

CONSTITUTION
OF THE
CHIRICAHUA APACHE NATION

Drafted by Dr. William C. Bradford, Attorney General on 20 October
2016

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Ratified by the Election Board and National Council and Signed into
Effect by the Chairman of the National Council and President of the
Chiricahua Apache Nation on 21 December 2016

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PREAMBLE

We, the Chiricahua Apache people, have suffered nearly two centuries of aggressive and genocidal wars that killed, starved, impoverished, and exiled the majority of our people. We have had much of our ancestral lands expropriated, been stripped of much of our jurisdiction over the remnant, and suffered the imposition of foreign and alien laws hostile to our sovereignty. Our people have been divided, dispersed, denied our political, economic, social, and cultural rights, and deprived of our right to political integrity and self-government. Our right to free trade has been disrupted and prohibited, we have been taxed without our consent, our agreements have been unilaterally violated in bad faith by the United States, and our natural resources, as well as our spiritual patrimony, have been plundered by public and private interests.

Yet the spirit of Ussen thrives in the hearts and minds of the Chiricahua Apache people and in the strong currents, deep canyons, thick forests, and high mountains of our ancestral lands. And so it is now time to unify the Chiricahua Apache people, restore Chiricahua Apache ancestral lands and sacred sites, enforce the 1872 Cochise-Howard Treaty, and reclaim and strengthen our culture and traditions. Accordingly, we, the Chiricahua Apache people, seize this moment to exercise our inherent tribal sovereignty and right to self-government.

Thus do WE, the PEOPLE of the CHIRICAHUA APACHE NATION, known also as the Tsi-he-nde, the Nde-nda-ai, Bi-dan-ku, Tsoka-ne-nde, and the Eagles of the Southwest, and the proud descendants of Mangas Colorado, Cochise, Naiche, Fun, Roman Nose, and Goyathlay,

- (1) to perpetuate forever the survival of our Nation and protect it from forces that threaten its existence;
- (2) to preserve and protect our eternal sovereignty;
- (3) to promote our common defense and general welfare;
- (4) to insure tranquility and harmony, and secure the blessings of freedom and prosperity to us and our descendants;
- (5) to strengthen and perfect our historic powers of representative government, and govern ourselves by our own laws;
- (6) to reacquire our ancestral lands to the maximum extent possible, and protect our territory, sacred sites, mountains, monuments, natural resources, and trade routes;
- (7) to guarantee individual and aboriginal rights under natural law and enforce our treaties; and
- (8) to honor our ancestors by preserving and promoting our sacred culture, knowledge, language, and religious beliefs and practices, and passing them on to future generations forever;

acknowledge, with humility and gratitude, the goodness of the Creator, Ussen, as well as protection of the Ga-he, in permitting us so to do, and implore his aid and guidance in its accomplishment, as we do ordain, proclaim, and establish, as an incident of our sovereign powers, this Constitution for the government of the Chiricahua Apache Nation.

This Constitution supersedes the by-laws of the Chiricahua Apache Alliance, a non-profit state chartered corporation of Arizona and New Mexico, as well as any and all traditional forms of governance. All authority previously exercised by Chiricahua Apache individuals and groups on behalf of the Chiricahua Apache Nation shall cease as of the effective date of this Constitution, and any responsibility undertaken by such individuals and groups shall hereinafter be the sole responsibility of the Chiricahua Apache Nation as organized pursuant to this Constitution.

ARTICLE I

NAME, AUTHORITY, AND GREAT SEAL

Section 1. Name

The name of this nation shall be “the Chiricahua Apache Nation.” The terms “Chiricahua,” “Chiricahua Apache,” “Chiricahua Apache Nation,” and “Nation” are used interchangeably in this Constitution.

Section 2. Authority

- (a) The Chiricahua Apache Nation, which has existed as a sovereign nation since time immemorial, has been acknowledged as a sovereign Indian nation by the United States since the Treaty of Amity, Commerce, and Friendship between the United States of America and the Chiricahua Apache Nation of 1 July 1852 (10 Stat. 979), signed by Mangus Colorado, ratified by the U.S. Senate on 23 March 1853, and proclaimed by President Millard Fillmore on 25 March 1853.
- (b) The Chiricahua Apache Nation engages with Federal, State, local and other Native nations on a government-to-government basis. This Constitution is an act of self-determination and delegates specific authority from the Chiricahua Apache people to the Chiricahua Apache Nation and its governing bodies, reserving to the Chiricahua Apache people all authority not delegated. Officials and employees of the governing bodies shall have no authority to act in a manner contrary to the text of this Constitution.
- (c) All political power is inherent in the Chiricahua Apache people, and the Chiricahua Apache Nation is founded on their authority and instituted for their benefit. Thus, the Chiricahua Apache people have the natural, unalienable and indefeasible right to reform, alter, or abolish their government in such manner as they shall judge proper and expedient, provided first resort is made to elections, constitutional amendments, and other procedures provided herein.
- (d) The Chiricahua Apache Nation shall have no authority to act contrary to, or beyond the scope of, the objectives enumerated in the Preamble to this Constitution.

Section 3. Great Seal of the Chiricahua Apache Nation

When the Chiricahua Apache Nation was officially formed in 1871, in Pinos Altos, New Mexico, the Chiricahua Apache people honored War Chief Cochise by representing him on the Great Seal of the Chiricahua Apache Nation. The figure represents the courageous Chiricahua Apache people.

The Great Seal of the Chiricahua Apache Nation is affixed to all official documents of the Chiricahua Apache Nation.

ARTICLE II

TERRITORY

Section 1. Ancestral Lands

The Ancestral Lands of the Chiricahua Apache Nation extend unbroken over more than one million acres of held, used, managed, stewarded, and kept sacred by the Chiricahua Apache since time immemorial in what is now the southwest of New Mexico and the southeast of Arizona in the United States of America as well as the northern parts of Sonora and Chihuahua and the Sierra Madre Mountains in Mexico. These Ancestral Lands, to which sovereign title is asserted by virtue of the recognition of other nations both indigenous and European as well as by millennia of usage that has been continuous, hostile to other claims, open, notorious, actual, and exclusive, are depicted on the “Map of Chiricahua Apache Ancestral Lands” that is on file in the Chiricahua Apache Nation Offices.

Section 2. Reserved Lands

The territory of the Chiricahua Apache Nation includes, but is not limited to, all of the lands, property, airspace, surface rights, subsurface rights, other natural resources and any interest therein, tenements, hereditaments, water rights, mineral rights, timber rights, fish and game, accretions, and all other interests and things within the exterior boundaries defined in and reserved to the Chiricahua Apache Nation by the Cochise-Howard Treaty of 12 October 1872, entered into at Dragoon Springs, and subsequently reserved to the Chiricahua Apache Nation by the Executive Order of President Ulysses S. Grant on 14 December 1872 that describes the lands and rights appurtenant reserved to the Chiricahua Apache Nation in perpetuity:

“Beginning at Dragoon Springs, near Dragoon Pass, and running thence northeasterly along the north base of the Chiricahua Mountains to a point on the summit of Peloncillo Mountains or Stevens Peak range; thence running southeasterly along said range through Stevens Peak to the boundary of New Mexico; thence running south to the boundary of Mexico; thence running westerly along said boundary 55 miles; thence running northerly, following substantially the western base of the Dragoon Mountains, to the place of beginning.”

These lands reserved under treaty and acknowledged by Executive Order form a part of the Ancestral Lands of the Chiricahua Apache Nation and are depicted in a separate “Map of Chiricahua Apache Reserved Lands” on file in the Chiricahua Apache Nation Offices. These Reserved Lands are held without prejudice to claims of right over Ancestral Lands and are asserted without regard to subsequent expropriations, patents, rights-of-way, or other purported grants made without the knowledge, approval, or consent of the Chiricahua Apache Nation. The territory and rights of the Chiricahua Apache Nation extend further to such additional lands and rights as may be hereafter acquired by or for the Chiricahua Apache Nation and added thereto.

Section 3. Non-Allotment of Reserved Lands

Reserved Lands shall remain the property of the Chiricahua Apache Nation and shall not be granted or divided by allotment in whole or in part to individuals in severalty, but allotments of land for private use may be made by the National Council in conformity with statutes that may be adopted to govern this subject.

Section 4. Treaty Rights Not Restricted

Nothing in this Article shall be construed as restricting or altering the treaty rights of the Chiricahua Apache Nation or its citizens.

ARTICLE III

JURISDICTION

Section 1: Territorial Basis

The authority and jurisdiction of the Chiricahua Apache Nation shall extend throughout the entirety of its Reserved Lands as described in Article I, and to such other lands and resources as may be acquired, including but not limited to its Ancestral Lands, to the fullest extent not specifically prohibited by Federal or international law. Except as expressly limited by applicable law, the Chiricahua Apache Nation shall have jurisdiction over all persons, subjects, firms, corporations, property, lands, water, air, space, resources, and all activities occurring within the present or future boundaries of the Reserved Lands of the Chiricahua Apache Nation, notwithstanding the issuance of any easement or right-of-way. The Constitution, laws, customs, and traditions of the Chiricahua Apache Nation shall apply to all citizens of the Chiricahua Apache Nation, persons permitted to reside on the Reserved Lands of the Chiricahua Apache Nation, and all persons who enter upon the Reserved Lands of the Chiricahua Apache Nation.

Section 2. Extraterritorial Basis

Citizens of the Chiricahua Apache Nation have dispersed throughout the United States of America and the world. This Constitution, and all statutes, ordinances, regulations, and judicial decisions enacted and decided in accordance therewith, shall extend and apply to all citizens of the Chiricahua Apache Nation whether within or without the Reserved Lands, and whether within or without the territorial jurisdiction of the Chiricahua Apache Nation. Nothing in this Article shall be construed to limit the sovereign power of the Chiricahua Apache Nation to exercise its jurisdiction within or without its Reserved Lands.

