

# Court to Rule on Nepotism Violation District 8 Councilor Buel Anglen

A Motion for Summary Judgment was filed this week asking the District Court of the Cherokee Nation to rule that Councilor Buel Anglen representing the Tulsa and Washington Counties of the Nation is in violation of Nepotism Laws because his two daughters have been employees of the Cherokee Nation. The case originally filed in 2006 alleges Anglen has been seated the entire term in violation of the law.

Article 19 Section 4 of the Cherokee Code Annotated states under Employment of relatives of Council members:

“No person shall be employed in any capacity by the Cherokee Nation who is related to a member of the Council by affinity or consanguinity within the first degree. Relation by first degree includes parent, child, spouse, parent of spouse and child of spouse. All other relatives are not included within the first degree.”

Anglen admitted both daughters were working for Cherokee Nation Enterprises, (CNE) the business entity over the casino operations within the tribe. Anglen argues that CNE employees are not the same as Cherokee Nation employees.

Dwight Birdwell the attorney for Councilor Linda O’Leary, from Delaware County, filed historical exhibits showing the court has always held CNE employees are employees of the Cherokee Nation, going back prior to the 1999 election when he was Chief Justice over the Judicial Appeals Tribunal, now called the Supreme Court. A Motion for Summary Judgment takes precedent in the Nepotism case and a ruling should be forthcoming prior to the election.

Anglen made a verbal comparison in a recent Council meeting saying, “Comparing CNE employees to employees working within the government, is like comparing apples to oranges.”

He and the other five loyal slate members repeatedly voted to block bonuses for those employed within the tribe who supply services to Cherokee

people. Subsequently the measure has been brought back numerous times with the Chief vetoing the Act and the “loyal slate of six” (**Martin, Garevin, Cowan, Anglen, Johnson & Jack Baker**) refusing to override.

Councilors approved a one thousand dollar bonus to each employee of the Cherokee Nation government. However when the checks were issued it was discovered the Administration had withheld indirect costs just as they would on regular salaries to off set annual and sick leave thus reducing bonus checks by almost \$400 per employee.

Councilors supporting the measure argued indirect costs were all factored into the normal salary employment base and the intent of the Council was for each employee within the services portion of the tribe to receive a one thousand dollar bonus this year.

CNE hourly employees received an average bonus last year of \$1700 with salaried employees averaging \$10,000. However many CNE employees did not receive the full bonus, which skewed the actual amount paid to a chosen few into exorbitant numbers. Within the upper level salaried positions, where the 60% Indian employment ratio within the company falls drastically, employees received bonuses equaling 80-100% of the amount of their entire annual salary.

Anglen said, “The people at CNE are different. They actually bring money into this tribe. Some even work at night.”

That statement was not received well by Councilor Linda O’Leary, Chair person of the Executive and Finance Committee. O’Leary stated, “I am appalled that he would say such a thing since this is his second term on this council. It is because we have good hard working employees inside our government to provide services for our people, that we receive nearly \$300 million a year from the federal government. These employees are the back bone of the Cherokee Nation government. Without them we would never have been able to grow our gaming operations into what they are today. I want to commend the

dedicated employees within the casinos for working long and irregular schedules. According to the corporate reports we are rewarding them with even larger bonuses than we are talking about here. My point is the reason for this government’s existence is to provide services to the Cherokee people. Gaming is a business within the tribe we enjoy because of the umbrella of sovereignty created by self governance which is primarily funded by the influx of federal dollars.”

Bill John Baker spoke passionately in support of the measure in recent Council meetings. “These people work as hard as anyone in the Cherokee Nation. Many have worked for the Nation for decades and have gotten little if any appreciation in the form of a bonus. The money is there. I believe we need to be fair to all of our employees instead of allowing the Administration to pick and choose who will get big bonuses and spend the same amount of money.”

Protest was also filed with the Election Commission, against Anglen being a valid candidate in the 2007 election by Robin Mayes. Nepotism was one of the many illegalities alleged. After hearing the evidence the Election Commission voted (2-2) with Rick Doherty and Drew Wilcoxon, a Chief appointee, favoring Anglen and Jim Briggs and Dr. Charles Hathaway opposing him being eligible as a candidate. The Chair person Patsy Morton, another Chief appointee, broke the tie making the final vote (3-2), declaring that Mayes presented insufficient evidence to rule Anglen was an invalid candidate. Commissioner Wilcoxon who once served as a Cherokee Nation District Court Judge said, “This is a question for the Court to decide.”

