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CHEROKEE NATION  
SUPREME COURT  
KENDALL BIRD, COURT CLERK

Case No. SC-2021-02

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IN THE SUPREME COURT OF THE CHEROKEE NATION

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**In Re: Challenge to the Eligibility of Victoria Vazquez,  
Candidate for Council, District 11  
for the 2021 General Election**

On Appeal from the Cherokee Nation Election Commission,  
Eligibility Hearing No. 2021-2

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**RESPONDENT VICTORIA VAZQUEZ'S RESPONSE TO  
PETITIONER MASON HUDSON'S OPENING BRIEF**

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March 12, 2021

Respectfully submitted,  
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### **STATEMENT OF THE ISSUE**

WHETHER THE ELECTION COMMISSION, THE DISTRICT COURT AND ATTORNEY GENERAL'S OPINION 2016-CNAG-04 SHOULD BE AFFIRMED IN FINDING THAT A TERM LESS THAN FOUR (4) YEARS, CREATED BY A SPECIAL ELECTION TO FILL A VACATED COUNCIL SEAT, SHOULD NOT BE COUNTED AS A "TERM" FOR CONSTITUTIONAL TERM LIMIT PURPOSES.

### **STATEMENT OF THE CASE**

Councilor Vazquez was first placed in office on October 12, 2013 by means of a special election called by the Cherokee Nation Election Commission after the vacancy created by the resignation of Chuck Hoskins, Jr. following his appointment as Secretary of the State for the Cherokee Nation. Ms. Vazquez was thereafter unopposed when she was reelected to her second term on the Council in 2017. The issue of whether her special elected term constituted a term for term limit purposes was first addressed by Attorney General Opinion 2016-CNAG-04. General Hembree then opined that periods of time in office less than four (4) years do not meet the definition of term as used in Article VI, Section 3 and were to be excluded from calculating consecutive terms of office. The matter was thereafter brought before the Cherokee Nation District Court in CV-2018-122 wherein the Honorable District Judge T. Luke Barteaux concurred in the conclusions of the Attorney General in finding that special election terms following vacancies in office should not be counted for term limit purposes. The Councilor was elected to her first full four (4) year term of office in 2017 and now seeks reelection to her second consecutive four (4) year term per the Constitution. Petitioner Mason Hudson filed a timely challenge of her eligibility. The Election Commission, in reliance on both the AG Opinion 2016-CNAG-04 and Cherokee Nation District Court decision CV-2018-122, found that she was eligible to run for a second consecutive four (4) year term. Mr. Hudson now appeals that decision.



## ARGUMENTS AND AUTHORITIES

### 1. THE PLAIN LANGUAGE OF THE CONSTITUTION IS CLEAR AND UNAMBIGUOUS THAT TERM LIMITS REQUIRE FOUR-YEAR GENERAL ELECTION TERMS.

As this Court stated in Cornsilk v. Hembree “*the Cherokee constitution should be read as it is plainly written to carry out the will of the Cherokee people.*”<sup>1</sup> Being our organic fundamental law: “*Words or terms used in a constitution, being dependent on ratification by the people voting on it, must be understood in the sense most obvious to the common understanding at the time of adoption . . .*”<sup>2</sup> Where the text of the Constitution is clear and unambiguous, no liberty need be taken to search for meaning beyond the instrument itself.<sup>3</sup>

Article VI, Section 3 of the Cherokee Constitution creates terms of elected office and sets up term limits for members of the Council and provides:

The Council shall consist of seventeen (17) members, who are citizens by blood of the Cherokee Nation. Any citizen by blood of the Cherokee Nation at least twenty-five (25) years of age on that date of the election may be a candidate for the Council. Each Council member **shall be elected in the general election for a term of four (4) years** and until his or her successor is duly elected and installed. All Council members shall be limited to two **(2) consecutive elected terms** on the Council. All Council members having served **two consecutive terms** must sit out **one (1) term** before seeking any seat on the Council. [Emphasis added.]

Section 3 is clear and unambiguous and must be read in its full context to reflect and carry out the People’s will. When read as a whole, it is clear that the phrase “*elected terms*” in sentence four can only be construed to mean a four (4) year elected term vis-a-vis the general election process created in the preceding sentence. Indeed, the only elected term created and

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<sup>1</sup> Cornsilk v. Hembree, SC-2018-04, 2 (CSC 2018).

<sup>2</sup> DeMoss v Jones, JAT 96-01-K, 8 (1998).

<sup>3</sup> 2016-CNAG-04, 3, attached hereto as Exhibit “A.”

defined by our Constitution is one for four (4) years as reflected above for members of the Council, and as also found in Article VII, Section 1 with respect to the Principal Chief and Article VII, Section 3 with respect to the Deputy Principal Chief. Both in Article VI, Section 3 and Article VII, Section 1 the words "*term*" are accompanied by the words "*of four (4) year(s)*." It is clear from the plain text that the authors of these provisions intended a "*term*," to be "*four (4) years*" long, no more and no less. Expanding this core definition to include shorter special terms<sup>4</sup> produced through the special election process to fill vacated seats would be taking the plain language completely out of context and violate its plain meaning. This was the conclusion District Court Judge Barteaux correctly reached in Cornsilk v. Hembree, CV-2018-122 and which should be affirmed by this Court as the correct constitutional construction for Cherokee Nation term limits. Judge Barteaux held:

When read together the plain meaning of Article VI, Sections 3 and 13, is if a Councilor is first placed into office . . . in a special election for a term less than four years then that shortened term shall not be counted as their first term for term limit purposes and therefore if said Councilor is elected thereafter during the general election for a four (4) year term the Councilor would still be eligible to run for a second full four (4) year term in office.<sup>5</sup>

This District Court decision, with respect to Councilor Vazquez, was not appealed and remained binding precedent on the Election Commission in 2021 when she filed to run again.<sup>6</sup>

The Petitioner relies heavily on Cornsilk v. Hembree, SC-2018-04, and its use of the word "*elected*"; but miss-applies its context. The question before this Court is factually

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<sup>4</sup> Under Article VI, Section 13 (as amended in 2011), any vacancies on the Council, whether caused by removal, death, resignation, or incapacity, with more than one-year of the four (4) year term remaining are to be filled by special election. Thus, special terms created by the special election process can randomly vary from one-year plus one day, up to three-years and ten months.

<sup>5</sup> Cornsilk v. Hembree, CV-2018-122, 5 (Dist. Ct. 2018), attached hereto as Exhibit "B."

