

I predicted the outcome almost exactly... March 8 2007

On Thursday prior to the vote, I met with two Cherokees at Starbucks in Tulsa. Over hot chocolate and coffee we discussed the vote. One of my friends predicted a 60/40 against the Freedmen and the other thought it would be a little higher, at 65/35. I said no, after passing through the Nation, listening to the people, the vote would be 75/25 against the Freedmen.

There are many reasons why the Cherokee people would take such a vicious stand against the Black Cherokees. First, they were grossly misinformed about the Freedmen. The press continued to describe the Freedmen as simply descendants of black slaves and free blacks. This description was true of them in 1866, but was not true in 1902. And the free blacks mentioned in the treaty were Cherokee Indians with black ancestry who had been in the Nation for generations, some crossing the Trail of Tears, but because of their black blood, they were not considered Indians. And of course we have Chad Smith, at every turn, describing the Freedmen as "non-Indians" as if the roll they appear on was proof positive of whether they have Indian blood or not. He knows for a fact the Freedmen roll is not proof of that.

By the time the Dawes Commission began its work in creating the Dawes Roll, Cherokee Indians had intermarried with blacks in measurable numbers. The children born to these relationships were as much Cherokee Indians as were the children born to white/Indian marriages. However, because of the virulent racism of the time and present in the views of the clerks of the Commission, persons of Indian/black relationships were simply dumped onto the freedmen roll against their will.

There is also ample evidence of Cherokee blood in the freedmen families who, while once slaves, were the children and grandchildren of their masters. At least one third of the enrolled Dawes Freedmen possess Cherokee blood through the masters creeping into the slave quarters. The Dawes Commission recorded this fact, but ignored it when the roll itself was created.

Second, racism is not unknown among the Cherokees by blood. Since most Cherokees are more

white than they are Indian, their culture is reflected more closely in the views of white America. And because most Cherokees derive their white blood from people who immigrated to the Cherokee Nation from the deep south, the southern form of racism, made famous by murders, cross burnings and brutal segregation in the state of Alabama, is our heritage. In fact, the first law passed by the Oklahoma legislature following statehood was a law to segregate rail cars.

I grew in Tahlequah, listened to the black jokes, saw the black kids get pushed around and talked about behind their backs. We were told not to go up on Ni**er hill west of Tahlequah after dark. In 1902, it was believed that one drop of negro blood tainted the individual and negated any other blood he/she might have. Apparently Cherokees who believe that one drop of Indian blood makes them an Indian, also continue to hold onto the antiquated view than one drop of negro blood destroys the Indian blood, no matter how much there is.

Third, Chad Smith and his minion misinformed the Cherokee people regarding the battle fought by the Freedmen for their civil rights. Smith painted the Freedmen as greedy newcomers intent upon soaking up the hard-won funds of the Cherokee Indians. He even stated that before the Allen ruling (2006), he had not heard of the Freedmen. That is a blatant lie, because I took his silly history class in 1995, where he and I debated about the rights of the Freedmen. It is a lie that the Freedmen are newcomers. Many Freedmen hold and treasure their voting cards issued to them in 1970 and 1975 by W.W. Keeler and Ross Swimmer. Their names, along with the names of Cherokees by blood appear on every roll dating from 1970 back to 1866. They have been with us for over 140 years.

The Freedmen enjoyed equal voting rights with all other Cherokees right up to 1983, when Ross Swimmer had them ousted to protect his bid for reelection after he thought they were going to vote enmasse against him. Swimmer did not originally see the Freedmen as an enemy. In 1974, he had written a letter to Indian Health Service seeking medical services for Freedmen. In 1975, just prior to the

adoption of the 1976 Constitution, then tribal attorney Earl Boyd Pierce stated in a letter that the reorganization of the Cherokee Nation MUST include the Delawares, Shawnees, Keetoowahs and THE FREEDMEN.

Immediately following their unlawful expulsion in 1983, Rev. Roger Nero, an original Freedmen Dawes enrollee, filed suit against Ross Swimmer. His case, heard in the 10th Circuit Court, was dismissed because he had not exhausted his tribal remedy by taking the case to the JAT. That case was ruled on in 1988. It was then that I started researching the Freedmen and joined their struggle.

In 1996, I filed the Riggs case for Mrs. Bernice Riggs, a Cherokee Indian descended from the Bean and Ridge families, whose parents had been stuck on the Freedmen roll because they were also part black. The Judicial Appeals Tribunal ruled, in 1999, that Mrs. Riggs was in fact a Cherokee Indian, but because her parents were on the Freedmen Roll, she could not be enrolled. The court erroneously applied the Martinez v. Santa Clara Pueblo doctrine to the actions of the tribal council and ignored its own previous ruling in Leach v. Election Commission that said the Council did not have the authority to ADD requirements to the constitution without a vote of the people.

