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Congresswoman Watson & Congressional Black Caucus Register Outrage Over Blatant Discrimination by Cherokee Nation

Washington, DC— Congresswoman Diane E. Watson and 25 other members of the Congressional Black Caucus have sent a letter to the Bureau of Indian Affairs protesting the recent vote by the Cherokee Nation to revoke the tribal citizenship of an estimated 2,800 black Cherokee descendants.

"On Saturday, March 3, a very small minority of the Cherokee Nation voted to disenfranchise their tribal members who have African ancestry in violation of established treaty rights," said Congresswoman Watson. "This is blatant discrimination of the worst kind."

"I and my colleagues in the Congressional Black Caucus question the validity, legality, as well as the morality of the Cherokee Nation's vote. The black descendant Cherokees can trace their Native American heritage back in many cases for more than a century. They are legally a part of the Cherokee Nation through history, precedent, blood, and treaty obligations."

"In fiscal year 2006, the House Appropriations Committee estimates that The United States Government spent \$12.6 billion a year on programs in support of Native Americans. The Cherokee Nation is one of the largest Native American tribes in the U.S. and its members obviously receive a significant share of federal funds."

"I have reason to believe that the Cherokee Nation's annual budget is somewhere in the range of \$300 million a year, of which 75% is derived from federal funds. Black Cherokee descendants are now put in the incredible position of having to pay federal taxes to subsidize their own discrimination. This is a gross violation of their social, economic, and human rights."

"The federal government has a trust and responsibility through treaty obligations and federal statutes to provide for the well-being, health care, and education of Native American tribal members regardless of race. Fundamental social justice demands that the black Cherokees be reinstated in the Cherokee Nation with full rights."

The letter signed by Congresswoman Watson and Members of the Congressional Black Caucus is addressed to Carl J. Artman, Assistant Secretary for Indian Affairs. The full text of the letter follows:
 March 13, 2007

The Honorable Carl J. Artman
 Assistant Secretary for Indian Affairs
 Bureau of Indian Affairs
 1849 C Street, NW
 Mail Stop 4101
 Washington, D.C. 20240

Dear Mr. Artman:

The undersigned members of the Congressional Black Caucus are shocked and outraged at the March 3 vote by Cherokee Nation members to revoke the tribal citizenship of an estimated 2,800 black descendants of the Cherokee Nation.

The black descendants are of mixed African-Cherokee heritage. Their lineage extends back for well over a century when they accompanied other tribal members to new settlements in Oklahoma after the Cherokee Nation had been expelled from its traditional lands in North Carolina and Georgia. Many African descendant Cherokees died during the forced migration, which has become known as the "Trail of Tears."

The Cherokee Nation fought for the Confederacy during the Civil War. After the war it signed a federal treaty, in 1866, committing that its African-Cherokee descendants would be absorbed as citizens of the Cherokee Nation. In 1983, the Cherokee Nation expelled many African descendants by requiring them to show a degree of Indian blood through the Dawes rolls. A tribal court reinstated them in March 2006. The most recent March 3 vote is an apparent attempt to override the March 2006 court decision.

We question the validity, legality, as well as the morality of the Cherokee Nation's March 3 vote to disenfranchise its African descendants. A sizeable number of persons throughout the United States who can rightfully lay claim to Native American tribal citizenship and lineage are of mixed ancestry. The tribal lineage of black Native American descendants is rich in history and precedent that equals, if not surpasses, that of other racially and ethnically mixed Native Americans who have sought and been granted full tribal status.

We respectfully request an interpretation from the Bureau of Indian Affairs of the March 3 vote, particularly the legality of the vote, as well as what actions can be taken by the Bureau to correct this egregious violation of the rights of Cherokee Nation members of African descent.

We are resolute in our efforts to undo this outrage.

The letter is signed by the following Members of the Congressional Black Caucus: Diane E. Watson (CA), Carolyn K. Kilpatrick (MI), Chaka Fattah (PA), Eleanor Holmes Norton (DC), Gregory W. Meeks (NY), John Conyers, Jr. (MI), Sheila Jackson-Lee (TX), G. K. Butterfield (NC), William J. Jefferson (LA), Bobby L. Rush (IL), Barbara Lee (CA), Donald M. Payne (NJ), Julia Carson (IN), Al Green (TX), Emanuel Cleaver (MO), Edolphus Towns (NY), Juanita Millender-McDonald (CA), Charles B. Rangel (NY), Wm. Lacy Clay (MO), Henry C. "Hank" Johnson, Jr. (GA), Yvette D. Clarke (NY), Kendrick B. Meek (FL), Stephanie Tubbs Jones (OH), Corrine Brown (FL), John Lewis (GA), Eddie Bernice Johnson (TX)

Ed. Note: this letter was on John's board. The outrage of the recent vote against the Freedmen is getting bigger by the day. Sources say CNO tribal leaders are hunkering down in Tahlequah because they didn't realize they would cause a fire storm of criticism against their government.

Cherokee's could lose 100's of millions of federal dollars Chief Smith's handling of the freedmen issue.



Cherokee Nation of Oklahoma
 General Election
 set for June 23, 2007



Candidates for Principal Chief



Chad Smith
 incumbent



Stacy Leeds

Candidates for Deputy Principal Chief



Joe Grayson
 incumbent



Raymond Vann

See Tribal District Representatives Candidates on page 3

Tribal councilors to serve staggered terms, Service Employees Bonuses Again Rejected

By Ed Crittenden

During February regular council meeting the Cherokee Nation Tribal Council approved an act, voting 13-3, that would stagger terms for councilors elected in 2007.