<sup>6</sup> See Cornsilk v. Hembree, SC-2018-04, n. 1 (CSC 2018).



distinguishable from those decided in Cornsilk, although its outcome nevertheless supports Respondent's position. In that case, the issue with respect to the Principal Chief was whether a shortened term resulting from a second (new) general election as part of the election challenge process should be counted as a term for term limits purposes because it was less than a complete full four-year period. Similarly, with respect to the Deputy Chief race the issue was whether time served as an Acting Principal Chief operated to shorten the underlying four-year term as Deputy Chief. This Court affirmed the District Court's finding that a Deputy Chief serving as Acting Principal Chief is simply carrying out their constitutional duties of office, but so doing within the context of their four-year elected term as Deputy Principal Chief.

In both cases Cornsilk found that term limits applied, stating: "*There is no room for extension by way of challenge or other event which might shorten the number of days in office. If a person is elected 2 consecutive times, the Constitutional term limit applies.*" However, unlike this case, Cornsilk was not dealing with a special term caused by a vacancy in office, but rather an Article VII, Section 1 general election term affected by the general election contest process. Cornsilk supports the proposition that only four-year general election terms apply for term limit purposes; that the People's will cannot be circumvented by the election challenge process.

The only other Supreme Court precedent dealing with term limits, In Re: Anglen SC-2019-03, also supports the complete four-year term concept for term limit purposes. Anglen took up the time period one must "*sit out*" under Article VI Section 3 before being eligible to seek the office of Council again. Anglen held:

It is clear that the framers of the Constitution intended to require that one term of office be allowed to pass before an individual could return for a third term. To give meaning and effect to the requirements of the Constitution, Anglen cannot be elected to a third straight term on the Tribal Council without sitting out for one full, four-year term.

Anglen's analysis is sound reading "term" to mean a general election term of no less than four full years with respect to sitting out of office. This case raises the parallel question with respect to being in office and should likewise be decided in harmony with Anglen. Anglen confirmed that term limits can only apply to complete four-year general election cycle terms as defined by our Constitution, nothing more is required and nothing less is acceptable.

2. **THE DELEGATES OF THE 1999 CONSTITUTIONAL CONVENTION ADOPTED MODIFIED TERM LIMITS OF "TWO IN - ONE OUT" BASED UPON THE ONLY DEFINITION OF ELECTED TERM THAT EXISTED AT THE TIME: A GENERAL ELECTION TERM OF FOUR (4) YEARS.**

During the 1999 Convention, a large amount of debate and discussion surrounded term limits and how they would be applied. There were delegates who advocated strict term limits. There were delegates who opposed term limits in any form. The great compromise was the modified, hybrid we now have of "two in - one out." However, because even modified term limits represent a constitutional restraint on the People's right to freely elect representatives the delegates were cognizant that any scheme adopted would be strictly construed to only apply to two (2) consecutive four (4) year general election terms and nothing less.<sup>7</sup> This would necessarily exclude partial terms caused by removal, death, resignation or disability which, in 1999, were universally only filled by appointment of the Council under CNCA 19 § 3.<sup>8</sup> This important point bears restatement: at the time term limits were first drafted and adopted into Section 3 by the delegates on Day 3 of the Convention, special elections did not exist under Cherokee law. Special elections only came into existence on Day 4 as part of the new Section

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<sup>7</sup> See e.g. discussion on "full terms" Cherokee Nation 1999 Constitution Convention, vol. V, 44-48 (March 2, 1999) attached here as Exhibit "C."

<sup>8</sup> Attached hereto as Exhibit "D."



13. Thus, the delegates could have never intended to include a concept that did not exist at the time of debate and adoption.

The genesis of the language was as such. When the Convention took up Article VI, Section 3 (formerly Article V, Section 3) in the seriatim process, it sat off a frenzy of discussion and debate over term limits. The third sentence of Section 3 establishes that Council members shall be "*elected in the general election for a term of four (4) years.*" To this point Section 3 remained unchanged from the 1975 Constitution. However, following much debate and multiple amendments, the convention delegates ultimately added two more sentences, expanding Section 3 to create term limits on the Council. Section 3 now provides: "*All Council members shall be limited to two (2) consecutive elected terms on the Council.*" The adjective "*elected*" was not in the original proposed language but was purposely inserted by the caucus led by Delegate Ms. Silversmith to establish that term limits would not apply to partial appointed terms to fill vacancies in office by the Council, but only to complete four (4) year elected terms following two consecutive general election cycles. Delegate Ms. Silversmith made this crystal-clear explanation of why the word was inserted just before the proposal was placed before a vote:

Does anyone have a question about the, if a Council person is appointed, would that delete them from having two consecutive terms, or would it limit them to a half of a term or a third of a term, or a three-day term or whatever, no? That's why we injected "*elected.*" They had to be elected. If they aren't elected, then, of course, they can run for two terms, two elected terms. Okay?<sup>9</sup>

When read in the context that vacancies were only filled by appointment at the time the term limit verbiage was adopted, and special elections did not exist, it made perfect sense to add the word "*elected.*" The clear intent was to exclude any partial (appointed) terms because the

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<sup>9</sup> Exhibit "C," Cherokee Nation 1999 Constitution Convention, vol. III, 246-248 (February 28, 1999).

only elected term in Cherokee law at the time was the four (4) year general election terms established in the 1975 Section 3.

**3. EXPANDING TERM LIMITS TO INCLUDE SPECIAL TERMS FROM VACATED SEATS WILL PRODUCE UNINTENDED CLASSES WHICH DENY OFFICE HOLDERS EQUAL PROTECTION OF CHEROKEE LAW.**

Article III, Section 1 of the Cherokee Constitution provides "*The judicial process of the Cherokee Nation shall be open to every person and entity within the jurisdiction of the Cherokee Nation. Speedy and certain remedy, and equal protection, shall be afforded under the laws of the Cherokee Nation.*"

Article VI, Section 13 as amended June 25, 2011 sets up the procedures for filling vacancies in office on the Council and provides:

In the case of removal, death, resignation or the inability to discharge the powers and duties of office of any of Council member, such seat shall be filled in the following manner: If more than one year of the four-year term remains to be served, the Council shall authorize a special election in the district of the vacated seat ...; if one year or less of the four-year term remains to be served, the Council shall elect a replacement who would otherwise be qualified to serve from the district of the vacated seat.

