

The Constitution

Of the

Lost Cherokee of Arkansas and

Missouri

As Ratified January 26, 2007

The Constitution
Of the
Lost Cherokee of Arkansas and Missouri

As Ratified January 26, 2007

For Petitioner #204

Preamble

We, the people of the Lost Cherokee of Arkansas and Missouri, acknowledge with gratitude the grace and benevolence of God in permitting us to make the choice of our own form of government. We, the people of the Lost Cherokee Nation in order to establish justice, insure tranquility, promote the common welfare, and secure to ourselves and our posterity, the blessing of freedom, including the blessings of our ancestral heritage, culture, and tribal sovereignty do ordain and establish this Constitution for the government of the sovereign Lost Cherokee Nation.

"We Will Hide No More"

ARTICLE I

NAME AND JURISDICTION

Section 1. The name of this body shall be the "*Lost Cherokee of Arkansas and Missouri*" also known as Arkansas Cherokees or Cherokees on the Arkansas River.

Section 2. The term "Arkansas and Missouri" as used in this Constitution is the same as "Nation" or "Tribe."

Section 3. The boundary of the Lost Cherokee Nation Indian Reservation shall be that described in the July 8, 1817 and 1819 Treaties with the United States of America within Indian Country. The Carolina colonists, 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 states of Arkansas and Missouri.

Section 4. The jurisdiction of the Lost Cherokee Nation shall extend within the exterior boundaries of the Lost Cherokee Nation Indian Reservation, and in addition may extend to all other trust or restricted land held now or later acquired by the Lost Cherokee Nation.

Section 5. The jurisdiction shall lie within the present boundaries of the states of Arkansas and Missouri so as to recognize this part of the Cherokee Tribe, with its chiefs, in order to commence the policy of land exchange.

ARTICLE II

CITIZENSHIP

Section 1. The Lost Cherokee Nation shall consist of all Lost Cherokee Indians by blood and their direct lineal by blood descendents whose names appear on the final rolls of the Lost Cherokee Nation submitted to and approved by the Assistant Secretary of Interior, Bureau of Indian Affairs.

Section 2. The Tribal Legislature shall have the power to enact ordinances governing future citizenship and loss of citizenship in the Lost Cherokee Nation.

Section 3. The Lost Cherokee Nation shall not attempt to disenfranchise any citizen of its membership except in the most extreme circumstance of behavior obviously meant to destroy or damage the culture, heritage and traditions of the Lost Cherokee Nation. Charged with such serious offenses, a member may be temporarily banned from group functions or from serving in any capacity in the structure of the government. A member may appeal the Legislature's decision to nullify citizenship to the Judicial Branch one time and the Judicial Branch's decision is final. The decision of the Judicial Branch shall either be to uphold or dismiss the decision of the Tribal Legislature.

Section 4. The Tribal Legislative Branch along with the Executive Branch shall appoint a membership committee with the responsibility of the establishment and maintenance of membership rolls and membership files.

(a) The members of the Lost Cherokee of Arkansas and Missouri must show a direct lineal descent by blood to the Cherokees of Arkansas and Missouri in the 1800's. This will be done by the use of birth or death certificates, marriage licenses, census rolls, school records, military records or other documents deemed legal by the Tribal Legislature.

(b) The final roll shall consist of those persons who proved their ancestry and migration routes through the Arkansas and Missouri territories. They experienced persecution and duress, as well as the stress associated with the hiding of themselves, their family, their Cherokee identity and culture from the government structure as defined by the Lost Cherokee Nation.

1. The final roll shall be a new updated list of persons who meet the criteria as established by the Membership Committee. The Membership Committee shall review the original roll of seven hundred, thirty-one-(731) names that were submitted to the Bureau of Indian Affairs for accuracy and completeness and the files of persons who were issued census roll cards through July 31, 2004 as time and resources permit. After review and approval by the Membership Committee, the names that appear on this final roll will be the names submitted to the Bureau of Indian Affairs. The Membership Committee and the Tribal Legislature will not be held responsible for unrecovered files that were taken by the Lost Cherokee of Arkansas and Missouri, Inc. or any other individual, organization or association.

