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EXECUTIVE ORDER ESTABLISHING A TASK FORCE ON REGISTRATION CODE AND PROCESS REFORM

2024-08-CTH

1. **AUTHORITY:** The Constitution and laws of the Cherokee Nation.
2. **POLICY:** Cherokee Nation has the right and obligation, through its elected representatives, to determined its own basis for citizenship, informed controlled on the subject by various legal authority, including the [Cherokee Nation Constitution](#), [statutes](#) and [treaties](#)¹. Within this legal authority Cherokee Nation has an interest in the efficient and effective administration of the citizenship process and to ensure that the standards of citizenship are not only compliant with said legal authority, but aligned with important national interests. This administration has approached matters of comprehensive public policy reform from a process driven perspective with a measure of transparency above the minimal legal standards. Comprehensive citizenship code reform has not been undertaken during the past decade. The passage of time, the evolution of Cherokee Nation's interests and this Administration's commitment to process and transparency warrant this order establishing the Principal Chief's Task Force on Registration Code and Process Reform.

¹ [Cherokee Nation v. Nash](#), 267 F. Supp. 3d 86 (D.D.C. 2017) (“...the Cherokee Nation's sovereign right to determine its membership is no less now, as a result of this decision, than it was after the Nation executed the 1866 Treaty. The Cherokee Nation concedes that its power to determine tribal membership can be limited by treaty....”)

3. BACKGROUND:

Citizenship and Relinquishment: Cherokee Nation citizenship is governed by Cherokee Nation Constitution, Article V (“Citizenship”), which states in part:

Section 1. All citizens of the Cherokee Nation must be original enrollees or descendants of original enrollees listed on the Dawes Commission Rolls, including the Delaware Cherokees of Article II of the Delaware Agreement dated the 8th day of May, 1867, and the Shawnee Cherokees of Article III of the Shawnee Agreement dated the 9th day of June, 1869, and/or their descendants. The Cherokee Nation recognizes the basic rights retained by all distinct People and groups affiliated with the Cherokee Nation, retained from time immemorial, to remain a separate and distinct People. Nothing in this Constitution shall be construed to prohibit the Cherokee–Shawnee or Delaware– Cherokee from pursuing their inherent right to govern themselves, provided that it does not diminish the boundaries or jurisdiction of the Cherokee Nation or conflict with Cherokee law.

Section 2 of Article V provides for a Registration Committee under a Registrar, providing:

There shall be established a Cherokee Register, to be kept by the Registrar, for the inclusion of any Cherokee for citizenship purposes in the Cherokee Nation who presents the necessary evidence of eligibility for registration. The Council may empower the Registrar to keep and maintain other vital records. (a) A Registration Committee shall be established. It shall be the duty of the Registration Committee to consider the qualifications and to determine the eligibility of those applying to have their names entered in the Cherokee Register. The Registration Committee shall consist of a Registrar and two (2) assistants. All members shall be appointed by the Principal Chief and confirmed by the Council.

Citizenship is further controlled by the *Cherokee Nation Citizenship Act*, found at Title 11, Chapter 1, of the Cherokee Nation Code (hereafter, “the Act” or “Citizenship Act”). The Act provides for a citizenship application process, a process for relinquishing citizenship and a process of review of adverse action on citizenship matters.

Neither the constitution nor the Act prohibits dual enrollment, ie, maintaining citizenship in Cherokee Nation and in another tribe. Likewise, nothing in those sources expressly guarantees the right to dually enroll. The Act does place time limitations on re-enrollment after relinquishment, A person age 18 or older who relinquishes must wait a period of five years before re-establishing Cherokee Nation citizenship. *Citizenship Act*, Section 34 (J) and (K). A minor, however, is unburdened by any waiting period. *Id.* Relinquishment itself is a process involving administrative action, judicial action and, curiously, the ability of an applicant for relinquishment to abandon the process, unilaterally, even after invoking these processes but prior to final action. *Citizenship Act* Section 34(I).

The Nation has deep experience with the lack of prohibition on dual enrollment, the existence of dual enrollment prohibitions by other tribes and the statutory waiting period for re-enrollment. The United Keetoowah Band of Cherokee Indians in Oklahoma (UKB) prohibits dual enrollment for its exclusive citizens. Cherokee citizens eligible for UKB citizenship at times relinquish Cherokee Nation citizenship in favor of UKB citizenship, reserving, as noted, the statutory right to return to Cherokee Nation citizenship and at times doing so. Data on these citizenship actions are not readily available, but anecdotal experience suggests that the actions are not infrequent and consume a measurable amount of Cherokee Nation resources to process.

Citizenship Process, Registration Committee: As noted the Act governs the process for citizenship, as do the policies and procedures maintain by the Registrar². Processes have evolved within the past decade, but all within the existing statutory framework. Additionally, the advent of photo ID cards adds an additional layer of processing. Unchanged over the past decade is the role of the Registration Committee. The committee, composed of the Registrar and two members appointed by the Principal Chief and confirmed by the Council, play no discernable practical role in the day-to-day functioning of the Registration Office and serves no formal case review or policy making function.

CDIB: The Registration Department issues Certificate of Degree of Indian Blood (CDIB) cards under an agreement with the Bureau of Indian Affairs.

