

# TSALAGIYI NVDAGI TRIBE



## CONSTITUTION

# CONSTITUTION OF THE TSALAGIYI NVDAGI

## PREAMBLE

We, the people of the Tsalagiyi Nvdagi, in convention assembled, acknowledging with gratitude, the grace, and beneficence, and endowed by the Creator of all things, in permitting us to make a choice of our form of government, in order to preserve and promote our Tribe, its culture and our heritage, to ensure domestic peace, promote the blessings of liberty and prosperity, defend the equality, rights, and freedoms of humanity, maintaining the seven sacred philosophies of a traditional Tsalagi citizen, do ordain and establish this constitution. This constitution, being an enumerated and delegated authority, deriving from the extension of the sovereignty of the people of this Tribe, declares the powers delegated to Tribal government will be exercised primarily upon the duty of Tribal government to secure and protect the aforesaid blessings of life, liberties, and property, and confers the delegated powers to Tribal government to guarantee a republican form of government to the people of the Tribe and to engage upon such external objects as are expected of government and shall include, but not limited to, the powers of war, peace, negotiation of treaties, and foreign commerce. All powers not delegated by this constitution shall be powers retained by the people of this Tribe and shall be known as the retained powers.

## **ARTICLE I.**

### **Bill of Rights.**

That the general, great, and essential principles of liberty and free government may be recognized and established, and to secure the lives, liberties, property, and freedoms of all Tribal Citizens, we declare that:

**SEC. 1.** All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times the unalienable right to alter, reform, or abolish their form of government, in such manner as they may think expedient.

**SEC. 2.** All free people, when they form a social compact, have equal unalienable rights granted by our creator; and no person or group of people is entitled to exclusive, separate public emoluments or privileges, but in consideration of public services.

**SEC. 3.** No religious test shall ever be required as qualification to any office of public trust in this Free and Independent Sovereign Nation State.

**SEC. 4.** All people have a natural and indefeasible right to worship their Creator according to the dictates of their own consciences; no person shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; no human authority ought, in any case whatever, to control or interfere with the rights of conscience in spiritual matters or in matters of religion; and no preference shall ever be given by law to any religious societies or mode of worship; but it shall be the duty of the Tribal Council to pass such laws as may be necessary to protect every religious denomination in the peaceable enjoyment of their own mode of public worship.

**SEC. 5.** Every citizen shall be at liberty to speak, write, or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press.

**SEC. 6.** In prosecutions for the publication of papers investigating the official conduct of officers, or people in a public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have the right to determine the law and the facts, as in other cases.

**SEC. 7.** The people shall be secure in their persons, houses, papers, and possessions, from all unreasonable seizures or searches; and no warrant to search any place, or to seize any person or thing shall issue, without describing them as near as may be; nor without probable cause, supported by oath or affirmation.

**SEC. 8.** In all criminal prosecutions, the accused shall have a speedy public trial, by an impartial jury; shall not be compelled to give evidence

against their self; shall have the right of being heard by their self or counsel, or both; shall be confronted with the witnesses against them, and shall have compulsory process for obtaining witnesses in their favor; and no person shall be held to answer for any felony criminal charge, but on indictment by duly appointed Grand Jury, except in cases arising in the land or naval forces, or offences against the laws regulating the militia.

**SEC. 9.** All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great; but this provision shall not be so construed as to prohibit bail after indictment found, upon an examination of the evidence by a judge of the Tribal courts, upon the return of a writ of *habeas corpus*

**SEC. 10.** The privileges of the writ of *habeas corpus* shall not be suspended, except when, in case of rebellion or invasion, the public safety may require it.

**SEC. 11.** Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open; and every person, for a personal injury done in their lands, goods, person, or reputation, shall have remedy by due course of law.

**SEC. 12.** No person, for the same offence, shall be twice put in jeopardy of life or liberties; nor shall a person be again put-upon trial for the same offence, after a verdict of not guilty; and the right of trial by jury shall remain inviolate.

**SEC. 13.** Every Tribal Citizen, upon reaching the age of reason or 18 years of age, shall have the right to keep and bear arms in the lawful defense of their self, family, and of the Tribe. The Right to Keep and Bear Arms shall never be infringed excepting temporary restriction by court order as part of punishment for conviction of criminal acts.

**SEC. 14.** No bill of attainder, *Ex post facto* law, retroactive law, or any law impairing the obligation of contracts, shall be made. Nor shall any Tribal Citizen be forced to contract with any other person or entity.; and no person's property shall be taken for Tribal good and use without the owners just consent and being justly compensated, therefore.

**SEC. 15.** No person shall ever be imprisoned for debt.

**SEC. 16.** No member of this Tribe shall be deprived of life, liberty, property, rights, or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the Tribal law.

**SEC. 17.** The Tribal military forces shall, at all times, be subordinate to the civil authority.

**SEC. 18.** Perpetuities and monopolies are contrary to the genius of a free government and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this Nation State.

**SEC. 19.** Tribal Citizens shall always retain the right, in a peaceable manner, to assemble together for their common good; and to apply to those invested with the power of government for redress of grievances, or other purposes, by petition, address, or remonstrance.

**SEC. 20.** No power of suspending Tribal laws shall be exercised, except by the legislature or judiciary and no power to suspend or diminish the rights and liberties of Tribal Citizens shall be exercised except as a matter of criminal prosecution under Tribal law.

**SEC. 21.** The right of a parent to direct the education and upbringing of their own child, either biological or adopted, shall forever be recognized as a fundamental unalienable right and shall always be forever inviolate.

**SEC. 22.** The freedom to choose the best methods of health and wellness practices for ourselves individually and our families may never be infringed upon.

**SEC. 23.** The rights of a parent, whether natural parents or parents by adoption, shall never be infringed upon or diminished in any capacity excepting extreme cases of abuse of family members. The doctrine of *Parens Patriae*, when applied by Tribal government authority, shall forever be limited to minors and children who are considered orphans, wards of the Tribe, or otherwise have no parental authority to speak or act in their best interests.

**SEC. 24.** Tribal Citizens have a right to expect Tribal government, as their primary duty, to secure, protect, and defend the lives, liberties, and property of all people living upon Tribal lands and to recognize any privileges and immunities extended to non-tribal citizens or residents and inhabitants of Tribal Lands.

**SEC. 25.** The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

**SEC. 26.** The powers not delegated to the Tribe by the Constitution are reserved to the people of the Tribe.

**SEC. 27.** The Right of the people of the Tribe to remain members of the Tribe can only be terminated or infringed upon by law as declared and enforced through Tribal Courts.

**Sec.28** The people of the Tribe shall forever retain the unlimited right to private contract, without any manner of infringement or diminishment, and no law shall ever be passed, or enforced, to impair the obligation of contract.

**Sec. 29.** The rights granted to the people by our creator are not limited to the rights enumerated within this bill of rights and the enumeration herein should never be construed to limit the rights given to the people by Nature and Natural Law.

