

Tribal officers removed

By Krista Duhon - The News-Record

Seneca-Cayuga judge declares referendum valid, denies officials' request for relief

Rulings issued Thursday in the district court of the Seneca-Cayuga Tribe have put two tribal officials out of office.

Judge Karl Jones denied injunctive relief to second chief Katie Birdsong and secretary-treasurer Kay Crow-Ellison and announced that he could not reverse a general council (assembled by ballot) decision to remove the elected officials from office.

Jones cited the plaintiffs' "failure to exercise reasonable diligence" and "refusal to take any action to prevent their possible removal before all the votes had been cast" as he declared them guilty of laches and barred them from further relief.

The judge indicated that the plaintiffs did not avail themselves to the procedures that were available to them throughout the full grievance and election process.

"Under different circumstances not present at bar, the court can imagine a close question on an as-applied challenge," Jones wrote in his order. "Because plaintiffs are guilty of laches and failure to exhaust administrative remedies, the court cannot reverse the removal by the general council assembled by ballot under the facts presented."

Additionally, Jones deemed the process of assembling a general council by means of a ballot, which plaintiffs allege is unconstitutional, as consistent with past tribal practices. Therefore, recent ordinances authorizing the action remain intact.

Jones did note that an assembly by ballot does create a potential for constitutional challenges with regard to matters of a hearing. The tribe's constitution requires a hearing be held before the general council.

However, Jones indicated that, based on evidence presented to the court, he could not find that a hearing did not take place, therefore, the court could not find that due process was not provided.

Seneca-Cayuga Chief Paul Spicer said Thursday that the ruling marked a sad day for the tribe.

"It is a sad commentary on tribal politics that it has come to this," Spicer said. "At one point, the business committee had a lot of opportunities in front of it. These last few months have pretty much put a halt to progress in the tribe."

The tribe's voting membership were mailed ballots after the Seneca-Cayuga Grievance Committee reviewed complaints against the officers and found cause to take the matter before a general council.

Votes were cast in December and counted on Feb. 1.

Ballots called for Birdsong's removal 517 to 157. Ellison's removal was supported by 512 of the 675 ballots cast.

Friday, February 22, 2008

If you want to check out information about the Cherokee Historical Society, go the www.cherokeeobserver.org and click on CNO Historical Society Concern on Troy Poteete link.

The Cherokee Observer Change of Address

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Open Letter

Sun, 24 Feb 2008

How much does it cost to buy a Cherokee? Evidently not as much as it did to buy our Ancestors, when we must consider their strength to stand for what best served the Cherokee and what is going on today. The cost today seems to be a few hundred dollars. Our Ancestors stood for Cherokee rights against the United States government regardless of the personal price.

Their ethics, traditions and morals were not for sale. My Dad taught us right is right and that does not change. What has happened to us? Our officials are for sale to an ego-driven, self-serving administration within our own tribe.

Our Constitution is no more important to this administration than toilet paper. Our young people are at war, fighting for democracy, a constitution for the people and individual rights while the current Cherokee Nation administration, legislative and judicial branches are denying those same rights to the Cherokee.

We are hostages to this system inside a democratic nation under this process. The federal government denies the voice and individual rights of Cherokee citizens and our own tribal government currently exists only for themselves.

There is no democracy for the Cherokee. There is nothing Tribal about our current government system. When are we going to stand up as a People, speak as Cherokees and demand that our Constitution and individual rights be considered?

How much money does the Cherokee Nation have to make each day before the People can be considered? Investing in casinos does not increase the economy for the individual Cherokee families, nor has it improved their quality of life. We desperately need a leader to arise among us.

Leonard Nave, Cherokee Citizen



UNITED SOUTH AND EASTERN TRIBES, INC.

