

# Petition Corrects Absentee Voting & Elects Attorney General

## After Three Years 6,000 Names Are Still Waiting Verification

Tahlequah OK – Cherokee Nation - Cherokee voters will celebrate the 54<sup>th</sup> Cherokee National Holiday while circulating two petitions for the signature from Cherokee voters. The petition drive falls on the anniversary of their first effort three years ago, when proponents chose to kick off the drive during the 2003 Cherokee National Holiday. **Be sure to carry your blue card or your voter card so you will have your registration number with you, as it is a requirement on petitions.**

### Petitions in brief:

1. **Correcting Absentee Voting in the Cherokee Elections to require residency within the Boundary.**
2. **Electing the Attorney General rather than it being appointed by any Chief.**

An absurdity petitioners want voters to realize is that the four petitions they circulated three years ago, still have not made their way through the petition process within the tribal government so that signatures can even be verified.

Proponent Ed Crittenden a 50 year Cherokee County resident said, "I still have hope that those petitions will see the ballot but it's getting too close to the election to wait any longer for the system to work. If this one doesn't get through the system and we have adequate signatures then we'll be going into Federal Court to learn more about the civil rights of Cherokees within that system."

In the past 30 years there have been 37 petitions yet only one has ever made it onto the ballot. The system and politicians absolutely fight the people every step of the way. The petition law enacted last term makes the process almost impossible to even accomplish. One of the reasons we are still in the tribal court on the earlier petitions was to get a ruling on several issues within the petition law as we believe it is unconstitutional. But I believe on a slow boat to China you have a faster chance of finding democracy than trying to get a ruling out of the tribal court right now.

We will not be denied a democratic Cherokee Election process and an accountable system of government." He said, "The Cherokee People Shall Continue In Full Force & Effect."

The Holiday theme this year is, The Cherokee Nation shall continue in full force and effect.

Crittenden said "Without the Cherokee people there is no Cherokee Nation. The Cherokee people are the Cherokee Nation. Without the people, the government can be nothing but an enterprise without any gaming. If the people are the required ingredient for the possibility of legal gaming within the tribe, why is the gaming money not paying the people their fair share of dividends out of the profits?"

He said, "We intend to bring the focus of the government back to its people. But we are going to need the focus of Cherokee people, their attention and their help in this important chapter of history for the development of our tribe and our posterity."

Crittenden said in the 2003 drive they garnered approximately 6,000 signatures. However tribal officials have held proponents at bay. Petitions have been tied up in court for three years in what proponents say is an abomination of the peoples' constitutional rights. What makes the matter indefensible is that the very branch that is supposed to protect and guarantee those rights, is devastating them.

The 1999 Constitutional Convention Delegation actually penalized the people, making the petition process twice as hard requiring double the number of signatures on petitions than was required on the 1975 Constitution. Proponents will need approximately 2200 but want at least 3000 on each for safety.

Former Deputy Chief Hastings Shade also a proponent on the petitions said, "The Cherokee people are going to have to take this government back before it grows into an absolute monster. It is missing the mark far from what the people need their government to be. How can we have pride in our government when it appears to be full of corruption?"

Crittenden added, "We need to remember the only way that evil can ever win is when good people do nothing to stop it. It's time for good Cherokee people to get involved and help change this government into what we need it to be."

Proponents explained some of what petitioners had endured during and since their 2003 petition drive.

"At the end of the drive in 2003 proponents found themselves in a dilemma on the final day because the Council and Chief had failed to appoint Election Commissioners. Both the branches knew for 90 days that the duty of appointing Commissioners must be completed in a timely manner so that Commissioners were on hand to entrust the petitions as per the law. But instead they were derelict in their duty to the people. So we had no safe and legal place to file our petitions because the government didn't do their part and serve the people," said Crittenden.

Just three days prior to the end of the drive the Administration issued a memo to all clinic directors. The memo stated petition carriers were required to have written permission from the Law and Justice Department to be allowed within the clinics causing petitioners to be ejected.

Crittenden said "The memo was invalid on its face because it was in violation of the constitution. There is no Cherokee law to support such a rule. The administration can not just write rules in violation of the people's constitutional rights. But we had the choice of either leaving or being taken to jail. That is how serious our rights were violated. It was an unquestionable violation of our constitutional rights as well as others protected under the Indian Civil Rights Act. We were not trespassing and by the three months we had been inside the clinic it was obvious we were not bothering any employees or clients. Carriers were proud that 99% of all elders asked supported the measures and 95% of everyone asked, signed including outsiders.