Section 3. Seat of Government

The Seat of Government of the Chiricahua Apache Nation shall be established at Silver City, New Mexico.

Section 4. Non-Citizens

Non-citizens may reside on the Reserved Lands of the Chiricahua Apache Nation only with the written consent of the National Council under such procedures as the National Council may enact by law. Any non-citizen who violates the Chiricahua Apache Nation's Constitution, statutes, resolutions, regulations, customs, or traditions may be penalized, fined, enjoined, removed, or excluded from Chiricahua Reserved Lands.

ARTICLE IV

CITIZENSHIP, CLANS, AND SOCIETIES

Section 1. Citizens of the Chiricahua Apache Nation

Citizens of the Chiricahua Apache Nation shall consist of the following persons:

- (a) all individuals whose names appear on the Register of the Chiricahua Apache Nation as of the date of certification of this Constitution;
- (b) all lineal descendants of persons described in (a) of this Article;
- (c) all children legally adopted by persons described in (a) of this Article;
- (d) all individuals subsequently granted citizenship by the Chiricahua Apache Nation Citizenship Committee pursuant to the Citizenship Statute of 6 March 2011 or subsequently enacted legislation;
- (e) all persons not otherwise eligible for citizenship who are intermarried with citizens of the Chiricahua Apache Nation for so long as they remain married to and residing with citizens of the Chiricahua Apache Nation, except that such persons who acquire citizenship by intermarriage are ineligible to hold office in or vote in elections held by the Chiricahua Apache Nation unless specifically granted these rights in writing by the Chiricahua Apache Nation Citizenship Committee.

Lineal descent, for purposes of this Article, is through the female line. Women are the progenitors of the Nation, and men and women of the Chiricahua Apache Nation follow the status of the mother and her clan and take her name.

Section 2. Citizenship Committee

The Chiricahua Apache Nation Citizenship Committee, which shall consist of three Chiricahua Apache citizens appointed by the President for four (4) year terms, shall apply the Citizenship Statute of 6 March 2011 without prejudice to the rights of those individuals who were members of the Chiricahua Apache Nation at the time this Constitution was lawfully certified. The Citizenship Committee shall act in a timely fashion on all citizenship applications and grant or deny citizenship based upon evidence of eligibility provided by applicants. The Citizenship Committee shall have the power, pursuant to this Constitution and the Citizenship Statute of 6 March 2011, to promulgate regulations and procedures governing future citizenship, adoption, and loss of citizenship, including but not limited to:

- (a) eligibility requirements for citizenship;
- (b) procedures governing citizenship applications, evidence of citizenship, and investigation and adjudication of applications;
- (c) establishment and maintenance of an annual Register of citizens, and addition and removal of names thereto to ensure its accuracy;
- (d) assignment of a citizenship number to every applicant approved for citizenship and entered into the Register;

- (e) establishment of requirements for the annual reporting of information by Chiricahua Apache citizens in order to maintain and update the Register;
- (f) recording of the degree of Chiricahua Apache blood possessed by citizens; and
- (g) providing a process for appeals by any person whose application for Chiricahua Apache citizenship is denied.

No subsequent amendment to the Citizenship Statute of 6 March 2011 shall be effective unless it is approved by at least six Members of the National Council and enacted into law.

Section 3. Citizenship Criteria

After certification of the Chiricahua Apache Constitution, the Chiricahua Apache Nation Citizenship Committee shall act upon citizenship applications pursuant to the Citizenship Statute of 6 March 2011 and any subsequent amendments and shall update the Chiricahua Apache Nation Citizenship Register accordingly. The Register shall include all those persons who were citizens on the date the Constitution was certified as well as persons subsequently granted citizenship. Citizenship determinations shall be based on a holistic assessment of the following nonexclusive list of criteria:

- (a) descendancy by blood from Chiricahua Apache ancestors, with all original citizens to be classified as of 100% Chiricahua Apache ancestry unless otherwise classified by the Citizenship Committee based on evidence;
- (b) the extent, duration, and value of an applicant's political, social, and religious connection and service to the Chiricahua Apache Nation;
- (c) a commitment to live under the laws of the Chiricahua Apache Nation and to discharge faithfully the duties and burdens of citizenship; and
- (d) any and all other criteria as the Citizenship Committee shall designate.

Section 4. Honorary Citizens

No person may become a citizen of Chiricahua Apache Nation through an honorary grant or by any other means than those provided for herein. Non-citizens of the Chiricahua Apache nation are not eligible to vote, hold office, or otherwise exercise the rights or receive the benefits of citizens of the Chiricahua Apache Nation.

Section 5. Census

All citizens shall report to the Chiricahua Apache Nation Secretary of State in person, by certified letter, or by electronic mail once each year to be entitled to benefits apportioned to the members of the Chiricahua Apache Nation. Such report shall contain the citizen's legal name and current address. The Secretary of Administration shall be responsible for maintaining an up to date and accurate record of such reports, the date filed, and the information contained therein, and shall communicate the results to the Citizenship Committee for amendment to the Register.

Section 6. Appeals

Any person whose application for citizenship in the Chiricahua Apache Nation is denied or who is removed from the Register shall have the right of appeal to the Supreme Court of the Chiricahua Apache Nation for a remedy in equity consistent with this Constitution. No further appeal to any tribal, state, or federal court or agency is available.

Section 7. Resignation and Forfeiture

Adult citizens may relinquish their citizenship or the citizenship of their minor children in writing. Any minor whose citizenship has been relinquished by a parent shall be eligible for citizenship upon reaching the age of fourteen (14). Any individual who acquires citizenship by marriage to a citizen of the Chiricahua Apache Nation shall forfeit such citizenship upon annulment, divorce, or desertion of, or infidelity to, their Chiricahua Apache spouse, unless said Chiricahua Apache spouse forgives and holds harmless the unfaithful spouse.

Section 8. Non-Exclusivity

Registry by any person as a citizen of the Chiricahua Apache Nation shall not deprive that person of any rights, duties, privileges, immunities, and responsibilities that they shall hold as citizens of other Native nations, of their States of domicile, or of the United States of America or Mexico.

Section 9. Bands and Societies

Nothing in this Constitution shall be construed to prohibit the right of any Chiricahua Apache citizen to belong to a recognized band or subdivision, or to any social, cultural, fraternal, military, or other society or organization within or without the Chiricahua Apache Nation.

ARTICLE V

RIGHTS OF CITIZENS

Section 1. Protection of Life, Liberty, and Property

Every Chiricahua Apache citizen has natural and inalienable rights, to include enjoying and defending life and liberty, acquiring and protecting property, and pursuing and obtaining happiness and safety. The Chiricahua Apache Nation has the sacred duty, and exists solely, to protect these rights.

Section 2. Bearing Arms

Every Chiricahua Apache citizen has the natural right to bear and use arms for the defense of self, family, the Chiricahua Apache Nation, and the United States. Every Chiricahua Apache male citizen has the duty to bear and use arms in defense of the Chiricahua Apache Nation. No law, statute, ordinance, regulation, or other attempt by the Chiricahua Apache Nation, its officers, or its employees to infringe this right and duty will be of any force or effect, and the Chiricahua Apache Nation will resist efforts by other persons, organizations, or governments to achieve the same.

Section 3. Religion, Speech, Press, Association, and Petition

The Chiricahua Apache Nation shall not make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or the press, or the rights of the Chiricahua Apache people peaceably to associate, assemble, and petition for a redress of grievances. Nor shall the Chiricahua Apache Nation, in the exercise of its powers of self-government, take any action that would abridge any religious or traditional practices of Chiricahua Apache citizens.

Section 4. Property and Contracts

The Chiricahua Apache Nation shall not take any private property for any private use, nor take any property for public use, unless the taking for public use is approved by six or more Members of the National Council and just compensation, based on fair market value as well as relevant non-market considerations, is made for the taking. Nor shall the Chiricahua Apache Nation interfere with the use and enjoyment of Chiricahua Apache culture, history, heritage, or language, which is the cultural property of the Chiricahua Apache people. Nor shall the Chiricahua Apache nation lay and collect taxes on the incomes of the Chiricahua Apache people, nor impair the obligation of contracts.

Section 5. Natural Resources and Trade

The Chiricahua Apache Nation shall not deny to any Chiricahua Apache citizen the right to fish, hunt, trap, mine, gather, travel, barter, exchange, and sell and purchase for their individual subsistence needs and for purposes of trade and barter, subject only to reasonable restrictions

established by the Council to protect and sustain natural resources. Nor shall the Chiricahua Apache Nation impair the sacred right to free trade.

Section 6. Privacy

The Chiricahua Apache Nation shall not violate the right of the Chiricahua Apache people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor shall it issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Section 7. Criminal Procedure

The Chiricahua Apache Nation shall not put any person in jeopardy twice for the same offense, nor compel any person in a criminal case to be witness against himself, nor deny to any person in a criminal proceeding a right to a speedy and public trial by jury. Every accused shall have the rights to be informed of the nature and cause of the accusation, to be confronted by adverse witnesses, to have compulsory process for obtaining witnesses in his or her favor, to have the assistance of counsel for his or her defense, and to have counsel appointed in any action in which he faces possible incarceration, termination of parental rights, or the taking of his real property.

Section 8. Criminal Punishment

The Chiricahua Apache Nation shall not impose excessive fines, inflict cruel and unusual punishment, impose banishment in excess of one year, or impose slavery as punishment for a crime. Nor shall the Chiricahua Apache Nation deny to any person within its jurisdiction the writ of habeas corpus in a court of the Chiricahua Apache Nation to test the legality of his detention by order of the Chiricahua Apache Nation.

