CONSTITUTION
of the
CHICKASAW
NATION

Adopted
by the
Chickasaw
people
at
Camp Harris,
August 16, 1867

Edited By:

The Chickasaw Councils of
Panola, Pickens, Pontotoc and Tishomingo Counties.

MARCH, 1978

Forward

Chikasha Okla:

The Chickasaw Constitution was approved at a Convention held at Camp Harris on the 16th day of August, 1867. It provided for a three branch government - - - Legislative, Executive and Judicial. In 1902, Congress passed an Act which did away with the Judicial branch, but the Legislative and Executive branches were left intact and continued to guide the Chickasaw people. In 1906, Congress passed another act which specifically provided that the tribal government of the Chickasaw Nation was "continued in full force and effect for all purposes authorized by law". From 1906 until the present day, Congress has neither taken nor authorized any action whatsoever to repeal or materially alter the 1906 Act. In spite of what the 1906 Act said, the BIA and its appointed Governor have covered up the facts and not followed the law as mandated by Congress.

In 1976, a Federal Court ruled in the Harjo case, that under the 1906 Act, the Creek Nation's 1867 Constitution was still valid. By implication, that decision states that the 1867 Chickasaw Constitution is still the governing law of the Chickasaw people.

On September 26, 1977, a lawsuit entitled Cravatt, et al vs. Andrus, et al, was filed in Federal District Court in Washington, D.C., asking the Court to declare the 1867 Chickasaw Constitution still valid. The legal staff of the National Indian Youth Council, Inc., filed this case on behalf of the Chickasaw people, and we are grateful to them for their efforts to help us return to a democratic form of government.

It is the hope of those who made this printing possible that by having knowledge of this great Constitution, the Chickasaw people of today may find a renewed hope and will demand that we shall no longer be ruled by what the Harjo decision called "bureaucratic imperialism", but that we shall be ruled by the democratic principles which were spoken and practiced by our forefathers in the Chickasaw Nation.

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We, the people of the Chickasaw Nation, acknowledging with gratitude the grace and beneficence of God, in permitting us to make choice of our own form of government, do, in accordance with the first, second, fourth and seventh articles of the Treaty between the United States, the Choctaws and Chickasaws, made and concluded at Washington City, June 22, A. D. 1855, and the Treaty of April 28, A. D. 1866, ordain and establish this Constitution for our government, within the following limits, to-wit:

Beginning on the north bank of Red river, at the mouth of Island bayou, where it empties into Red river, about twenty-six miles on a straight line below the mouth of False Washita; thence running a northwesterly course along the main channel of said bayou to the junction of the three prongs of said bayou nearest the dividing ridge between Washita and Low Blue rivers, as laid down on Captain R. L. Hunter's map; thence northerly along the eastern prong of said Island bayou to its source; thence due north to the Canadian river; thence west along the main Canadian to the ninety-eighth degree of west longitude; thence south to Red river, and thence down Red river to the beginning;

Provided, however, if a line running due north from the eastern source of Island bayou to the main Canadian, shall not include Allen's or Wapanucka Academy within the Chickasaw District, then an off-set shall be made from said line, so as to leave said academy two miles within the Chickasaw District, north, west and south from the lines of boundary.

ARTICLE I.

BILL OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized, and established, we declare that:

SECTION 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 inalienable right to alter, reform or abolish their form of government in such manner as they may think expedient.

SEC. 2. All freemen, when they form a social compact have equal rights, and no man or set of men 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 a qualification to any office of public trust in this Nation.

SEC. 4. All men have a natural and indefeasible right to worship God according to the dictates of their own consciences. No man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministery against his consent. No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society, or mode of worship; but it shall be the duty of the Legislature to pass such laws as shall be necessary to protect every religious denomination in the peaceable enjoyment of their own mode of 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. The people shall be secure in their persons, houses, papers and possessions, from all unreasonable searches or seizures; and no warrant to search any place, or to seize any thing, shall issue without describing them, as near as may be, nor without probable cause, supported by oath or affirmation; Provided, however, that searches for, and seizures of, intoxicating liquors, are not to be considered unreasonable searches or seizures.

SEC. 7. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall not be compelled to give evidence against himself. He shall have the right of being heard by himself or counsel, or both; shall be confronted with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor. And no person shall be held to answer for any criminal charge, but on indictment or information.