**SEC.30.** To guard against transgressions of the high powers herein delegated, we declare that everything in this "bill of rights" is excepted out of the general powers of government and shall forever remain inviolate; and all laws contrary thereto, or to the following provisions, shall be void.

## **Article II**

### **Territory and Jurisdiction**

#### **Sec. 1**

a.) The Territory of the Tsalagiya Nvdagi Tribe shall include all of Cherokee and Smith counties and parts of Rusk, Gregg and Van Zandt counties in the State of Texas.

The lands within the following bounds, To wit, - Laying West of the San Antonio road, and beginning on the West, at the point where said road crosses the River Angeline, and running up said river, until it reaches the mouth of the first large creek, emptying into the said river from the Northeast, thence running with said creek, to its main source, and from thence, a due North line to the Sabine River, and with said river West then starting where the San Antonio road crosses the Angeline River, and with said road to the point where it crosses the Neches River, and thence running up the East side of said river, in a Northwest direction.

As declared by the General Consultation of the People of all Texas, dated the thirteenth day of November, eighteen hundred and thirty-five, Treaty concluded at Colonel Bowles Village on the twenty third day of February, eighteen hundred and thirty six, and the first year of the Provisional Government of Texas.

b.) The Tribes territory shall also include any other lands as are now or may in the future be added by purchase, grant, lease or otherwise acquired for use by the Tsalagiya Nvdagi Tribe. No such lands shall ever be alienated from the Tribe by action of any citizen of the Tribe.

#### **Sec. 2**

The Jurisdiction of the Tsalagiya Nvdagi Tribe shall extend to the fullest extent possible under law to:

a.) all enrolled citizens of the Tribe, without regard to location or residence; and

b.) all persons, property, and activities located or taking place upon the Tribe's Territory and acquired lands.

## **Article III**

### **Tribal Citizenship**

#### **Sec. 1**

The Citizenship of the Tsalagiyi Nvdagi Tribe shall consist of the following persons who have applied for enrollment and have been approved by the Tribal Council;

- a.) any descendant of the original Tsalagi (Cherokee) who transferred to the territories of Spanish Texas under approval of Nemesio Salcedo, Commandant General of Spains Internal Provinces, 4 September 1807, any descendant of Chief Bowles migration party of 1819-1820, any descendant of migrating Tsalagi to Texas after 1820, any descendant of the Nottoway Cheraw and twelve Associated Bands that include Shawnee, Delaware, Kickapoo, Quapaw, Choctaw, Biloxi, Ioni, Alabama, Coushatta, Caddo of the Neches, Tahocullake and Mataquo who historically or presently maintain their association and contact with the Tsalagiyi Nvdagi and the Tribes Treaty Territory in Texas; and b.) all children born to an enrolled Tribal Citizen; and
- c.) any person Indigenous or Non-Indigenous who is officially adopted and accepted by the Ugaya through traditional Tsalagiyi Nvdagi ceremony.

#### **Sec. 2**

From and after the adoption of this Constitution, persons who are lineal descendants of any Tsalagi population Federally or State recognized wherever they may reside may apply for Citizenship in the Tribe provided:

- a.) they have relinquished their membership/citizenship in the other Tsalagi/Cherokee Tribe or Band;
- b.) they can provide proof of direct lineal descent to a Tsalagi ancestor; and
- c.) the application for Citizenship is approved by the Citizenship Committee and the Tsalagiyi Nvdagi Tribal Council.

#### **Sec. 3**

The Tribal Council shall have authority to enact such regulations by ordinance as are consistent with this and any other articles of this Constitution pertaining to Citizenship.



#### **Sec. 4**

Within a reasonable time after the adoption of this Constitution, the Tribal Council shall appoint a Citizenship Committee composed of three Tribal Citizens who shall serve four (4) year terms, except no committee member shall serve more than two (2) consecutive terms. The Citizenship Committee shall act on all applications for Citizenship and other issues relating to Citizenship. The committee will work closely with the Tribal Registrar to prepare a list of potential citizens based on their vetting process for Tribal Council approval. Decisions of the Citizenship Committee may be appealed to the Tribal Council. Persons appealing to the Council on citizenship matters shall be entitled to a hearing after proper notice.

The Tsalagiyi Nvdagi Tribal Council shall render all final decisions concerning Tribal Citizenship.

### **ARTICLE IV.**

#### **Division of the Powers of Government.**

**SEC. 1.** The powers of the government of the Tsalagiyi Nvdagi shall be divided into three distinct Branches and each of them be confided to a separate body of magistracy, to wit: those which are legislative, to one; those which are executive, to another; and those which are judicial, to another; and no citizen, or collection of citizens, being of one of those departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

### **ARTICLE V.**

#### **Legislative Branch (Tribal Council).**

**SEC. 1.** Every Tribal Citizen who shall have attained the age of eighteen years or who is, at the time of the adoption of this constitution by the Tribal Council, residing upon Tribal lands shall be deemed a qualified elector.

**SEC. 2.** All Tribal Citizens who shall have attained the age of eighteen years shall retain the right to be deemed a qualified elector with access to an absentee voting method as established by Tribal Council.

**SEC. 3.** Electors in all cases shall be privileged from arrest during their attendance at elections, and in going to and returning from same, except in cases of treason or breach of the peace.

**SEC. 4.** The legislative powers of this Free and Independent Nation State shall be vested in the legislative branch, which shall consist of Tribal/Governing Council members (Senators or Chiefs), elected to represent each Tribal District. The style of all laws shall be, "Be it enacted by the Tribal Council of Tsalagiyi Nvdagi."

**SEC. 5.** The members of the Tribal Council shall be chosen by the qualified electors, and their term of office shall be 4 years from the day of the general election. No person may be elected to serve more than 2 consecutive terms within the legislative branch of government.

**SEC. 6.** No person shall be a Tribal/Governing Council member without being a Tribal Citizen and shall have attained the age of twenty-one (21) years at the time of the election.

**SEC. 7.** All elections by the people shall be held at such time and places as designated by law.

**SEC. 8.** Tribal/Governing Council shall keep a journal of its own proceedings and publish the same; and the yeas and nays of the council on any question shall, at the desire of any three members present, be entered on the journals.

**SEC. 9.** When vacancies occur in Tribal Council Ugu (Head Chief), or the person exercising the power of The Ugu, shall issue writs of election to fill such vacancies.

**SEC. 10.** Tribal Council members shall in all cases, except in treason, felony, or breach of the peace, be privileged from arrest during the session of the legislature; and, in going to and returning from the same.

**SEC. 11.** The doors of Tribal Council shall be kept open to all Tribal Citizens.

**SEC. 12.** Each member of the legislature shall receive from the public treasury a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall be made.

**SEC. 13.** Tribal Council members may determine the rules of its own proceedings; punish members for disorderly conduct; and, with the consent of two-thirds, expel a member, but not a second time for the same offence.