2. The rolls will be opened or closed as deemed necessary by the Tribal Legislature.

3. The final roll is composed of persons who are not affiliated with any federally recognized tribe.

4. It is the applicant's responsibility to provide full name, (including maiden name), date of birth, current physical residential address and mailing address. It will be the applicant's responsibility to ensure that their files and documents are on file at the Tribal Headquarters. All applicants must submit legible copies.

Section 5. All new applicants must meet the requirements of the tribe for enrollment with the Tribal Legislature approval. The Principle Chief or duly appointed representatives from the Tribal Legislature shall sign all membership cards.

ARTICLE III

RIGHTS OF SUFFRAGE

Section 1. All tribal citizens who meet the qualifications under Article II of the Lost Cherokee Nation who are eighteen (18) years of age or older shall be deemed qualified voters under the authority of this Constitution, provided they are duly registered to vote.

Section 2. No person convicted of a felony or a sexually related offense by a court of competent jurisdiction shall be eligible to vote.

Section 3. No enrolled member of another tribe or person who votes as a citizen or member of another tribe shall be eligible to vote, hold office or membership in the Lost Cherokee Nation.

Section 4. All qualified registered voters of the Lost Cherokee Nation may vote by absentee ballot.

Section 5. If a child is born to a person in the military on active status his/her child shall be considered Arkansas or Missouri born provided the parent resided in Arkansas or Missouri prior to active duty.

ARTICLE IV

ELECTIONS

Section 1. For the initial General Election after ratification of this Constitution, all persons who have updated their file with the Lost Cherokee of Arkansas and Missouri, as of December 31, 2006, shall be deemed eligible to vote provided they have met the qualifications pursuant to Article III of this Constitution.

Section 2. General elections for the Lost Cherokee Nation shall be held on the third Saturday of September.

Section 3. At least one hundred eighty (180) days before each general election, or no less than thirty (30) days before calling a special election, the Tribal Legislature shall appoint an Election Board. All members of the Election Board must be members and be eligible voters of the Lost 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 Tribal Legislature shall have the power to prescribe ordinances governing the casting and canvassing of ballots and other necessary details of election procedures.

Section 5. All elections shall be by secret ballot.

Section 6. For the ratification of this Constitution, the registered voters shall be those who are eighteen (18) years of age or older and are among the original names submitted to Bureau of Indian Affairs. Documentation originally submitted with those names, stated they were considered registered voters. The election committee will be responsible for a new registered voters list after the first election.

ARTICLE V

BILL OF RIGHTS

Section 1. Nothing in this Constitution interpreted in anyway, shall change the individual rights, and privileges that the tribal members have as citizens of the Lost Cherokee Nation and the United States of America.

Section 2. All political power is inherent in the people and all free governments are founded on their authority and instituted for their benefit. They have at all times the inalienable right to alter, reform or abolish their form of government in such a manner as they may think expedient; provided such action is taken pursuant to this Constitution.

Section 3. Citizens shall be at liberty to speak, write, or publish their opinions on any subject, being responsible for the abuse of that privilege. No law shall be enacted curtailing liberty of speech or freedom of the press.

Section 4. The citizens shall have the right, in a peaceful manner, to assemble for their common good, and to apply to those invested with powers of government, for redress of grievances or other purposes, by address, or remonstrance. The appropriate protections guaranteed by the Indian Civil Rights Act of 1968 shall apply to all members of the Lost Cherokee Nation.

ARTICLE VI

DIVISION OF THE POWERS OF GOVERNMENT

Section 1. The powers of the government of the Lost Cherokee Nation shall be divided into three (3) separate departments: Executive, Legislative and Judicial; and except as provided in this Constitution, the Executive, Legislative and Judicial branches of the government shall be separate and distinct and neither shall exercise the powers properly belonging to either of the others.

ARTICLE VII

LEGISLATIVE BRANCH

Section 1. The Legislature shall consist of one Legislative body called the Tribal Legislature of the Lost Cherokee Nation. The initial election of members to the Tribal Legislature shall occur pursuant to Article IV Section 2 of this Constitution.

Section 2. The Tribal Legislature shall establish rules for its credentials, decorum and procedure.