SEC. 8. All prisoners shall be bailable by sufficient sureties, except such as may, in the opinion of the Judge of the examining court, be guilty of willful murder.

SEC. 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. All courts shall be open; and every person, for an injury done him in his lands, goods, person or reputation, shall have remedy by course of law.

SEC. 10. No person, for the same offense, shall be twice put in jeopardy of life or limb; nor shall a person be again put upon trial for the same offense, after a verdict of not guilty. And the right of trial by jury shall remain inviolate.

SEC. 11. The Legislature shall have the power, by law, to prescribe the mode and manner of persons bearing arms in defense of themselves or their country.

SEC. 12. No person shall ever be imprisoned for debt.

SEC. 13. The citizens shall have the right, in a peaceable manner to assemble together for their common good, and to apply to those invested with powers of government for redress of grievances, or other purposes, by address or remonstrance.

SEC. 14. The Legislature shall pass no retrospective law, or any law impairing the obligation of contracts.

SEC. 15. Neither polygamy nor concubinage shall be tolerated in this Nation, from and after the adoption of this Constitution.

SEC. 16. All bonds, fines and notes shall be collected by judicial process, from and after the adoption of this Constitution.

ARTICLE II.

RIGHTS OF SUFFRAGE.

SECTION 1. No idiot, or insane person, nor any person convicted of any criminal violation of law against the Chickasaw Nation; or after the commission of such offense, by persistently eluding the vigilance of the officers and avoiding arrest, shall be entitled to the privileges of an elector.

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SEC. 2. All elections by the people shall be by viva voce.

SEC. 3. All free male persons of the age of nineteen years and upwards, who are by birth or adoption members of the Chickasaw tribe of Indians, and not otherwise disqualified, and who shall have resided six months immediately preceding any election in the Chickasaw Nation, shall be deemed qualified electors, under the authority of this Constitution.

ARTICLE III.

DIVISION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of the Government of the Chickasaw Nation shall be divided into three distinct departments, and each of them confided to a seperate 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 person or collection of persons, being one of those departments, shall exercise any power properly attached to either of the others.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative powers of this Nation shall be vested in two distinct branches; the one to be styled the Senate, and the others the House of Representatives, and both together, the Legislature of the Chickasaw Nation. The style of the laws shall be: "Be it enacted by the Legislature of the Chickasaw Nation."

SEC. 2. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be one year from the day of the general election. And the session of the Legislature shall be annual, at Tishomingo, commencing on the first Monday in September, in each and every year.

SEC. 3. No person shall be a Representative unless he be a Chickasaw by birth or adoption, and shall have been an inhabitant of the Chickasaw Nation one year next preceding his election, and the last six months thereof a citizen of the county for which he shall be chosen, and shall have attained to the age of twenty-one years at the time of his election.

SEC. 4. The Senators shall be chosen by the qualified electors for the term of two years, at the same time and place as Representatives. And no person shall be a Senator unless he be a Chickasaw by birth or adoption, and has been a citizen of the Chickasaw Nation one year next preceding his election, and the last six months a citizen of the Senatorial district for which he shall be chosen, and shall have attained to the age of thirty years at the time of his election.

SEC. 5. The number of Senators shall not be less than one-third nor more than two-thirds of the number of Representatives.

SEC. 6. The Legislature shall have power to prescribe the manner of enumerating and apportioning the number of inhabitants necessary for the election of Representatives to the Legislature. The Counties of Pickens and Tishomingo, shall elect four* Representatives each; and the Counties of Panola and Pontotoc shall elect five Representatives each, untill otherwise changed by the action of Legislature.

*"Four" was changed by act of Legislature to "five".

SEC. 7. The Legislature shall divide the Chickasaw Nation into four Senatorial districts; Provided, however, until said division, the counties of Panola, Pickens, Tishomingo and Pontotoc, shall each respectively constitute a Senatorial district. And each Senatorial district shall be entitled to elect three Senators.

SEC. 8. The House of Representatives, when assembled, shall choose a Speaker and its other officers, and the Senate shall choose a President and its other officers. And each House shall judge of the qualifications and elections of its own members; but contested elections shall be determined in such manner as shall be directed by law. And a majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each House may provide.