"It was an incredible show of support by our people everywhere we went. With that kind of acceptance and participation I think it is obvious that we were well received by our people and not being a nuisance or interfering with the distribution of services in any way," said Shade.

On a recent petition circulated by John Ketcher, Smith actually held employee meetings where petitions were presented and signed on company time. Petition carriers were allowed to walk down the hallways in the tribal complex collecting signatures. Smith attended numerous community meetings throughout the Cherokee Nation where he spoke in support of that petition.

In 2003 proponents said they had to make a decision in the eleventh hour to either, submit their petitions to Election Commission employees who proponents found being directed and supervised over by the Executive Branch, a violation of Cherokee law, or hold

the petitions until a Commission could be properly seated and risk them being rejected because the 90 day time period specified within the law had elapsed.

Crittenden said, "We took a vote and petition carriers chose unanimously not to submit them because they feared the administration would get a copy almost immediately. That could create a hardship on some employees or their families through punishment or retaliation by the administration. The law is clear that petitions are to be filed with the Election Commission. The Commissioners are the Commission and the only body to legally entrust them. Commissioners take an oath of office and can be held accountable under specific petition laws. There is nothing in Cherokee law that gives the authority or duty to any one else in the Cherokee Nation including the employees working in the Election Commission office. You have to realize, there is only one of these because they are original signed documents. There are not any penalties under law if they were submitted to employees and the documents turned up missing or got destroyed. Employees for the Commission simply have no such legal obligation or consequence as Commissioners do.

You have to realize that three days before we had just been thrown out of the clinics where just the preceding month the Chief had personally passed out Brad Carson for U.S. Senate non-tribal political campaign materials. He actually changed tribal rules and policies so he could legally do that. Smith then allowed and encouraged Carson signs to be placed on every parcel of Cherokee Nation property in Northeastern Oklahoma. Then his administration orders us to be booted out of the clinics while circulating initiative petitions, which is the first right and power reserved by the Cherokee people in the Cherokee Constitution. We didn't trust the administration then and we still don't trust them now and for many good reasons."

One of the four petitions in 2003 recalled the 1999 Constitution, which was voted in by only around 500 votes in the 2003 Election. Crittenden attempted to intervene in a JAT case this year that asked the court to validate the '99 Constitution. It is interesting to note that the BIA to date has refused to sign that constitution. Crittenden questioned how the court could rule on the constitution being valid prior to them ruling on the petition which recalled it. A case filed on Chad Smith and others concerning the recall petition had been in their court for over a year. The Judges denied Crittenden's intervention saying it was filed untimely and then ruled retroactively that the constitution had been valid since July 2003.

He said that he lost any faith he had in the Cherokee court system through his experience over the past three years.

Crittenden said, "It is important to realize the significance of an endeavor whenever the Cherokee people choose to exercise a constitutional right that is so extremely protected that it is memorialized within the constitution stating, 'the first power reserved by the people' is the power to initiate change in their government. If the government fails to hold these rights in the highest esteem to protect and assure this freedom or should anyone be caught attempting to thwart or tyrannize those people in such an exercise it is the greatest disgrace on every official within this government that swore an oath to uphold if they do not stand up in radical protest. Some of the scenarios that occurred during and after our drives still amaze me that someone isn't in prison. If it was in the state system they would be in front of a grand jury in a heartbeat." He said, "The right to initiate change is the most sacred power the people have

followed by the power to reform. Reform or referendum is the second power reserved by the people, to reverse any enactment by Council."

If officials within our government and particularly Judges do not protect these precious rights and watch over the process closely to assure that they function adequately for laymen, those officials are as guilty as any perpetrators and should be indicted and prosecuted for their lack of character and integrity. If any government official should learn that someone has oppressed or prevented another to exercise these rights and they do not report it to the authorities, handling something that could be as serious as a capital crime, they are guilty as an accomplice. When these caliber of persons within our government look the other way when such violation is being committed to our basic rights as Cherokee it is an extreme warning just how close we are to a total dictatorship," stated Crittenden.

All indications, I have witnessed over the past three years, are so disheartening that I would suggest this is our last chance to right such serious wrongs and eradicate evil from this government or forever be in bondage under the rein of a dictator.