Technology, Utility of Photo ID Cards: The Registration Department issues photo IDs on the basis of an applicant's citizenship and includes a CDIB card on the reverse of the

² The Registrar operates on a single policy, a memorandum of October 3, 2017, from the Regional Director of the Eastern Oklahoma Office of the Bureau of Indian Affairs titled "Eastern Oklahoma Region – Issuance of Certificate Degree of Indian Blood Policy."

citizenship card where applicable. The photo ID card has not substantially changed over the course of more than a decade in existence. The card has arguably regressed, with a magnetic data storage stripe (never utilized) vanishing from the cards beginning in the Spring of 2019.

The utility of the photo ID cards is largely contextual. The cards are accepted as forms of ID by some institutions. In the case of the Transportation Security Administration, the cards are acceptable for air travel but only after a cumbersome process owing to the cards being non-readable by current TSA card reading machines. The photo IDs are not sufficient to serve as passports or “enhanced IDs” within the meaning of federal law. Often used identifiers such as “REAL ID” are often carelessly attached to the status of Photo IDs, but in reality there appears to be no clear legal authority for Cherokee Nation photo IDs to meet REAL ID standards and, in any case, the data on which the cards are based appears insufficient to meet REAL ID standards. The REAL ID act itself does not appear to even contemplate tribal ID cards.

4. PRINCIPAL CHIEF’S TASK FORCE ON REGISTRATION CODE AND PROCESS REFORM: The Principal Chief’s Task Force on Registration Code and Process Reform is hereby established.

a) Task Force Composition

- Secretary of State Shella Bowlin Secretary of State (chair)
- Deputy Secretary of State Canaan Duncan (co-chair)
- Chief of State Corey Bunch (member)
- Cherokee Nation Registrar, Derrick Vann (member)
- Attorney General Chad Harsha (member)
- Chief Information Officer, Paula Starr (member)
- Delegate to Congress and Exec. Director of Government Relations, Kim Teehee (member)

The Task Force may utilize such administrative staff needed to support its work, with the Principal Chief’s approval.

b) Task Force Deadlines

The Task Force shall issue reports per the following schedule:

- **Task Force Report I**, by February 10, 2025, addressing:

- Recommended changes to the citizenship code, Registration processes.
 - **Task Force Report II**, by June 10, 2025, addressing:
 - Recommendations as to improvements to Photo ID, technology
- c) Stakeholder and Public Engagement**

In conducting its review, that Task Force may, but is not required, to engage stakeholders or Cherokee Nation citizens. Stakeholders could include

- Members of the Cherokee Nation judiciary
- Cherokee Nation elected officials
- Cherokee Nation Principal Chief's Liaison to the Freeman Community Melissa Payne.
- Representatives of area non-Profits focused on eliminating barriers to equality.

The Task Force should avoid examining these stakeholders via questionnaires, but instead invite stakeholders to conversations on relevant topics.

To the extent views from the broader Cherokee Nation citizenry are solicited, Gadugi portal surveys or other instruments are appropriate, but should focus on subjects such as the practical utility of photo IDs, barriers to use of photo IDs or whether citizens would utilize Enhanced Tribal IDs. Views on matters such as dual citizenship are important, but the non-scientific nature of Gadugi portal survey may lead to a misinterpretation of survey results.

d) Task Force Objectives

i. Recommended Changes to Citizenship Code (Due February 10, 2025)

The Task force should recommend reforms to the follow subject areas of the citizenship code and/or Registration processes:

- Role of the Registration Committee.
- Relinquishment process.
- Post-relinquish application for citizenship waiting periods.
- Dual enrollment / citizenship.

- Alignment of Registration process with the Executive Order on Equality and the Principal Chief's directive of June 10, 2024, to remove barriers to access to members of the LBGTQ+ community.
- Recommendation as to whether Registration should adopt a comprehensive set of policies governing citizenship, photo ID and CDIB processing.
- Any other statutory or process reforms recommended by the Task Force (other than subjects to be addressed in part ii, below).

In examining potential code and process reforms, the Task Force should take care to explore due process guarantees that may be necessary to implement changes.

**ii. Recommendations as to Improvements to Photo ID, Technology
(Due June 10, 2025)**

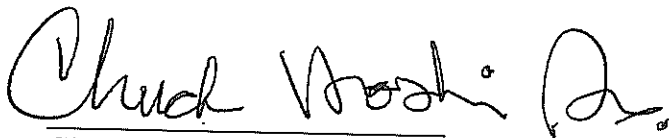
The Task Force should recommend improvements to the photo ID, more specifically examining:

- “Enhanced Tribal ID” in coordinated with U.S. Customs and Border Patrol
- Security / data storage features embedded in IDs.
- Clarity on relevance of REAL ID to photo IDs.
- Digitization as to all or parts of the citizenship / CDIB / photo ID application process.

In examining potential photo ID improvements, the Task Force should conduct at least a threshold assessment of the fiscal impact of recommended changes.

5. **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.

6. **EFFECTIVE DATE:** This is effective this **6th day of December, 2024.**



Chuck Hoskin, Jr.

Principal Chief of the Cherokee Nation