Section 9. Prohibitions Against Bills of Attainder and Ex Post Facto Laws

The Chiricahua Apache Nation shall not pass any bill of attainder or ex post facto law.

Section 10. Natural Rights and Reserved Powers

The enumeration in the Constitution of certain natural rights shall not be construed to deny or disparage other natural rights retained by the Chiricahua Apache people, in whom are reserved all powers not delegated to the Chiricahua Apache Nation by this Constitution.

Section 11. Equal Protection

The Chiricahua Apache Nation shall not deny to any Chiricahua Apache citizen the equal protection of its laws nor deprive any person subject to its jurisdiction of life, liberty, or property without due process of law.

Section 12. Non-Exclusivity of Citizenship

Nothing in this Constitution shall infringe the rights and privileges Chiricahua Apache individuals enjoy as citizens of their States of residence, other Native nations, the United States of America, and Mexico.

ARTICLE VI

ORGANIZATION OF GOVERNMENT

Section 1. Branches of Government

The government of the Chiricahua Apache Nation shall be composed of three separate and independent branches: Legislative, Executive, and Judicial.

Section 2. Separation of Powers

Except as provided in this Constitution, the Legislative, Executive, and Judicial branches shall be separate and distinct and none shall exercise the powers or functions properly delegated to the others.

ARTICLE VII

LEGISLATIVE BRANCH

Section 1. National Council

The Legislative Branch of the Chiricahua Apache Nation shall consist of one body to be called the National Council of the Chiricahua Apache Nation.

The legislative power of the Chiricahua Apache Nation shall be vested exclusively in the National Council.

The initial election of members to the National Council shall occur within 120 days from the date of the ratification of this Constitution on a day to be announced by the President.

Section 2. Composition

The National Council shall consist of eight adult citizens of the Chiricahua Apache Nation who meet the qualifications set forth in this Article as well as all subsequently enacted election laws, and are elected at large by secret ballot of qualified voters of the Chiricahua Apache Nation.

No person shall serve as a member of the National Council while holding any other office or employment in the Chiricahua Apache Nation.

Section 3. Qualification

Members of the Council shall be male citizens of the Chiricahua Apache Nation at least thirty-two years old.

To be eligible to stand for election to the National Council, a citizen must be nominated by a female citizen of the Chiricahua Apache Nation who is at least forty years old.

All members of the National Council must be recognized as honest, trustworthy, serious, law-abiding men of honor and good character whose fidelity to the Chiricahua Apache Nation is greater than their own self-interest. They must be mentors to the Chiricahua Apache people, slow to anger, able to accept constructive criticism, able to engage in calm deliberation, and not given to gossip.

No person shall serve in the Chiricahua Apache National Council while also holding an office or position in the Executive Branch, or while employed by a State or Federal government, unless prior approval is granted by at least five currently serving members of the National Council and the Attorney General certifies that no conflict of interest exists.

No person shall become a member of the Chiricahua Apache National Council if previously convicted of a felony unless pardoned.

No person who within the past five years preceding the election has been convicted of a crime involving moral turpitude shall be eligible to hold office in the Council. The following crimes, and no others, shall be considered crimes involving moral integrity: adultery, bribery, embezzlement, extortion, fraud, forgery, larceny, perjury, and solicitation.

Any person who, upon or subsequent to announcing candidacy for election to the National Council, is formally charged with, but not yet convicted of, any crime, shall disclose to National Council the fact of such prosecution upon becoming aware of the pendency thereof. Any person required to make disclosure of a criminal conviction or prosecution hereunder who fails to do so within thirty days may be barred or removed from the National Council. Any Member of the National Council who is formally charged with a felony or crime of moral turpitude while in office shall be immediately suspended from office, effective with the date of initiation of such prosecution. If said Member is acquitted or the prosecution is terminated without a conviction, and provided that upon such termination of prosecution the term of office to which the Member was elected or appointed has not yet expired, the Member shall be reinstated to serve the remainder of the term.

Section 4. Term of Office

Members of the Council shall serve four-year terms and shall continue in office until their successors are elected, their office is deemed vacant, or they are removed from the Council. They shall enter into office on the 20th day of the year following their election after executing the Oath of Office.

Section 5. Election

The eight candidates for election to the National Council who receive the greatest number of votes, provided they receive a majority of all votes cast as well as a majority of all votes cast by female voters, shall be elected as Members. If fewer than eight candidates receive a majority of votes as well as a majority of female votes, subsequent rounds of balloting will be held of remaining candidates until eight have received a majority of votes as well as a majority of female votes. If necessary, rounds of balloting in which only female voters cast votes will be held until eight Members have received a majority of female votes case and are duly elected.

The initial election to the National Council under this Constitution shall be held within one hundred and twenty days following ratification on a date determined by the President. For the initial election, the Attorney General shall determine the eligibility of candidates for office and the results. Subsequently, the Election Board shall be the judge in determining eligibility of candidates for office as well as the results of elections, with challenges to elections to be heard by the Supreme Court of the Chiricahua Apache Nation.

Section 6. Oath of Office

Before each Member of the Council enters office, he shall make the following Oath of Office:

“I do solemnly swear that I will faithfully execute the office of Council Member of the Chiricahua Apache Nation, and will, to the best of my ability, preserve, protect and defend the Constitutions of the Chiricahua Apache Nation and of the United States against all enemies foreign and domestic, so help me God. I swear further that I will do everything within my power to promote the culture, heritage and traditions of the Chiricahua Apache Nation, and to devote my best efforts to help the Chiricahua Apache Nation achieve its objectives as stated in the Preamble of its Constitution.”

The foregoing Oath shall be administered by the Medicine Leader or, in his absence, by a person appointed by the Council to administer oaths. The Oath shall be filed in the Office of the Secretary of Administration.

Any and all other Legislative Branch officers appointed shall make the same Oath, substituting the names of their respective offices.

Section 7. Chairman of the Council

The National Council shall choose a Chairman from among their number.

The Chairman shall preside over all meetings of the National Council and shall appoint a Recording Secretary and a Sergeant-At-Arms, who shall not be members of the National Council and shall be placed in office by and with the advice and consent of the National Council. The Chairman shall decide all questions of procedure and open and close each Session.

The Recording Secretary shall (a) keep a true and accurate Journal of all proceedings, legislative history, and enactments of the National Council, (b) submit the Journal to the National Council at all Sessions of the National Council, (c) preserve the Journal for public inspection, (d) ensure that all notices of Sessions are communicated as required by this Constitution, (e) rule upon the validity of all signatures, (f) transmit the Journal to the Secretary of Administration, (g) conduct all correspondence of the National Council, and (h) perform such other duties as may be directed by the National Council.

The Sergeant-At-Arms shall maintain order, decorum, and security during Sessions, and, if necessary as determined by the Chairman or by six Members, forcibly remove any Member(s) disruptive of the National Council. The Sergeant-At-Arms will bear arms for this purpose.

Section 8. Delegated and Enumerated Powers

The National Council shall be limited in its authority to the exercise of legislative powers delegated by the Chiricahua Apache people to the Chiricahua Apache Nation in this Constitution. The following enumeration of legislative powers shall not be construed to limit the powers of the Chiricahua Apache Nation, but all legislative powers not expressly entrusted to the National

Council by this Constitution shall be reserved to the people of the Chiricahua Apache Nation, and such powers may be exercised by the people through appropriate action.

The National Council shall have the sole power to:

- (a) establish and maintain a seat of government for the Chiricahua Apache Nation;
- (b) promote and protect the freedom, peace, health, safety, general welfare, and morals of the Chiricahua Apache people;
- (c) declare war;
- (d) raise, support, arm, and make rules for the government, regulation, and discipline of armed forces;
- (e) give advice, receive information, and grant or withhold consent as to treaties, compacts, and agreements with other governments, organizations, and individuals;
- (f) determine and regulate citizenship;
- (g) enact civil and criminal laws governing lands, assets, affairs, persons, conduct, and transactions to further the objectives of the Chiricahua Apache Nation as reflected in the Preamble to this Constitution, and impose penalties for violations of such laws;
- (h) provide for the maintenance of law and order and the administration of justice by enacting laws governing the Judicial Branch and establishing a National Police Force;
- (i) bar, exclude, and remove non-citizens from the territory of the Chiricahua Apache nation, and to delegate these powers to the President;
- (j) receive, appropriate, and authorize expenditures of all funds;
- (k) borrow and lend money, issue bonds, accept grants and donations, and charter a bank;
- (l) regulate and promote trade and commerce;
- (m) raise revenue by levying and collecting taxes, fees, and assessments upon non-citizen income, property, transactions, sales, and activities within or affecting the territory of the Chiricahua Apache Nation;
- (n) overturn a Presidential Veto by a 2/3 vote within eight calendar days after the President notifies the National Council of the Veto;
- (o) regulate elections and determine voting rights;
- (p) judge the elections and qualifications of its own members;
- (q) determine and enforce the rules of its proceedings, select its officers, punish its members for misconduct, malfeasance, and nonfeasance, and, with the concurrence of at least six members, expel a member;
- (r) manage, regulate, purchase, acquire, encumber, sell, and convey lands, resources, real and personal property, and assets tangible and intangible;
- (s) regulate ceremonies and other activities to preserve and protect Chiricahua Apache religion, traditions, values, culture, language, and art;
- (t) protect and preserve the sacred sites, lands, minerals, water, wildlife, and other natural resources of the Chiricahua Apache Nation;
- (u) regulate, and grant licenses and permits, for hunting, fishing, trapping,

- recreation, and related activities;
- (v) charter and regulate corporations and entities, and participate in the ownership or management of any corporation or entity;
- (w) establish and regulate Executive Departments, agencies, offices, boards, and commissions, and delegate legislative powers to the Executive Branch to be executed and administered by such, reserving the right to oversee and review the exercise of such delegated power;
- (x) enact laws to vest the appointment of officers in the President alone, in the Judicial Branch, or in the heads of Executive Departments, agencies, offices, boards, and commissions;
- (y) fix and prescribe salaries and allowances for all elected or appointed officials and employees of the Chiricahua Apache Nation, but the National Council shall not increase the salary of National Council Members during terms of office for which they have been elected;
- (z) bring articles of impeachment against officers of the Executive and Judicial Branches for trial by the Grandmother's Council;
- (aa) appoint such other Legislative Branch officers as it may deem necessary to effectively fulfill its obligations and exercise its authority; and
- (bb) make all laws, statutes, codes, ordinances, and resolutions which shall be necessary and proper for carrying into execution the following enumerated powers and all other powers vested by this Constitution in the Chiricahua Apache Nation.