**Be sure to carry your blue card or your voter card so you will have your registration number with you as it is a requirement on petitions.**

We hereby offer for your consideration and review a brief overview of the two constitutional amendments. Find petition carriers during the Holiday if you have questions. Help build a government of, by and for the Cherokee people! Wado

1. **To abolish absentee voting unless domiciled within the Cherokee Nation and then only for good reason such as incapitation, hospitalization or military duty shall an absentee ballot be issued.**

For thirty years elected officials have been allowed to go outside the districts they serve to find voters who are not affected and have no consequence in an election. Voters outside the boundaries have little knowledge of the conditions of services within the boundaries. Most non-residents get their information from the tribal newspaper, which is bias to be polite. If elected officials can find enough votes outside the boundaries to get elected, what incentive do they have to provide services that assure a better quality of life for the people inside the area they are elected to serve? With this one flaw in our election system there is no check and balance to assure elected officials can be held accountable. All federal funds are mandated to be spent inside the jurisdiction. Until this flaw is corrected we will never have a democratic election system. One who lives in Texas can not vote in the Oklahoma state elections, even if that person was born in Oklahoma. Every democratic election in America is based on the requirement of being a resident of the district the candidate is elected to serve.

2. **The Attorney General of the Cherokee Nation shall be an elected position by the people, rather than appointed by any Chief, to assure we have an autonomous**

## and independent prosecutor.

Currently the Attorney General, (AG), is serving as both the Chief's personal attorney in a capacity of General Council and as the AG which also serves as prosecutor for the tribe. We believe these two positions are in conflict and can not be filled by the same person. The AG is an important position within the Cherokee Nation. Whenever anyone, especially the Executive or the Legislative wishes to know how a current law is interpreted, an official request for an AG opinion is made. However, the AG's interpretation of that law, becomes the law until it is challenged and overturned by a judge. This is a tremendously important position that must remain independent from the politics in any branch. We have seen that if the AG is appointed by a Chief, there is a certain loyalty to that Chief. Today the Executive Branch is administering over funding that exceeds \$350 million dollars and a total operation within the tribe of around \$750 million, or a quarter of a billion dollars. We must get serious about good checks and balances within this government before it is too late. The Chief appoints all heads to the Commissions, all Board members to the corporations, the CEO's of the corporations, as well as over \$70 million dollars in salaried employees. We must have independence in our prosecutor to keep honest people honest and assure that our system grows more honestly toward serving the Cherokee people. Requiring the AG to be an elected position with no contributions coming from any elected officials to circumvent bias or corruption is a smart check and balance within our system that is currently necessary for the security of the Cherokee peoples' money.

## Cherokees to honor native veterans

Sunday, August 27, 2006 07:32 AM Muskogee Phoenix

TAHLEQUAH — A reception for Native American veterans, their families and friends is scheduled for 4 p.m. Sept. 2, in the Sequoyah High School cafeteria. The event is part of the 54th annual Cherokee National Holiday. All veterans in attendance will be honored. The reception will include entertainment, door prizes and refreshments.

The Cherokee National Holiday has been held since 1953 in honor of the signing of the 1839 Cherokee Constitution. This year's theme is in commemoration of the Act of 1906, which provided that the tribal constitutional governments of the Five Tribes should continue in "full force and effect," thus ensuring continuous tribal sovereignty.

Information: Alex Borowski, 456-0202.



# 22 Candidates File for UKB Election

News Release Contact: Marilyn Craig - August 15, 2006 (918) 456-6533

Twenty two candidates have filed to run for the positions of UKB District Representatives of the UKB Tribal Council. The UKB Tribal Council is comprised of four officers: Chief, Assistant Chief, Secretary, and Treasure, along with nine district representatives from the voting districts of the Keetoowah Nation. The districts include Canadian, Cooweescoowee, Delaware, Flint, Goingsnake, Illinois, Saline, Sequoyah and Tahlequah. The officers serve a four year term, while district representatives serve two year terms.

Keetoowah tribal members will vote on Monday, November 6 to elect the nine district representatives of the tribal council. To be eligible to vote, tribal members must be at least 21 years of age by November 1, be an exclusive member of the Keetoowah tribe for at least six months, and must have resided in their district for the past six months. For more information, contact the Keetoowah Election Board at (918) 772-3773.

### Canadian District

Eddie Sacks (incumbent)  
Dora Grayson

### Cooweescoowee District

Cliff Wofford (incumbent)  
Portia Kelly  
Joanne Tidwell

### Delaware District

Jerry Hansen (incumbent)

### Flint District

Woodrow Proctor (incumbent)  
Ryan Adair  
Osie Castro

### Goingsnake District

Joyce Fourkiller (incumbent)  
James Limore

### Illinois District

Donald Adair  
Barbara Girty  
J.D. Teehee

### Saline District

Adalene Smith (incumbent)  
Betty Mouse  
Charles Smoke

### Sequoyah District

Barry Dotson (incumbent)  
Jim Henson

### Tahlequah District

Albert Shade (incumbent)  
J.C. Wilson

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Information: Alex Borowski, 456-0202.