Thus, special election terms created by vacated seats on the Council can range anywhere from one-year and one-day up to three-years and ten-months, as in the case with Councilor Vazquez. If special election terms are counted for term limit purposes, adding four years to each of these would mean that we could theoretically have Council seats that term limit after five years and one day, all the way up to the intended full eight years. This would necessarily and unavoidably have the unintended consequence of producing different classes of term-limited tenures on the Council based arbitrarily on when a vacancy occurs. The delegates of the 1999 Convention were mindful and vigilant that term limits must apply equally and fairly. Delegate

John Keen expressed it best: *"I think it's imperative to keep the term limits the same. If we're going to impose it on one elected office, then they should be identical, if we're going to impose term limits on any other office."*<sup>10</sup>

As a matter of constitutional law, similarly situated persons must receive similar treatment under the law.<sup>11</sup> Laws which arbitrarily create classifications and treat people or classes differently who are otherwise similarly situated, deny them equal protection of the law.<sup>12</sup> In 1999, the delegates of the Convention saw the wisdom of adding a Bill of Rights in Article III to protect fundamental Cherokee rights. Section 1 of that Bill of Rights requires that equal protection of the law be afforded to every citizen of the Cherokee Nation. Allowing special terms filling vacated seats to count for term limit purposes would arbitrarily create classes wherein one Cherokee citizen would be able to serve the intended total eight years, where another might only be able to serve seven years, six years, or only five years and one day before they are term limited. This would create the unintended result of denying Cherokee citizens who are otherwise similarly situated and qualified to hold office the right to hold that office for the same lengths of time in their respective districts. Further, it would also upset the balance of what was otherwise intended by the framers to be reasonable and equal restraint on the People's ability to freely elect their representatives. The "two in - one out" concept can only be fair if it is applied uniformly across the landscape. It becomes unreasonable if applied to different classes to produce different outcomes. This was not what the framers intended, and it would deny Cherokee citizens equal protection of our laws.

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<sup>10</sup> Exhibit "C" vol. V, 44 (March 2, 1999).

<sup>11</sup> Dorsey v. Solomon, 435 F. Supp. 725, 733 (D.C. Md. 1977).

<sup>12</sup> *"Equal protection does not require that all persons be dealt with identically, but it does require that a distinction made have some relevance to the purpose for which the classification is made,"* Baxstrom v. Herold, 383 U.S. 107, 111 (1966).

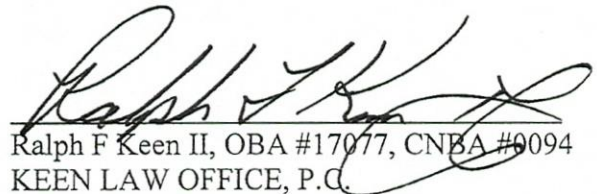


### CONCLUSION

In conclusion, the plain language of the Constitution is clear and unambiguous that term limits require four-year general election terms. The delegates of the 1999 Constitutional Convention adopted modified term limits based upon the only definition of elected term that existed at the time: a general election term of four (4) years. Including special election terms to fill vacated seats could not have been intended at the time of adoption because they did not exist. Finally, expanding term limits to include special terms from vacated seats will produce unintended classes which would deny office holders equal protection of Cherokee law.

**WHEREFORE**, premises and precedents considered, your Respondent prays this Court affirm the decision of the Election Commission finding her eligible to seek the office of Council for District 11 in the 2021 Cherokee general election.

Respectfully submitted,



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## CERTIFICATE OF SERVICE

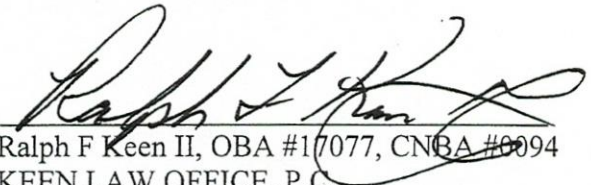
I hereby certify that on March 12, 2021, a true and correct copy of the foregoing was mailed by depositing it in the U.S. Mail, postage prepaid, and by electronic mail service (email) to the following:

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**OPINION OF THE CHEROKEE NATION ATTORNEY GENERAL**

**Question Submitted by:** Cherokee Nation Election Commission,  
via Attorney Harvey Chaffin

**Opinion Number:** 2016-CNAG-04

**Date Decided:** December 9, 2016

This office has received your request for an official Attorney General Opinion in which you state:

[T]he Chairman of the Commission has respectfully requested that we ask for an official opinion of the Attorney General of the Cherokee Nation as to the definition of the word "Term" as it is used in the Cherokee Nation Constitution and whether a time in office of less than four years is a "term" under the Cherokee Nation Constitution.

You have asked, in essence, whether a period of time in office of less than four (4) years meets the definition of "term" as used in Article VI, Section 3, and Article VII, Section 1, of the Cherokee Nation Constitution for purposes of calculating term limits. For the reasons discussed below, it is the opinion of the Attorney General that a period of time in office of less than four (4) years does not meet the definition of "term" as used in these respective provisions and is excluded from a calculation of term limits. Thus, any candidate for elected office having served less than two (2) consecutive four (4) year terms of office is eligible to stand for re-election in the next general election.

## **TERMS AND LIMITATIONS OF ELECTED OFFICE UNDER THE CONSTITUTION OF THE CHEROKEE NATION OF 1999**

### **1. Term Limits of Tribal Council Members**

Article VI, Section 3, of the Cherokee Nation Constitution sets forth the qualifications for membership on the Council of the Cherokee Nation ("Tribal Council"). This section also defines the term of office and sets limits on the consecutive terms of office that one can hold. This section, in pertinent part, provides as follows:

Each Council member shall be elected in the general election for a term of four (4) years and until his or her successor is duly elected and installed. All Council members shall be limited to two (2) consecutive elected terms on the Council. All Council members having served two consecutive terms must sit out one (1) term before seeking any seat on the Council.<sup>1</sup>

Article VI, Section 13, sets forth the procedure by which a vacancy on the Tribal Council is filled depending on the length of time remaining in the vacated term. This section, in its entirety, provides as follows:

In the case of removal, death, resignation or the inability to discharge the powers and duties of office of any of Council member, such seat shall be filled in the following manner: If more than one year of the four-year term remains to be served, the Council shall authorize a special election in the district of the vacated seat to be conducted within ninety (90) days, unless a general election is to be held within one hundred and twenty (120) days from the vacancy at which time this special election may be held as part of the general election; if one year or less of the four-year term remains to be served, the Council shall elect a replacement who would otherwise be qualified to serve from the district of the vacated seat.<sup>2</sup>

### **2. Term Limits of the Principal and Deputy Principal Chief**

Article VII, Section 1, of the Cherokee Nation Constitution defines the term of office and sets term limits for the Principal Chief. This section, in pertinent part, provides as follows:

The Principal Chief shall hold office for a term of four (4) years. No person having been elected to the office of Principal Chief in two (2) consecutive elections shall be eligible to file for the office of Principal Chief in the election next following his or her second term of office.<sup>3</sup>

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<sup>1</sup> Cherokee Nation Const. art. VI, § 3.