Section 9. Sessions, Procedures, Duties, and Records of the National Council

- (a) The National Council shall hold Ordinary Sessions at times and places, real or virtual, to be determined by the National Council, but no less frequently than once per month, and may hold Special Sessions when called by the Chairman or the President after notification of each Member at least seventy-two hours in advance, as well as Emergency Sessions with fewer than seventy-two hours notice when necessary for the preservation or protection of the national security of the Chiricahua Apache Nation.
- (b) A quorum of five Members shall be necessary to open a Session. Without a quorum, the Chairman shall adjourn the Session.
- (c) Every Session shall begin and close with a prayer led by the Medicine Leader.
- (d) National Council Members shall sit a circle when in Session, and shall use a Talking Stick to designate in whom the authority to speak is vested.
- (e) All questions of procedure, rules of order, the agenda, and the right to speak shall be decided by the Chairman.
- (f) The National Council may, upon majority vote or unilateral decision of the Chairman, go into Executive Session. In Executive Sessions, all persons, except members of the National Council, the Secretary, and the Sergeant-at-Arms, shall be excluded, except any person whose presence shall be required by the National Council.
- (g) All meetings of the National Council shall be open to all citizens of the

Chiricahua Apache Nation, except when in Executive Session or when necessity requires the National Council to meet electronically rather than in person. Non-citizens may attend with the permission of majority vote of a quorum of the National Council providing the Chairman votes in favor.

- (h) A majority vote of the quorum shall be necessary to exercise each the powers of the National Council, except as otherwise provided by this Constitution. Each Member, including the Chairman, shall be entitled to cast one vote. No enactment passed in the absence of a quorum shall be of any legal force or effect.
- (i) No legislation, ordinance, or other major action shall be enacted unless approved by at least five Members of the National Council.
- (j) In accordance with Chiricahua Apache tradition, the National Council shall attempt to achieve consensus whenever possible.
- (k) The Recording Secretary of the National Council shall keep a Journal of its proceedings, excepting such parts as may in the judgment of the National Council require secrecy, and the vote of each Member shall be recorded in the Journal. No secret votes shall be permitted.
- (l) All final decisions of the National Council on matters of permanent or significant interest shall be embodied in Statutes. Every Statute shall begin with the words, "Be it enacted by the National Council of the Chiricahua Apache Nation." Statutes shall be maintained by the Recording Secretary in the Journal, transmitted to the Secretary of Administration, and available for inspection by citizens of the Nation.
- (m) All final decisions on matters of temporary interest where a formal expression of legislative intent is required shall be embodied in a Resolution. Every Resolution shall begin with the words, "Be it resolved by the National Council of the Chiricahua Apache Nation." Resolutions shall be maintained by the Recording Secretary in the Journal, transmitted to the Secretary of Administration, and available for inspection by citizens of the Nation.
- (n) Every Statute and Resolution passed by the National Council shall include a statement as to why it is lawful with specific reference to provisions of this Constitution.
- (o) Every Statute and Resolution passed by the National Council shall include a statement of the impact of the statute or ordinance on the Chiricahua Apache Nation and its citizens three generations into the past and three generations into the future.
- (p) Every Statute approved by a majority of the Members in attendance in the National Council shall, before it becomes effective, be presented to the President; if he approves, he shall sign it; if not, he shall return it with his objections to the National Council, which shall enter the objections in the Journal and proceed to reconsider it. If, after such reconsideration, six or more members of the National Council shall agree to pass the enactment, it shall become fully effective and operational notwithstanding the veto of the President. In all such cases, the vote of the National Council shall be entered in the Journal. If any enactment shall not be returned by the President within eight days (Sundays and holidays excepted) after it shall have been presented

to him, the same shall be law in like manner as if he had signed it. No enactment shall become a law after the final adjournment of the National Council, unless approved by the President within twelve days after such adjournment.

- (q) All Statutes that become effective and of legal force shall be dated, numbered, attested-to by the Recording Secretary, cite the appropriate Constitutional authority, and be accompanied by a certificate of adoption showing the presence of a quorum and the number of members voting for and against the enactment.
- (r) The National Council shall act upon all Executive and Judicial appointments requiring its confirmation within twenty-eight days.
- (s) The National Council shall by Statute provide a system for assuring the reasonable and appropriate access by citizens to the Journal and other official records of its Sessions, excluding that part of the official records that are derived from Executive Sessions, or expressly made confidential by the laws of the Council, the States of New Mexico or Arizona, or the U.S. Government, or that would be confidential or secret if such records were records of the U.S. Government. The National Council shall ensure that a complete record is preserved of all acts of the National Council and of all committees appointed therefrom, and that accurate copies of all records shall be transmitted to the Department of Administration, as well as such other Departments, Courts, agencies, or elsewhere as may be required.
- (t) The National Council shall, within eighty days of the election of the first election,
 - (i) give advice and consent to the nominations of the President to the Citizenship Committee, (ii) enact a Statute governing elections, and (iii) enact an annual balanced budget, which shall include an appropriation of operating funds for each branch of government and which shall authorize, by law, each item for which funds are included and appropriated, and no expenditure can be made for any other purpose than that for which it was appropriated. Expenditures may not exceed available funds and deficit spending is prohibited.
- (u) Failure of National Council members to attend Sessions may constitute grounds for removal.

Section 10. Grandmother's Council

The Grandmother's Council shall consist of four adult female citizens of the Chiricahua Apache Nation who are women recognized for their integrity and judgment, are fifty-two years of age or older at the time of election, and are elected at large by secret ballot of qualified voters of the Chiricahua Apache Nation to life terms. No woman shall serve in the Chiricahua Apache Grandmother's Council while also holding an office or position in the Executive Branch, or while employed by a State or Federal government, unless prior approval is granted by at least five currently serving members of the National Council and the Attorney General certifies that no conflict of interest exists.

Members of the Grandmother's Council shall be elected by the procedures outlined in Section 5 of this Article. They shall take the Oath of Office described in Section 6 of this Article before entering into service. They shall choose among their number a Chairwoman who shall have the power to determine the agenda and rule on questions of procedure.

The Grandmother's Council shall hold sole power to:

- (a) subject to laws which shall be enacted by the National Council guaranteeing the due process rights of the accused and specifying procedures, try cases of impeachment, with at least three votes necessary for convictions of all officers save for the President, against whom a unanimous vote of four is necessary to convict;
- (b) settle minor disputes according to tradition using a Peacemaker Court, which shall have such original and subject matter jurisdiction as may be authorized by the Chiricahua Apache Nation Judiciary Act;
- (c) under the leadership of the Medicine Leader, perform restorative justice ceremonies;
- (d) determine and enforce the rules of its proceedings, select its officers, punish its members for misconduct, malfeasance, and nonfeasance, and, with the concurrence of at three members, expel a member for any or no reason, which expulsion shall not be subject to due process or judicial review; and
- (e) exercise veto power, by unanimous vote, over any National Council declaration of war.

Section 11. Vacancies

The office of a Member of the National Council or the Grandmother's Council who dies, resigns, or is expelled shall automatically be deemed to be vacant. Resignation of office shall be written and shall be deemed to be effective as of the date tendered unless otherwise stated in the resignation document. A vacancy in the National Council shall be filled by special election as provided under Article X of this Constitution, and the individual elected thereby shall serve out the remainder of the present term unless the vacancy occurs within thirty days of a regular election, in which case the individual elected in the special election will commence to serve the remainder of the incumbent term as well as the next term. Members of the Grandmother's Council elected to fill vacant seats shall serve for life.

ARTICLE VIII

EXECUTIVE BRANCH

Section 1. President

The Executive Power of the Chiricahua Apache Nation shall be vested in a President, who shall be called the “President of the Chiricahua Apache Nation.” The Executive Branch of the Chiricahua Apache Nation shall consist of the President, a Vice President, and such other officers as the President may find necessary for the proper administration of the Chiricahua Apache Nation, along with such other officers as the Council may establish by law.

Section 2. Qualifications

The President and Vice President of the Chiricahua Apache Nation shall be male citizens of the Chiricahua Apache Nation at least forty years of age at the time of their election. All other Executive Branch officers shall be citizens of the Chiricahua Apache Nation at least twenty-four years of age at the time of their election or appointment, but Executive Directors shall be at least thirty-two years of age at the time of their appointments.

Section 3. Elections

The President shall, together with the Vice President, be elected by a majority of the eligible voters of the Chiricahua Apache Nation in an election held on the same day and under the same rules as the election for the National Council, but no President and no Vice President shall be elected without earning the votes of a majority of female voters. If no candidate receives a majority of voters as well as a majority of female voters, the candidate who earned the fewest votes will be eliminated from consideration and another round of voting will be held. If no candidate earns an absolute as well as a female majority in the second round of voting, the candidate who earned the fewest votes in the second round will be eliminated and subsequent rounds of voting will be held until a candidate receives an absolute as well as a female majority. The candidate receiving an absolute as well as a female majority shall be President. The candidate receiving the second-most votes cast in the round of voting in which a President is elected shall be Vice President.

