as to justify practices inconsistent with the peace or safety of The United Cherokee Nation.

Sec. 4- No person shall be refused any office in The United Cherokee Nation solely because of their creed, color, national origin, sex or handicap.

Sec. 5- All appointments shall be in the name and by the authority of The United Cherokee Nation and be sealed with the seal of the Nation and signed by a member of the High Star Council.

Sec. 6- No person shall, for the same offense, be twice put in jeopardy of life or limb, nor shall any persons property be taken or applied to public use without his or her consent or an appropriate ruling from the Cherokee Court; Provided, That nothing in this clause shall be so construed as to impair the right and power of the High Star Council to lay and collect taxes. 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. 7- The right of trial by jury shall remain inviolate.

Sec. 8- The appointment of all officers, not otherwise directed by this Constitution, shall be vested in the High Star Council.

Sec. 9- All new applicants for admission to the ranks of The United Cherokee Nation must be reviewed by the High Star Council. Application fees and forms will be set by law. Members by adoption must be accepted unanimously by the High Star Council and pass a course of study relating to the Cherokee and their history and beliefs.

Sec. 10- Any member of The United Cherokee Nation may, for behavior unbecoming a Nation member, be removed from the ranks of The United Cherokee Nation by a majority vote of the High Star Council. Any member of said Nation may surrender his or her membership at any time. Having done so, that person will be ineligible for United Cherokee Nation membership ever again unless specifically

determined otherwise by a unanimous vote of the High Star Council.

Sec. 11- The Star Council may, at any time, propose amendments to this Constitution. Said amendments shall be deemed passed by a majority vote of the High Star Council. As always, the High Star Council shall be guided in these endeavors, as much as practicable, by the will of the people of The United Cherokee Nation. After a period of time sufficient for each member of the Star Council to confer with their constituency, said Council shall convene and, with a majority vote, shall ratify said proposed amendment.

Article VI

Sec. 1- All officers of The United Cherokee Nation, before he or she assumes his or her seat, shall take the following oath or affirmation, to wit:

I, ____, do solemnly swear (or affirm, as the case may be), that I have not attained my appointment by bribery, coercion or any other unfair or underhanded method, nor have I caused anyone to

employ such methods, towards this end, on my behalf. I further swear (or affirm) that, on all questions and measures that may come before me, I will so conduct myself, as may, in my judgement, appear most conducive to the interest and prosperity of The United Cherokee Nation. I will bear true faith and allegiance to the same and, to the utmost of my ability and power, observe, conform to, support and defend the Constitution thereof, by the help of the Great Spirit.

The acting “Chief” (or High Star Council elder, if necessary) will administer the oath to all Judges of The United Cherokee Nation while a Grand Court Justice will administer the oath to the High Star Council members.

Sec. 2- A Treasurer of The United Cherokee Nation shall be chosen by the High Star Council. Said Treasurer shall take the official oath of office and shall be bound by it as their word will be their bond.

Sec. 3- It shall be the duty of the Treasurer to receive all United Cherokee Nation monies, to pay out such monies as are required of him/her by the High Star Council and to make a regular statement

and account of the receipts and expenditures of all United Cherokee Nation monies to said High Star Council.

Sec. 4- No money shall be drawn from the Treasury but by warrant from the High Star Council, signed by one (1) member thereof and in consequence of appropriation made by law.

Sec. 5- Knowledge is necessary for good government, the preservation of liberty and the happiness of humanity. Therefore, schools and the means of education shall forever be required, encouraged, and supported in The United Cherokee Nation.

Sec. 6(a)- Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United Cherokee Nation-Aniyvwiya or any place subject to its jurisdiction.

Sec. 6(b)- The High Star Council of the United Cherokee Nation-Aniyvwiya shall have power to enforce this article by appropriate legislation.