<sup>2</sup> *Id.* at art. VI, § 13 (amended June 25, 2011).

<sup>3</sup> *Id.* at art. VII, § 1.



Article VII, Section 3, defines the term of office for the Deputy Principal Chief. This section, in pertinent part, provides that the Deputy Principal Chief shall serve “for a term of four (4) years at the same time and in the same manner as herein provided for the election of the Principal Chief. The Deputy Chief shall be subject to the same term limitations as provided for the Principal Chief in this Constitution.”<sup>4</sup>

Article VII, Section 4, provides for the succession of the Deputy Principal Chief and the Speaker of the Council, respectively, to the offices of the Principal and Deputy Principal Chief when vacant. This section provides as follows:

In the case of the absence of the Principal Chief from the office due to death, resignation, removal or inability to discharge the powers and duties of office, the same shall devolve upon the Deputy Principal Chief for the remaining portion of the four (4) year term to which the Principal Chief has been elected. In case of disability, such powers shall continue during the term of such disability.

In the event of the death, resignation, or removal of the Deputy Principal Chief, or his or her inability to discharge the powers and duties of the office, the person who is then the Speaker of the Council shall succeed to the office of the Deputy Principal Chief for the balance of the term. In the case of temporary disability, said person shall serve as Acting Deputy Principal Chief for the duration of the disability and thereafter shall reassume the office of Speaker.<sup>5</sup>

### ANALYSIS

When interpreting the provisions of the Cherokee Nation Constitution, this office looks first to the text of the document itself.<sup>6</sup> In doing so, this office interprets the language contained therein as the people voting on it would have understood it and in the sense most obvious to the common understanding at the time of its adoption.<sup>7</sup> If this office can reach its conclusion by looking to the text alone, there is no need to look to additional sources.<sup>8</sup> Where the text of the Constitution is clear and unambiguous, this office will take no liberty in searching for meaning beyond the instrument itself.

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<sup>4</sup> *Id.* at art. VII, § 3.

<sup>5</sup> *Id.* at art. VII, § 4 (emphasis added).

<sup>6</sup> See *DeMoss v. Jones*, JAT No. 96-01-K, 7-8 (1998) (adopting the Oklahoma Supreme Court’s rule for interpretation of the Oklahoma Constitution).

<sup>7</sup> See *id.*, 8 (providing that words or terms used in a constitution, being dependent on ratification by the people voting upon it, must be understood in the sense most obvious to the common understanding at the time of its adoption, although a different rule might be applied in interpreting statutes at legislative acts).

<sup>8</sup> See *Allen v. Cherokee Nation Tribal Council*, JAT-04-09 (2006) (stating that if the court can reach its conclusion by looking to the plain language of a legislative act or constitutional provision there is no need to look to additional sources).



In Article VI, Section 3, and Article VII, Section 1, the words "term" are accompanied by the words "four (4) year(s)".<sup>9</sup> It is clear from the text alone that the authors of these provisions intended a "term," as used therein, to be "four (4) years" long. In normal election cycles, such terminology would be dispositive of this issue. However, in the present situation, Tribal Council members Joe Byrd and Frankie Hargis have previously served, and in the case of Victoria Vasquez is currently serving, a period of time in office of less than four (4) years following special elections.<sup>10</sup> Similarly, Principal Chief Bill John Baker and Deputy Principal Chief S. Joe Crittenden have both previously served less than four (4) years following the lengthy appeals of the 2011 Principal Chief's election and subsequent special election.<sup>11</sup> Thus, the issue now before us questions how we apply limitations on subsequent terms to periods of time in office that do not satisfy the "four (4) year" test?

The framers of the 1999 Constitution were well-educated and knowledgeable of Cherokee Nation legal history.<sup>12</sup> They understood the historical and legal implications of the language they chose in drafting the provisions of the Constitution. Therefore, when the framers spoke, they spoke purposefully and intentionally in defining the terms and limitations of elected office. Article VI, Section 3, and Article VII, Section 1, of the Constitution, respectively, define the terms and limitations of elected office in clear and unambiguous terms.<sup>13</sup> While these two provisions both define a term of office as four (4) years limited to two (2) consecutive terms there are distinctions within these two provisions which demonstrate the intent of the framers in defining term limits.

Article VI, Sections 3 and 13,<sup>14</sup> respectively, define the terms and limitations of elected office for Tribal Council members in clear and unambiguous language. Article VI, Section 3, provides that each Council member "shall be elected in the general election for a term of four (4) years" which "shall be limited to two (2) consecutive elected terms"<sup>15</sup> Article VI, Section 13, sets forth the procedure by which a vacancy on the Tribal Council is filled and provides for an term of office

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<sup>9</sup> *Supra* nn. 1, 3.

<sup>10</sup> Council member Hargis was elected in a special election on December 2, 2011 and then elected to her first four (4) year term in the general election on June 22, 2013. Council member Byrd was elected by special election on January 14, 2012 and then elected to his first four (4) year term in the general election on June 22, 2013; Council Member Vasquez was elected by special election on October 12, 2013 and is currently serving a period of time in office of less than four (4) years and has not served her first term for the purpose of applying term limits.

<sup>11</sup> Principal Chief Baker took the oath of office on October 29, 2011, following a special election on October 14, 2011. Deputy Principal Chief served as Principal Chief from August 14 to October 29, 2011. Both are currently serving their first term for the purpose of applying term limits.

<sup>12</sup> See *Allen*, JAT-04-09 at 15.

<sup>13</sup> *Supra* nn. 1, 3.

<sup>14</sup> *Supra* nn. 1-2.

<sup>15</sup> *Supra* n. 1.



of less than four (4) years in specific circumstances.<sup>16</sup> The fact that these two provisions define a term of office differently shows that the authors knew exactly what words to use in defining a term of office.<sup>17</sup> Had they intended the definition of “term” in Section 3 to include a period of time in office of less than four (4) years, such as provided for in Section 13, they would have done so in the same clear and unambiguous language. However, such language is not present in these provisions. Thus, a period of time in office of less than four (4) years resulting from a special election does not meet the definition of “term” for purposes of calculating consecutive terms of office. Any Tribal Council member who has not served two (2) consecutive four (4) year terms following a general election shall be able to stand for re-election following the completion of his or her first term of office.