USET Resolution No. 2008:029

OPPOSING LEGISLATION TERMINATING THE GOVERNMENT-TO-GOVERNMENT RELATIONSHIP OF FEDERALLY RECOGNIZED INDIAN TRIBES AND NATIONS

WHEREAS, United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-five (25) federally recognized Tribes; and
WHEREAS, the actions taken by the USET Board of Directors officially represent the Intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
WHEREAS, Indian Tribes are sovereign indigenous nations, with rights of self-government pre-dating the United States (US); and
WHEREAS, the US Constitution, treaties, statutes, and executive orders acknowledge the sovereign status of Indian Tribes as governments; and
WHEREAS, President George W. Bush issued an Executive Memorandum to all Executive Departments and Agencies to work with Indian Nations on a government-to-government basis and to consult with Tribes before taking any action that could have an impact on any Indian Tribe; and
WHEREAS, H.R. 2824 calls for the termination of the government-to-government relationship between the Cherokee Nation and the United States; and
WHEREAS, such action sets a dangerous precedent to all Indian Tribes and Nations; therefore, be it
RESOLVED the USET Board of Directors hereby opposes H.R. 2824, To Sover United States Government Relations with the Cherokee Nation of Oklahoma Until Such Time as the Cherokee Nation of Oklahoma Restores Full Tribal Citizenship to the Cherokee Freedman Disenfranchised in the March 3, 2007, Cherokee Nation Vote and Fulfills All its Treaty Obligations with the Government of the United States and for Other Purposes.

CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present, in Arlington, VA, on Thursday, February 14, 2008.

Brian Patterson
Brian Patterson, President
United South and Eastern Tribes, Inc.

Cheryl Downing
Cheryl Downing, Secretary
United South and Eastern Tribes, Inc.

USE I is the organization that represents the tribes of the Southeastern region of the U.S. They refused to allow the Cherokee Nation to join a few years ago, even though all Cherokees continue to have a vested interest in the historic, archeological and economic issues facing our motherland. You will notice that the resolution does not address the Watson Bill specifically and mistakenly infers that the issue is about termination. It is not. The Watson Bill only proposes to "suspend" the government to government relationship with the Cherokees until such time as they come into compliance with the treaty of 1866 by restoring the freedmen. Don't be fooled by these resolutions, similar to the one passed by NCAI.

USET Resolution No. ____2008

OPPOSING LEGISLATION TERMINATING THE GOVERNMENT-TO-GOVERNMENT RELATIONSHIP OF FEDERALLY RECOGNIZED INDIAN TRIBES AND NATIONS

WHEREAS, United South and Eastern Tribes Incorporated ("USET") is an intertribal organization comprising twenty-four (24) federally recognized Tribes; and
WHEREAS, the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
WHEREAS, Indian Tribes are sovereign indigenous nations, with rights of self-government pre-dating the United States; and
WHEREAS, the Constitution of the United States, treaties, statutes, and executive orders acknowledge the sovereign status of Indian Tribes as governments; and
WHEREAS, President Bush issued an Executive Memorandum to all Executive Departments and Agencies to work with Indian nations on a government-to-government basis and to consult with Tribes before taking any action that could have an impact on any Indian nation; and
WHEREAS, on June 21st, 2007, Rep. Diane Watson (D-Calif.) introduced H.R. 2824 in 110th 1st Session of Congress that would break the promise of tribal self-government and threaten the right of all Indian tribes to determine, and thus preserve, our distinctively Indian identities; and
WHEREAS, H.R. 2824 seeks to create provisions for unnecessary mandated Department of Justice and Government Accountability Office studies for the Cherokee, Choctaw, Chickasaw, Muscogee (Creek), and Seminole Nations; and
WHEREAS, H.R. 2824 calls for the termination of the government-to-government relationship between the Cherokee Nation and the United States; and

If you guessed **Marvin Summerfield** in last months "GUESS WHO THIS IS" YOU WERE CORRECT



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Cherokee Basket Weaver's Association Presents Cherokee Twill Basket Class Taught by Sandra Pallie

1. Place: Unitarian Universal Congregation of Tahlequah located at the Corner of College and Delaware Streets in Tahlequah, Oklahoma
2. Date: March 1, 2008
3. Time: 10am to 4pm
4. Cost: \$25 non members
5. Includes: Supplies and Pot Luck Lunch

You must pre-pay and reserve your space as we are limited to 10 students.

Call Sandra Pallie for reservation & info 918-456-7787

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