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Office of the Chief

Chuck Hoskin Jr.
Principal Chief

Bryan Warner
Deputy Principal Chief

Executive Order 2020-04-CTH

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

2. POLICY: The executive powers to administer the operations of programs are authorized by law in accordance with the terms of the Constitution. The Principal Chief has a fundamental responsibility to faithfully execute the laws of the Nation and to provide executive direction over the departments, programs, disciplines and delivery of services that are essential to the Nation.

3. PURPOSE: This Executive Order establishes the Commission for the Protection of Cherokee Nation Sovereignty. Additionally, this order authorizes the Office of the Attorney General to lead and develop the Cherokee Nation Inter-Governmental Criminal Justice Task Force.

4. BACKGROUND: On July 9, 2020, the United States Supreme Court held in *McGirt v. Oklahoma*, that the Muscogee (Creek) Reservation had never been disestablished by Congress. Likewise, the Cherokee Nation's Reservation was never disestablished by Congress and continues in full effect today. The legal reasoning in *McGirt* impacts each of the Five Civilized Tribes based on our shared history of removal, allotment, and treaty language.

An imminent need exists for an interdisciplinary approach to collaborate, coordinate, identify, analyze, and examine *McGirt* related issues, develop recommendations, and determine ways to strengthen partnerships to protect Cherokee Nation, our sovereignty, and everyone living within our Reservation boundaries.

5. ORDER: Therefore, I hereby establish the **Commission for the Protection of Cherokee Nation Sovereignty** ("*Commission*"). Further, the Cherokee Nation Attorney General is hereby authorized to lead and develop the **Inter-Governmental Law Enforcement Task Force** to collaborate with law enforcement and state and federal prosecutors.

It is further ordered that all Cherokee Nation departments that are impacted by the *McGirt* decision and interact with the Court, Attorney General, and/or the Marshal Service shall submit a report of impacts and proposed recommendations to the Cherokee Nation Chief of Staff by September 1, 2020, to be delivered to the Commission.

The membership and scope of the Commission are defined as follows:

Commission for the Protection of Cherokee Nation Sovereignty

The Commission's charge is to analyze resource concerns, costs, and necessary steps as the Cherokee Nation prepares to exercise expanded jurisdiction over crimes committed by tribal citizens, non-member Indians and non-Indians on trust, restricted, and fee lands within the reservation boundaries to ensure the safety of Cherokee citizens and our neighbors.

Areas of concentration for the Commission to review include, but are not limited to:

1. Courts
2. Law enforcement within the Cherokee Nation Reservation
3. Criminal codes
4. Jails/Detention Centers
5. Alternative punishment solutions
6. Probation
7. Prosecution
8. Indigent defense counsel
9. ICWA related cases
10. Domestic violence cases/Violence Against Women Act (VAWA)
11. Minor delinquent cases/programs
12. Other areas the Commission identifies

The Commission will be comprised of the following individuals:

1. Cherokee Nation Deputy Principal Chief, Bryan Warner
2. Cherokee Nation Secretary of State, Tina Glory Jordan
3. Cherokee Nation Attorney General, Sara Hill
4. Cherokee Nation Marshal, Shannon Buhl
5. Cherokee Nation Treasurer, Tralynna Scott
6. Cherokee Nation Delegate to Congress, Kimberly Teehee
7. Executive Director of Human Services, Marsha Lamb
8. Former U.S. Ambassador, Keith Harper

The following individuals have agreed to join the Commission:

1. Cherokee Nation Supreme Court Justice, John Garrett
2. Cherokee Nation Presiding District Court Judge, Luke Barteaux
3. Cherokee Nation Speaker of the Council and two appointees.

John Garrett, Justice of the Supreme Court, or his designee, is invited to call and preside over all meetings.

The Commission will prepare a report detailing its findings and recommendations. The report shall include specific recommendations to build the capacity of the Cherokee Nation Courts, Office of the Attorney General and law enforcement for the Cherokee Nation to adequately protect our Sovereignty and all peoples within the Cherokee Nation. The Commission shall also

identify and recommend updates to the Cherokee Nation Code in the areas of criminal and civil law in order to ensure protection of the Nation and its citizens.

The Commission will report its findings and recommendations to the Principal Chief periodically, and issue a final report no later than December 1, 2020.

It is so ordered on this 13th of August, 2020.

A handwritten signature in black ink that reads "Chuck Hoskin Jr." in a cursive, slightly stylized font.

Chuck Hoskin Jr.
Principal Chief
Cherokee Nation