In 2004, I filed a lawsuit against the tribal council on behalf of Mrs. Lucy Allen, a Cherokee Indian whose parents both appear on the Freedmen roll. In this case, the JAT was able to determine that the actions of the council placed requirements upon applicants for membership, ie the Freedmen, which did not appear in the constitution. In other words, there is NO blood requirement in the constitution, only a Dawes enrolled ancestor requirement. Because of this fact, the Freedmen were members. An interesting aside that most thin blood Cherokees should thank the Freedmen for is the Allen ruling made it clear that the Council could NEVER impose a blood quantum requirement without a vote of the people. Sadly, the thin bloods did not see this fact when they marked their ballots.

Earlier this year, a petition was circulated to bring about a special election. The court, in contradiction of tribal law, just as was the case with the Riggs case, found the petition to be valid. Thus, the special election vote which has precipitated shock and disbelief around the world, will once again oust the Freedmen.

Much has been said in this struggle by Freedmen opponents about protecting our Indian heritage, defending our daughters and keeping our money to ourselves. All anyone has to do is replace the word Indian with the word white and you are immediately transported to 1968, where Chad Smith, oops, I mean George Wallace cried out: "Segregation now, segregation tomorrow, segregation forever!"

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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

It could cost the Cherokee Nation millions March 7 2007

Descendants of people the Cherokee once owned as slaves say they will challenge a special election that kicked them out of the tribe.

They also promised to lobby the U.S. government to cut federal ties to tribe, a move that could cost the Cherokee Nation millions of dollars.

Cherokee officials are calling those threats a scare tactic brought by people more interested in seeing the Cherokee Nation lose funding than seeing the will of the people done.

On Saturday, more than 76 percent of Cherokee voters decided in a special election to amend the nation's constitution to remove about 2,800 freedmen descendants and other non-Indians from the tribal rolls.

Editor:

This is in response to a letter written by Ms. Lisa Lyon, Claremore Progress, March 9, 2007, regarding wording of Ms. Thelda Boen's article with plans to run for Cherokee Nation Council position, District 7, Rogers County.

I take issue with two items with Ms. Lyon's letter. She stated in her letter, "First, I would like to correct MIS-INFORMATION, in which it was IMPLIED, that all Cherokee Nation employees received huge bonuses." "EVERYONE that applied and adhered to the guidelines was granted a scholarship". "There were over 2,100 scholarships given this past semester."

Ms. Boen's article reads as follows: Not All Cherokee people are fortunate to get big bonuses. The Cherokee people are better than this. Not one of our own should be treated in a disrespectful manner regardless of their financial situation. I'll bet those receiving big bonuses didn't have to stand outside the back of a big semi trailer until it was their turn. This type of discrepancies in treatment within the Cherokee Nation has to stop.

One of the frequent concerns voiced by her fellow Cherokee regards the availability and awarding of education scholarship funds. Scholarships should be easily attainable for our young men and women who wish them. The process for applying for scholarships and educational assistance should and can be made simpler.

I also read an article in the November/December 2006 published: Cherokee Observer, P.O. Box 487, Blackwell, Oklahoma 74631. Cherokee Nation Enterprises net income was \$89,261,000.00. Records show that 2,451 hourly CNE employees got an AVERAGE of \$1,708.63 bonus and 675 salaried employees got an AVERAGE \$9,043.01 bonus.

Now Ms. Lyons, after reviewing your statements regarding Ms. Boen's article, I am unable to see how you came to the conclusion that "all CNE employees received huge bonuses" or that the bonuses were of equal value. Ms. Boen did not state that all employees received huge bonuses but that "not all Cherokee people are fortunate to get big bonuses." Regarding the scholarship program, Ms. Boens was relaying "one of the frequent concerns voiced by fellow Cherokees about the availability and reward of educational scholarships." Ms. Lyons, I am pleased your daughter was awarded a scholarship to fur-

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 Garyin (4)
- Audra Smoke Conner (2)

* Jack O. Baker (2)

Over these last 3 1/2 years, chief smith met with theses 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.

* new At Large

her her education, but obviously Ms. Boens is still hearing concerns. I'm not sure how the concerns of some citizens is translated into an "issue" for you. The information that I have is that these scholarships are for \$1,000.00 per semester at most, which will not cover all college expenses. Because the scholarship amount is minimal, the student will likely have to work part-time. As you said, "few things are free in the real world." My vote will go to Ms. Thelda Boen because she is talking to the people, listening and caring about their concerns enough to try to improve the conditions in the lives of the Cherokee People. Now I have a personal comment about the educational scholarship program: according to the Cherokee Observer, Nov/Dec 06 issue, records show that 2451 hourly CNE employees received an average of \$1,708.63 bonus and 675 salaried employees received an average \$9,043.01 bonus. This total comes to \$10,291.883 with a net profit of \$89,261,000.00 indicating that 11 1/2% was returned to employees. According to Ms. Lyons statement, 2,100 students received educational scholarships (I have not verified this number personally). At \$1,000. per scholarship, this total is \$2,100,000. which is 2.3% of net profit of CNE.

