



U.S. Department of the Interior News Release

Date: Wednesday, May 12, 2021
Contact: Interior_Press@ios.doi.gov

Secretary Haaland Approves New Constitution for Cherokee Nation, Guaranteeing Full Citizenship Rights for Cherokee Freedmen

WASHINGTON — Secretary of the Interior Deb Haaland today approved a new Constitution for the Cherokee Nation that explicitly ensures the protection of the political rights and citizenship of all Cherokee citizens, including the Cherokee Freedmen. Cherokee law directs that changes to their Constitution be approved by the Department of the Interior.

"The Cherokee Nation's actions have brought this longstanding issue to a close and have importantly fulfilled their obligations to the Cherokee Freedmen," said **Secretary Deb Haaland**. "Today's actions demonstrate that Tribal self-governance is the best path forward to resolving internal Tribal conflicts. We encourage other Tribes to take similar steps to meet their moral and legal obligations to the Freedmen."

Citizenship rights of Freedmen — the former slaves of members of what have been termed the Five Civilized Tribes (Cherokee, Choctaw, Chickasaw, Muscogee Creek and Seminole Nations) — have been the subject of various litigation efforts dating back to the Treaty of 1866.

In 1999, delegates of the Cherokee Nation held a constitutional convention to draft a new Constitution, replacing the one enacted on June 26, 1976. Although the 1999 Constitution was approved by the Nation in 2003, it was not submitted for Secretarial approval until March 12, 2021.

On August 30, 2017, the federal district court in *Cherokee Nation v. Nash* ruled that the Treaty of 1866 gave Cherokee Freedmen a right to citizenship in the Cherokee Nation "that is coextensive with the rights of native Cherokees." On February 22, 2021, the Cherokee Nation Supreme Court ruled that the opinion in *Nash* was binding on the Cherokee Nation and unanimously held that the Treaty of 1866 placed limits on the Nation's government such that any calls to amend the Nation's constitution or pass other laws solely to deny Freedmen descendants the rights of Cherokee citizenship "shall never be law."

###