Wilcoxon’s brother and Muskogee firm law partner Jim Wilcoxon is presently seated as one of the Chief’s two new appointees to the Supreme Court under the 1999 Constitution. The other appointee, Kyle Haskins, a Special District Court Judge in Tulsa, served on the Election Commission of 2003 that is still in question. Haskins was reappointed by Smith to that Commission in 2005 but resigned after

his attempt to hold the appointment of Hathaway to the Commission at bay failed. The two seats of the two Supreme Court Judges could be revoked if Cherokee freedmen win their case filed in Federal Court asking that the 2003 election be cast out because freedmen were prevented from participating in the election and the Constitutional delegation that designed the amendments on the ballot one of which created the two new Justice seats.

Other issues raised in the protest by Mayes were that Anglen had lied to the Election Commission about his residency when he originally applied to be considered by Council for appointment to serve the remainder of the term after the death of Dorothy McIntosh.

Evidence was presented including a letter from the Cherokee Nation Law and Justice Department addressed to the Housing and Urban Development, (HUD) stating that Anglen had been deposed and it was the opinion of the Justice Department of CNO that Anglen had not lied to HUD by not including his income on documents supplied in an application to the Cherokee Nation Housing Authority who funded a \$45,000 total remodel of one of his rent houses under his mother’s income structure.

It seemed rather than Anglen having to stand trial in the federal court system for fraud, Law and Justice decided that Anglen had instead lied to the Election Commission and Council about the address used for his residence in his application for appointment to the Council. The letter further stated that the condition was an internal matter that should be dealt with inside the tribal process.

Anglen was living in a home on Hudson Lake near Salina. Anglen, a contractor was building homes at the time on land he owned inside of the district and later moved into one of those houses.

The candidacy protest of Anglen also stated he had served two terms therefore under the 1999 Constitution was required to sit out a term before

he could legally run for the same office.

Mayes also protested the validity of Chief Chad Smith to run for his third term as Chief. The vote by the Commission ended in the same split decision, (2-2) with the Chair breaking the tie denying Mayes’s argument. Mayes has appealed the Election Commission decision into the Supreme Court where the case is pending.

Another Anglens question filed last year asked him to prove he was Cherokee by- blood as required by the Constitution to sit on the Council. The court dismissed 54 documents of evidence in the case, which showed all of Anglen’s ancestors were Shawnee. The court said the documents were not certified by the Office of Records in Ft Worth therefore would not be admissible as evidence. Instead the Court chose to base their ruling on one BIA document that stated “by blood.”

Lay Advocate and genealogist David Corsnik who filed the case argued the “by blood” notation was a common Bureau error on paperwork made during that period of time involving both Delaware and Shawnee members enrolled within the Cherokee tribe but that the untrue notation did not prove they were by-blood members. Corsnik said it was ironic during his genealogical research when he found that one of Anglen’s ancestors was enrolled as a Cherokee freedman on the Dawes Rolls. Anglen has adamantly opposed freedmen being citizens of the Cherokee Nation and asserted in a recent Council meeting, “I want this statement on the record, I support taking away these peoples’ rights.”

Anglen has served Chief Chad Smith well this term voting straight down the line as one of the “loyal slate of six” (**Martin, Garvin, Cowen, Anglen, Johnson, Frailey & Jack Baker**) Councilors the Chief has used to literally control the legislative branch and kill all legislation he opposed. Anglen has been the center of controversy since he was seated on the Council in 2001.

## Profile of a Sociopath

This summarizes some of the common features and descriptions of the behavior of sociopaths.

If you recognize the traits in a candidate Please don’t elected him.

Instead be cautious and get him some help!

- **Glibness and Superficial Charm**
- **Manipulative and Conning**

They never recognize the rights of others and see their self-serving behaviors as permissible. They appear to be charming, yet are covertly hostile and domineering, seeing their victim as merely an instrument to be used. They may dominate and humiliate their victims.

- **Grandiose Sense of Self**

Feels entitled to certain things as “their right.”

- **Pathological Lying**

Has no problem lying coolly and easily and it is almost impossible for them to be truthful on a consistent basis. Can create, and get caught up in, a complex belief about their own powers and abilities. Extremely convincing and even able to pass lie detector tests.

- **Lack of Remorse, Shame or Guilt**

continued on page 8

## Injunction sought on Cherokee freedmen vote

Portions attributed to the Tulsa World - 5/10/2007

OKLAHOMA CITY (AP) — Descendants of former slaves of members of the Cherokee Nation have asked a federal court to stop the tribe and federal authorities from implementing the results of a tribal election that revoked their tribal citizenship.

Six Cherokee freedmen, descendants of Cherokee slaves and free black Cherokees, requested an injunction against the tribe and the federal government in papers filed Tuesday in U.S. District Court in Washington, D.C.