Article VII, Sections 1 and 4, respectively, define the terms and limitations of the offices of Principal Chief and Deputy Principal Chief in clear and unambiguous language. Article VII, Section 1, provides for a term of four (4) years and that “[n]o person having been elected to the office of Principal Chief in two (2) consecutive elections shall be eligible to file” for re-election “in the election next following his or her second term of office.”<sup>18</sup> Article VII, Section 4, provides for the succession of the Deputy Principal Chief and the Speaker of the Council, respectively, to the offices of the Principal and Deputy Principal Chief when vacant.<sup>19</sup> As with the provisions pertaining to Tribal Council members, these provisions too must be read together in order to give meaning to the intent of the framers. The fact that these two provisions carefully define a term of office in one instance, and provide for an abbreviated term of office under specific circumstances elsewhere, shows that the authors knew exactly what words to use in defining a term of office.<sup>20</sup> Had they intended the definition of “term” in Section 1 to include a period of time in office of less than four (4) years, such as provided for in Section 4, they would have done so in clear and unambiguous language. Again, such language is not present in these provisions. Thus, a period of time in office of less than four (4) years, such as those served by Principal Chief Bill John Baker and Deputy Chief S. Joe Crittenden following the special election in 2011, do not meet the definition of “term” for purposes of calculating consecutive terms of office. Principal Chief Baker and Deputy Chief Crittenden are, likewise, eligible to stand for re-election in the next election cycle because they have only served one “term” per the constitutional definition.

This conclusion is supported by the discussion of the matter by the framers during the 1999 Constitution Convention. It was here that the delegates discussed amending the language of

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<sup>16</sup> *Supra* n. 2.

<sup>17</sup> See *Allen*, JAT-04-09, at 11 (interpreting Article III of the 1975 Constitution’s usage of “by blood” requirement).

<sup>18</sup> *Supra* nn. 3-5.

<sup>19</sup> *Supra* n. 4.

<sup>20</sup> See *Allen*, JAT-04-09, at 11.



Article VII, Section 1, to include the words "full terms" to the definition of term limits.<sup>21</sup> Following a lengthy debate, the delegates were satisfied that the plain language of the text, when read as a whole, provided for a term of office of four (4) years limited to two (2) consecutive four (4) year terms and that any period of time in office of less than four (4) years was excluded from a calculation of term limits.<sup>22</sup> By the reasoning of the delegates, the first clause of the provision defines a term of office as four (4) years. This necessarily defines its meaning in the second clause for purposes of calculating a "second term of office." Thus, because a period of time in office of less than four (4) years would not meet the definition of "term" in the first clause, any period of time in office of less than four (4) years would be excluded from a calculation of term limits in the second clause. Based upon such reasoning, the framers chose not to amend the definition to include the words "full terms" as the provision had already made this intent clear.

This interpretation is in keeping with previous opinions by the Office of the Attorney General. This office has previously opined on these same provisions with respect to filling a vacancy in the office of the Principal Chief.<sup>23</sup> In doing so, this office relied upon the maxim of construction *expression unius est exclusion alterius* (the expression of one thing is the exclusion of the other), which means that the enumeration of certain specifics in a provisions will be construed to exclude all things not enumerated. In other words, given that the framers specifically define a provision of law in one instance, but define a distinguishing provision on a similar subject elsewhere, it is assumed that the distinction was purposeful and intentional. Thus, where the framers have provided clear and unambiguous language, this office will take no liberty in searching for meaning beyond the instrument itself.

## CONCLUSION

Article VI, Section 3, and Article VII, Section 1, of the Constitution, respectively, define the terms and limitations of elected office within the Cherokee Nation. In drafting these provisions, the framers defined a term of office as four (4) years limited to two (2) consecutive terms.<sup>24</sup> Elsewhere within these same provisions, the framers defined terms of office of less than four (4) years in clear and unambiguous language. By defining the terms of office differently within these respective provisions, the framers confirm they knew exactly what words to use in defining a term of office. Had they intended to include a period of time in office of less than four (4) years when defining term limits, they would have done so in the same clear and unambiguous language.<sup>25</sup> Absent such language, this office will take no liberty in adding or subtracting from

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<sup>21</sup> Cherokee Nation 1999 Constitution Convention, vol. 5, 41:10 (Mar. 2, 1999).

<sup>22</sup> *Id.* at 41:1-42:13.

<sup>23</sup> See 2011-CNAG-01 (opinion of the Attorney General regarding vacancy in the office of Principal Chief).

<sup>24</sup> *Supra* n. 1, 3.

<sup>25</sup> See Allen, JAT-04-09, at 11.

this definition. Thus, it is the opinion of the Attorney General that a period of time in office of less than four (4) years does not meet the definition of "term" as used in these respective provisions and is excluded from a calculation of the term limits.

Council members Byrd and Hargis were each previously elected in special elections as defined in Article VI, Section 13, which resulted in a period of time in office of less than four (4) years. These periods of time in office of less than four (4) years do not meet the definition of "term" as used in Article VI, Section 3, and are excluded when calculating consecutive terms of office. Thus, these Council members have previously served one (1) four (4) year term of office and are eligible to stand for re-election in the general election following their first term of office. Additionally, Council member Vasquez was elected in a special election as defined in Article VI, Section 13, which resulted in a period of time in office of less than four (4) years. This period of time in office of less than four (4) years does not meet the definition of "term" as used in Article VI, Section 3, and is excluded when calculating consecutive terms of office. Thus, Council member Vasquez has not served a term of office and is eligible to stand for re-election in the next two general elections. Principal Chief Baker and Deputy Principal Chief Crittenden, respectively, have served periods of time in office of less than four (4) years following the protracted challenges to the 2011 Principal Chief's election. These respective periods of time in office of less than four (4) years do not meet the definition of "term" as utilized in Article VII, Sections 1 and 3, and are likewise excluded when calculating consecutive terms of office. Similarly, Principal Chief Baker and Deputy Principal Chief Crittenden, having yet to serve second four (4) year terms of office, will each be eligible to stand for re-election upon completion of their present and first terms of office.



---

M. Todd Hembree  
Attorney General  
Cherokee Nation

John Chapman Young  
Chrissi Ross Nimmo  
Chad Harsha  
Courtney Jordan  
Jeremy Hamby  
Assistant Attorneys General



IN THE DISTRICT COURT OF THE CHEROKEE NATION

FILED

DAVID CORNSILK,  
Petitioner,

v.

TODD HEMBREE,  
Attorney General of the Cherokee Nation,  
Respondent.