Look at this chart below and see where the focus of CNE is: Hourly employees bonus **\$4,187,852.** Salaried employee bonus **\$6,104,031.** Educational Scholarships **\$2,100,000.**

Sally LaFayette
1716 S. 125th E. Ave
Tulsa, Oklahoma 74128

Election Protest Filed Today

March 15 2007
Election Commission
P. O. Box 1188
Tahlequah, Oklahoma
74465-0948
458-5899 or 1-800-353-2895
Fax (918) 458-6101

March 15, 2007

Ladies and Gentlemen:

I, Robin Mayes, Cherokee Citizen, registered voter hereby submits the following challenge of candidacy and eligibility of the following persons who filed for the 2007 CNO election for the following reasons to wit.

- 1 Chadwick Smith:**
A Exceeding the two-term limit as established by the 1999 CNO amended constitution.
B Violation of the bona fide residency requirement
C Cherokee by blood requirement

- 2 Buel Anglen:**
A Nepotism
B Exceeding the two-term limit as established by the 1999 CNO amended constitution.
C Lying to the Election Commission and Council about his residency & nepotism

- 3 Don Garvin:**
A Exceeding the two-term limit as established by the 1999 CNO amended constitution.

- 4 Joe Grayson:**
A Nepotism

- 5 Jackie Bob Martin:**
A Exceeding the two-term limit as established by the 1999 CNO amended constitution.

- 6 Stacy Leeds:**
A Violation of the bona fide residency requirement

- 7 David Thornton:**
A Exceeding the two-term limit as established by the 1999 CNO amended constitution.

- 8 Melvina Shotpouch:**
A Exceeding the two-term limit as established by the 1999 CNO amended constitution.

Respectfully submitted,

Robin Mayes
Address and contact info:



From the Web

Election Protest Filed Today
March 15 2007 at 8:55 PM - Tuya

Response to Election Protest Filed Today
Thank you Robin. There were several questionable irregularities in this 2007 election process. To name a few. Why was such a short time for candidates to file for office? They should have had at least 10 days. Also, If there is a 3rd council seat in District #1 and others as expected, hopefully they will be open to all interested candidates after the ruling is received from the Jucicial Supreme Court, not just for those who filed a protest. It appears that the election commission is trying to get this election past them at any cost at the expense of a viable cherokee nation election process.

Not to mention the conflicted commissioners on the Election Commission
March 15 2007 at 11:19 PM
Anonymous

Response to Election Protest Filed Today
When is someone going to point out the two commissioners who are obviously conflicted? Patsy morton that's got a son working in law and justice for big money and a daughter in law that has contracts as a public defender for Cherokee Nation. Then chad hired her husband for big money to replace dusty delso after he got in the sexual harrasment scandle. morton is in such conflict it ain't funny. Then you have drew wilcoxin as a commissioner with his brother sitting on the supreme court ready to uphold any ruling made by the commission. Does any of this sound like a conflict or is it just me?

Recusal
March 15 2007 - Magidel

Response to Not to mention the conflicted commissioners on the Election Commission.
Then Wilcoxin should recuse himself from the bench to avoid a questionable conflict of interest.

Plus you have Haskins who was an Election Commissioner
March 16 2007 at 2:16 AM
Anonymous

Response to Recusal
Don't forget Justice Kyle Haskins who was a chief appointment on the election commission but resigned this term right after he tried to carry out chads dirty work of trying to keep commissioner Hathaway from being seated. Haskins was on the election commission during the last election which was protested where an abundance of impropriety and crimes were discovered during the trial but nothing ever done. Now he is a supreme court judge. And then there is matlock who was chads partner in crime or I mean law...

Historically a former Election Commissioner could not run for office for at least two years after leaving the commission. A few months ago the slate changed the law so that Rita Bunch could run for council this time. She was on the same corrupt commission in the last election and was appointed again by chad this time. I bet cha she was also told to resign the commission right after Haskins did so that chad could keep the commission destabilized and unable to function. Now Bunch is running for council in Adair County. What a crock of crooks!

Change of Address

NAME _____

New ADDRESS _____

CITY _____ STATE _____ ZIP _____

Phone #: (____) _____ - _____

Email: _____

Old ADDRESS _____

CITY _____ STATE _____ ZIP _____

Phone #: (____) _____ - _____

email or snail mail

Email: _____ 020307

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