**SEC. 14.** No Tribal Council member shall, during the term for which they may be elected, be eligible to any civil office of profit under this Free and Independent Nation State which shall have been created, or the emoluments of which may have been increased, during such term; and no member of Tribal Council shall, during the term for which they are elected or appointed, be eligible to any office or place the appointment to which may be made in whole or in part by the legislature; The Deputy Ugu shall serve as President of the Legislature, having the power to vote upon legislative issues only in the case of breaking a tied vote. Vice-President of the Tribal Council shall be elected from their within.

**SEC. 15.** No judge of any court of law or equity, secretary of state, attorney general, clerk of any court of record, Marshall, Sheriff, Tribal Police Chief, or any person holding a lucrative office under Tribal government, or any foreign government, shall be eligible to the legislature, nor shall at the same time hold or exercise any two offices, agencies, or appointments of trust or profit under this Tribal government except as necessary for the Judicial Branch to appoint any Judge or Justices to multiple courts benches at the same time to ensure the proper operation of the courts under the judicial branch or during any declared state of emergency, and as needed as temporary appointment by the authority of the head of a department temporarily making such appointment for the good of the Tribe: *Provided*, That offices of the militia to which there is attached no annual salary shall not be deemed lucrative.

**Sec. 16.** Tribal Council shall retain the authority to create all tribal law enforcement agencies subordinate to the Office of Marshall, which is directly accountable to the tribal government and each tribal citizen, through it's own proceedings for the protection of Tribal Citizens, enforcement of tribal law, and to uphold the duty of government to protect the rights and liberties of members of the tribe. All such law enforcement agencies, once created, shall be operated and maintained by the executive branch of government except as otherwise provided.

## **ARTICLE VI.**

### **Judicial Department.**

**SEC. 1.** The judicial power of this Free and Independent Nation State shall be vested in one tribal supreme court, in district or circuit courts, and in such inferior courts as the Supreme Court may from time to time ordain and establish. No educational or association requirement shall ever be imposed as a qualification for any position of Justice or Judge.

**SEC. 2.** The supreme court shall consist of a chief justice and two associates, any two of whom shall form a quorum. The power to create additional seats to be filled by appointment to the supreme court shall only be exercised by Tribal council and nominations to the supreme court shall originate from, and be submitted by the judicial branch.

**SEC. 3.** The supreme court shall retain original jurisdiction in any suit against the Tribe and shall have appellate jurisdiction only in all other matters before the court except that the supreme court and judges thereof shall have power to issue the writ of *habeas corpus*, and under such regulations as may be prescribed by law, may issue writs of *mandamus*, and such other writs as shall be necessary to enforce its own jurisdiction; and also compel a judge of the inferior court to proceed to trial and judgment in a cause.

**SEC. 4.** The supreme court shall appoint its own clerks, who shall hold their offices for four years, and be subject to removal by the said court for neglect of duty, misdemeanor in office, and such other causes as may be prescribed by law.

**SEC. 5.** The Chief Justice of the Supreme Court shall nominate, and, by and with the advice and consent of two-thirds of the Tribal Council, shall appoint the judges of the supreme and inferior courts, and, excepting cases of impeachment for treason, they shall hold their offices for ten years.

**SEC. 6.** The Tribal lands may be divided into convenient judicial areas or districts. For each area or district there shall be appointed a judge, who shall reside in the same, and hold the courts at one place in each county, or a circuit judge available to travel within each designated circuit for the purpose of holding court. Tribal supreme court shall meet at least twice a year.

**SEC. 7.** The judges of the supreme court shall receive a salary determined by Tribal Council, and the judges of the inferior court a salary determined by Tribal Council and the salaries of the judges shall not be increased or diminished during their continuance in office excepting any salary increase as a cost-of-living equivalent.

**SEC. 8.** The judges of the supreme and inferior courts shall be removed, on the address of two-thirds of the Tribal Council, for willful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment: *Provided, however,* That the cause or causes for which such removal shall be required shall be stated at length in such address, and entered on the journals of Tribal Council; *And provided further,* That the cause or causes shall be notified to the judge so intended to be removed; and he shall be admitted to a hearing in his own defense, before any vote for such address shall pass; and in all such cases the vote shall be taken by yeas and nays, and entered on the journals of Tribal Council.

**SEC. 9.** All justices of the supreme and judges of the inferior courts shall, by virtue of their offices, be conservators of the peace throughout the Tribal lands. The style of all writs and process shall be "the Tsalagiyi Nvdagi." All prosecutions shall be carried on "in the name and by the authority of the Tribe," and conclude "against the peace and dignity of the Tribe."

**SEC. 10.** The district or circuit court shall have original jurisdiction of all criminal cases, of all suits on behalf of the Tribe to recover penalties, forfeitures and escheats, and of all suits, complaints, and pleas whatever,

without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to ten thousand dollars, exclusive of interest; and the said courts, or the judges thereof, shall have power to issue all writs necessary to enforce their own jurisdiction, and give them a general superintendence and control over inferior jurisdictions, such as Justice of the Peace Courts; and in the trial of all criminal cases, the jury trying the same shall find and assess the amount of punishment to be inflicted, or fine imposed; except in capital cases, and where the punishment or fine imposed shall be specifically imposed by law. In the case of trial by jury, whether civil or criminal, all jury members of any Grand Jury or Petite Jury must be informed of the power and right of jury nullification to ensure the power of the people of the tribe cannot be usurped or diminished.

**SEC. 11.** There shall be a clerk of the district courts for each area or circuit, who shall be elected by the qualified voters for members of the legislature, and who shall hold his office for four years, subject to removal by information, or by presentment of a grand jury, and conviction by a petit jury. In case of vacancy, the judge of the district shall have the power to appoint a clerk until a regular election can be held.

**SEC. 12.** The Ugu shall nominate, and, by and with the advice and consent of two-thirds of the Tribal Council, appoint an attorney general, who shall hold his office for four years; and there shall be appointed a district attorney for each district or area within the tribal lands, who shall hold his office for four years; and the duties, salaries, and perquisites of the attorney general and district attorneys shall be prescribed by law. In any instance no candidates for the office of Attorney General or the offices of district attorney be required to be or have been a member of any association or organization as a prerequisite for qualification nor shall they require specific degree at law.

**SEC. 13.** There may be appointed for each area or district within the boundaries of Tribal Lands, a convenient number of justices of the peace, one coroner, and a sufficient number of constables, who shall hold their offices for four years, who shall be appointed by the district or area court. Justices of the peace, constables, and coroners shall be commissioned by the court as officers of the court.