SEC. 9. Each House 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 offense.

SEC. 10. Each House shall keep a journal of its proceedings, and shall publish the same. And the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present, be entered on the journal.

SEC. 11. When vacancies happen in either House, the Governor, or the person exercising the power of Governor, shall issue writs of election to fill such vacancy.

SEC. 12. Senators and Representatives shall, in all cases except 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. 13. The business of both Houses shall be transacted with open doors.

SEC. 14. Neither House shall, without the consent of the other, adjourn for more than three days.

SEC. 15. Bills may originate in either House, and /be/ amended, altered, or rejected by the other; but no bill shall have the force of a law until it be read in each House two several days and free discussion allowed thereon, unless two-thirds of the House in which the same shall be pending may deem it expedient to dispense with this rule. And every bill, having passed both Houses, shall be signed by the Speaker and President of their respective bodies.

SEC. 16. All bills for raising a revenue, and all appropriation bills for the support of the Government of the Chickasaw Nation, shall originate in the House of Representatives; but the Senate may amend or reject them as other bills.

SEC. 17. 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 have been made.

SEC. 18. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this Nation, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people.

SEC. 19. Any person who may hereafter become a collector or holder of public monies, and who, failing to account for the same, shall become a defaulter to the Government of the Chickasaw Nation, shall be ineligible to any office of trust or profit, until such monies are satisfactorily accounted for, and paid into the National Treasury.

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SEC. 20. No money shall be drawn from the Treasury but in consequence of an appropriation made by law. An accurate statement of the receipts and expenditures of public monies shall be attached to, and published with the laws, at every regular session of the Legislature.

SEC. 21. The members of the Legislature shall receive, for their services, three dollars per day*, until otherwise fixed by law; and be paid out of the Public Treasury.

SEC. 22. The House of Representatives shall have the sole power of impeachments; and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath, or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend only to removal from office, and disqualification from holding any office of honor, trust, or profit, under this Nation; but the parties convicted, shall, nevertheless, be subject to indictment, trial, and punishment, according to law.

SEC. 23. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of the duties of their office during the pendency of their impeachment. The appointing power shall make a provisional appointment to fill the vacancy occasioned by the suspension of an officer, until the decision on the impeachment.

SEC. 24. The Legislature shall provide for the trial, punishment and removal from office, of all other officers of this Nation, by indictment, or otherwise.

SEC. 25. In conformity with the "Treaty of April 28, 1866, the Legislature shall have the power to enact any and all laws necessary to carry into effect the requirements specified in the said Treaty.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The Supreme Executive power of this Nation shall be vested in a Chief Magistrate, who shall be styled "The Governor of the Chickasaw Nation."

SEC. 2. The Governor shall be elected by the qualified electors of the Nation, at the time and place of elections for members of the Legislature, and shall hold his office two years from the time of installation, and until his successor shall be qualified; but shall not be eligible for more than four years in any term of six years.

SEC. 3. No person shall be eligible to the office of Governor unless he shall have attained the age of thirty years, and shall have been a resident of the Nation for one year next preceding his election. Neither shall any person, except a Chickasaw by birth, or an adopted member of the tribe, at the time of the adoption of this Constitution, be eligible to the office of Governor.

SEC. 4. The returns of every election for Governor shall be made out, sealed up and transmitted to the National Secretary at the seat of government, who shall deliver it to the Speaker of the House of Representatives, during the first day of its organization, who shall proceed immediately to open and count the votes in the presence of both Houses of the Legislature. The person having a majority of the whole number of said votes shall be declared by the Speaker to be Governor. But if no person shall have a majority of said votes, or if two or more shall have an equal and the greatest number of said votes, then the said Legislature, on the second day of its organization, by joint vote of both Houses, shall proceed,

*Three dollars per day, changed to four dollars per day, by law.

without debate, to choose a Governor from the list of the names of the two persons having the greatest number of votes, or of the names of the persons having an equal and the highest number of votes so returned as aforesaid.

SEC. 5. The Governor shall receive, for his services, a compensation to be fixed by law, which shall neither be increased nor diminished during his continuance in office.