Section 3. The Tribal Legislature shall consist of seven (7) members, who are members by blood of the Lost Cherokee Nation and have been a current resident of Arkansas or Missouri for at least one (1) year consecutively prior to declaration of candidacy. Each Tribal Legislature member shall be elected in the general election for a term of four (4) years and serve until his successor is duly elected and installed. The Tribal Legislature shall establish representative districts, after the Federal Acknowledgment process is over. These districts shall be within the boundaries of the Lost Cherokee Nation pursuant to Article I. No term limits are set for the Tribal Legislature.

Section 4. Members of the Tribal Legislature must be citizens of the Lost Cherokee Nation and must have maintained a primary residence in Arkansas or Missouri for a minimum of one (1) year consecutively prior to declaration of candidacy. They must remain residents of Arkansas or Missouri during the tenure of their office. They must be a registered voter and be at least twenty-five (25) years of age to serve.

Section 5. There shall be twelve regular sessions of the Tribal Legislature in the calendar year, which shall convene on the second Saturday of each month. The Tribal Legislature shall conduct no business, unless at least two-thirds (2/3) of its members thereof, regularly elected and qualified, are in attendance, which number shall constitute a quorum.

Section 6. A special meeting of the Tribal Legislature can be called for various reasons:

- (a) By the Executive Branch
- (b) Any member of the Tribal Legislature
- (c) Upon the written request of a minimum of ten percent (10%) of the registered voters of the Lost Cherokee Nation.

The Recording Secretary must make reasonable attempts to contact all legislators prior to any special meeting. The purposes of said meeting stated in a notice published not less than one (1) day prior to the meeting and the Tribal Legislature may not consider any other subject not within such purposes. No special meetings may convene until one (1) day has elapsed after the adjournment of a prior session or meeting, unless called pursuant to (a) or (b).

Section 7. All meetings of the Tribal Legislature and of its committees shall be open to the public except:

- (a) When the discussion shall concern employment, retention or discharge of personnel
- (b) When the question of the moral turpitude of any member of the Tribe is discussed
- (c) When the decorum of the audience shall prejudice orderly administration of business. In the event that consideration of a subject shall take place in Executive Session, the vote shall take place in an open meeting.

Section 8. The Tribal Legislature shall have the power to establish laws that it shall deem necessary and proper for the good of the Nation, which shall not be contrary to the provisions of this Constitution. Laws or enactments as provided by Section 10 of this Article, which are required by Federal statutes to be approved, shall be transmitted immediately upon enactment to the President of the United States or his authorized representative.

- (a) The style of all bills or laws shall be: “Be It Enacted by the Lost Cherokee Nation”.
- (b) The style of all resolutions shall be: “Be It Resolved by the Lost Cherokee Nation”.

Section 9. No laws passed by the Tribal Legislature shall have retroactive effect or operation.

Section 10. Every enactment approved by a majority of the members in attendance at the Tribal Legislature, before it becomes effective, shall be presented to the Principle Chief. If he approves, he shall sign it; if not, he shall return it with his objections to the Tribal Legislature. At which time, the objections shall be entered in a Journal of Record and proceed to reconsideration. After such reconsideration, should three quarters (3/4) of the entire Tribal Legislature agree to pass the enactment, it shall become fully effective and operational notwithstanding the objections of veto by the Principle Chief. In all such cases, yeas and nays shall determine the vote of the Tribal Legislature. The names of the voting members shall be entered on the Tribal Legislature's Journal. If any enactment, shall not be returned by the Principle Chief within five (5) days, (except Sundays and holidays), the same shall become law.

Section 11. For the first election under this Constitution, the seven (7) positions on the Tribal Legislature shall come before a vote by the voting Tribal Membership. After two (2) years, four (4) Legislator’s seats shall come open for a vote by the Tribal Membership and will be elected to a four (4) year term. These first four (4) Legislator’s seats shall be taken from all Legislators by casting lots. After another two (2) years have passed the remaining three (3) Legislator’s seats will be up for a vote by the Tribal Membership, therefore establishing the four (4) year terms for the Tribal Legislature.