The request accuses the tribe of violating a 141-year-old treaty and asks that the government be barred from recognizing Cherokee elections and distributing federal money to the tribe until tribal officials restore citizenship rights to an estimated 2,800 freedmen.

In a March 3 election, approximately two percent of the tribe’s membership were enough to approve an amendment to the tribal constitution limiting citizenship to descendants of “by blood” tribal members. The vote removed descendants of the tribe’s freed slaves from tribal rolls and denied them benefits, according to court papers.

On March 21, freedmen were sent letters stating that their citizenship status had been changed after the election.

On March 28, Charlene White, one of six freedmen seeking the injunction, received a letter stating that she was “no longer eligible to receive medical benefits from the Cherokee Nation” as a result of the vote.

Unless the injunction is granted, the Cherokee Nation, with about 250,000 members, will also deny freedmen their right to vote and run for tribal office in the next election, set June 23.

In a statement, Mike Miller, the communications officer for the Tahlequah-based tribe, said the injunction request was “routine legal posturing,” and he accused the freedmen of using the legal process to “grab headlines” and attack the tribe’s sovereignty.

However the Sonosky, Chambers, Sanchse, Endreson & Perry, LLP of Washington DC one of the best Attorney firms on tribal sovereignty that had been hired to represent the tribe in the freedmen case over the past two years just resigned stating the case is no longer about sovereignty and is now about civil rights.

Miller questioned why freedmen have not appealed their citizenship revocation in tribal courts, which granted them citizenship rights last year.

Within the DC case an Order by Federal Judge Henry H. Kennedy Jr. denying a Cherokee Nation motion to dismiss arguing jurisdiction of the court was improper because freedmen had not exhausted their remedies in tribal court. Judge Kennedy ruled exhaustion is not required because freedmen had filed suit against the Secretary of Interior which can not be heard in tribal courts.

Foes of the tribal election said it was motivated by racism. Miller said the vote was part of an effort to restore cultural identity to the tribe after more than a century of U.S. policy aimed at stripping it of its heritage.

Yet Cherokee freedmen say they have been part of Cherokee heritage for over 180 years, walked the “Trail of Tears” with Cherokees by blood and have been legal citizens within the Cherokee Nation for 140 since the Treaty of 1866. Freedmen were an active part of the tribal history serving on the Council and receiving allotments of land just like Cherokees by blood when the land owned in common was broken up into allotments.

Miller said the fundamental issue for Cherokees is to decide for themselves who is eligible to become a tribal citizen.

“The right to define tribal membership lies at the core of tribal identity and self-governance,” Miller said. “We passionately believe that you must be an Indian to be in an Indian tribe.”

Yet Cherokee freedmen found their citizenship through a federal treaty signed by Cherokee ancestors and the United States of America. Federal treaties can only be amended or dissolved by an Act of Congress. A tribe can not pick and choose what parts of a treaty they wish to keep and which parts they wish to dissolve even if their membership votes to approve such a decision. Dissolving a portion of a federal treaty in such and action would likely dissolve the remainder of that same treaty. The Treaty of 1866 defined the boundaries of the Cherokee Nation reestablishing the government to government relationship after the Civil War because Cherokees had signed a treaty with the Confederacy which dissolved all federal treaties s new agreement was renegotiated.

A similar situation transpired several years ago within the Seminole Tribe, another of the Five Civilized Tribes in Oklahoma, where tribal officials took almost the identical position voting freedmen out as citizen. The federal government ended up shutting off all federal funding a dissolving federal recognition. All gaming operations within that tribe became illegal and severe fines were levied before the government to government relationship was restored. Freedmen citizenship was reinstated but the tribe still has not recovered many of the services funded by federal programs that they lost.

Freedmen accuse the tribe of violating provisions of the Treaty of 1866, in which the tribe freed its slaves and guaranteed them and their descendants full citizenship rights, plus the Thirteenth Amendment to the U.S. Constitution, which abolished slavery.

Jon Velie, lead counsel for the freedmen, said the case is important in federal Indian law in determining an individual’s right to retain tribal citizenship and for tribes who want to retain treaty rights.

## continued from page 1 Audit Shows CNI Writes Off \$4.8 Million Loss

### Councilors’ Proof A Scam Was Real

Finance Committee and also an Advisory CNI Board member stated, “The operation had been structured like a little Enron right here in the Cherokee Nation. Once enough evidence was in, it was undeniably clear we had to do something to stop the bleeding. Others who should have been concerned were willing to turn a blind eye to the obvious corruption.”