SEC. 6. The Governor shall have power to enforce the laws, assisted by the militia, if necessary. He shall have power to compel all the officers of this Nation (excepting the members of the Legislature) to discharge the duties of their respective offices; and for any neglect of duty, or other misdemeanor in office, he shall suspend the officer so offending, until a judgment is given of acquittal or condemnation.

SEC. 7. He may, by proclamation, on extraordinary occasions, convene the Legislature; and shall state to both Houses, when assembled, the purpose for which they shall have been convened. He shall, from time to time, give to the Legislature information, in writing, of the state of the government; and recommend to their consideration such measures as he may deem expedient.

SEC. 8. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have the power to adjourn the Legislature to such time as he may think proper: Provided, it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 9. No person shall, while holding any office under this Nation, exercise the office of Governor.

SEC. 10. There shall be a seal of this Nation, which shall be kept by the Governor and used by him officially; and shall be called "The Great Seal of the Chickasaw Nation."

SEC. 11. All commissions shall be in the name and by the authority of the Chickasaw Nation, and be sealed with the Great Seal, signed by the Governor, and attested by the National Secretary.

SEC. 12. Every bill which shall have passed both Houses of the Legislature, shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it to the House in which it shall have originated, who shall enter the objections at large upon the Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, with the objections to the other House, by which it shall likewise be reconsidered. If approved by two-thirds of the members present of that House, it shall become a law. But in each case the votes of both Houses shall be determined by yeas and nays. And the names of the members voting for and against the bill shall be entered on the Journals of each House respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it. Every bill presented to the Governor one day previous to the adjournment of the Legislature, and not returned to the House in which it originated, before its adjournment, shall become a law, and have the same effect as if signed by the Governor.

SEC. 13. Every order, resolution, or vote to which the concurrence of both Houses of the Legislature may be necessary, except on questions of adjournment, shall be presented to the Governor, and before it shall take effect be approved by him; or being disapproved, shall be re-passed by both Houses, according to the rules and limitations prescribed in the case of a bill.

SEC. 14. Whenever the office of Governor shall become vacant by death, resignation, removal from office or otherwise, the President of the Senate shall exercise the office of Governor until another Governor

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shall be duly qualified; and in case of the death, resignation, removal from office, or other disqualification of the President of the Senate, so exercising the office of Governor, the Speaker of the House of Representatives shall exercise the office until the President of the Senate shall have been chosen. And when the office of Governor, President of the Senate, and the Speaker of the House, shall become vacant, in the recess of the Senate, the person acting as National Secretary for the time being shall, by proclamation, convene the Senate, that a President may be chosen to exercise the office of Governor. When either the President or the Speaker of the House of Representatives shall so exercise the duties of said office, he shall receive the compensation of Governor only; and his duties as President or Speaker shall be suspended; and the Senate or House of Representatives, as the case may be, shall fill the vacancy until his duties as Governor shall cease.

SEC. 15. There shall be a National Secretary, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall continue in office during the term of service of the Governor elect. He shall keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the Legislature, or either House thereof; and shall perform such other duties as may be required of him by law. And for neglect of duty, or other misdemeanor in office, shall be subject to removal from office by the Governor.

SEC. 16. A National Treasurer and Auditor of Public Accounts shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of two years. Their term of office to commence with the Governor elect. And, in case of vacancy in either of the above offices, by death, resignation, or otherwise, the Governor shall have power to fill such vacancy by appointment, for the unexpired term of the former incumbent.

SEC. 17. When any office shall from any cause, become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, by granting a commission, which shall expire at the end of the Legislature, or at the next election by the people.

SEC. 18. The offices of Governor, National Secretary, Treasurer, Auditor of Public Accounts, and Attorney General, shall be kept at the seat of government; and the Governor, National Secretary, Treasurer, Auditor of Public Accounts, and Attorney General, shall attend at the seat of government, quarterly, and during each session of the Legislature, to attend to the duties of their respective offices.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The Judicial powers of this Nation shall be vested in one Supreme Court, in District Courts, and in such County Courts as the Legislature, may, from time to time, ordain and establish, and as may be deemed necessary and be directed by law.

SEC. 2. The Supreme Court shall consist of a Chief Justice and two Associates, any two of whom shall form a quorum.