Section 12. In all elections, the Tribal Legislature shall have the power to prescribe ordinances governing the casting and canvassing of ballots and other necessary details of election procedures.

Section 13. All elected officials of the Lost Cherokee Nation shall begin serving their terms of office on the second Saturday of November of the year in which elected.

Section 14. No person convicted of a felony or a sexually related offense by a court of competent jurisdiction shall be eligible for office in the Legislature.

ARTICLE VIII

PRIVILEGES, DUTIES, AND POWERS OF LEGISLATIVE BRANCH

Section 1. The Tribal Legislature, at its first regular session each year, shall organize and elect a Speaker and an Assistant Speaker from its membership.

Section 2. The Tribal Legislature, at its first regular session each fiscal year, shall organize and elect a Treasurer from its membership. A Recording Secretary and Sergeant-At-Arms (non-members of the Tribal Legislature) shall be nominated by the Tribal Legislators and placed in office by and with the advice and consent of the Tribal Legislators.

Section 3. The Treasurer shall maintain all financial records and oversee all expenditures pertaining to finances delegated by the tribe.

Section 4. The Recording Secretary shall maintain all records and enactments of the Tribal Legislature. They shall be kept on file in the Lost Cherokee Nation Headquarters and be made available for inspection by Lost Cherokee citizens during normal office hours. All such records and enactments of the Tribal Legislature shall be the property of the Lost Cherokee of Arkansas and Missouri.

Section 5. The Tribal Legislature shall enact rules and regulations pertaining to the Lost Cherokee Nation.

Section 6. The Tribal Legislature shall prescribe procedures and regulations for voter registration.

Section 7. The Tribal Legislature shall prescribe election procedures and regulations for tribal elections.

Section 8. Within the first nine (9) months following the Federal Acknowledgment from the United States Government under this Constitution, the Tribal Legislature shall adopt a plan for reapportionment based on the number of registered voters of the districts, including those nonresidents who affiliate with each district. Apportionment based on the number of registered voters shall be used until such time as a more reliable means can be established pursuant to legislative action.

Section 9. The Tribal Legislature along with the Executive Branch shall make decisions pertaining to the acquisition, leasing, disposition and management of real property, subject to Federal Law.

Section 10. The Tribal Legislature shall sit as a jury in all cases of impeachment; its decision shall be final.

Section 11. The Executive Branch shall prepare an annual tribal budget and present it to the Tribal Legislature for approval. Approval shall require a majority vote of the Tribal Legislature. Rejection, amendment or alteration shall be considered a legislative act subject to executive veto. Such veto shall be overridden only by an affirmative vote of at least five (5) members of the Tribal Legislature.

Section 12. For all business of the Tribal Legislature, a quorum is required. A quorum consists of two thirds (2/3) of the members of the Tribal Legislature. The Speaker or the Assistant Speaker and the Recording Secretary shall be present for all business of the Tribal Legislature

Section 13. The Tribal Legislature shall have the power to fix and prescribe salaries and allowances for all elected or appointed officials of the Nation. The salary and allowances for elected and appointed officials shall be reviewed and adjusted on a biannual basis.

Section 14. The Tribal Legislature shall have the power to fix and prescribe salaries and allowances for all employees of the Nation. The Tribal Legislature shall review said salaries and allowances every year and shall increase or decrease as necessary. The Tribal Legislature will set a pay scale for all tribal employees.

Section 15. The Tribal Legislature shall have the ability to negotiate with the Federal, State and Local governments.

(a) The Tribal Legislature shall have the ability to employ legal counsel, the choice of counsel and fixing of fees

(b) The Tribal Legislature shall have the ability to manage, acquire or dispose of, lease, encumber the use of tribal lands, interest in lands, tribal funds or other tribal assets

(c) The Tribal Legislature and the Executive Branch shall have the ability to veto any sale, disposition, lease or encumbrance of tribal lands, interests in land, tribal funds or other tribal assets.

ARTICLE IX

SESSIONS OF THE TRIBAL LEGISLATURE

Section 1. Regular sessions of the Tribal Legislature shall be conducted on the second Saturday of each month at 1:00 p.m. at the Lost Cherokee Nation Headquarters, unless and until otherwise provided by the Tribal Legislature.

