

**2024 ADDENDUM TO
EXECUTIVE ORDER
2020-05-CTH ORDER ON EQUALITY:**

**MEASURING PARTICIPATION RATES OF CHEROKEE CITIZENS OF FREEDMEN
DESCENT IN CHEROKEE NATION PROGRAMS AND SERVICES and
REAFFIRMING OUTREACH EFFORTS**

1. **AUTHORITY:** The Constitution and laws of the Cherokee Nation.

2. **POLICY:** By Executive Order 2020-05-CTH (Executive Order on Equality), it has been the declared policy of the Cherokee Nation that “[a]ll Cherokee [Nation] citizens should be equal under the law by virtue of their legal status as Cherokee citizens, without regard to descendency, race, gender, disability, national origin, religion, sexual orientation or legally protected status.” The Order further declared that “Discrimination on such bases is unlawful and contrary to Cherokee values.” Although the intent of the Executive Order on Equality must be interpreted as broadly as possible in terms of protecting groups of citizens who face historic and contemporary marginalization and discrimination¹, that order placed particular emphasis on the issue of equality as it relates to Cherokee citizens of Freedmen descent. The injuries inflicted not only by our enslavement of their ancestors, but more than a century of our denial of their civil rights and our under investment in communities they call home, have not been fully healed. These injuries, and the overall history of our Nation’s treatment of Cherokee Freedmen and their descendants, creates serious concerns as to whether, a mere six years after the federal court order in *Cherokee Nation v. Nash*², Cherokee Citizens of Freedmen descent enjoy equal access, as a practical matter and as demonstrated by data, to Cherokee Nation programs and services. Accordingly, it is the policy of the Cherokee Nation to expand the 2020 Order on Equality and create a task force to study access of Cherokee Nation programs and services, identify gaps in such programs

¹ The 2020 Executive Order on Equality identifies categories of citizens due protection as “...descendency, race, gender, disability, national origin, religion sexual orientation or other legally protected status.” Thus, a broad interpretation of the phrase must include, for example, individuals who identify as “LGBTQ,” ie, lesbian, gay, bisexual or transgender or who are questioning their sexual orientation and/or gender identity. The previous order does not explicitly use the aforementioned acronym, or the well accepted variations therefore. However, protections of the 2020 Order on Equality plainly must extend to those individuals who so identify. Additionally, the 2020 Order on Equality utilized the rather narrow phrase “historically excluded groups,” but sentiment behind that phrase is better expressed as “historically excluded or marginalized groups.”

² See Cherokee Nation v. Nash 267 F. Supp. 3d 86 (D.D.C. 2017); see also Cherokee Nation Supreme Court decisions In Re Nash v. Zinke (1) SC-17-07 (CNSC 2017), In Re Nash v. Zinke (2) (CNSC 2017), In Re Nash v. Zinke (3) SC-17-07 (CNSC 2018) and Nash v. Zinke (4) SC-17-07 (CNSC 2021)

and services, and suggest strategies to address any deficiencies. It is further the policy of the Cherokee Nation that departments of the Executive Branch will reaffirm the requirements of the 2020 Executive Order on Equality by outlining their current strategies to engage with communities and organizations most associated with Cherokee Citizens of Freedmen descent.

3. THE PRINCIPAL CHIEF'S TASK FORCE ON ACCESS TO PROGRAMS AND SERVICES BY CHEROKEE CITIZENS OF FREEDMEN DESCENT

a) **Objectives of Task Force:** The Task Force shall undertake a basic examination of participation rates of Cherokee citizens of Freedmen descent in Cherokee Nation program and services. The examination should:

- i. Highlight programs and services where participation is disproportionately low or high.
- ii. Highlight geographic areas where program or service participation is low or high.
- iii. Analyze disproportional participation rates for noteworthy patterns or other important characteristics.
- iv. Make recommendations for strategies to improve disproportionately low participation rates.
- v. In order to best manage this examination within the time frame prescribed herein, and mindful that this is a threshold examination designed to lead to further study, exercise the discretion to:

1. Exclude from review any executive branch department that does not routinely or primarily administer programs or services, provided the Task Force list all departments subject to this categorical exclusion,
or
2. As an alternative to the aforementioned categorical exclusion, the inclusion of a specified cross section of Cherokee Nation programs and services that, in the Committee's determination provides the best measurement of participation by Cherokee citizens of Freedmen descent in programs and services of the most significant impact on individual and community life of Cherokee citizens living within the Cherokee Nation reservation.