SEC. 3. The Supreme Court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the Nation, under such restrictions and regulations, not repugnant to this Constitution, as may, from time to time, be prescribed by law; Provided, nothing in this article shall be so construed as to prevent the Legislature from giving the Supreme Court original jurisdiction in capital cases, when the Judge of the District Court may be interested or prejudiced.

SEC. 4. The Supreme Court shall have power to issue such writs as shall be necessary to enforce its own jurisdiction; and also comple a judge of the District Court to proceed to trial and judgment in a cause; and shall hold its session twice in each and every year at the seat of government, commencing on the first Mondays of the month of April and October.

SEC. 5. The Supreme Court shall appoint its own clerk, who shall hold his office 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. 6. The Legislature shall, by joint vote of both Houses, elect the Judges of the Supreme and Circuit Courts, a majority of the whole number in joint vote being necessary to a choice. The Judges of the Supreme and Circuit Courts shall be at least 30 years of age. They shall hold their office during the term of four years from the date of their commission.

SEC. 7. The Circuit Court shall have original jurisdiction over all criminal cases which shall not be otherwise provided for by law, and exclusive original jurisdiction of all crimes amounting to felony, and original jurisdiction of all civil cases, which shall not be cognizable before County Judges, until otherwise directed by the Legislature; an original jurisdiction in all matters of controversy where the sum or amount in dispute is over one hundred dollars. It shall hold its term in such place in each county as may be by law directed.

SEC. 8. Each county of this Nation shall constitute one Judicial District, until otherwise provided for by law.

SEC. 9. The Circuit Courts shall have power to issue all writs necessary to enforce their own jurisdiction, and have a superintending control and jurisdiction over County Courts, and of all cases of divorce, and of all suits, complaints and pleas whatever, without regard to any distinction between law and equity.

SEC. 10. There shall be a Clerk of the District Court for each county, who shall have their appointment from the District Judge, and shall hold his office for two years.

SEC. 11. The Judges of the Supreme Court and District Courts shall receive such compensation for their services as may be provided for by law; and such salaries shall not be increased or diminished during their continuance in office.

SEC. 12. There shall be established in each county in this Nation, a Court, to be called the County Court, which shall have jurisdiction in all matters in controversy in any sum not exceeding the value of one hundred dollars.

SEC. 13. There shall be elected, by the qualified electors of the respective counties, a Judge of the County Court, to be commissioned by the Governor, and hold his office for the term of two years, and until his successor is elected and qualifed. He shall, in addition to the duties that may be required of him by law, as a presiding Judge of the County Court, be a Judge of Probate Court, and have such jurisdiction in matters relative to the estate of deceased persons; to appoint guardians, granting letters testamentary and of administration; to settle the accounts of executors and administrators and guardians; and the District Court shall have original and appellate jurisdiction, and general control over the said County Court, under such regulations as may be prescribed by law.

SEC. 14. In the trial of all causes in equity in the District Court, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury, to be governed by the rules and regulations prescribed in trials at law.

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SEC. 15. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degrees as may be prescribed by law, or where he shall have 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 by reason of the equal division of opinion of said Judges, the same shall be certified to the Governor of the Nation, who shall immediately commission the requisite number of persons for the trial and determination of said case or cases. When the Judges of the District Court are thus disqualified, the parties in controversy may, by consent, appoint a proper person to try the case, but in case of disagreement to appoint a proper person by the parties, the same shall be certified to the Governor, to be proceeded with as in the case of Supreme Judges. The disqualification of Judges of County Courts shall be remedied as may hereafter be by law prescribed.

SEC. 16. There shall be one District Attorney elected, by the qualified electors of this Nation, who shall hold his office for two years, and his duties, salary and perquisites shall be prescribed by law. He shall also act as Attorney-General for the Nation.

SEC. 17. There shall be elected, by the qualified electors of each county, one Sheriff and a sufficient number of Constables, who shall hold their office for two years; and the duties and perquisites shall be prescribed by law. The Sheriff shall not be eligible more than four years in every six.

SEC. 18. All Judges of the several courts of this Nation shall, by virtue of their offices, be conservators of the peace throughout the Nation. The style of all writs and process, shall be "The Chickasaw Nation." All prosecutions shall be carried on "In the name, and by the authority of the Chickasaw Nation", and conclude "Against the peace and dignity of the Nation."

GENERAL PROVISIONS.

