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Serving the Cherokee People Since 1992

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"He Lied"

Principal Chief ignores tribal law

by David Cornsilk

It is very difficult for the Cherokee Nation of Oklahoma to stand on high moral ground when Chad Smith admits that he has chosen not to enforce a tribal law prohibiting retailer to retailer tobacco sales. While this may have been advantageous to a few Cherokees who own smokeshops, it is not advantageous to the whole Cherokee people to have a chief who selectively enforces the law, no matter what it gets him or his supporters.



smokeshop owners don't want that law enforced, use your political/financial clout to get it repealed. While that law is on the books, and the chief has the responsibility to enforce the law, all of the laws, and every day he chooses not to, he is in violation of his oath of office and the mandates of the Constitution which says:

ARTICLE VI. Executive Section 10. The Principal Chief shall cause the laws of the Cherokee Nation to be faithfully executed, and shall conduct in person and in such manner as shall be prescribed by law, all communications and business of the Cherokee Nation.

I am well aware that the foundation of this controversy is not tobacco. You don't have to beat that stepchild over the head again for us to get it. Money and sovereignty go hand in hand. He who has sovereignty, has money.

But with the right to govern one's self, which is what sovereignty is about, also comes the responsibility to act lawfully. Chad Smith has admitted in a Council committee that he has chosen not to enforce the tribal ban on retailer to retailer tobacco sales. That is a problem.

We Cherokees cannot point an accusing finger at the state, when we do not have our house in order. Whether he likes it or not, the chief cannot pick and choose the laws he will enforce. While the state is doing its best to destroy our sovereignty, we must not give them any reason to say that we cannot be trusted to first, comply with our own laws and second, enforce those laws when they are broken. The chief has willfully neglected to enforce the law and he must suffer the consequences of his actions.

The Council passed an act prohibiting the sale of tobacco products between retailers. If the Council does not intend for that law to be enforced, they should repeal it. If the

will faithfully execute the duties of _____ of the Cherokee Nation, and will, to the best of my ability, preserve, protect and defend the Constitutions of the Cherokee Nation, and the United States of America...."

Chad Smith, in my opinion, must be impeached. The Constitution commands the council to impeach the principal chief if he willfully neglects his duty. He has admitted that he has chosen not to enforce a valid law. **The Constitution says:**

ARTICLE XI. Removal From Office Section 1. The Principal Chief and the Deputy Principal Chief shall be subject to removal from office for willful neglect of duty, corruption in office, habitual drunkenness, incompetency or any conviction involving moral turpitude committed while in office.

The Council has no choice but to begin removal proceedings against Chad Smith. Otherwise, they too will be in violation of the Constitution and their own oaths. The above Article does not say the chief "may be" be subject to removal; it says the Principal Chief "SHALL BE" subject to removal. By his own admission, the Principal Chief has stated that he has chosen to willfully neglect the enforcement of the laws of the Cherokee Nation. While it is apparent that he has not enforced this one law, how many more laws of the Nation have been willfully neglected and for what purpose?

I call on all of the Councilmembers of the Cherokee Nation of Oklahoma to obey your oaths of office and immediately pass a resolution beginning removal proceedings against the Principal Chief for willful neglect of duty. I also call upon all law-abiding Cherokee people to demand their council representatives put partisan politics aside and do their duty to the Cherokee people and the Constitution and remove the Principal Chief from office.

Cherokees had ties to lobbyist

By Donna Hales
Phoenix Staff Writer

The Cherokees spent more than \$100,000 in 2003 with a firm tied to a lobbyist who pleaded guilty to federal crimes in two jurisdictions in the last two days. Federal lobbying reports filed with the Secretary of the Senate in 2003 and 2004 reflect that lobbyist Jack A. Abramoff was the contact person between the Washington, D.C., law firm of Greenberg Traurig, LLP and Cherokee Nation Enterprises.

The reports also reflect CNE, the gaming arm of the tribe, paid \$60,000 in lobbying fees to the firm on two occasions in 2003.