CV-2018-122

2018 APR -6 PM 3:10

CHEROKEE NATION  
DISTRICT COURT  
MINISTONCOOYEA  
COURT CLERK

JUDGMENT

COMES NOW David Cornsilk, Petitioner, and Todd Hembree, Attorney General of the Cherokee Nation, Respondent. Currently pending is Petitioner's *Petition for Declaratory Judgment and Motion to Substitute Page*, and Respondent's *Special Limited Entry of Appearance and Motion to Dismiss Petition for Declaratory Judgment and Motion to Withdraw Objection to Standing and to Strike Hearing and Rule on the Pleadings*. The Court Finds and Orders as follows:

Petitioner's *Motion to Substitute Page* is granted. Page nine of the *Petition* is substituted with the second page of the *Motion*.

Respondent's *Motion to Withdraw Objection to Standing and to Strike Hearing and Rule on the Pleadings* is granted. The objection to standing contained in the *Special Limited Entry of Appearance and Motion to Dismiss Petition for Declaratory Judgment* is stricken. Trial set for April 13, 2018 at 1:30 P.M. is stricken. Appearing from the pleadings that there is no disputed fact at issue the court shall proceed with ruling without further argument of parties.

Cherokee Nation District Court is the correct jurisdiction and venue to decide this matter. Pursuant to the Cherokee Nation *Attorney General Act*, LA 12-07, it is the duty of the Attorney General,

...to give an official opinion ... Said opinions shall have the force of law in Cherokee Nation until a differing opinion or order is entered by a Cherokee Nation Court.

Attorney General Act §105 (4)

Further, the parties hereto at this time have agreed that this Court does have jurisdiction to hear and resolve this matter. *Leach v. Tribal Election Comm'n*, JAT-94-1 (1994).

The general issue before the Court is whether or not *Opinion of the Cherokee Nation Attorney General, 2016-CNAG-04*, is in contradiction to the Constitution of the Cherokee Nation 1999 and the political term limits contained therein. Specifically, at hand is the issue of whether or not The Principal Chief of the Cherokee Nation, Bill John Baker, The Deputy Principal Chief of the Cherokee Nation, S. Joe Crittenden, and Councilor of the Cherokee Nation, Victoria Vazquez, are eligible to run during the next electoral cycle for their current offices.

**The Issue of Principal Chief of the Cherokee Nation, Bill John Baker**

Principal Chief of the Cherokee Nation, Bill John Baker, is eligible for reelection. The term limit provision for Principal Chief is found in Article VII, Section 1, of the Constitution, as follows:

...The Principal Chief shall hold office for a **term of four (4) years**. No person having been elected to the office of Principal Chief in **two (2) consecutive elections** shall be eligible to file for the office of Principal Chief in the election next following his or her **second term of office**...

[Emphasis added]

The phrases "term of four (4) years", "two consecutive elections", and "second term of office" must be read in conjunction with each other just as a citizen of the Cherokee Nation would have read them before voting to ratify the Constitution. The citizens would have read and understood the plain meaning of the term limit language to be that an elected Principal Chief



would hold office for a full four (4) year term, and up to two (2) full four (4) year terms consecutively.

The citizens would have also understood that the Constitution provides a mechanism in Article VII, Sections 4 and 5 for filling any gap between elected Principal Chiefs exiting and being sworn into office.

Borrowing Petitioner's theater analogy, if you bought a movie ticket and you showed up on time, but the theater started the movie halfway through instead of at the beginning then you would be able to demand another ticket. In this case Principal Chief won the election and should have been sworn into office on August 14, 2011 but was not sworn in until nine (9) weeks later due to no fault of his own.

**The Issue of Deputy Principal Chief of the Cherokee Nation, S. Joe Crittenden**

The Deputy Principal Chief of the Cherokee Nation, S. Joe Crittenden, is not eligible for reelection.

It is stated in the Constitution in Article VII, Section 3, that "The Deputy Chief shall be subject to the same term limitations as provided for the Principal Chief in this Constitution." In effect the Deputy Chief term limit provision is found in Article VII, Section 1, as follows:

...The Principal Deputy Chief shall hold office for a term of four (4) years. No person having been elected to the office of Principal Deputy Chief in two (2) consecutive elections shall be eligible to file for the office of Principal Deputy Chief in the election next following his or her second term of office...

[Emphasis Added]

Deputy Principal Chief at this time has been elected to two (2) consecutive four (4) year terms.

The Constitution goes on to say in Article VII, Section 4, in its entirety, that:



In case of the absence of the Principal Chief from office due to death, resignation, removal or inability to discharge the powers and duties of the office, the same shall devolve upon the Deputy Principal Chief for the remaining portion of the four (4) year term to which the Principal Chief had been elected. In case of disability, such powers shall continue during the term of such disability.

In the event of the death, resignation, or removal of the Deputy Principal Chief, or his or her inability to discharge the powers and duties of the office, the person who is then the Speaker of the Council shall succeed to the office of the Deputy Principal Chief for the balance of the term. In the case of temporary disability, said person shall serve as Acting Deputy Principal Chief for the duration of the disability and thereafter shall reassume the office of Speaker.

When there was not a Principal Chief sworn into office on August 14, 2011 the Deputy Chief assumed the office of Principal Chief pursuant to Article VII, Section 4, in faithful discharge of his duties as Deputy Principal Chief. Deputy Chief was elected, sworn into office on August 14, 2011, completed his first four (4) year term of office four (4) years later without any loss of time from his first term, and is now in his second consecutive four (4) year term.

#### **The Issue of Councilor of the Cherokee Nation, Victoria Vazquez**

Councilor of the Cherokee Nation, Victoria Vazquez, is eligible for reelection. The Councilor was first elected to the Council of the Cherokee Nation in October of 2013 during a special election and was subsequently elected to her first full four (4) year term as council during a general election. Article VI, Section 3, of the Constitution states:

...Each Council member shall be elected in the general election for a term of four (4) years and until his or her successor is duly elected and installed. All Council members shall be limited to two (2) consecutive elected terms on the Council. All Council members having served two consecutive must sit out one (1) term before seeking any seat on the Council...

Article VI, Section 13, goes on to state the procedure to fill a vacancy of the Council of the Cherokee Nation as follows:


In the case of removal, death, resignation or disability of any of Council member, such seat shall be filled by the candidate having the next highest number of votes in that district, who is available and willing to serve and whose eligibility is

confirmed by the Election Commission. In the event no such candidate exists, the Council shall fill the vacated seat in the following manner: If a majority of the four-year term remains to be served, the Council shall authorize a special election in the district of the vacated seat to be conducted within ninety days; if a minority of the four-year term remains to be served, the Council shall elect a replacement who would otherwise be qualified to serve from the district of the vacated seat.