SECTION 1. Members of the Legislature, and all officers, shall take the following oath or affirmation, before they enter upon the duties of their office: "I (A. B.), do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent upon me, as _____, according to the best of my skill and ability, agreeably to the Constitution and laws of the Chickasaw Nation, so help me God."

SEC. 2. Treason against this Nation, shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. 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. And any person guilty of treason shall suffer death.

SEC. 3. All property, both real and personal, of the wife owned and claimed by her before marriage, and that acquired afterwards by gift, devise or descent, shall be her separate property. And laws shall be passed more clearly defining the rights of the wife, in relation, as well as to her separate property as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 4. Divorces from the bonds of matrimony shall not be granted, but in cases provided for by law, by suit in the District Court of this Nation.

SEC. 5. The Legislature shall determine the number of Annuity Captains, as well as to prescribe the mode and manner they shall be chosen, to superintend the payments of Chickasaw annuities.

SEC. 6. Every person shall be disqualified from holding any office or place of honor or profit, under the authority of this Nation, who shall be convicted of having given or offered any bribe to procure his election or appointment. Laws shall be made to exclude from office and from suffrage, and provide for the mode and manner of punishing those who may hereafter be convicted of bribery, perjury, or other high crimes and misdemeanors.

SEC. 7. That every white person, who having married a Chickasaw Indian, or who has been adopted by the legislative authorities of said Nation shall be entitled to all the rights, privileges and immunities guaranteed to them only by the thirty-eighth Article of the Treaty of 1866, with the Choctaw and Chickasaw Indians.

SEC. 8. No person, but a citizen, shall hold any office of profit created, or which may hereafter be created, under this Constitution; and no citizen shall fill more than one office at the same time.

SEC. 9. No retrospective payments shall be made out of the Chickasaw monies, to any person herein adopted, or which may hereafter be adopted under this Constitution.

SEC. 10. The Legislature shall have power, by law, to admit or adopt, as citizens of this Nation, such persons as may be acceptable to the people at large.

SEC. 11. Whenever two-thirds of both branches of the Legislature deem it necessary, they may propose amendments to this Constitution; and if two-thirds of both branches of the succeeding Legislature approve such amendments, they shall be engrafted to, and form a part of this Constitution.

SEC. 12. The Legislature shall provide for the election of all officers necessary to carry into effect the general and specific powers of the several courts of this Nation, not otherwise provided for in this Constitution.

SEC. 13. The Legislature shall prescribe the manner of making marriage lawful.

SEC. 14. The Legislature shall limit the annual rate of interest on written obligations for the payment of money.

SEC. 15. All general elections by the people for officers under this Constitution shall be held on the second Wednesday in August, in each year. The Legislature shall prescribe the manner of conducting said elections.

SEC. 16. That no inconvenience may arise from the political separation between the Choctaws and Chickasaws, it is hereby declared, that all rights, privileges, and immunities of citizens secured under the "5th Article of the Treaty of June 22, 1855," to all Choctaws who are now, or may hereafter become residents within the limits of the Chickasaw Nation, are fully recognized and protected. And all the rights of property acquired by virtue of the Constitution and laws of the Choctaw Nation, shall remain precisely in the same situation they were before the adoption of this Constitution.

SEC. 17. The Legislature shall provide for the confinement of convicts, or persons accused of crime, previous to trial. Also, the manner of punishment for all crimes and misdemeanors committed against the laws of this Nation.

SEC. 18. The oath of office may be administered by any Judge of this Nation.

SEC. 19. All rights and powers not herein granted or expressed, are reserved unto the people; and any law that may be passed contrary to the provisions of this Constitution shall be null and void.

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PUBLIC EDUCATION.

SECTION 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 Nation to make suitable provisions for the support and maintenance of Public Schools.

SEC. 2. A Superintendent of Public Instruction shall be elected by joint vote of both Houses of the Legislature, who shall keep his office at the seat of government, and shall hold his office for the term of four years from the date of his election, whose duties shall be prescribed by law, and shall receive such compensation as the Legislature may direct.

SEC. 3. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement, and such other means as shall be inviolably appropriated to the support of general education throughout this Nation.

SEC. 4. All contracts which may be made and entered into between the Board of Trustees of Public Schools, and that of the Teachers shall be binding; subject, however, to the approval or disapproval of the Legislature.