**SEC. 14.** No judge shall sit in any case wherein they may be interested, or where either of the parties may be connected with the judge by affinity or consanguinity within such degrees as may be prescribed by law, or where the judge has been of counsel in the cause. When the supreme court, or any two of its members, shall be thus disqualified to hear and determine any cause or causes in said court, or when no judgment can be rendered to any case or cases in said court, by reason of the equal division of opinion of said judges, the same shall be certified to The Ugu, who shall immediately commission the requisite number of persons, for the trial and determination of said case or cases. When the judge of the district court are thus disqualified, the parties may, by consent, appoint a proper person to try the said case; and the judges of the said courts may exchange districts, or hold courts for each other when they may deem it expedient, and shall do so when directed by law. The disqualifications of judges of inferior tribunals shall be remedied as may hereafter be by law prescribed.

**SEC. 15.** Inferior courts shall be established in each area or district for appointing guardians, granting letters testamentary and of administration; for settling the accounts of executors, administrators, and guardians, and for the transaction of business appertaining to estates; and the district courts shall have original and appellate jurisdiction and general control over the said inferior tribunals, and original jurisdiction and control over executors, administrators, guardians, and minors, under such regulations as may be prescribed by law.

**SEC. 16.** In the trial of all causes in the district or circuit court, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury.

**SEC. 17.** Justices of the peace shall have civil jurisdiction over matters of eviction of non-tribal citizens and all matters of civil cases of less than \$10,000 and criminal jurisdiction as a magistrate for all misdemeanors and shall be provided for by law. All matters arising from the Justice of the Peace Court may be appealable to the district or circuit court within the same district wherein the Justice of the Peace court has jurisdiction to operate.

**SEC. 18.** In all causes arising out of a contract, before any inferior judicial court or tribunal, when the amount in controversy shall exceed one thousand dollars, the plaintiff or defendant shall, upon application to the presiding officer, have the right of trial by jury.

**SEC. 19.** In all cases where justices of the peace, or other judicial officers of inferior tribunals, shall have jurisdiction in the trial of causes where the penalty for the violation of a law is fine or imprisonment, (except in cases of contempt,) the accused shall have the right of trial by jury.

## **ARTICLE VII.**

### **Executive Department.**

**SEC. 1.** The supreme executive power of this Free and Independent Nation State shall be vested in a Head Chief (Governor), who shall be styled The Ugu, and shall serve as the head of state and Commander in Chief.

**SEC. 2.** The Ugu shall be elected by the qualified electors of the Tribe at the time and places of elections for members of the legislature.

**SEC. 3.** The returns of every election for Ugu, until otherwise provided by law, shall be made out, sealed up, and transmitted to the seat of government, and directed to the president of Tribal Council, who shall during the first week of the session of the legislature thereafter, open and publish them; the person having the highest number of votes, and being constitutionally eligible, shall be declared by Tribal Council to be Ugu and shall have an appropriate oath of office administered by the Chief Justice of the Tribal Supreme Court; but if two or more persons shall have the highest and an equal number of votes, one of them shall be immediately chosen by majority vote of the Tribal Council.

**SEC. 4.** The Ugu shall hold office for the term of four (4) years from the regular time of installation, and until his successor shall be duly qualified; he shall be at least thirty-five (35) years of age, be of Tsalagi blood, shall have been a Tribal citizen, at the time of the adoption of this constitution or a Tribal Citizen for a minimum of four (4) years prior to election.



**SEC. 5.** The Ugu shall, at stated times, receive a compensation for services, which shall not be increased or diminished during the term for which The Ugu has been elected.

**SEC. 6.** The Ugu shall be commander-in-chief of the army and navy of this Tribe, and shall provide for support of all of the Tribal militia.

**SEC. 7.** The Ugu may require information, in writing, from the officers of the executive department on any subject relating to the duties of their respective offices.

**SEC. 8.** The Ugu may, by proclamation, on extraordinary occasions, convene the legislature at the seat of government, or at a different place, if that should be in the actual possession of a public enemy.

**SEC. 9.** The Ugu shall, from time to time, give to the legislature information in writing of the state of the Tribal government, and recommend to their consideration such measures as deemed expedient.

**SEC. 10.** The Ugu shall take care that the laws are faithfully executed.

**SEC. 11.** In all criminal cases, except in those of treason and impeachment, The Ugu shall have power, after conviction, to grant reprieves and pardons; and under such rules as the legislature may prescribe, The Ugu shall have power to remit fines and forfeitures. In cases of treason, The Ugu shall have power, only by and with the advice and consent of Tribal Council, to grant reprieves and pardons.

**SEC. 12.** There shall also be a Deputy Chief (Deputy Ugu) styled as the Red Chief, who shall be chosen at every election for Ugu, by the same persons and in the same manner, continue in office for the same time, and possess the same qualifications. The Red Chief shall have the duty and responsibility of advising The Ugu, as a Secretary of Defense, during any and all times of conflict or war. During times of peace, the Red Chief shall serve in the capacity of Deputy Chief and as president of the legislature. In voting for Head Chief and Red Chief, the electors shall distinguish for whom they vote as Head Chief, and for whom as Red Chief. In case of the death, resignation, removal from office, inability or refusal of The Ugu to

serve, or in the case of impeachment or absence from the Tribe, the Red Chief shall exercise the power and authority appertaining to The Ugu until another be chosen at the periodical election and be duly qualified, or until The Ugu impeached, absent, or disabled, shall be acquitted, return, or disability be removed.

**SEC. 13.** If, during the vacancy of the office of The Ugu, the Red Chief (Ugu) shall die, resign, refuse to serve, or be removed from office, or be unable to serve, or he shall be impeached, or absent from the State, the council President (Speaker) shall retain all authority to appoint a successor Red Chief to serve the remainder of the unexpired term of office. If the Red Chief shall be required to administer the government, and shall, whilst in such administration, die, resign, or be absent from the State during the recess of the legislature, it shall be the duty of the Tribal Council to appoint an Ugu to fill the unexpired term of office.

**SEC. 14.** There shall be a Tribal seal, which shall be kept by The Ugu or the Tribal Secretary of State or Registrar and used by The Ugu officially.

**SEC. 15.** All commissions shall be in the name, and by the authority, of the Tsalagiyi Nvdagi, be sealed with the State/Tribal seal, signed by The Ugu, and attested by the Tribal Registrar/Secretary of State.

**SEC. 16.** There shall be a Tribal Registrar to serve in the capacity of Secretary of State, who shall be appointed by The Ugu, by and with the advice and consent of the Tribal Council and shall continue in office during the term of service of The Ugu elect. They shall keep a fair register of all official acts and proceedings of The Ugu, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the Tribal Council and shall perform such other duties as may be required of them by law.