Section 4. Term of Office

The President and Vice President shall serve a term of four years, and shall take office after executing the Oath of Office on the 20th day of January in the year following their election. They shall each remain in office and serve until a successor has been duly elected and sworn into office unless removed by impeachment and conviction, resignation, or death.

All other Executive Branch officers shall be appointed by, and serve at the pleasure of, the President, unless the Council shall establish otherwise by law.

Section 5. Oath of Office

Before the President enters office, he shall make the following Oath:

“I do solemnly swear that I will faithfully execute the office of President of the Chiricahua Apache Nation, and will, to the best of my ability, preserve, protect and defend the Constitutions of the Chiricahua Apache Nation and of the United States against all enemies foreign and domestic, so help me God. I swear further that I will do everything within my power to promote the culture, heritage and traditions of the Chiricahua Apache Nation, and to devote my best efforts to help the Chiricahua Apache Nation achieve its objectives as stated in the Preamble of its Constitution.”

The foregoing Oath shall be administered by the Medicine Leader or, in his absence, by a person appointed by the National Council to administer oaths. The Oath shall be signed by the Medicine Leader or his substitute and filed in the Office of the Secretary of Administration.

All other Executive Branch officers elected or appointed shall make the same Oath, substituting the names of their respective offices.

Section 6. Presidential Powers and Duties

The President is the Chief Executive Officer of the Chiricahua Apache Nation and shall execute the laws of the Chiricahua Apache Nation and perform all duties delegated to him by the Council. He shall exercise the following powers and faithfully discharge the following duties:

- (a) command the Armed Forces of the Chiricahua Apache Nation;
- (b) faithfully implement, execute, and enforce the laws;
- (c) serve as Head of State and official representative for the Chiricahua Apache Nation in all matters that concern its welfare, including in its dealings with all other governmental and nongovernmental entities, and in that capacity receive and negotiate with ambassadors and other public ministers;
- (d) make independent decisions to promote and protect the safety and welfare of the Chiricahua Apache Nation in a manner consistent with this Constitution;
- (e) provided two-thirds of the National Council concur, make treaties, contracts, and agreements with governmental and nongovernmental entities;
- (f) administer and manage the political, economic, social, cultural, and other affairs, interests, and resources of the Chiricahua Apache Nation;
- (g) communicate, on the Summer Solstice of each year, to the assembled National Council, Supreme Court, Cabinet, and citizens of the Chiricahua Apache Nation gathered in Pinos Altos, New Mexico, information about the State of the Chiricahua Apache Nation, and lay before all assembled there those cases, questions, propositions, and issues he deems necessary and proper;
- (h) propose and recommend to the National Council such laws, policies, actions, and regulations as he shall deem necessary and expedient;
- (i) nominate, and by and with the advice and consent of the National Council, appoint ambassadors, other public ministers and consuls, Supreme Court Justices, and all other

Executive Directors and officers of the Chiricahua Apache Nation, whose appointments are not herein otherwise provided for, and which shall be established by law;

- (j) delegate duties to subordinate officers;
- (k) require the opinion, in writing, of the Executive Director in each Executive Department, upon any subject relating to the duties of their respective offices;
- (l) commission all Executive officers of the Chiricahua Apache Nation;
- (m) call the National Council into Emergency Session under extraordinary circumstances;
- (n) grant reprieves and pardons for offenses against the Chiricahua Apache Nation, except in cases of impeachment;
- (o) take such actions, including removal and/or barring of persons from the territory of the Chiricahua Apache Nation, as may be necessary to safeguard the health, welfare, safety, and morals of the Chiricahua Apache Nation, or protect its resources from imminent danger;
- (p) prepare and present to the National Council for approval, no later than the Spring Equinox, a proposed annual National Financial Plan that sets forth in detail the then current assets of the Chiricahua Apache Nation, the sources and amounts of all anticipated revenues for the year, and a National Budget for said year;
- (q) veto enactments of the National Council of which he disapproves within eight days of enactment;
- (r) remove or reassign Executive Branch officers at his pleasure for any or no reason;
- (s) exercise such additional powers as may be delegated by the National Council or which are necessary to the exercise of delegated authority, as well as such additional powers as are vested in the Executive Branch through the inherent sovereignty of the Chiricahua Apache Nation.

The foregoing enumeration of executive powers vested in the President are in addition to, and not a limit upon, other inherent sovereign powers of the Chiricahua Apache Nation not expressly referenced in this Constitution.

Section 7. Veto Authority

Every law, resolution, or separate appropriation item enacted by the National Council of the Chiricahua Apache Nation shall be presented to the President for signature before becoming effective. If the President approves, the enactment of Council shall become law. If the President should disapprove an enacted measure, it shall be returned within four days together with a statement of objections. If after further consideration, the disapproved measure shall again be passed by not fewer than six votes in the National Council, the vetoed measure shall become law notwithstanding the Veto.

Section 8. Vice Presidential Powers and Duties

The Vice President shall exercise the following powers and faithfully discharge the following duties:

- (a) assist the President when requested to do so, and, in the absence of the President, exercise the same authorities and discharge the same duties incumbent upon the President;

- (b) assume responsibility for functions and roles that may be delegated to him by the President;
- (c) preside over meetings of the National Council in the absence of the Council Chairman, but vote only for the purpose of breaking a tie; and
- (d) assume the office and duties of the President upon the President's death, resignation, or removal, or a determination by six or more Council Members that the President has become permanently or indefinitely incapacitated to an extent that prevents the President from fulfilling the obligations of the office.

Section 9. Cabinet and Constitutional Officers

In addition to the President and the Vice President, the Executive Branch of the Chiricahua Apache Nation shall include a Cabinet consisting of Departments of State, Justice, War, Treasury, Commerce, Interior, Culture and Religion, Seventh Generation, Elders, Administration, and such other Departments as the President may establish or disestablish as he finds necessary with the advice and consent of the Council.

Each Department of the Cabinet shall be headed by an Executive Director, appointed by the President subject to the advice and consent of the Council and charged with administering and directing the operations of a defined area of national government. Executive Directors shall be citizens of the Chiricahua Apache Nation and, save for the Seventh Generation Adviser, who shall not have reached the age of twenty, and the Elders Adviser, who shall be at least fifty-six years of age, shall be at least thirty-two years old.

The Cabinet shall consist of (1) the Secretary of State, (2) the Attorney General, (3) the Secretary of War, (4) the Secretary of Commerce, (5) the Secretary of the Interior, (6) the Medicine Leader, (7) the Seventh Generation Adviser, (8) the Elders Adviser, (9) the Secretary of Administration, and (10) such other Executive Directors as the President shall appoint with the advice and consent of the National Council.

Consistent with applicable laws and Constitutional provisions, the President shall have the sole power to prescribe and modify the duties, responsibilities, functions, and powers of Cabinet Members, who in turn shall have the power to appoint such subordinate Constitutional officers, staff, and other assistants as they deem necessary to perform their duties and discharge their responsibilities. The President shall exercise sole power to appoint and remove Executive Directors.

The Executive Director of the Department of State shall be called the Secretary of State of the Chiricahua Apache Nation, and shall have the following powers and duties:

- (a) serve as the President's principal adviser on the foreign policy of the Chiricahua Apache Nation;
- (b) conduct negotiations relating to Chiricahua Apache foreign affairs;
- (c) grant and issue passports to Chiricahua Apache citizens;
- (d) posts consuls and ambassadors to other governments;

- (e) advise the President on the appointment of ambassadors, consuls, and other diplomatic representatives;
- (f) advise the President regarding the acceptance, recall, and dismissal of the representatives of foreign governments;
- (g) participate in or direct U.S. representatives to international conferences, organizations, and agencies;
- (h) negotiate, interpret, and terminate treaties and agreements;
- (i) insure the protection of the Chiricahua Apache Nation to Chiricahua Apache citizens, property, and interests in foreign countries;
- (j) inform the National Council and Chiricahua Apache citizens on the conduct of Chiricahua Apache foreign relations;
- (k) promote beneficial trade between the Chiricahua Apache Nation and other governments; and
- (l) administer the Department of State.

The Executive Director of the Department of Justice shall be called the Attorney General of the Chiricahua Apache Nation, and shall have the following powers and duties:

- (a) represent the Chiricahua Apache Nation in legal matters;
- (b) supervise and direct the administration and operation of the offices, boards, divisions, and bureaus that comprise the Department of Justice;
- (c) furnish advice and opinions, formal and informal, on legal matters to the President and the Cabinet and to the heads of the Executive Departments and agencies;
- (d) make recommendations to the President concerning Judicial Branch appointments;
- (e) represent or supervise the representation of the Chiricahua Apache Nation in the Supreme Court of the Chiricahua Apache Nation and all other courts, foreign and domestic, in which the Chiricahua Apache Nation is a party or has an interest; and
- (f) perform or supervise the performance of other duties required by Statute or Executive Order.

The Executive Director of the Department of War shall be called the Secretary of War of the Chiricahua Apache Nation, and shall have the following powers and duties:

- (a) provide for the defense and national security of the Chiricahua Apache Nation by facilitating the raising, organization, training, equipping, and functioning of the Chiricahua Apache Armed Forces;
- (b) exercise authority, direction, and control over the Department of War;
- (c) provide military advice regarding war, and serve as the principal assistant in all military matters, including the appointment of commanders, to the President;
- (d) implement the national security and military strategies of the President;
- (e) promote relations with the Armed Forces of other governments;
- (f) maintain the arsenal of the Chiricahua Apache Nation;
- (g) promote the higher education of all military personnel of the Chiricahua Apache Nation; and
- (h) manage and oversee search and rescue operations within the Chiricahua Apache Nation.