Done in Convention at Camp Harris, this sixteenth day of August, 1867.

CHAS. P. H. PERCY, President

THOMAS DREUNEN,)
EDMUND PERRY,) Secretaries.

CONSTITIONAL STRUCTURE OF THE CHICKASAW NATION – August 16, 1867

EXECUTIVE

Governor

- Elected by majority of electors of Nation. If no one has majority, then Legislature chooses from highest two vote getters.
- Term of (2) years. Not eligible for more than (4) years in any term of (6) years.
- Shall be at least 30 years old
- Resident of Chickasaw Nation for at least (1) year.
- Must be Chickasaw by birth or adoption.
- Shall have power to enforce laws
- May convene Legislature for extraordinary sessions
- Shall recommend legislation
- Shall keep & use official Seal of Nation.
- Shall veto or approve legislation
- Vacancy filled by election

National Secretary

- Appointed by Governor with advice & consent of Senate
- Term as long as Governor's
- Shall keep register of all Acts and proceedings of Governor

National Treasurer

- Appointed by Governor with advice and consent of Senate
- Shall keep account of receipts and expenditures of the public moneys and close accounts on Aug. 31 of each year.
- Must report financial condition to Governor on 1st Monday of each September
- Shall countersign all warrants drawn by Auditor of Public Accounts

Auditor of Public Accounts

- Shall keep accounts of Nation, draw warrants, audit books of Nation and report to Governor
- Audit Treasurer every (3) months
- Appointed by Governor with advice and consent of Senate

LEGISLATIVE

House of Representatives

- Reps. elected by Electors
- Term of (1) year
- Must be at least (21) years old
- Must be Chickasaw by birth or adoption
- Must have been resident of Chickasaw Nation for at least (1) year and (6) mos. in county from which elected.
- Five (5) reps. from each of (4) counties.
- House chooses a Speaker
- Vacancies filled by election
- Business transacted with open doors
- All bills raising a revenue & all appropriation bills originate in House
- Compensated for service as provided by law
- House has sole power of impeachment

Senate

- Senators elected by Electors
- Term of (2) years
- Must be at least 30 yrs. old.
- Must be Chickasaw by birth or adoption
- Must have been resident of Chickasaw Nation for at least (1) yr. & (6) mos. in District from which elected.
- Three (3) Senators from each of Four (4) Districts
- Senate chooses a President
- Vacancies filled by election
- Business transacted with open doors
- Senate may amend or reject revenue and appropriation bills.
- Compensated for services as provided by law
- Impeachments tried by Senate

- House and Senate shall provide for trial, punishment and removal from office of all other officers of this Nation, by indictment or otherwise.

Judicial

Supreme Court

- (1) Chief Justice
- (2) Associate Justices
- Has Appelate jurisdiction
- Elected by Legislature
- Judges must be at least 30 yrs. old
- Term of (4) years

Circuit Court

- Elected by Legislature
- Must be at least 30 yrs. old
- Term of (4) years

District Judges

- Elected by Legislature
- One Judge
- Term of (4) years

County Judges

- Elected by electors in respective counties
- Term of (2) years
- Probate jurisdiction

Attorney General

- Elected by electors of Nation
- Term of (2) years
- Prosecutes & defends all criminal and civil actions in which the Nation may be interested