**SEC. 17.** Every bill which shall have passed Tribal Council shall be presented to The Ugu; if he approve, he shall sign it; but if not, The Ugu shall return it, with his objections, to the Tribal Council in which it shall have originated, who shall enter the objections at large upon the journals, and proceed to reconsider it; if, after such reconsideration, two-thirds of the

members present shall agree to pass the bill, it shall become a Tribal law; If any bill shall not be returned by The Ugu within five days (Sundays excepted) after it shall have been presented to the Ugu, the same shall be a law, in like manner as if The Ugu had signed it. Every bill presented to The Ugu one day previous to the adjournment of the Tribal Council, and not returned to the Council before its adjournment, shall, after fourteen (14) days, become a law, and have the same force and effect as if signed by The Ugu, unless The Ugu issues a written proclamation suspending the implementation of such law until the bill can be returned to Tribal Counsel upon reconvening.

**SEC. 18.** Every order, resolution, or vote, to which the concurrence of the legislature may be necessary, except on questions of adjournment, shall be presented to The Ugu, and, before it shall take effect, be approved by The Ugu; or, being disapproved, shall be repassed by Tribal Council according to the rules and limitations prescribed in the case of a bill.

**SEC. 19.** The Ugu, by and with the advice and consent of two-thirds of the Tribal Council, shall appoint a convenient number of notaries public who, in addition to such duties as are prescribed by law, shall discharge such other duties as the legislature may, from time to time, prescribe.

**SEC. 20.** Nominations to fill all vacancies that may have occurred during the recess, shall be made to the Tribal Council during the first ten days of its session. And should any nomination so made be rejected, the same individual shall not again be nominated during the session to fill the same office. And should The Ugu fail to make nominations to fill any vacancy during the session of the Tribal Council, such vacancy shall not be filled by The Ugu until the next meeting of the Tribal Council.

**SEC. 21.** The Ugu shall not be required to reside, during the session of the legislature, at the place where their sessions may be held.

**SEC. 22.** No person holding the office of Ugu shall hold any other office or commission, civil or military.

**SEC. 23.** A State treasurer and comptroller of public accounts shall be biennially elected by the Tribal Council; and in case of vacancy in either of said offices during the recess of the legislature, such vacancy shall be filled by The Ugu, which appointment shall continue until the close of the next session of the legislature thereafter.

**SEC 24.** The Office of Marshall is hereby created, established, and ordained under the Executive Branch of Government to carry out the peace and tranquility of all Tribal Government Officers and each Tribal Citizen. To carry out the requirements of the UGU in the enforcement of all Tribal law and the Tsalagiyi Nvdagi Constitution.

The Chief Marshall shall appoint a Chief Deputy Marshall, and other subordinate deputies as needed to carry out the duties of the Office of Marshall. The Marshall is a constitutional officer, absolutely and fully accountable to the Tribal Government and all tribal citizens. It shall be in attendance of all court hearings and sessions and shall carry out the duties and services of the court and Tribal government operations. This shall be the Chief law enforcement Officer in tribal and constitutional law. This Office is responsible and accountable at all times to both the tribal government and all tribal citizens.

## **ARTICLE VIII.**

### **Militia.**

**SEC. 1.** In keeping with our heritage, our history, and our rich culture, all male Tribal citizens between the ages of 18 years and 45 years shall be expected, and required to act as “warriors”, serving and protecting the tribe and tribal lands from invasion or intrusion by serving in the tribal militia. Any female tribal citizen between the ages of 18 years and 45 years shall be invited to serve in the militia upon official request of said individual. Any warrior age male may be exempted from this requirement according to tribal law. The legislature shall provide by law for organizing and disciplining the militia of this Tribe, in such manner as they shall deem expedient, not incompatible with the constitution and laws of the Tribe in relation thereto.

**SEC. 2.** Any person who conscientiously scruples to bear arms shall not be compelled to do so but may be compelled during time of war to serve in another military capacity or an equivalent for personal service.

**SEC. 3.** No Traditional Spiritual Leader or Minister of the gospel shall be required to perform military duty, work on roads, or serve on juries in this Tribe.

**SEC. 4.** The Ugu, A District Tribal Judge, and any District head of law enforcement shall jointly have power to call forth the militia to execute the laws of the Tribe, to provide for the security of the Tribe, to provide support for law enforcement, to suppress insurrections, and to repel invasions.

## **ARTICLE IX.**

### **General Provisions.**

**SEC. 1.** Members of the legislature, and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation:

“I (\_\_\_\_\_) do solemnly swear, (or affirm,) that I will faithfully uphold, support, and defend the Constitution of Tsalagiyi Nvdagi and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_, according to the best of my skill and ability, agreeably to the constitution; that I am not disqualified from holding office; that I will, as soon as practicable hereafter, carefully read the Constitution of this tribe and endeavor to execute all the requirements thereof imposed on my position, that my heart shall be filled with peace and good will and my mind filled with the welfare of the people of Tsalagiyi Nvdagi and have always in view not only the present but also the coming generations. In all my deliberations I will cast aside self-interest and strive never to allow anger to find lodgment in my mind, my words, or my actions”. An Oath of allegiance for tribal citizenship may be required for immigration or adoption by the tribe and shall be prescribed by law and be specified within Tribal Governing Acts.

**SEC. 2.** Treason against this Tribe shall consist in levying war against it, or in adhering to its enemies—giving them aid and comfort, or any voluntary act to willfully violate or act contrary to an oath of office sworn pursuant to this constitution; and no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

**SEC. 3.** Every person shall be forever disqualified from holding any office of trust or profit in this Tribe, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

**SEC. 4.** Laws shall be made to exclude from office and serving on juries those who shall hereafter be convicted of bribery, perjury, forger, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

**SEC. 5.** If any member of this Tribe shall accept, claim, receive, or retain, any title of nobility or honor from any foreign government or foreign authority or shall without the consent of Tribal Council accept and retain any present, pension, office, or emolument of any kind whatever from any emperor, king, prince, or foreign power, such person shall cease to be a tribal citizen and shall be forever incapable of holding any office of trust or profit under them or either of them.

**SEC. 6.** In all elections by the people, the vote shall be by ballot, until the legislature shall otherwise direct.

**SEC. 7.** The legislature shall provide by law for the compensation of all officers, servants, agents, and public contractors, not provided for by this constitution; and shall not grant extra compensation to any officer, agent, servant, or public contractor, after such public service shall have been performed, or contract entered into for performance of same; nor grant by appropriations or otherwise any amount of money out of the treasury of the Tribe to any individual, on a claim real or pretended, where the same shall not have been provided for by preexisting law.

**SEC. 8.** No money shall be drawn from the treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than four years, except for purposes of education; and no appropriation for private or individual purposes, or for purposes of internal improvement, shall be made without the concurrence of two-thirds of Tribal Council. A regular statement and account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law. Tribal council shall retain the power to issue silver or gold coin, treasury notes or currency backed by silver or gold, or paper of any description intended to circulate as money however Tribal Council may never designate anything to be lawful money except silver, gold, or currency backed by silver or gold.

**SEC. 9.** All civil officers shall reside within the boundaries of the Tribal lands as designate and conveyed by treaty with the republic of Texas in 1835, or within the boundaries of the district in which they hold office, unless specifically accepted by The Ugu or Tribal Council.