- vi. In addition to quantitative analysis of the issue presented, engage as the Task Force determines prudent, community stakeholders in order to gather information for qualitative analysis of the issue presented.

b) Task Force Members

- i. **Chair:** Melissa Payne, Principal Chief's Liaison to the Freedmen Community
- ii. **Co-Chair:** Shella Bowlin, Secretary of State
- iii. **Member:** Canaan Duncan, Deputy Secretary of State
- iv. **Member:** Derrick Vann, Cherokee Nation Registrar
- v. **Member:** Marilyn Vann, Member, Cherokee Nation Environmental Protection Commission
- vi. **Member:** Paula Starr, Chief Information Officer
- vii. **Member:** Ashawna Miles, Director of Self Governance

c) Reporting Requirements and Deadlines

- i. The Task Force shall issue its report no later than June 14, 2024.

4. **PUBLIC DISCLOSURE AND TRANSPARENCY:** Although the Task Force is an internal executive branch working group and not a separate "public body" under Cherokee law, any reports it issues under this order shall be made available for public inspection on or after the date of issuance of its final report and a copy provided to the Speaker of the Council of the Cherokee Nation.

5. REQUIREMENT THAT EXECUTIVE BRANCH DEPARTMENTS REVISIT AND REAFFIRM COMMITMENT TO ENGAGE IN OUTREACH TO FREEDMEN COMMUNITIES; REAFFIRMATION OF ANNUAL REPORTING REQUIREMENT

- a) **Relevant Requirement of Order on Equality:** The 2020 Executive Order on Equality required certain actions and a report by executive directors, including this directive relevant to this addendum:

Develop a written plan of action for community and public outreach to historically excluded groups within Cherokee society, specifically including but not necessarily limited to descendants of freedmen. Said outreach shall

be focused on creating better awareness of opportunities relating to Cherokee Nation programs, services, volunteer opportunities and employment.

The Order required the plan of action to be updated annually.³

b) **Review and Issue Updated Outreach Plans:** Executive branch departments are required to review their existing plans developed in repose to the 2020 Order on Equality and update those plans annually on May 31st of each calendar year, commencing with May 31, 2024. Although the 2020 places outreach focus on all “historically excluded groups,” that phrases should be understood to include historically “excluded or marginalized groups,” but an emphasis should be placed on outreach to communities and organizations most associated with Cherokee citizens of Freedmen descent.

i. **Presentation and Delivery of Plan by Executive Directors:** Within each fiscal year that an outreach plan is required by this section of the Order it is also required that Executive Directors present said plan to the Principal Chief’s Liaison to the Freedmen Community and such other representatives of the Administration that he or she so designates via an in-person meeting.

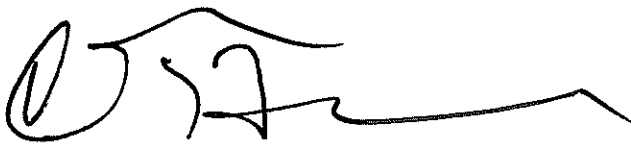
6. **ADDENDUM TO EXECUTIVE ORDER 2020-05-CTH:** The Principal Chief’s Task Force on Access to Programs and Services by Cherokee Citizens of Freedmen Descent is hereby establish. Executive Directors are hereby re-directed to take measure to ensure equal protection and opportunity under Cherokee and to update their plans for engagement with historically excluded or marginalized communities, specifically communities and organizations most closely associate with Cherokee citizens of Freedmen descent. The 2020 Executive Order on Equality, 2020-05-CTH, remains in full force and effect as expanded upon and interpreted by this Addendum to that Order.

7. **EXPENSES AND COMPENSATION TO NON-EMPLOYEE TASK FORCE MEMBERS:** Deputy Secretary of State Canaan Duncan is authorized, on behalf of Cherokee Nation, to cause Cherokee Nation funds to be paid to non-employee members of

³ Compliance with this portion of the order has been unfortunately inconsistent. This was in part due to the timing of the issuance of the 2020 Order on Equality. Thus, the global COVID-19 pandemic led to the suspension of substantially all in person public outreach at Cherokee Nation for a period of years. The issuance of this addendum to the Order provides this administration with a new opportunity at full compliance, the responsibility of which ultimately rests with the Principal Chief.

the Task Force provided for in paragraph 3 of this Order for reasonable expenses and reasonable compensation associated with serving on the Task Force, provided said payments are made from funds presently available for such purposes in Cherokee Nation's Fiscal Year 2024 budget and provided such expenses are provided through appropriate contractual agreements, or amendments to existing agreements.

8. **EFFECTIVE DATE:** This Addendum to Executive Order 2020-05-CTH is effective immediately on this 16th Day of February 2024.

A handwritten signature in black ink, appearing to read 'CHOSKIN', with a long horizontal flourish extending to the right.

Chuck Hoskin, Jr.
Principal Chief of the Cherokee Nation