Jack D. Baker, at-large councilor, was the only one who commented on the act. Baker pointed out the act is being suggested very close to the candidate filing period and the upcoming election.

"This measure passed 6-4 in subcommittee and would provide either six- or four-year terms," said Baker. "I think it would be better to wait to consider this after the election."

Some may find the new legislation confusing, as the new districting plan required by the new Cherokee Constitution has yet to be determined.

According to District 1 Councilor Bill John Baker, elected terms in his district would be split, one position serving six years and the other four years. But if the redistricting plan is passed, it may create a third slot in District 1, which would provide a second, six-year slot for the district. Since staggered terms would alternate between six and four years beginning with district one, a third position in District 1 would also affect all the other districts down the line, as far as terms are concerned.

Principal Chief Chad Smith's veto of legislation that would provide the balance of the Cherokee Nation employees bonus was upheld, 10-6, following impassioned comments from councilors on both sides of the issue. This was the second time Smith has vetoed similar legislation to fund the remainder of the \$1,000 bonus to every employee within the service base of tribal operations. Initially after council appropriated money for the bonus, the administration chose to withhold operation and overhead costs shorting employees approximately \$300. Councilors argued this was not the intent of council and that overhead and indirect costs were already being covered by the normal salary expense.

Councilor Cara Cowan-Watts, one of Smith's political slate councilors representing Rogers County, argued in favor of sustaining the veto. Most tribal employees within Roger's County district are employees of Cherokee Nation Enterprises, (CNE). "I understand this is an emotional, passionate issue," said Cowan-Watts. "But I believe we should balance providing services to citizens with providing attractive employment packages to employees. I have to support the veto."

Councilor Phyllis Yargee pointed out that services to citizens would not be affected, and that by providing the balance of the \$1,000 bonus promised to Cherokee Nation employees, they would be operating "within the true spirit of Gadugi."

During committee meeting discussion comparison was reviewed between bonuses to Cherokee Nation employees and employees of CNE.

Councilor Buel Anglen, of Tulsa, Washington area, stated during committee meeting discussion on the Act, "Comparing employees working for the tribe to employees working in our casinos is like comparing apples to oranges. CNE is our cash cow and those people make money for the tribe," he said.

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BIA: Cherokee constitution, freedmen vote unapproved

By S.E. RUCKMAN
 Tulsa World Staff Writer
 3/31/2007

TAHLEQUAH -- The Bureau of Indian Affairs has informed Cherokee Nation officials that the federal agency has not approved a recent referendum removing freedmen from the tribe's membership.

New BIA Assistant Secretary Carl J. Artman, in a March 28 letter to Principal Chief Chad Smith, also said that a Cherokee constitution passed in 2003 still lacks federal approval. The letter was given to tribal councilors during a Rules Committee meeting Friday.

Artman said in the letter that he was responding to an Oct. 13 letter from Smith in which issues surrounding the freedmen and the constitution were discussed.

Artman said the BIA is working with the Department of Justice to study the matters "still evolving in this case."

"Until then, we want to be clear that we have not taken any administrative action on the 2003 constitutional amendment . . . and we have not approved the recent referendum removing freedmen from the Cherokee Nation membership," the letter reads.

More than 7,000 Cherokee voters approved a constitutional amendment on March 3 that would remove freedmen descendants from the tribe's rolls.

Tribal councilor Chuck Hoskin, who also is a state representative from Vinita, said he was surprised that a letter would come at such a late date after Smith wrote to Washington several months ago.

"I was surprised, and it was the first I had seen of the letter," he said. "The bottom line is, the people have voted."

Tribal council attorney Todd Hembree said the letter seemed to indicate that the bureau was clarifying

its position and "looked like it was leaving their options open as to what path they were going to take."

Tribal opponents to the March 3 vote had voiced concerns that the tribe would sever its government-to-government relationship by ignoring an 1866 treaty that allowed freedmen as citizens into the tribe, which was the basis of the Cherokee Judicial Appeals Tribunal in 2006.

U.S. Rep. Diane Watson, D-Calif., who has led an effort to express congressional outrage over the freedmen vote by the Cherokees, made it clear that the letter from the BIA does not resolve the issue.

"The March 3 vote is indicative of a much larger, centuries-old problem of the five nations' failure to recognize the black Indian freedmen as co-equal and fully functioning members of their tribal and government councils," Watson said.

She said members of Congress remain concerned.

"I will continue to press Congress to conduct vigorous oversight of BIA to resolve this larger issue in a manner that will allow the freedmen to be first-class, functioning members," Watson said.

"They deserve it, and it is long overdue to them."

Earlier this month, Watson and more than two dozen members of the Congressional Black Caucus protested the vote in a letter to Artman.

They described the action by the tribe as "blatant discrimination" and asked Artman whether he believed that the vote was legal and what actions the BIA could take to respond.

BIA spokeswoman Nedra Darling said a response to the lawmakers remains in draft form.

One possible consequence of losing a federal court battle on freedmen recognition would be the loss of federal funding. The Cherokee Nation oper-

ates on an annual budget of approximately \$300 million, about 80 percent of that federal funding.

Seminole Nation Attorney General Jennifer McBee, who had been invited to the Cherokee committee meeting Friday, gave a review of what happened to that tribe when it lost federal funding after a bid to remove freedmen from its membership.

"Let me tell you that that is not a good place to be," she said. "The Cherokee litigation has some highly distinguishable points from where we were."

McBee said grants, federal contracts and health funding were among the areas that have not been fully reinstated since federal funding was cut in 2003.

World Washington Bureau reporter Jim Myers contributed to this story.

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By S.E. RUCKMAN World Staff
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