**SEC. 10.** The duration of all elected offices not fixed by this constitution shall never exceed four years.

**SEC. 11.** Absence on the business of this Tribe shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under the exceptions contained in this constitution.

**SEC. 12.** The legislature shall have power to provide for deductions from the salaries of public officers who may neglect the performance of any duty that may be assigned them by law.

**SEC. 13.** No member of Council nor person holding or exercising any foreign office of profit or trust outside of tribal lands shall be eligible as a member of the Tribal Council or to hold or exercise any office of profit or trust under this Tribe, excepting local and county offices of city council or county office within the county where tribal member may reside.

**SEC. 14.** The Tribal Council shall provide for a change of venue in civil and criminal cases and provide for detainment facilities, at their sole discretion, at as early a day as practicable.

**SEC. 15.** It shall be the duty of the Tribal Council to pass such laws as may be necessary and proper to decide differences by arbitration when the parties shall elect that method of trial.

**SEC. 16.** Within five years after the adoption of this constitution, the laws, civil and criminal, shall be revised, digested, arranged, and published in such manner as the legislature shall direct; and a like revision, digest, and publication shall be made every ten years thereafter.

**SEC. 17.** No lottery or gaming shall be prohibited by this Tribe however Tribal Council shall have the power to access taxation upon all gaming facilities within the boundaries of Tribal lands.

**SEC. 18.** No license, permit, or other form of written permission governing the rights of any Tribal Citizens or restricting or regulating the use of property privately owned by a tribal citizen, except as necessary to provide infrastructure, or direct taxation of Tribal Citizens shall be within the power of Tribal Council to require or issue except gaming licensing. Tribal Council shall always retain the authority to impose taxation and licensing requirements upon any non-tribal member or any non-tribal member owned business within the geographical boundaries of tribal lands.

**SEC. 19.** All property, both real and personal, of a married couple, owned or claimed by them before marriage, and that acquired afterwards by gift, devise, or descent, shall be their separate property; and laws shall be passed more clearly defining the rights of married couples in relation as well to their separate property as that held in common as marital assets.

**SEC. 20.** The rights of property and of action, which have been secured and guaranteed under the constitution and laws of the Tsalagiya Nvdagi, shall not be divested; nor shall any rights or actions which may be divested, barred, or declared null and void by the constitution and laws of the Tsalagiya Nvdagi, be re-invested, revived, or re-instated by this constitution;



but the same shall remain precisely in the situation [in] which they were before the adoption of this constitution.

**SEC. 21.** All claims, locations, surveys, grants, and titles to land, which are declared null and void by the constitution of the Tsalagiya Nvdagi, are and the same shall remain forever null and void.

**SEC. 22.** The Tribal Government shall have a duty to, and the power to, protect by law, from forced sale property of all Tribal Citizens whether real or personal, and the homestead, or other property of a Tribal member, shall not be subject to forced sale for any debts hereafter contracted.

**SEC. 23.** The legislature shall provide in what cases officers shall continue to perform the duties of their offices, until their successors shall be duly qualified.

**SEC. 24.** Every law enacted by the Tribal Council shall embrace but one object, and that shall be expressed in the title.

**SEC. 25.** No law shall be revised or amended by reference to its title; but in such case, the act revised, or section amended, shall be re-enacted and published at length.

**SEC. 26.** No person shall hold or exercise at the same time more than one civil office of emolument, except that of justice of the peace or any other exception made within this constitution.

**SEC. 27.** Tribal Council shall have the authority to assess Taxation to all non-tribal member owned businesses operating within the boundaries of Tribal lands except churches, church organizations, church associations, ministries, or other faith based organization and any activity structured as an Private Association for the purposes of exercising the right to assemble or the right to conduct private business as seen fit by association members. No Ad Valorem Tax shall ever be applied or assessed by Tribal Council however property taxes may be assessed only upon property within Tribal lands which is owned by a business and used for the purpose of conducting business with the public or upon land owned by non-Tribal members. Taxation shall be equal and uniform throughout the Tribal lands.

All taxable property within the boundaries of Tribal lands guaranteed by treaty in 1835, shall be taxed in proportion to its value, to be ascertained as directed by law.

**SEC. 28.** The legislature shall have power to provide by law for exempting from taxation any business determined to operate for the benefit of the Tribe.

**SEC. 29.** The assessor and collector of taxes shall be appointed in such manner and under such regulations as the legislature may direct.

**SEC. 30.** No corporate body shall hereafter be created, renewed, or extended, with banking or discounting privileges without a vote of Tribal Citizens.

**SEC. 31.** No private corporation shall be created under the authority of Tribal government nor shall the Tribe be part owner of the stock or property belonging to any corporation not solely owned by the Tribe. Tribal government shall never prohibit or restrict any business owned by a Tribal member based upon the consideration as a competing business to any public corporation owned and operated by the Tribe.

**SEC.32.** No corporation, or other legal fiction created or recognized by any agency or department of government can ever have recognition of rights equivalent to or superior to any natural living person.

**SEC. 33.** The legislature shall not prohibit, by law or otherwise, individuals from issuing bills, checks, promissory notes, or other paper, to circulate as nor interfere with the right of Tribal members to barter.

**SEC. 34.** The aggregate amount of debts hereafter contracted by the legislature shall never exceed the sum of One Hundred million dollars, except in case of war, to repel invasions, or suppress insurrections; without a vote of the people of the Tribe and in no case shall any amount be borrowed except by a vote of two-thirds of Tribal Council.

**SEC. 35.** The legislature shall, retain authority to, and may at any subsequent session, establish new Tribal political subdivisions, being

villages, towns, cities, and counties for the convenience of the inhabitants of such new political subdivisions: *Provided*, every new Tribal political subdivision, retains the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken, until entitled by numbers to the right of separate representation

**SEC. 36.** No soldier or military member shall, in time of peace or war, be quartered in the house or within the enclosure of any individual, without the consent of the owner.

**SEC. 37.** The initial salaries of the Head Chief, Red Chief, Justices and Judges of the supreme and district courts, and Tribal Council Members, upon adoption of this constitution, are hereby fixed at the minimum established by the Tribal Council and shall not be increased for ten years, excepting only any cost of living increases.

**Sec.38.** No legal fiction can possess the right to sell or otherwise transfer ownership of the natural resources of Tribal lands excepting Tribal government's ability to sell or otherwise transfer ownership or control of natural resources from Tribal lands from government owned lands for the benefit of the Tribe.

**SEC. 39.**

No foreign control of land or natural resources may ever be granted to foreign governments, people or fictitious entities.

**Sec. 40.**

No foreign government or foreign military shall ever be allowed to inhabit, possess, or own land within the boundaries of Tribal lands, or operate within the same boundaries except in cases where treaties have been signed as allies of the Tribal Government and an Embassy for foreign government is to be established. Any tribal land granted or designated as a foreign embassy by The Ugu may never exceed five acres of land in size and possessions of such lands shall be immediately surrendered to the tribe in the event of termination of treaty or other unfriendly relationship developing with the foreign government.

