

Cherokee Nation Code Annotated

Title 11: Citizenship

Chapter 4: Tribal Citizenship

§ 35. Recognition of Delaware Tribe of Cherokee Nation—Rights and duties of Delaware Tribe and Cherokee Nation and citizens thereof—Proposal of and conduct of referendum upon governing document for Delaware Tribe—Election of tribal officers

Cite as: 11 CNCA § 35

A. Cherokee Nation hereby recognizes that since 1867 the Delaware Tribe of Indians has maintained a separate, distinct identity within Cherokee Nation with its citizens having full rights of Cherokee citizenship.

B. Cherokee Nation does recognize the Delaware citizens to be citizens of the separate, domesticated Delaware Tribe with all inherent rights retained by the Delaware Tribe not specifically restricted by the Congress of the United States.

C. Cherokee Nation shall assist, as requested by Delaware Tribal resolution, to purchase and have placed in trust, land on which to develop income generating economic business and industry. No monies shall be committed for this purpose from Cherokee Nation except as shall be authorized and appropriated by Cherokee Nation. Revenues derived from land so placed in trust or businesses established are to be used for the exclusive benefit of the Delaware Tribal Council by such resolutions as may be appropriate.

D. Cherokee Nation will permit independent operation of the Delaware Tribe, its elected officials, citizens and businesses, except upon request by resolution from Cherokee Nation.

E. The Delaware Tribe will conduct its business in a manner to permit independent operation of Cherokee Nation, its elected officials, citizens and businesses, except upon request by resolution from Cherokee Nation.

F. Delaware Tribal citizens that are on or descendants from the Dawes Roll, June 21, 1906 (34 Stat. 325) shall remain full citizens of Cherokee Nation pursuant to the Constitution of Cherokee Nation; provided, that no elected officer of the Delaware Tribe of Indians shall seek or hold office within the Cherokee Nation tribal government, nor shall an elected official of the Cherokee Nation tribal government seek or hold office within the Delaware Tribe of Cherokee Nation.

G. Cherokee Nation will assist the Delaware Tribe through Cherokee Nation's recognized government-to-government status with the United States to protect legally and governmentally the Delaware Tribe's citizens, property, industries and businesses. No appropriations from Cherokee Nation shall be used for such protection. Funds available

from the United States government may be requested by the Delaware Tribe for such purposes.

H. The Delaware Tribe shall not attempt efforts that would lead to a separation of the citizens or tribal government from Cherokee Nation nor shall it seek federal funding for programs separate from Cherokee Nation. Cherokee Nation shall remain the only tribal organization to administer federal programs, grants-in-aid or other special funding that may be available from time to time from the federal government, except, as provided in subsection (G) of this section; provided that all benefits of federal, state or local funds that might become available to Cherokee Nation shall be available to citizens of the Delaware Tribe on the same basis as all other Cherokee citizens.

I. The Delaware Tribe is prohibited from adopting any governing document or passing any tribal laws, ordinances or resolutions that are in contravention to or inconsistent with the Constitution and laws of Cherokee Nation. Any disputes regarding this provision or other laws affecting the relationship of the Delaware Tribe and Cherokee Nation shall be resolved by the Cherokee Nation Supreme Court after the filing of an appropriate action by one of the parties.

J. Cherokee Nation hereby authorizes and requests the Delaware Tribe of Cherokee Nation to propose and present a governing document, properly titled, to the Delaware citizens for their adoption or rejection. The authorized voters, for purposes of this election, shall be those Delaware citizens whose names are currently on file with the Bureau of Indian Affairs as being eligible to participate in per capita payments of the Delaware Tribe and who have attained the age of eighteen (18) years. Said referendum shall be supervised by the Bureau of Indian Affairs.

K. Upon approval of the Delaware citizens of a governing document, an election for tribal officers shall be held and a referendum regarding use and/or distribution of judgment funds belonging to the Delaware Tribe shall be held.

L. The Principal Chief of Cherokee Nation shall appoint two (2) people and they shall select a third person of their choosing to meet with appropriate people to see that this section is executed.

Historical Data

LA 16-85, eff. October 12, 1985.