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EDITORIAL

Smith's Candidacy for Illegal Third Term Threatens \$240 Million in CNO Federal Funding

Unconstitutional Candidate Embarrasses Nation with Naked Power Grab and Precipitates New Crisis in CNO Tribal Government by Robin Mayes

offender. In fact, the BIA has officially stated in the past that, as a matter of policy, it will refuse to intervene in tribal affairs to enforce the Indian Civil Rights Act, preferring to allow the federal rights of individual tribal members to be unconscionably violated rather than faithfully exercise its statutory and trust responsibilities to promote respect for the rule of law and democratic self-government.

In the continuing absence of meaningful BIA administrative review of the grotesque abuses of Chad Smith's regime, congressional hostility toward CNO's illegal policies will only increase. If Smith is able to make a grab for a third unconstitutional term in office, the disintegration of the rule of law within the CNO will be complete and Congress, under mounting pressure from the justifiably outraged Black Caucus, will almost certainly suspend federal funding for the CNO until the internal constitutional crisis caused by a Smith candidacy subsides.

Chad Smith has been quoted as declaring that the "greatest exercise" of tribal "sovereignty is to pass our own constitution, without interference from outsiders," but he has apparently forgotten where the sovereignty of the Cherokee Nation truly resides. Since time immemorial, the right of self-government, which the European invaders called "sovereignty," has resided not in all-powerful tribal dictators, but with the people themselves. If any tribal constitution has any claim to legitimacy, it is only because it

is the authoritative expression of the will of the people for whose benefit it was created. But Chad Smith apparently has a different view of tribal sovereignty.

Apparently, Chad Smith thinks sovereignty resides not in the people, but in himself and, since he sees himself as the sovereign, he feels that he is above the law, above the Cherokee constitution, above even the will of the people. In other words, by seeking an unconstitutional third term in office, Chad Smith has become a law unto himself, unconstrained by any constitutional rule in his ruthless pursuit of power.

Chad Smith really thinks that he is the tribal sovereign, but our ancestors were never ruled by emperors and our constitution forbids imperial rule today. Although Chad Smith may think of himself as an emperor dressed in the trappings of unlimited power to do whatever he pleases, this self-appointed tribal emperor has really only just wrapped himself up in the transparent trappings of sham and duplicity which, in the end, have laid bare his abuses for all to see. Emperor Smith, like the self-deluded king in the fairy tale who thought he was wearing the finest clothes money could buy when he was really wearing nothing at all, has at last been embarrassingly exposed by his own pretensions. Emperor Smith has no clothes. Will someone please have the decency to inform His Majesty that the people are finally sick and tired of watching this pathetic display of political impotence? This is one time when even His political adversaries would welcome a "cover-up."

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D.C. Attorneys against Freedmen Resign from representing the Cherokee Nation of Oklahoma

Say Case Is About Civil Rights, Not Sovereignty

Councilor David Thornton asked Hammons if there are any Cherokee attorneys the tribe could get to represent the tribe in Washington DC Court?

Thornton said "I don't trust these Washington DC attorneys to not run up a bill especially once they know there is a bundle of money that's been funded. We need to at least try to find some Cherokee attorneys if we are going to do this."

Although US District Court Judge Henry H. Kennedy Jr. for the Dist. of Columbia allowed Hammons to make statements as Attorney General for the tribe in a recent hearing over a Motion for Injunction to stop the special election, Hammons said she was not licensed to practice in Washington DC Courts. She also said there are no attorneys on staff in the Cherokee Nation who are capable either. Hammons said the case would require a high powered attorney firm well versed in practicing at that arena.

Within the hearing Hammons told Judge Kennedy that she intended to vote no on the question, and support the freedmen as citizens. She then began to cry and begged Judge Kennedy to not grant the injunction stopping the election because elections are part of the democratic process within the tribe.

Freedmen filed the case after the 2003 election where they were prevented from voting on candidates and constitutional amendments removing BIA oversight of constitutional amendments and the 1999 amendment of the 1976 Constitution. The case is asking that the 2003 election be ruled invalid and a new election held where freedmen can vote. Cherokee election law provides that should the 2003 election have to be held again only candidates who were on the ballot in the first election would be eligible to run in replacement election.

In 2004 a case was filed in the Judicial Appeals Tribunal,

(JAT) by Lucy Allen where the tribe's highest court ruled that Cherokee freedmen are Cherokee citizens and entitled to all rights as citizens including being able to vote in tribal elections.

Within thirty days afterward Jackie Bob Martin introduced a constitutional amendment to the Council that a question revoking citizenship of freedmen be voted on by the Cherokee people. Smith began stirring the communities with racial political pressure to force Council to approve the amendment. A majority approved the question be place on the ballot in the General Election.

Martin then proposed that the question be placed on special election. However that proposal failed to garner the two thirds support of the Council required by the Constitution to call a special election.