Sheriffs & Constables

- Elected by electors in each county
- Term of (2) years

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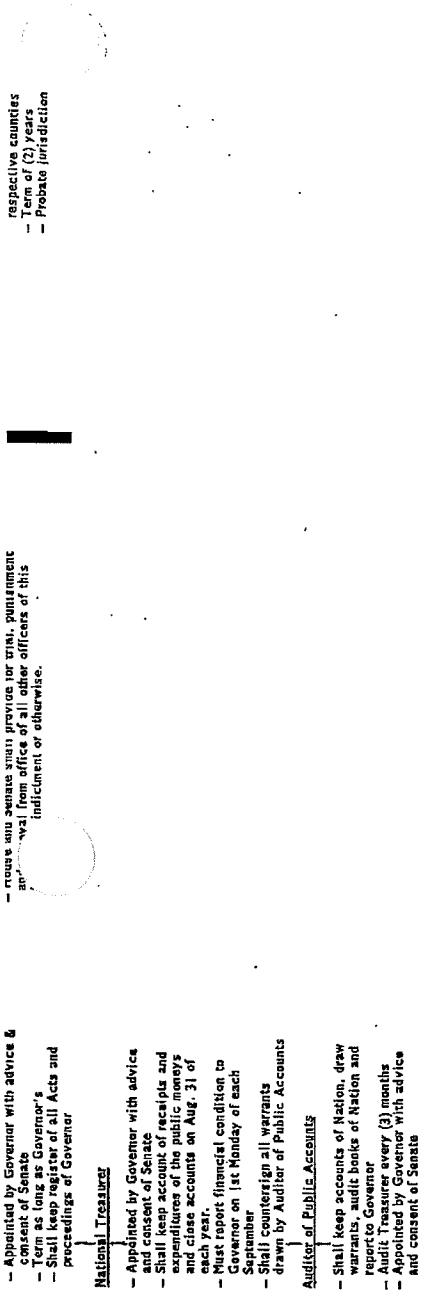

IMPORTANT DATES IN CHICKASAW HISTORY

1832	Treaty between U.S. and Chickasaw Nation, called the "Treaty of Pontitock"
1837	Removal of Chickasaws to Indian Territory
1856	Chickasaw Constitution Adopted--Cyrus Harris elected first Chickasaw Governor
1867	Constitution adopted after Civil War. This Constitution stands today as the governing law of Chickasaw people.
1893	Congress stablishes Dawes Commission
1897	Atoka Agreement, between Dawes Commission and Chickasaw and Choctaw Nations.
1902	Atoka Agreement amended. Tribal Court of Chickasaw Nation abolished.
1906	Congressional Act specifically states that Chickasaw government is continued in full force and effect until otherwise provided by law.
1959	Choctaw Termination Act, introduced by Carl Albert. Execuion of Act would have terminated Chickasaws as well.
1970	U.S. Supreme Court decides that Chickasaws have an ownership interest in Arkansas Riverbed.
1970	Choctaw Termination Act repealed.
1970	Congressional Act "allows" Chickasaws to popularly select the Governor of Chickasaw Nation.
1976	Harjo decision interprets the 1906 Act. Federal Court decides that 1867 Creek Constitution is still the governing law a Creek people. By implication, 1867 Chickasaw Constitution is still governing law of Chickasaw people.
1977	Cravatt, et al vs. Andrus, et al filed. National Indian Youth Council files lawsuit on behalf of Chickasaws to ask Federal Court to reinstate the 1867 Chickasaw Constitution.

MAP OF CHICKASAW NATION

Location of the Four Counties and Significant Present Day Towns and Cities

signed by:

Chickasaws for Constitutional Government

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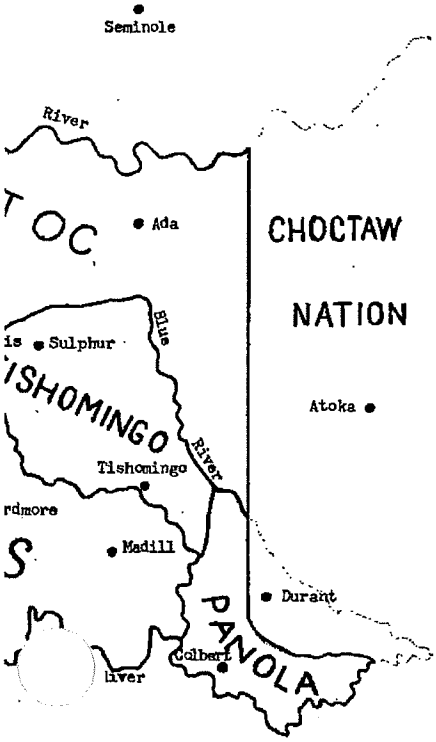
Article I, Section I, Bill
1867 Chickasaw Const



SAW NATION
- Counties and
Day Towns
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for Constitutional Government

"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 INALIENABLE RIGHT TO ALTER, REFORM OR ABOLISH THEIR FORM OF GOVERNMENT IN SUCH MANNER AS THEY MAY THINK EXPEDIENT."

Article I, Section I, Bill of Rights,
1867 Chickasaw Constitution