## **Sec. 41.**

Tribal Council shall have the authority to adopt Texas State Penal Codes and Statutes to regulate and/or govern all non-tribal members within the boundaries of Tribal Lands and non-tribal members shall be recognized as residents or inhabitants of Tribal Lands with privileges and immunities at the discretion of Tribal council.

### ***Mode of amending the Constitution.***

**SEC. 42.** The legislature, whenever two-thirds of Tribal Council members shall deem it necessary, may propose amendments to this constitution; which proposed amendments shall be duly published in the public prints of the Tribe or published electronically within a Tribal newsletter and upon an official Tribal website accessible to all Tribal Citizens, at least three months before the next general election of representatives, for the consideration of the people; and it shall be the duty of the several returning officers, at the next election which shall be thus held, to open a poll for, and make a return to the Tribal Registrar, of the names of all those voting for representatives, who have voted on such proposed amendments; and if, thereupon, it shall appear that a majority of all the members of this Tribe, voting for representatives, have voted in favor of such proposed amendments, and two-thirds of the next legislature shall, after such election and before another, ratify the same amendments by yeas and nays, they shall be valid to all intents and purposes as parts of this constitution: *Provided*, That the said proposed amendments shall, at each of the Tribal Council sessions, have been read on three separate days. Any amendment which results in the diminishing of, or infringement upon any individual rights, guaranteed within the Bill of Rights can never be held as a valid amendment.

**SEC. 43.** There shall be elected by the qualified voters of each judicial district a Sheriff and/or Constable, who shall serve in two capacities; (1) as a common law officer in the retained powers jurisdiction and (2) as a constitutional officer in the constitutional jurisdiction and shall hold his office for the term of four years, whose duties shall include ministerial duties in the retained powers jurisdiction in their common law official capacity. The legislature may add duties to the office, but the legislature may not take away any duties specified by the Constitution nor may they encroach upon

his powers and duties at common law. The Sheriff is entrusted with the peace and tranquility of the district in which elected, including both constitutional and retained powers jurisdictions, vacancies in whose office shall be filled by the District Chief until the next general election.

#### **SEC. 44. AUTOMATIC RESIGNATION ON BECOMING CANDIDATE FOR ANOTHER OFFICE.**

If any elected office holder or judicial officer shall announce their candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of this Tribe then held, if other than a currently held office, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled.

### **ARTICLE X.**

#### **Slaves.**

**SEC. 1.** The legislature shall be prohibited from and shall have no power to pass laws endorsing, supporting, or providing for any form of slavery or human trafficking or indentured servitude or forced servitude. Imprisonment of a person shall only be permissible as prescribed by law as a means of punishment for an unlawful criminal act found through conviction and sentencing in a court of law.

**SEC. 2.** In the prosecution of persons convicted of any form of slavery, human trafficking, or any means of forced or involuntary servitude, or unlawful detention, legislature shall pass laws that provide for compensation or restoration of victims as a part of sentencing for criminal

prosecution. Victims of such acts should never be made to endure trial in a separate and civil court for restitution resulting from these acts.

**SEC. 3.** Legislature shall have the power to pass law to force all manner of servitude upon any person convicted in a criminal court, including foreign courts, of the acts within this Article as a means of victim restoration, restricted only by the prohibition of “double jeopardy”.

## **ARTICLE XI.**

### **Impeachment.**

**SEC. 1.** The power of impeachment shall be vested in the Tribal Council.

**SEC. 2.** Impeachments of the Head Chief, Red Chief, attorney general, registrar (secretary of state), treasurer, comptroller, and of the judges of Tribal courts, may be tried in Tribal Council (as a military court) or Tribal supreme court, at the discretion of Tribal Council. No person shall be convicted without the concurrence of three-fourths of the full Tribal Council body.

**SEC. 3.** Impeachments of judges of the supreme court shall be tried by the Tribal Council. When sitting as a court of impeachment the Tribal Council members shall be upon oath or affirmation; and no person shall be convicted without the concurrence of three-fourths of the full Tribal Council body.

**SEC. 4.** Judgment, in cases of impeachment, shall extend only to removal from office, and disqualification from holding any office of honor, trust, or profit, under this Tribal government or any of its subordinate government entities; but the parties convicted shall, nevertheless, be subject to indictment, trial, and punishment according to law within the Tribal Courts without violation of the “Double Jeopardy” clause.

**SEC. 5.** All office holders against whom articles of impeachment may be preferred, shall be suspended from the exercise of the duties of their office during the pendency of such impeachment. The appointing power may

make a provisional appointment to fill the vacancy occasioned by the suspension of an office holder, until the decision on the impeachment.

**SEC. 6.** The legislature shall provide for the trial, punishment, and removal from office, of all other office holders of the State, by indictment or otherwise.

## **ARTICLE XII.**

### **Education.**

**SEC. 1.** A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the legislature of this Tribal government to make suitable provision for the support and maintenance of public schools as deemed necessary to accommodate the number of children of members of this tribe. Nothing within this constitution should be interpreted to mean Tribal government shall have authority to compel public school attendance over the objection of parents or to interfere with or regulate any educational activities of parents choosing to exercise their right to provide education for their children themselves either through homeschool or private associations established for the purpose of education.

**SEC. 2.** The legislature shall, as early as practicable and upon the request of Tribal Citizens, establish or provide for schools throughout the Tribal lands, and shall furnish means for their support by taxation and minimal tuition supplements from parents of registered students; Funding and support of public schools may be optionally provided for by Tribal government through revenue raised by lottery and gaming upon Tribal lands, at the discretion of Tribal Council. Revenue and funding acquired for the purpose of funding Tribal schools may never be appropriated, diverted, or redirected for any other purpose.

**SEC. 3.** All public lands which have been heretofore, or may hereafter be granted for Tribal schools shall not be alienated in fee, nor disposed of otherwise than by lease or sale only to an uninterested tribal member and any such lease or sale may not occur for a minimum term of 48 months after the operation of a school ceases or if Tribal Council determines it is in

the best interest of the Tribe to proceed with lease or sale of said property to a Tribal member for the common good of the Tribe, the 48 month minimum period may be waived.

## **ARTICLE XIII.**

### **Land Ownership**

**SEC. 1.** All land ownership by Tribal Citizens shall be Allodial and land held in the names of any fictitious entity shall never be deemed superior land right to the land ownership rights of a living Tribal member. The highest form of land ownership that can be achieved by any non-tribal citizen or any fictitious entity is Fee Simple Land Ownership. All certificates for headright claims to lands, issued to fictitious persons, or which were forged, and all locations and surveys thereon, are, and the same were, null and void from the beginning.