John Ketcher, an eighty plus year old former Deputy Chief and Jody Fishinghawk, who is vying for Martin's seat on the Council, began a petition drive asking that the freedmen question be place on the ballot in a special election. Once the petition was returned to the Election Commission for verification of signatures it was passed up to the JAT who announced sufficient signatures had been verified. Protest was filed and heard by that court as per petition law.

The first business of the Court was for Chief Justice Matlock to announce that all subpoenas were invalid because they did not contain gas money for travel and that witnesses did not have to remain to testify. Two thirds of the Courtroom stood up and walked out leaving only a handful of witnesses.

With only a hand full of witnesses left, fraud was proven in the Courtroom that day when Reverend John Summerfield testified that Harley Buzzard, from Delaware County, had approached him to sign a petition which he did. But upon closer examination the witness testified that the affidavit on the back of the petition swearing that Harley Buzzard had

witnessed each person signing the petitions was not signed by Harley Buzzard but instead by his son Darren. Harley Buzzard is presently running on the Chief's political slate for a seat on Council in District 5.

Several other witnesses testified all showing that serious crimes were committed during the petition drive. Chief Justice Matlock interrupted one witness's testimony after the witness admitted signing his wife's signature because she could find her glasses and then signing his own however he was not a tribal member. Matlock warned the witness that maybe he ought to take the Fifth Amendment. Justice Dowty whispered something into Matlock's ear and the Court recessed so that Judges could discuss the matter. When they returned the witness was granted immunity from self incrimination and allowed to continue testifying.

The testimony of the few witnesses who remained was enough to convince two of the five Judges in a split decision of (3-2). Justice Dowty and Leeds both stated there was too much evidence of criminal activity during the petition drive to hold the petition valid and ordered a criminal investigation begin by the Cherokee Nation Marshals.

Two of the three Justices in the majority were appointed by Smith a few months ago under the 1999 Constitution that increased Justices on the Supreme Court to five.

Ironically the Cherokee freedmen case in Washington DC is asking the Federal Court to declare the 2003 election invalid where the 1999 Constitution was approved.

If the freedmen win the Washington lawsuit and the 2003 election is declared invalid, the two new Justice seats would become invalid and anything decided involving the two Judges would be in question.

It is precarious the two Judges in such an obvious conflict did not recuse themselves. Instead they remained seated; both agreeing with Chief Justice Matlock and placing the validity of freedmen citizenship

in jeopardy, yet neither wrote a word in the majority opinion.

Council tabled the request for the additional \$500,000 of funding for attorney fees until the amount expended to date could be accounted for. This month another request is expected but the Administration will have a hard time convincing Councilors that the money is required to protect tribal sovereignty after the best sovereignty firm in the Country bowed out saying the case is all about Civil Rights.

The new attorney firm hired, Orrick, boasts a 100% success record litigating cases in San Francisco for the Civil Rights of Gays, Lesbians, Bi-Sexuals and Transvestites.

To see if Council will pay attorneys with Cherokee peoples' money to fight Cherokee people who are fighting for their Cherokee citizenship watch the Executive and Finance Committee meeting this month online via streaming video. www.cherokee.org

Upon the petition being validated by the Court the Attorney General revised the question submitted for the ballot by Ketcher. Hammons added the last sentence on the ballot to clarify the question for voters explaining, "Neither a "yes" nor a "no" vote will affect the citizenship rights of those individuals who are original enrollees or descendants of Cherokees by blood, Delawares by blood, or Shawnees by blood as listed on the Final Rolls of the Dawes Commission Rolls closed in 1906."

If Congress freezes federal program funds to the Cherokee Nation or if the tribe loses federal recognition could it be considered a negative affect to the citizenship rights of by blood tribal members and could the Attorney General be held liable in a class action lawsuit by all citizens by blood for misrepresentation of the facts in an election or election fraud? Stay tuned. More will be revealed in this exciting saga to determine if the Cherokee people will fight for a democracy or if corruption will take over and they will bow down to their King!

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Chief Smith keeps telling us we need to vote for his 2007 slate for tribal councilors, so he can get things done. They will work together as a team.

Sounds good, but is it constitutional? It says that no branch of government is to control another. No one person is to control all branches of government. If one person has control of all three branches of government it's a dictatorship. Which is what we have been working under for 3 1/2 years already.

We have seen this slate in action over these last 3 1/2 years. Tribal councilors voting to approve an act in committee. Then have Chief Smith Veto's it, then his slate not doing anything to overturn the veto. Which amounts to doing what the Chief wants even when it is a great act of law. Their actions are puppets, bought & paid for.

- These are main puppets from the 2003 slate. Meredith Frailey (6) Jackie Bob Martin (2) Cara Cowan Watts (7) Buel Anglen (8) Don Garyn (4) Audra Smoke Conner (2)

* Jack O. Baker (2) * new At Large

Over these last 3 1/2 years, chief smith met with these slate members outside of the tribal complex to plan how, who and what was to be presented at the tribal council meetings. This could be that they conspired; (to plan together secretly.) to follow Chief Smith's orders. This may be in violation to constitution.

"DON'T VOTE A SLATE"