Section 2. Two thirds (2/3) of the members must be present to constitute a quorum.

Section 3. Robert's Rules of Order shall be followed in conducting Tribal Legislature business unless in conflict with this Constitution.

ARTICLE X

ORDER OF BUSINESS

Section 1. The order of business at any regular or special session of the Tribal Legislature shall be as follows; provided, this order of business may be suspended by the Tribal Legislators for any meeting.

1. Call to Order and Prayer
2. Roll Call
3. Reading of the minutes of the last session
4. Reading of the Treasurer's Report
5. Reports from the Corporation
6. Reports from Committees
7. Reports from Tribal Legislators
8. New Business
9. Old Business
10. Comments from Citizens, Elder Board and the Suggestion Box
11. Prayer and Adjournment

ARTICLE XI

EXECUTIVE BRANCH

Section 1. The initial election of members to the Executive Branch shall occur pursuant to Article IV Section 2 of this Constitution.

Section 2. The supreme executive power of this Nation shall be vested in a Chief Magistrate, who shall be styled “Principle Chief” of the Lost Cherokee Nation.

Section 3. The Assistant Chief shall assist the Principle Chief and perform all duties as assigned to him by the Principle Chief.

Section 4. The Principle Chief and the Assistant Chief shall serve for a term of four (4) years and shall serve until their successors have been elected and installed. No term limits are set on this position.

Section 5. To qualify for the Principle Chief and Assistant Chief positions, applicants must first have held positions in either the Legislative or Executive Branches in the term preceding immediate election. He/She must be at least forty (40) years of age, must be a registered voter with the Nation and must reside in Arkansas or Missouri. They must remain residents of Arkansas or Missouri during the tenure of their office.

Section 6. No person convicted of a felony or sexually related offense by a court of competent jurisdiction shall be considered eligible for Executive Offices.

ARTICLE XII

PRIVILEGES, DUTIES, AND POWER OF EXECUTIVE BRANCH

Section 1. The Principle Chief shall perform all duties pertaining to the Office of Chief Executive. He shall sign official papers on behalf of the Nation.

Section 2. The Principle Chief shall have the power to establish and appoint committees, members and delegates to represent the Lost Cherokee Nation by and with the advice and consent of the Tribal Legislature.

Section 3. The Principle Chief shall have the power to veto any decision of the Tribal Legislature and it must be done within five (5) working days after passage and written presentation; provided, the Tribal Legislature may override the Principle Chief’s veto in accordance with Article VII, Section 10.

Section 4. The Executive Branch shall prepare and submit an annual tribal budget to the Tribal Legislature and shall address the Tribal Legislature in the month of November.

Section 5. The Assistant Chief shall serve in the absence of the Principle Chief; he shall have all the privileges, duties and powers of the Principle Chief when serving.

Section 6. In the event of a vacancy occurring in the position of Assistant Chief, the Principle Chief shall appoint a successor from the Tribal Legislators to serve the unexpired term, by and with the advice of the Tribal Legislators.

Section 7. The Principle and Assistant Chief shall be able to sit in on all Tribal Legislative sessions.

Section 8. The Principle Chief shall address the Nation in the month of August or September for the “State of the Nation Address” in a place of his choosing. Time is in reference to the Green Shade Ceremony.

ARTICLE XIII

JUDICIAL BRANCH

Section 1. The Judicial authority of the Lost Cherokee Nation shall consist of a three (3)-member court, elected by the popular vote of qualified voters of the Lost Cherokee Nation.

Section 2. Members of the Judicial Branch must be qualified electors and registered voters. They must be citizens of the Lost Cherokee Nation and have been residents of Arkansas or Missouri for one (1) year consecutively prior to declaration of candidacy.

- (a) They shall have a law degree, be an active member of the BAR Association
- (b) Be licensed to practice law in Arkansas
- (c) Have a working knowledge of Indian Law
- (d) They must be forty (40) years of age
- (e) They must remain residents of Arkansas or Missouri during the tenure of their office.