**SEC. 2.** The district courts shall be opened as determined by the Judicial Branch, for the establishment and recognition of allodial land ownership and land patents by individual Tribal Citizens. Tribal Council shall establish law recognizing the authority of The Ugu, and his designees to negotiate new treaties or revision of existing treaties for the purpose transferring lands owned by Tribal Citizens, currently outside of the existing Tribal lands boundaries to be recognized as official Tribal lands. The authority to hear and settle matters of land ownership within Tribal land boundaries shall be within the jurisdiction of district and circuit courts to settle as a matter of law.

## **ARTICLE XIV.**

### **Land Office.**

**SEC. 1.** There shall be one general land office in the Tribe, which shall be at the seat of government, where all titles which have heretofore emanated, or may hereafter emanate, from government, shall be registered; and the legislature may establish, from time to time, such subordinate offices as they may deem requisite.



## **ARTICLE XV.**

### **Schedule.**

**SEC. 1.** That no inconvenience may arise from a change of separate national government or separate State government to Tribal government, it is declared that all process which shall be issued in the name of the republic of Texas, the State of Texas, or any governmental agency of the United States of America prior to the revision or adoption of this constitution may be deemed as valid as if issued in the name of the Tsalagiya Nvdagi.

**SEC. 2.** The validity of all bonds and recognizances, executed in conformity with the constitution and laws of the Tsalagiya Nvdagi Tribal government, shall not be impaired by the change of government, but may be sued for and recovered in the name of The Ugu or the Tribal Attorney General; and all criminal prosecutions or penal actions which shall have arisen prior to the organization of this constitution, in any of the courts of the State of Texas, shall be prosecuted to judgment and execution in the name of said State. All suits at law and equity which may be depending in any of the courts of the State of Texas prior to the organization of the Tribal government under this constitution shall be transferred to the proper court of the Tribal government which shall have jurisdiction of the subject-matter thereof.

**SEC. 3.** All laws, governing acts, or parts of laws now in force in the Tribe, which are not repugnant to this constitution or to the provisions of this constitution, shall continue and remain in force as the laws of this Tribe, until they expire by their own limitation, or shall be altered or repealed by the legislature of this Tribal government.

**SEC. 4.** All fines, penalties, forfeitures and escheats, which have accrued to the State of Texas under the constitution and laws, shall accrue to the Tribe; and the legislature shall, by law, provide a method for determining what lands may have been forfeiture or escheated.

**SEC. 5.** Immediately after the adjournment of this convention, The Ugu shall issue a proclamation, either establishing the requirement of a vote of the people of this tribe to adopt this constitution or a proclamation of an adoption of this constitution by Tribal government on behalf of the people of this Tribe, allowing for a specific time in which all dissenting Tribal Citizens shall have the opportunity to terminate their membership in this Tribe before being bound to this constitution as a Tribal member. The acceptance of this constitution or the continued membership upon the Tribal role will constitute the consent of the governed by this Tribal government.

**SEC. 6.** If a vote of Tribal Citizens is chosen as the means of ratification and providing the consent of the governed, The Ugu shall implement a manner and designated time frame for which the vote of the Tribal Citizens shall take place keeping in mind that “time is of the essence” in the matter of the ratification of this constitution.

**SEC. 7.** Should this constitution be accepted by the people of the Tribe, it shall be the duty of The Ugu, on or before the tenth day after acceptance is determined, to issue his proclamation of the binding compact created by this constitution and declare the primary duty of Tribal government is to provide an exchange with the people of this Tribe of allegiance for protection. Tribal Citizens will be required to pledge allegiance to the Tribe, and Tribal government, and in exchange Tribal government will accept as its primary duty under this compact, of providing protection of Life, Liberty, and property of all members of the Tribe by whatever means necessary.

**SEC. 8.** Immediately upon The Ugu receiving official information of the acceptance of this constitution by the people of this Tribe and by Tribal Council, he shall issue his proclamation to prepare to establish the necessary government offices required to fulfill the duties of government under this constitution and prepare for a written declaration of standing as an Independent Sovereign Nation State in addition to delegating authority to further negotiate relations with the State of Texas in a manner that allows for the voluntary retention of dual citizenship as members of this Tribe and citizens of the State of Texas or both. In the case of a grant of dual citizenship, allegiance to the Tribe shall be the primary allegiance and any other citizenship status shall become a secondary allegiance.

**SEC. 9.** It shall be the duty of the Tribal Council to immediately prescribe by Tribal law, any person, not previously expelled or exiled by the Tribe, or otherwise sanctioned by the Tribe, having even one drop of Cherokee blood, as previously proclaimed, shall retain the right to become full Tribal Citizens and in the case of any person requesting membership who cannot declare the existence of Cherokee blood within their ancestry, The Ugu shall retain full authority to adopt any person as a full member of the Tribe in good standing, consistent with the long held traditions of the Texas Cherokee people.

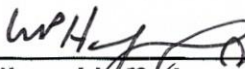
**SEC. 10.** Signatures of Ugu, the Red Chief, the Judiciary Representatives, and members of the Tribal Council, affixed to this Constitution shall be evidence of acceptance of this constitution and this constitution shall be proclaimed as the primary governing law, and supreme law of the land and of the Tribe, securing the Life, Liberties, and Property of all Tribal Citizens and their posterity.

## **ARTICLE XVI.**

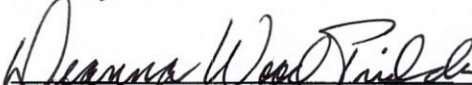
**Sec 1.** Language within this constitution can only be interpreted as having the commonly known and accepted meaning at the time this constitution is implemented and any interpretation of the language within this constitution shall remain solely within the power and jurisdiction of the Judiciary Branch of Government.


**Sec. 2.** This Constitution, Treaties entered into pursuant with this constitution, and all laws made pursuant to this constitution shall be the Supreme Law of the land.

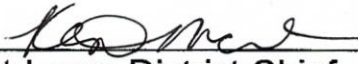
Be it accepted, secured, and enacted effective as of the first date of signing by:

  
\_\_\_\_\_  
William Hoff, Jr.  
Principal Chief – Ugu

  
\_\_\_\_\_  
Victoria R. Williams  
Treaty District Chief

  
\_\_\_\_\_  
Deanna Wood  
Northern Towns District Chief

  
\_\_\_\_\_  
James Delusko  
Eastern U.S. District Chief

  
\_\_\_\_\_  
[unclear]  
At-Large District Chief

  
\_\_\_\_\_  
Curtis Watson  
Deputy Chief – Red Chief

  
\_\_\_\_\_  
John L. [unclear]  
Southern Towns District Chief

  
\_\_\_\_\_  
Elvin Iron Elk  
Central Towns District Chief

  
\_\_\_\_\_  
[unclear]  
Pacific Northwest District Chief

  
\_\_\_\_\_  
Sherry D. [unclear] certified this 19 day of October 2024

Tribal Registrar