The Executive Director of the Department of the Treasury shall be called the Secretary of the Treasury of the Chiricahua Apache Nation, and shall have the following powers and duties:

- (a) accept, receive, preserve, and safeguard all funds and assets placed into the custody of the Chiricahua Apache Nation;
- (b) monitor all fiscal matters pertaining to the Chiricahua Apache Nation;
- (c) accept all grants and donations of money to the Chiricahua Apache Nation for uses and purposes and upon the conditions and limitations for which the same are granted or donated, with the understanding that the faith of the Chiricahua Apache Nation is thereby pledged to preserve such monies as a sacred trust, and to keep the same for the use and purposes for which they were granted or donated;
- (d) deposit all funds and assets in such bank or elsewhere as the President shall direct or the National Council shall provide by law;
- (e) prepare and report accurate financial records of all receipts, expenditures, accounts, and funds in his possession every three months to the National Council, or at any time upon request of the National Council or the President;
- (f) prepare annual financial statements and a consolidated balance sheet in conformity with generally accepted accounting principles within 60 days after the end of the fiscal year;
- (g) ensure that the funds of the Chiricahua Apache Nation are only expended upon proper authorization and that expenditures are consistent with laws and policies of the National Council;
- (h) disburse funds by check or other financial instrument, countersigned by the President or Chairman of the National Council or their designee, only when authorized by a law passed and properly recorded by the National Council;
- (i) furnish a bond satisfactory to, and paid for by, the National Council;
- (j) open financial records for public inspection; and
- (k) submit books and records for audit at least once each year by a competent auditor employed by the National Council.

The Executive Director of the Department of Commerce shall be called the Secretary of Commerce of the Chiricahua Apache Nation, and shall have the following powers and duties:

- (a) promote and protect the trade, investment, and commercial intercourse of the Chiricahua Apache Nation;
- (b) represent private and public business interest within the Cabinet; and
- (c) promote job creation, economic growth, sustainable development, and improved standards of living for Chiricahua Apache people.

The Executive Director of the Department of the Interior shall be called the Secretary of the Interior of the Chiricahua Apache Nation, and shall have the following powers and duties:

- (a) protect the Chiricahua Apache nation against terrorism and other threats to public order and safety;
- (b) secure the borders of the Chiricahua Apache Nation to prevent and interdict the smuggling and trafficking of persons and illegal drugs, weapons, and other

- contraband;
- (c) provide for the policing of the Chiricahua Apache Nation and its territory by creating, organizing, supervising, managing, and administering the operation of the Chiricahua Apache Police Force, the Chiricahua Apache Fire Department, the Chiricahua Apache Border Patrol, and the Chiricahua Apache Immigration and Customs Enforcement;
 - (d) liaise, share information and intelligence, and otherwise co-operate with local, State, Federal law enforcement and Departments of Homeland Security;
 - (e) prevent, respond to, manage, resolve, and provide aid in the event of crises, natural and man-made disasters, and emergencies;
 - (f) manage and conserve land, water, wildlife, minerals, and other natural resources;
 - (g) provide technical capacity to maximize the productivity of agriculture and ranching within the Chiricahua Apache Nation;
 - (h) collect taxes;
 - (i) administer, as the lead Department, the post, internet, and other communications infrastructure of the Chiricahua Apache Nation;
 - (j) create a Chiricahua Apache National Identification card for citizens and lawful non-citizen residents;
 - (k) administer and regulate hospitals and other medical care facilities within the Chiricahua Apache Nation;
 - (l) administer schools and programs to promote Chiricahua Apache education, religion, culture, protocol, and language; and
 - (m) administer the civil service of the Chiricahua Apache Nation.

The Executive Director of the Department of Culture and Religion shall be called the Medicine Leader of the Chiricahua Apache Nation, and shall have the following powers and duties:

- (a) open and close Sessions of the National Council with a prayer;
- (b) represent the Chiricahua Apache Nation, at the request of the President, at official government functions;
- (c) serve as the official repository of the sacred knowledge of the Chiricahua Apache Nation;
- (d) teach others chosen to receive the sacred knowledge of the Chiricahua Apache nation;
- (e) educate the Chiricahua Apache youth in the foundations of Chiricahua Apache culture and religion;
- (f) perform sacred rituals, prayers, songs, cultural practices, and other ceremonial rites in an official capacity;
- (g) provide healing and pastoral services in an official capacity;
- (h) serve as the principal official of the Chiricahua Apache Nation with regard to the repatriation and recovery of human remains and religious artifacts, and with regard to the protection of sacred sites; and
- (i) perform such other duties within his competence at the request of the President and the National Council.

The Executive Director of the Elders Council shall be called the Elders Adviser and shall have the following powers and duties:

- (a) organize and lead the elders of the Chiricahua Apache Nation in preserving, protecting, and carrying sacred knowledge, memories, wisdom, history, traditions, culture, and spiritual values;
- (b) develop methods and means of passing sacred knowledge, memories, wisdom, history, traditions, and spiritual values along to Chiricahua Apache youth, and to future generations, and collaborate with the Seventh Generation Adviser in this task;
- (c) aid in, and work together with the Grandmother's Council to achieve, the resolution of disputes between Chiricahua Apache citizens;
- (d) act as models of acceptable behavior within the Chiricahua Apache Nation;
- (e) create a strong bond with Chiricahua Apache youth and set an example for how youth will develop into elders;
- (f) collaborate with other elders to assist in the execution of the foregoing; and
- (g) perform such other duties as the President shall assign.

The Executive Director of the Department of the Seventh Generation shall be called the Seventh Generation Adviser and shall have the following powers and duties:

- (a) advise and make recommendations to the National Council and the President on matters particularly relevant to and affecting youth;
- (b) consider, and provide advice and recommendations to the National Council and the President, on the effects of policies, laws, decisions, and other official governmental actions proposed or implemented on seven generations—great-grandparents, grandparents, parents, children and youth, grandchildren, and great-grandchildren; and
- (c) take, or propose, actions to anchor the relationships between ancestors and the future unborn of the Chiricahua Apache Nation.

The Executive Director of the Department of Administration shall be called the Secretary of Administration of the Chiricahua Apache Nation, and shall have the following powers and duties:

- (a) administer election laws as provided for in this Constitution and subsequent enactments of the National Council;
- (b) administer citizenship laws as provided in this Constitution, the Citizenship Statute, and subsequent enactments of the National Council;
- (c) record and maintain custody of the official acts of the National Council in the form of laws, resolutions, or other official acts;
- (d) certify the elections, Register, Journal, and official records of the Chiricahua Apache Nation;
- (e) prepare the National Council agenda docket and certification of official acts of the National Council;
- (f) administer the records of the Chiricahua Apache Nation;
- (g) process all requests for records filed by citizens of the Chiricahua Apache Nation;
- (h) act as custodian and keeper of the Great Seal of the Chiricahua Apache Nation; and

(i) send, receive, and maintain custody of all official correspondence of the Executive Branch of the Chiricahua Apache Nation.

Section 10. Impeachment and Removal

The President, Vice President, the Cabinet, and all other Executive Branch officers of the Chiricahua Apache Nation shall be removed from office on impeachment for, and conviction of, treason, bribery, incompetence, malfeasance, nonfeasance, moral turpitude, or other high crimes and misdemeanors alleged to have been committed during the accused's term of office. The National Council alone shall have the power to prefer charges and file articles of impeachment by majority vote. The Grandmother's Council alone shall have the power to try cases of impeachment and to remove officers upon conviction. All actions of impeachment and removal shall be undertaken in accordance with the laws of the Chiricahua Apache Nation, which shall afford due process of law to include the rights to notice, hearing, cross-examination of witnesses, subpoena power, and to the presentation of a defense.

The official against whom articles of impeachment are preferred shall be suspended from the exercise of duties of his office during the pendency of his impeachment proceedings. The National Council shall appoint a prosecutor to present the charges before the Grandmother's Council within eight days. Such prosecutor shall be a citizen of the Nation and shall not be employed or hold office in the Nation. The accused is entitled to a representative in his defense; the representative may be an attorney and need not be a citizen.

The Grandmother's Council shall sit as a court in all cases of impeachment and its decision shall be final. Three votes shall be required to convict the official, save for the President, in the case of whom four votes shall be required to convict.

Upon conviction in the Grandmother's Council, the officer shall be immediately removed from office and debarred permanently from holding office in the Chiricahua Apache Nation. Upon acquittal, the officer shall be immediately restored to duty.

Section 11. Incapacity and Succession

In case of the removal of the President from office, or of his death, resignation, or incapacity to discharge the powers and duties of office, the same shall devolve on the Vice President for the remaining portion of the term to which the President had been elected. In the case of removal, death, resignation, or disability both of the President and Vice President, the office of the Presidency shall devolve to the Chairman of the National Council, who shall act as President until the disability shall be removed or a President shall be elected. If the Chairman of the National Council is unable to serve for any reason, the office of the Presidency shall devolve onto the Secretary of State. If the Secretary of State is unable to serve, then the line of succession shall run, in order, as follows: the Attorney General, the Secretary of War, the Secretary of Commerce, the Secretary of the Interior, the Medicine Leader, the Seventh Generation Adviser, the Elders Adviser, and the Secretary of Administration. Vacancies in the office of the Vice President shall be filled at the sole power of the President. Vacancies in the Cabinet and in subordinate offices shall be filled by Presidential nomination subject to the advice and consent of the National Council.

Section 12. Compensation.

The President, Vice President, Cabinet Members, and all other officers of the Chiricahua Apache Nation shall receive reasonable compensation for their services as determined by the Council. The National Council may not diminish the compensation of the President, Vice President, or Cabinet Members during their continuation in office.