Section 3. Tribal Judges shall be elected for a term of four (4) years and shall serve until their successors are duly elected and installed. In the initial election, judges shall serve one (1) two (2) year and two (2) four (4) year terms to be determined by lots in order to establish staggered terms. No term limits apply.

Section 4. The three (3) judges shall select the presiding judge from among their number.

Section 5. No person convicted of a felony or sexually related offense by a court of competent jurisdiction shall be eligible for a Judicial Office.

ARTICLE XIV

PRIVILEGES, DUTIES AND POWERS OF THE JUDICIAL BRANCH

Section 1. The Judicial branch shall have jurisdiction to decide disputes by a vote of two of the three judges, arising under any provision of this Constitution or any legislation enacted by the Tribal Legislature and such other jurisdiction as may be conferred upon it by the Tribal Legislature.

Section 2. Rules of procedure for the Judicial Branch shall comply with federal regulations. The Judicial Branch shall ensure that citizens receive due process of law and a prompt and speedy trial.

Section 3. The decisions of the Judicial Branch shall be final.

Section 4. The Tribal Judicial Branch shall have jurisdiction to hear claims regarding mal-apportionment. If a re-apportionment plan is not adopted at least ninety (90) days before the general election, then the Judicial Branch shall have jurisdiction to prepare a re-apportionment plan for submission to the Legislature.

ARTICLE XV

ELDER BOARD

Section 1. The Elder Board shall be a seven (7) member Elder Board appointed by the Executive and Legislative Branches. Their function will be to advise the Executive Branch about the people's needs and concerns for the Nation and any unfair act passed by the Tribal Legislators. The initial board shall be appointed from the general membership of the Lost Cherokee Nation until Clan Families can be established. Upon which time, one member from each Clan Family will be represented and nominated by that Clan Family.

Section 2. A member of the Elder Board must have the following qualifications:

- (a) Be a minimum of fifty-five (55) years of age
- (b) Must be a registered voter in the Lost Cherokee Nation
- (c) Must be a member of the Lost Cherokee Nation
- (d) Must have documentation of direct lineal descent
- (e) Must be respected within the community
- (f) Must be approved by the Legislative and Executive Branches
- (g) Members are to promote the culture, heritage, language and traditions of the Lost Cherokee Nation

Section 3. No person convicted of a felony or sexually related offense by a court of competent jurisdiction shall be eligible for the Elder Board.

ARTICLE XVI

INITIATIVE PETITION

Section 1. A valid petition submitted to the Judicial Branch must outline the proposed measure and be signed by at least twenty percent (20%) of the registered voters of the Lost Cherokee Nation. It shall be the duty of the Tribal Legislators, within sixty (60) days, to submit the proposition to a vote of the electorate. If a petition is presented within one hundred eighty (180) days of the next regular election, the proposition shall be presented to the voters at that time.

Section 2. The election shall be conducted pursuant to rules and procedures prescribed by the Tribal Legislators.

Section 3. Passage of the proposition shall require a majority vote.

ARTICLE XVII

FILLING VACANCIES

Section 1. In case of death, resignation or impeachment of the Principle Chief, the Assistant Chief shall immediately become Principle Chief for the remainder of the unexpired term. Immediately the Principle Chief shall appoint a member from the Tribal Legislature with the consent and advice of the Tribal Legislature to the Assistant Chief position. He/She shall fill the vacancy until the next general election.

Section 2. In case of death, resignation or impeachment of the Assistant Chief, the Principle Chief shall appoint a successor from the Tribal Legislators to serve out the un-expired term, by and with the advice of the Tribal Legislators.

Section 3. In case of death, resignation or impeachment of a Legislator, the Tribal Legislators shall appoint an interim Legislator from the general membership who meets the qualifications for this position to serve until the next regularly scheduled election for that position.

Section 4. In case of death, resignation or impeachment of a judge, the Tribal Legislature will appoint an interim judge who meets the qualification for this position to serve until the next regularly scheduled election for that position.

ARTICLE XVIII

IMPEACHMENT AND RECALL OF OFFICIALS

Section 1. Impeachment

(a) Any elected official shall be subject to impeachment for willful neglect of duty, corruption in office, habitual drunkenness, incompetence, becoming incapable of performing his duties or any offense involving moral turpitude while in office.