When read together the plain meaning of Article VI, Sections 3 and 13, is if a Councilor is first placed into office by virtue of being runner up or elected in a special election for a term less than four (4) years then that shortened term shall not be counted as their first term for term limit purposes and therefore if said Councilor is elected thereafter during the general election for a four (4) year term the Councilor would still be eligible to run for a second full four (4) year term in office.

IT IS ORDERED that the Court's findings set out above be incorporated herein as Orders of the District Court of Cherokee Nation as if fully set out hereafter.

IT IS SO ORDERED.



T. Luke Barteaux,  
District Court Judge of the Cherokee Nation

Copies to be furnished to:  
All parties of record.



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2  
3  
4 1999 CHEROKEE NATION CONSTITUTION CONVENTION  
5

6 VOLUME III  
7  
8  
9

10  
11 TRANSCRIPT OF PROCEEDINGS, taken on the 28th  
12 day of February, 1999, at Northeastern State University,  
13 Net Building, Tahlequah, Oklahoma, County of Cherokee,  
14 State of Oklahoma, before Marla J. Cullison, a Certified  
15 Shorthand Reporter, in and for the State of Oklahoma,  
16 commencing at the hour of 8:00 a.m.

17  
18 COPY  
19  
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21

22 COURTEMANCHE REPORTING SERVICE  
23 P.O. BOX 1196  
24 MUSKOGEE, OKLAHOMA 74402-1196  
25 (918) 683-3686

Court Reporter: Marla J. Cullison, CSR



1 MR. HOOK: I move that we untable the  
2 silversmith proposal.

3 MR. HANNAH: There's a motion to  
4 bring the Silversmith proposal off the table. Do I hear  
5 a second?

6 DELEGATE: Second.

7 MR. HANNAH: Seconded. And hearing  
8 no opposition, all those in favor signify by saying,  
9 "aye."

10 THE DELEGATES: Aye.

11 MR. HANNAH: Those Opposed, "no."

12 THE DELEGATES: No.

13 MR. HANNAH: And the Silversmith  
14 proposal is off the table and before us.

15 MR. KEEN, JR.: Point of information.

16 MR. HANNAH: Point of information by  
17 Mr. Keen.

18 MR. KEEN JR.: Perhaps we need to ask  
19 the author to step forward and explain the language.  
20 There has been some language change since we've last  
21 visited this.

22 MR. HANNAH: While it was on the  
23 table. This is just to assure all the delegates that  
24 while these things go on the table, things happen to them  
25 out there.



1 MS. SILVERSMITH: Our intention is to  
2 draw up a Constitution that all of our people can read  
3 and understand. So we do need help with the verbiage,  
4 help with the English, help where things should go so  
5 they can understand.

6 So with the help of some of the members here,  
7 we came up with this revised proposal, and worked:

8 "All Council members shall be limited to two  
9 consecutive limited terms on the Council."

10 Now, the elected terms, can I explain why we  
11 did this?

12 MR. HANNAH: That's why you are here,  
13 ma'am. Please, move on with your explanation so we can  
14 move on with debate.

15 MS. SILVERSMITH: Does anyone have a  
16 question about the, if a Council person is appointed,  
17 would that delete them from having two consecutive terms,  
18 or would it limit them to a half of a term or a third of  
19 a term, or three-day term or whatever, no? That's why we  
20 injected "elected."

21 They had to be elected. If they aren't  
22 elected, then, of course, they can run two terms, two  
23 elected terms. Okay.

24 "All Council members having served two  
25 consecutive terms may sit on one term before seeking any



1 seat on the Council."

2 That is what I am proposing, what you see on  
3 the screen.

4 MR. HANNAH: Thank you very much.  
5 The floor is open for debate.

6 Mr. Poteete, you are recognized. How rise,  
7 you?

8 MR. POTEETE: I move to consider the  
9 question. We've had debate previously. All we've done  
10 is refine the language to reflect the intent of the  
11 parties before we go --

12 MR. HANNAH: The question has been  
13 moved. Is there a second?

14 DELEGATE: Second.

15 MR. HANNAH: And there is a second.  
16 And hearing no opposition, we move for the vote. And the  
17 vote taken, voting in the affirmative would include the  
18 language that you see, listed as "Silversmith proposal,"  
19 that:

20 "All Council members shall be limited to two  
21 consecutive elected terms on the Council. All Council  
22 members having served two consecutive terms must sit out  
23 one term before seeking any seat on the Council."

24 All those in favor of the proposal, please  
25 signify by saying, "aye."



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4 1999 CHEROKEE NATION CONSTITUTION CONVENTION

5  
6 VOLUME V  
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8  
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10  
11 TRANSCRIPT OF PROCEEDINGS, taken on the 2nd  
12 day of March, 1999, at Northeastern State University, Net  
13 Building, Tahlequah, Oklahoma, County of Cherokee, State  
14 of Oklahoma, before Marla J. Cullison, a Certified  
15 Shorthand Reporter, in and for the State of Oklahoma,  
16 commencing at the hour of 8:00 a.m.  
17

18 COPY  
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25 (918) 683-3686

Court Reporter: Marla J. Cullison, CSR



1 clarification.

2 MR. ROBINSON: As I remember with the  
3 Council, if this is passed, it would not take -- it would  
4 come into effect obviously later this year, and it would  
5 not be retroactive. In other words, you have -- well,  
6 just say Principal Chief Byrd who has been in one term  
7 now, he would still be able to run for two more terms,  
8 because I think somewhere we have in the language it is  
9 not retroactive.

10 MR. HANNAH: That would be correct,  
11 sir. Thank you.

12 Mr. Keen, you are recognized.

13 MR. JOHN KEEN: John Keen, delegate  
14 from Iowa. It's my understanding we have already passed  
15 the term limits for the Council. We have accepted the  
16 language in an amendment.

17 MR. HANNAH: They have been accepted,  
18 sir.

19 MR. JOHN KEEN: I think it's  
20 imperative to keep the term limits the same. If we're  
21 going to impose it on one elected office, then they should  
22 be identical, if we're going to impose term limits on any  
23 other office.

24 MR. HANNAH: Thank you, Mr. Keen.  
25 Mr. Mullan, you are recognized.



1 MR. MULLON: Thank you. Delegate  
2 Mullon here. I agree with the addition of the words  
3 "full terms" in there. And I do feel like it is good  
4 clarification to have that second sentence in there  
5 because there might be -- there's a lot of ways you can  
6 interpret the first sentence if it were standing alone.