Councilors said millions of dollars were being used from a line of credit that Council had approved in 2000, to prevent a huge employee layoff after a glut of obsolete inventory was written off the books. The \$14 million line of credit was set up under a BIA insured loan for reorganization purposes until CNI could stabilize the financial conditions.

Through 2005, CNI had successfully made payments toward the debt moving the company closer to operating in the black. In 2006, upper level officials convinced CNI Board members to approve using the line of credit to diversify the corporation’s operations.

Councilors’ investigation revealed a ring of radical speculation into high risk investments, which would require huge additional injections of venture capital just to sustain life in the short run. The long run of the GEG investment had no guarantees because the product being produced was twenty year old technology to make air conditioners work more efficiently. Cherokee Nation became the company’s primary customer replacing air conditioning units on the complex costing almost a million dollars.

Councilors determined CNI had paid three million dollars to a group of preferred stockholders to buy controlling interest in a company called **Global Energy Group, (GEG)**. The company financials showed it also carried another \$8 million of debt owed to those same preferred stockholders but reported only having a couple hundred thousand dollars in actual tangible assets. The purchase money was paid directly to the preferred stock holders and did not go into the company to be used as operating capital. After the initial investment additional funds were required to be injected into the company for operating capital when CNI began making the units.

After the CNI purchase, GEG financials radically shifted, to begin reporting an inflated amount of goodwill in the assets, misstating the publicly traded company’s financials and driving up the reported value of the stock. The erroneous accounting method was ultimately restated with full disclosure once the SEC became involved, which made the stock plummet in value.

Further investigation showed another million dollars was invested in a company named Cherokee Idling Solutions bought from the same core group of investors GEG stock was purchased from. After the million dollars was spent Smith made the decision that the tribe would not continue in the direction of Idling Solutions closing the company.

Majewski, a non-tribal member appointed by Smith, seemed to have his own ideas about the direction that had begun with Cherokee money establishing his own Idling Solutions Company in Louisiana about the same time with his son. At last report the company was in operation.

Smith attempted for months to contain the scandal dismissing the Councilors actions as “just politics.” But last month the CNI 2006 End of Year Audits revealed the rest of the story. Financials reported the company’s debt increasing by \$5.6 million to finance the investments in GEG and Idling Solutions, subsequently written off by the auditors for having no value.

Joe Crittenden from Adair County who serves as a CNI Advisor Board Member stated, “The situation has become glaringly obvious that the old adage certainly holds true, Figures don’t lie but liars do figure. My people keep asking, “Where all the money is going.” I am disgusted to think that nearly \$6 million just went out the back door of the Cherokee Nation that could have been used for services. But neither the Board nor the Attorney General, both with standing to file a federal case according to Judge Seay, has taken any action.”

Crittenden added, “One person shy of a majority of the entire Council we tried everything we could do to recoup the peoples’ money. But some seem more like the three monkeys who see no evil, hear no evil and

speak of no evil ignoring this glaring example of corruption.”

Cherokee Nation Distributors LLC, (CND), an entity within CNI created by the Smith Administration, was the company investments were initiated through. The write off for the bad investments resulted in CND becoming insolvent, with negative worth. Smith recently moved all construction projects including the \$30 million Muskogee Health Clinic under CND operations. The entity recently completed the Sequoyah Gymnasium that began construction at an estimated \$4 million but ended at over \$9 million.

Jackie Bob Martin from Adair County also sits on the CNI Advisory Board. Martin along with other slate members voted against giving Todd Hembree, the attorney for the Council, authorization to use any legal means available to recoup the Cherokee peoples’ money. Martin stated in the meeting reviewing the financials that the \$5 million really didn’t matter to him and that Councilors need to be putting more money toward business ventures to create more jobs. Martin was unable to be reached by phone for comment as he has no listed phone number.

Councilor David Thornton, of Sequoyah County, who sponsored a bill last month with Joe Crittenden increasing the tribal dividend by 5% to be earmarked for Crowns on teeth, hearing aids and prosthesis limbs but was vetoed by the Chief responded to Martin’s comment saying, “If we had this money back we could help more people in the Cherokee Nation to eat, hear and walk.”

Thornton and Crittenden are sponsoring the creation of a “Duty Free Port” near Sallisaw on 1,100 acres along the Arkansas River the Corp of Engineers donated to the tribe under Joe Byrd. The two Councilors say, if re-elected, they will begin attracting successful private sector businesses and grow jobs for the Cherokee people that are outside of tribal politics using the leverage of sovereignty in a new direction that helps the people who want to work without having to worry about the tribe running the businesses.

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