(b) Upon submission to the Judicial Branch of a valid petition stating the cause of action and signed by not less than twenty percent (20%) of the registered voters, it shall be the duty of the Judicial Branch to determine the validity of the charges and file formal impeachment charges.

(c) The official against whom charges may be alleged shall be entitled to a hearing by the Tribal Legislature under rules and procedures prescribed by the Tribal Legislature.

(d) The official against whom articles of impeachment are alleged shall be suspended from the exercise of duties of his office without pay during the tendency of his impeachment proceedings. Should charges be dismissed against said official he will be re-instated to his office with back pay.

(e) The Tribal Legislature shall appoint a prosecutor to present the charges before the Tribal Legislature.

(f) The Tribal Legislature and Executive Branch shall sit as a jury in all cases of impeachment and its decision shall be final.

- (g) The Tribal Legislature shall prescribe rules and procedures that are necessary to carry into effect the provisions of this Article.
- (h) A unanimous vote shall be required to impeach the official.
- (i) Any official shall be subject to the recall provision if he or she misses more than three (3) Executive or Legislative meetings during a year. Rules and procedures are to be prescribed by the Tribal Legislature. Tribal Legislature will set rules and procedures for missed meetings (sickness, death, etc).

Section 2. Recall

- (a) Upon submission to the Judicial Branch of a valid petition stating the cause for action and signed by not less than twenty (20%) of the registered voters, it shall be the duty of the Tribal Legislators to call and conduct within sixty (60) days, a recall election.
- (b) The election shall be conducted pursuant to the rules and procedures prescribed by the Tribal Legislature.
- (c) Recall from office shall require a majority vote.
- (d) Any official shall be subject to the recall provision only one (1) time during a single term of office.

ARTICLE XIX

OATH OF OFFICE

Section 1. Members of the Executive, Legislative and Judicial Branches shall take an oath to uphold the Constitutions of the Lost Cherokee Nation and the United States of America. Members are to promote the culture, heritage, language and traditions of the Lost Cherokee Nation and to perform the duties of their respective offices with fidelity.

Section 2. All elected or appointed officials shall take the following oath:

Do you believe in the Creator?

I, _____, do solemnly swear (or affirm) that I will support, obey and defend the Constitutions of the Lost Cherokee Nation and the United States of America. I will promote the culture, heritage, language and traditions of the Lost Cherokee Nation and will discharge the duties of my office with fidelity, so help me God.

ARTICLE XX

AMENDMENT

Section 1. Either of the following methods may initiate proposed amendments to this Constitution:

- (a) A resolution of the Tribal Legislature adopted by at least five (5) affirmative votes
- (b) A valid petition submitted to the Tribal Legislature signed by not less than twenty percent (20%) of the registered voters of the Lost Cherokee Nation.

Section 2. Amendments proposed by either (a) or (b) in the above section shall be submitted to a vote of the electorate in an election called for that purpose by the Executive Branch and conducted pursuant to rules and procedures prescribed by the Tribal Legislature.

Section 3. Any amendment adopted by a majority of the votes cast in the general election shall be submitted to the Secretary of the Interior, or his authorized representative, for approval action. If the Secretary or his authorized representative takes no action within thirty (30) days following its receipt, the amendment shall be deemed approved and it shall thereafter be effective.

ARTICLE XXI

EFFECTIVE DATE OF CONSTITUTION

This Constitution shall become effective upon ratification by a majority of the votes cast by the members of the Lost Cherokee Nation. This document shall supersede and replace all governing documents previously submitted by the Lost Cherokee of Arkansas and Missouri. It shall be the governing document for the Lost Cherokee of Arkansas and Missouri (AKA Arkansas Cherokees or the Cherokees on the Arkansas River) until such time that Federal Acknowledgment takes place. This document will require the approval of the Secretary of the Interior or his authorized representative.

ARTICLE XXII

APPROVAL FROM SECRETARY OF INTERIOR

I, _____, by virtue of the authority delegated to me by _____, do hereby approve this Constitution of the Lost Cherokee of Arkansas and Missouri. It shall become effective upon ratification; provided that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal Law.