ARTICLE IX

JUDICIAL BRANCH

Section 1. The Judiciary

The judicial power of the Chiricahua Apache Nation shall be vested in the Judicial Branch of the Chiricahua Apache government, which shall consist of a Supreme Court, such other lower courts of special jurisdiction as may be created by the National Council, and a forum for traditional dispute resolution the operation of which shall be vested in the Grandmother's Council.

Section 2. Jurisdiction

The Chiricahua Apache Supreme Court shall have original and appellate jurisdiction extending to all cases, matters, or controversies, both civil and criminal, in law and in equity, arising under this Constitution, treaties, laws, ordinances, regulations, customs, traditions, and judicial decisions of the Chiricahua Apache Nation. The Supreme Court shall have jurisdiction over all persons within the territory of the Chiricahua Apache Nation, over all Chiricahua Apache citizens wherever they may be, over all cases in which the Chiricahua Apache Nation shall be a party, and over such cases and controversies as shall occur upon or affect the territory of the Chiricahua Apache Nation. The trial of all crimes shall be by jury unless the defendant elects a bench trial.

Section 3. Powers

The Courts of the Chiricahua Apache Nation shall have the power to:

- (a) exercise the powers of the Judicial Branch of the Chiricahua Apache government;
- (b) interpret, construe, and apply the Constitution, laws, and regulations of the Chiricahua Apache Nation, of the States of New Mexico and Arizona, and of the United States, and in so doing to make findings of fact and conclusions of law;
- (c) exercise exclusive judicial jurisdiction over all cases and controversies arising within the jurisdiction of the Chiricahua Apache Nation, including all civil disputes between citizens, review of government actions, and all other matters not within the exclusive jurisdiction of the Legislative or Executive Branches of government;
- (d) exercise exclusive jurisdiction over all other civil or criminal matters committed by law to the exclusive jurisdiction of the Chiricahua Apache Nation;
- (e) exercise jurisdiction over all other civil matters arising within the territory of the Chiricahua Apache Nation and not committed by law to the exclusive jurisdiction of the courts of the United States or the States of New Mexico or Arizona;
- (f) resolve civil disputes within the jurisdiction of the Chiricahua Apache Nation consistent with applicable Chiricahua Apache statutes, resolutions, ordinances, regulations, customs, and usages;
- (g) declare the laws and regulations of the Chiricahua Apache National Council void if two or more Justices concur that such laws or regulations conflict with the Constitution;

- (h) settle disputes among Chiricahua Apache citizens which are not submitted to any State or Federal Court and which are brought before the Court by any Chiricahua Apache citizen, after notice and an opportunity to be heard has been given to all parties concerned, and to impose fines to enforce its decisions which may be executed by attachment;
- (i) provide for the appointment of guardians for minors and mental incompetents;
- (j) issue injunctions, attachments, writs of mandamus, quo warranto, review, extradition, certiorari, and prohibition, and issue writs of habeas corpus upon petition by, or on behalf of, any person held in actual custody of the Chiricahua Apache Nation;
- (k) rule on election disputes; and
- (l) establish court rules, forms, and procedures for inferior courts, except that the National Council may enact a Judiciary Act consistent with this Constitution.

Section 4. Appointment, Composition, and Term

The Supreme Court shall consist of a Chief Justice appointed for life and two Associate Justices appointed by the President with the advice and consent of the Council to a term of eight years. Rules governing future judicial appointments and terms of judges assigned to inferior courts will be determined by the Supreme Court or by the National Council.

Section 5. Qualifications

Justices shall be citizens of any Native Nation at least thirty-two years old, of good moral character, free of felony convictions or convictions for any crime involving perjury, fraud, embezzlement, or moral turpitude, and hold no other governmental office, except the Chief Justice shall be at least forty years old and a citizen of the Chiricahua Apache Nation. Justices shall meet one or more of the following professional qualifications to be eligible:

- (a) graduation from a U.S. law school accredited by the American Bar Association;
- (b) admission to practice law before any tribal, State, Federal Court;
- (c) previous experience as a magistrate or lay judge in any local or tribal court; and
- (d) possession of an advanced degree with substantial law-related experience.

The National Council, in consultation with the Chief Justice of the Supreme Court, shall implement the requirements of this section consistent with a Judiciary Act.

Section 6. Rules

Rules of procedure and evidence for the Judicial Branch shall be prescribed by the Supreme Court within sixty days of its Justices taking office to insure that each citizen receives due process of law and a prompt, speedy, and impartial hearing and trial. These rules shall be presented to the Council. If the National Council does not act within sixty days after such presentation, these rules shall become effective.

The Chief Justice shall supervise the judicial business of the Supreme Court, including assignment of cases, hiring and supervision of court personnel, and other administrative affairs of the Court.

Section 7. Finality and Binding Effect

The decisions of the Supreme Court shall be final and shall bind the Chiricahua Apache government.

Section 8. Removal

The Council may remove any Justice or inferior judge by a vote of six or more Members for:

- (a) unethical conduct, as defined by the American Bar Association Code of Judicial Conduct;
- (b) physical or mental disability which prevent the performance of judicial duties;
- (c) persistent failure to perform duties;
- (d) exploitation of office for personal gain;
- (e) gross misconduct clearly prejudicial to the administration of justice;
- (f) conviction of a felony or a misdemeanor involving fraud, perjury, embezzlement, or moral turpitude; and
- (g) ineligibility to serve as a Supreme Court Justice or as a judge in an inferior court.

Any member of the Judicial Branch who is charged with any crime during his or her term in office may be suspended by a two-thirds majority vote of the National Council during the pendency of the criminal investigation in order to preserve the dignity and integrity of the Judicial Branch, provided that the accused is first given a written statement of the charges pending at least eight days before the suspension is to go into effect and providing that he or she is given a hearing wherein to answer all pending charges, cross-examine witnesses, and offer defenses. A Judicial Branch officer may not be subjected to removal unless the acts accused are alleged to have been committed during the accused's term of office. The National Council alone shall have the power to remove a Judicial Branch officer. All actions of removal shall be undertaken in accordance with the laws of the Chiricahua Apache Nation, which shall afford due process of law, to include the rights to notice, a hearing, and to present a defense.

Upon conviction of a felony or any misdemeanor involving perjury, fraud, embezzlement, or moral turpitude, a member of the Judicial Branch shall automatically be removed from office effective the date of conviction.

Section 9. Vacancies

Any vacancy in the Judicial Branch shall be filled by the President in the same manner as the original appointment for the balance of the unexpired term.

Section 10. Compensation

The National Council shall have the power to establish the level of compensation for each Justice, provided that the compensation due shall not be diminished during the appointment.

Section 11. Recusal

No Justice shall be qualified to hear or decide a case in which he shall have a conflict of interest or where a relative by blood or marriage shall be a party. In such cases, the Justice shall be recused and a Justice Pro Tempore shall be appointed by the President.

ARTICLE IX

ELECTIONS

Section 1. Election Laws

The National Council shall enact and may subsequently amend an Election Law prescribing procedures and regulations for voter registration, nomination of candidates, and the conduct of elections, to include procedures for casting ballots, methods for challenging the right to vote, and settlement of election disputes, at least three months before the initial election. All necessary details concerning nominations and elections not specifically addressed in this Constitution shall be more fully set forth in the Election Law hereafter established by the National Council as well as by rules adopted by the Election Board.

Section 2. Election Board

The Election Board shall administer the Election Law consistent with this Constitution, and may issue such rules and adopt such procedures as are necessary to determine and certify the qualifications and eligibility of candidates, register voters, call and carry out elections, certify election results, and settle election disputes. Two members of the Election Board shall be appointed by the National Council for four-year terms, and the third, who shall be the Chair of the Election Board, by the Grandmother's Council for a six-year term. The Council and Grandmother's Council respectively may remove Election Board Members for good cause by a two-thirds vote in favor of removal. Decisions of the Election Board, and the results of elections, are appealable directly to the Supreme Court of the Chiricahua Apache Nation.

Section 3. Date of Elections

The date of the first election shall be set by the National Council in office when this Constitution is adopted. After the first election, the President and Members of the Council shall be elected on the Winter Solstice, save for special elections called when necessary to fill vacancies.

Section 4. Voter Eligibility

Any citizen of the Chiricahua Apache Nation, fourteen years of age or over, who satisfies all criteria established by the National Council and the Election Board, shall be eligible to vote in any election. No citizen of another Native Nation shall be eligible to vote in the Chiricahua Apache elections. No one convicted of a felony in a court of competent jurisdiction shall be entitled to vote unless the felony has been discharged by pardon.

Section 5. Voting Procedures

Voting shall be by secret ballot cast in accordance with such rules and procedures as are provided in this Constitution and which shall be established by the National Council and the Election Board, and by such methods as established by the Election Board. Each citizen shall cast one vote. Citizens who have completed an undergraduate degree from an accredited school

may cast an additional vote. Citizens currently in military service, or who are honorably discharged from the armed forces of the Chiricahua Apache Nation or of the United States, may cast an additional vote. Citizens over the age of sixty-five may cast an additional vote. The maximum number of votes cast by a citizen shall be four.

Section 6. Nominations

Any citizen of the Chiricahua Apache Nation, subject to other provisions of this Constitution and any law(s) that may be enacted by the National Council and regulations created by the Election Board, may announce candidacy for office by notifying the Election Board in writing of same at least 80 days prior to the election. It shall be the duty of the Election Board to publicize notice of the names of all candidates who have met the requirements at least 40 days before the election.

Section 7. Certification of Results

The Election Board shall certify the results of elections within 24 hours after voting ends.