7 But I would suggest -- and this is probably  
8 the lawyer in me that I can't suppress -- you do, in the  
9 first sentence, refer to elected-full-terms, and in the  
10 second sentence you merely say consecutive-terms.

11 And I would suggest a friendly amendment that  
12 would pick up exactly the same words there, so that there  
13 is no implication that the second sentence is dealing  
14 with a slightly different situation than the first  
15 sentence.

16 MR. HANNAH: Ms. Silversmith, what  
17 say you?

18 MS. SILVERSMITH: I'm not a lawyer.  
19 After having served two consecutive elected terms, it's  
20 okay with me.

21 MR. HANNAH: His point is bringing  
22 similarity in the language, and without opposition, it's  
23 added.

24 Mr. Gunter, you are recognized.

25 MR. GUNTER: The affect it might have



1 would be that if the Deputy Chief became Chief through  
2 the death of the Principal Chief and served whatever of  
3 that term, then two elected terms would be two more  
4 terms. But if you don't have elected terms, then he  
5 would serve maybe a month the first term, and only be  
6 eligible for one more term.

7 MR. HANNAH: Thank you, Mr. Gunter.  
8 Does anyone rise in opposition to the amendment?

9 MR. SILVERSMITH: Mr. Chairman.

10 MR. HANNAH: You are recognized, sir.

11 MR. SILVERSMITH: I'm Rufus  
12 Silversmith, delegate from Salina-Kenwood area. I would  
13 like to speak in opposition.

14 MR. HANNAH: The good gentleman needs  
15 to be heard here, folks. Thank you.

16 MR. SILVERSMITH: I would like to  
17 speak in opposition of the word being added in "full  
18 term," because we do have an Article XI that does  
19 constitute the fact that should a question come up as to  
20 the validity of a Principal Chief to hold office, under  
21 the guidelines of drunkenness and/or whatever disorder or  
22 dysfunctional or unaccountability. The thing is, that  
23 full term would enhance that that person go ahead and  
24 serve a term, in lieu of, should charges be brought up  
25 against for dismissal.



1 I think that this might override that. And I  
2 would like to have the consideration put before the  
3 delegation here that that term, "full terms," be  
4 questioned. Perhaps even the word "full" be removed.  
5 Thank you.

6 MR. HANNAH: Without direction from  
7 the author, the wording will stand. Are there other  
8 delegates that rise in opposition? Mr. Keen, you are  
9 recognized.

10 MR. JOHN KEEN: John Keen, delegate,  
11 Iowa. What if I run for office, somehow or another I  
12 become popular enough to be elected Principal Chief in  
13 other situations, and I decided that I didn't like this;  
14 I wanted to continue to be Chief, and I'm popular enough  
15 to do so. So I decide to resign one day before I  
16 complete my term and run again.

17 Or what if I am so unpopular with the faction  
18 that they can have me removed every time, but I'm popular  
19 enough with another faction to be re-elected again? If  
20 we take out that wording, we will eliminate both of those  
21 situations.

22 MR. HANNAH: Thank you, Mr. Keen.

23 Mr. Cornsilk, you are recognized.

24 MR. CORNSILK: Delegate Cornsilk.

25 John and I concur.



1 MR. HANNAH: Let the record reflect.

2 Mr. Dowty, you are recognized.

3 MR. DOWTY: Delegate Dowty from  
4 Tahlequah. I think John raises a good point. I think  
5 that if the election filing period came about in the last  
6 year of the term of the Chief, and that you could not  
7 preclude that person from refiling. So I think his point  
8 may be well taken.

9 MR. HANNAH: Kind man, you are  
10 recognized.

11 MR. DOWNING: There is a way to  
12 compromise and get around this. Somewhere, with some  
13 language, and I don't have it, you could indicate that  
14 the cutoff point for a term would be two years. In other  
15 words, if the Principal Chief were impeached after two  
16 years, the Deputy Chief serving that, that would not  
17 count against them.

18 If he were impeached one year into the term,  
19 then the Deputy Chief, that would count as a full term  
20 for the Deputy Chief.

21 MR. HANNAH: Mr. Mullan, you are  
22 recognized.

23 MR. MULLON: Thank you, Mr. Chairman.  
24 Delegate David Mullan. Mr. John Keen's argument is very  
25 persuasive, and I remain in favor of the language that



## C E R T I F I C A T E

1  
2 STATE OF OKLAHOMA )  
3 COUNTY OF MUSKOGEE ) ss

4 I, Marla J. Cullison, a Certified  
5 Shorthand Reporter, in and for the State of Oklahoma, DO  
6 HEREBY CERTIFY that the said Transcript of Proceedings  
7 was taken by me in stenograph on the 2nd day of March,  
8 1999, at Northeastern State University, Net Building,  
9 Tahlequah, Oklahoma, and that the foregoing Proceedings  
10 was later reduced to computer-aided transcription form  
11 under my supervision, and that the same is a full, true,  
12 correct, and complete transcript of said Proceedings.

13 I FURTHER CERTIFY, that I am not an  
14 attorney for, nor relative of any of the parties involved  
15 in this action or otherwise interested in the event of  
16 same.

17 WITNESS MY HAND AND SEAL this 10<sup>th</sup> day  
18 of August, 1999.

19  
20 Marla J. Cullison  
21 Oklahoma Certified Shorthand Reporter  
22 Certificate No. 01947  
23 Exp. Date December 31, 2000

24 Marla J. Cullison CSR  
25



## COUNCIL OF CHEROKEE NATION

History

Source. LA 6-85, § 2, eff. July 13, 1985.

## § 3. Filling of vacancies

When any vacancy appears on the Council by reason of death, resignation, or removal of a member, as previously provided, the Council shall select a qualified person to fill the vacancy.

History

Source. LA 6-85, § 2, eff. July 13, 1985.

## § 4. Employment of relatives of Council members

No person shall be employed in any capacity by the Cherokee Nation who is related to a member of the Council by affinity or consanguinity within the first degree. Relation by first degree includes parent, child, spouse, parent of spouse and child of spouse. All other relatives are not included within the first degree.

History

Source. LA 17-87, eff. April 13, 1987.

## § 5. Publication of Council minutes

The approved minutes of each Council meeting, executive sessions excepted, will be published in the Cherokee Advocate in their entirety on a regular monthly basis.

History

Source. LA 18-87, eff. April 13, 1987.

Section  
11. S  
12. S  
13. S  
14. P

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§ 11

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§ 12

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