Section 8. Challenge of Election Results

Any member of the Chiricahua Apache Nation may challenge the results of any election by filing suit in the Supreme Court within 8 days after the Election Board certifies the election results. The Supreme Court shall hear and decide a challenge to any election within eight days after the challenge is filed in the Supreme Court.

Section 9. Oath of Office

The Medicine Leader shall administer the Oath of Office for the offices of President, Vice President, and National Council on the 20th of January in the year following the election of persons to those offices, or within twenty-four hours of the accession of persons to those offices following the death, resignation, impeachment, or disability of the incumbents. The Oath of Office is as follows:

“I do solemnly swear that I will faithfully execute the office of _____ of the Chiricahua Apache Nation, and will, to the best of my ability, preserve, protect and defend the Constitutions of the Chiricahua Apache Nation and of the United States against all enemies foreign and domestic, so help me God. I swear further that I will do everything within my power to promote the culture, heritage and traditions of the Chiricahua Apache Nation, and to devote my best efforts to help the Chiricahua Apache Nation achieve its objectives as stated in the Preamble of its Constitution.”

Section 10. Acting President and Acting Chairman of the National Council

Until the first election shall be held and results certified, the Acting President of the Chiricahua Apache Nation shall be Joe Saenz, and the Acting Chairman of the Chiricahua Apache National Council shall be Anthony Ortiz.

Section 11. Initial Election

The initial election for President, Vice President, and the National Council shall occur within eighty days of the ratification of this Constitution and, if possible, on the Winter Solstice. Runoff election rounds, if necessary, shall occur and be completed within eight days of the initial election. The President, Vice President, and Members of the National Council shall take office upon certification of the election by the Election Board. The acting President, Joe Saenz, and acting Chairman of the Council, Anthony Ortiz, shall provide for an independent Election Board for the primary and runoff election, notify Chiricahua Apache citizens of the date to file for candidacy and dates of initial and runoff elections, conduct the election in accordance with this Constitution, and remain in office until the installation of the officials elected in this initial election.

ARTICLE XI

SOVEREIGN IMMUNITY

Section 1. Sovereign Immunity

As a recognized attribute of the government of a sovereign Native Nation in existence since time immemorial, the Chiricahua Apache Nation hereby declares that, in exercising self determination and its sovereign powers to the fullest extent, it and all its officers and employees acting within the scope of their duties are immune from suit in all forums, including in all courts of the United States or of any State, except to the extent that the National Council expressly waives sovereign immunity and consents to suit, or as provided by this Constitution.

Section 2. Suit Against Officials and Employees

Officials and employees of the Chiricahua Apache Nation who act beyond the scope of their duties and authority shall be subject to suit in equity only for declaratory and non-monetary injunctive relief in the Supreme Court of the Chiricahua Apache Nation by persons subject to its jurisdiction for purposes of enforcing rights and duties established by this Constitution or other applicable laws.

Section 3. Exhaustion of Remedies

In seeking redress of grievances against the Chiricahua Apache Nation, persons subject to its jurisdiction shall exhaust all remedies available to them under this Constitution and the laws of the Chiricahua Apache Nation before seeking redress of grievances against it in the courts of the United States or, to the extent made specifically available in any future Land Claims Settlement Act, in the courts of the States of New Mexico or Arizona.

Section 4. Absence of Federal and State Jurisdiction

Unless specifically granted by treaty or imposed by federal Indian laws generally applicable to all Native Nations, Federal and State courts shall have no jurisdiction over the Chiricahua Apache Nation, its territory, or its citizens. The provisions of this Section shall be liberally construed in favor of the Chiricahua Apache Nation.

ARTICLE XII

SUPREMACY CLAUSE

This Constitution, and the laws of the Chiricahua Apache Nation which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Chiricahua Apache Nation, shall be the Supreme Law over all territory and persons within the jurisdiction of the Chiricahua Apache Nation, and the government of the Chiricahua Apache Nation shall be bound thereby, anything in the Constitution or laws or judicial decisions of the United States, or of any particular State or nation or international organization, to the contrary notwithstanding.

ARTICLE XIII

AMENDMENTS

Section 1. Power to Propose

The people of the Chiricahua Apache Nation reserve to themselves the power to propose Amendments to this Constitution and to enact or reject the same at the polls.

Section 2. Procedure

Any Amendment or Amendments to this Constitution may be proposed by the National Council, and if the same shall be agreed to by six or more Members, such proposed Amendment or Amendments shall, with the yeas and nays thereon, be entered into the Journal and referred by the Recording Secretary to the people for their approval or rejection at the next regular general election, except when the National Council, by a two-thirds (2/3) vote, shall order a special election for that purpose. If three-quarters of all the registered voters voting at such election shall vote in favor of any Amendment thereto, it shall thereby become a part of this Constitution.

Section 3. Separate Votes

If two or more Amendments are proposed they shall be submitted in such manner that voters may vote for or against them separately.

Section 4. Separate Subjects

No proposal for the Amendment of this Constitution which is submitted to the voters shall embrace more than one general subject and the voters shall vote separately for or against each proposal submitted; provided, however, that in the submission of proposals for the Amendment of this Constitution by articles which embrace a general subject, each proposed Article shall be deemed a single proposal or proposition.

Section 5. Constitutional Conventions

A Constitutional Convention may be called by the National Council to propose a new Constitution. Any Amendments, alterations, or revisions to the Constitution proposed by such a Convention shall be submitted to the voters of the Chiricahua Apache Nation at a general or special election and be approved by three-quarters of the voters voting thereon, before the same shall become effective. The National Council shall call a Constitutional Convention at least once every twenty-four years.

ARTICLE XIV

SAVINGS AND SEVERABILITY

Section 1. Savings Clause

All enactments and actions of the Chiricahua Apache Nation adopted or taken before the effective date of this Constitution, including but not limited to laws, resolutions, decisions, policies, elections and appointments, and terms of office, shall continue in effect to the extent that they are consistent with this Constitution, unless such enactments and actions are revoked or amended.

Section 2. Severability

Should any Article or Section of this Constitution be found in the future to be unconstitutional by a Court of competent jurisdiction, the invalid provision(s) shall be severed and the remainder of this Constitution shall remain in full force and effect.

ARTICLE XV

ADOPTION AND RATIFICATION

Section 1. Effective Date

This Constitution shall become effective and shall be adopted on the date it is approved by a majority of the voters of the Chiricahua Apache Nation who cast their ballots at an election conducted pursuant to laws, rules, and regulations promulgated by the Acting President and Acting Chairman of the National Council. It shall be ratified by the Election Board and engrossed on parchment and signed by the President. It shall be filed in the office of the Chiricahua Apache Nation and sacredly preserved as fundamental law of the Chiricahua Apache Nation.

Section 2. Interim President and Interim Members of the National Council

Notwithstanding any other provision of this Constitution, upon adoption of this Constitution the acting President, Vice President, and Members of the National Council of the Chiricahua Apache nation shall assume all of the powers and duties of such officers as set forth in this Constitution, and shall exercise those powers and duties until their successors are duly elected and qualified. The term of office of any official serving at the time of the adoption of this Constitution shall not be extended or otherwise affected by this provision.

Section 3. Interim Laws and Resolutions

Notwithstanding any other provision of this Constitution, any law or resolution previously enacted and in effect at the time of the adoption of this Constitution shall remain in full force and effect according to its terms until it is amended or repealed in accordance herewith, except to the extent that it may be inconsistent with the rights and privileges secured by this Constitution.

Section 4. Interim Justices

Notwithstanding any other provision of this Constitution, any Supreme Court Justice who holds that office at the time this Constitution is adopted shall immediately assume all powers and duties of that office as set forth in this Constitution.

Section 5. Certificate of Ratification

The results are hereby certified by the members of the Chiricahua Apache Election Board shown below:

RESOLUTION OF THE CHIRICAHUA APACHE INTERIM NATIONAL COUNCIL

Resolution #16-01, Date Approved: 21 December 2016

Subject: Certification of Constitutional Ratification Election

WHEREAS: A draft of a Constitution for the Chiricahua Apache Nation, dated 20 October 2016 has been presented to the citizens of the Chiricahua Apache Nation for ratification on 21 October 2016, and

WHEREAS: A ratification election has been conducted with ballots cast from 17-21 December 2016, and by unanimous vote Chiricahua Apache citizens have approved the Constitution of the Chiricahua Apache Nation by a vote of 144 in favor of adoption and 0 against adoption, and

WHEREAS: Said election result represents 100% of the voting majority in support of adoption of the Constitution of the Chiricahua Apache Nation dated 20 October 2016, now

THEREFORE BE IT RESOLVED:

The results of the Constitutional Ratification Election have been certified by the Chiricahua Apache Election Board and said certification is hereby accepted and approved by Chiricahua Apache Interim National Council and the President of the Chiricahua Apache Nation, and

BE IT FURTHER RESOLVED:

That the Chiricahua Apache Interim National Council and the President of the Chiricahua Apache Nation, on behalf of the Chiricahua Apache Nation, hereby certifies that this Resolution was approved at a duly called Special Session of the Chiricahua Apache Interim National Council on 21 December 2016, at which a quorum was present, and that this Resolution #16-01 was adopted by a vote of 8 FOR and 0 AGAINST with no abstentions. This Resolution has not been rescinded or amended in any way. The Attorney General having reviewed and concurred in their findings, the Interim Council and the President hereby certify that the Constitution of the Chiricahua Apache Nation is adopted and is now in effect.

ATTEST:

Signed and Witnessed by Anthony Ortiz, Interim Chairman of the Interim National Council of the Chiricahua Apache Nation, 21 December 2016, in Silver City, New Mexico

ATTEST:

Signed and Witnessed by Joe Saenz, Interim President of the Chiricahua Apache Nation, 21 December 2016, in Silver City, New Mexico