Those monetary payments are to the nearest \$20,000, said Cherokee spokesman Mike Miller. CNE spent a total of about \$100,000 with Abramoff's firm in 2003, not \$120,000, Miller said Thursday.

project — more full-scale lobbying,

Cherokees didn't go for the proposal, he said, adding:

The person in charge in that office now is Paula Ragsdale, Miller said. Ragsdale is a former tribal councilor who lived most of her life in the Webbers Falls area. She was the director of the Cherokee Nation Tax Commission until marrying the head of the Bureau of Indian Affairs, Pat Ragsdale, in the last year and moving to Washington.

Miller said despite the filed reports showing CNE's lobbying contact

was Abramoff, CNE dealt with lobbyist Michael E. Williams.

Both lobbying reports show the issue areas as nations and sovereignty, and thrust.

Another e Secretary of the Senate by Abramoff's firm verifies CNE is a client and the general description of CNE's business or activities is

Miller said he will inquire as to whether CNE's board authorized the lobbying contracts with Abramoff. CNE Chief Operating Officer David Stewart could not be reached for comment.

Abramoff pleaded guilty Wednesday to mail fraud, conspiracy and tax evasion in federal court in Washington, D.C., in connection with his lobbying work. He pleaded guilty Tuesday to conspiracy and wire fraud charges in federal court in Miami in relation to a 2000 purchase of SunCruz, a company that runs casino ships.

Abramoff wasn't the only lobbyist to get money from the Cherokees.

Records of the Center for Public Integrity show that between 1998 and 2004, CNE spent \$300,000 with the lobbying firm of Ietan Consulting LLC (lobbyist Wilson K. Pipestem, a Cherokee), the \$120,000 with Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel and \$80,000 with Wheat Government Relations (Pipestem).

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Mr. Buel Anglen

CNO official alleges lawmaker lied to get on council

A letter (see page 6) has surfaced alleging that beleaguered District 8 tribal councilor may have lied to the Cherokee Nation Election Commission in order to be



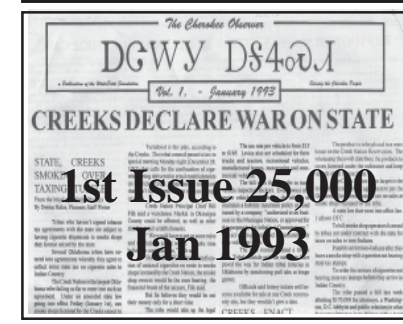
appointed to a vacant seat on the tribal council.

The letter, written by Richard Osburn, staff attorney for the Department of Justice appears to defend Buel Anglen following HUD opening an investigation into potential illegal activity by Anglen concerning repairs to a home he once owned.

While the letter appears to brush away the allegations of impropriety concerning the repairs to the home, it does go so far as to openly allege that Anglen lied about his residency in order to occupy a seat on the Tribal Council vacated by the death of Dorothy McIntosh.

Anglen has also been sued in the Judicial Appeals Tribunal in an effort to have the seat he occupies declared vacant. The suit alleges Anglen is not a member by blood of the Cherokee Nation and therefore ineligible to hold the position (see related story).

The Cherokee Observer published the article - THEN and NOW!! Vol. 10, No 12 - December 2002 issue, on Buel Anglen residency question.



concerning Anglen's stint on the tribal council. A letter has surfaced which implicates Anglen in a scheme to lie to the Election Commission in order to get on the council (see related story).

Cherokee citizen wins summary judgment argument

Update:

A Cherokee Nation councilor from Sperry was sued by another Cherokee citizen in the tribes highest court alleging he is serving on the council illegally.

Roger Peacock of Tulsa has asked the Judicial Appeals Tribunal to declare the council seat currently filled by Buel Anglen to be vacant because Anglen does not meet the "by blood" requirements of the CNO constitution.

Anglen's attorney, Todd Hembree, filed a motion to disqualify Peacock's lay advocate, David Cornsilk last month, but the justices of the JAT overruled the motion, but also barred Cornsilk from later becoming a witness in the case.

Hembree filed a motion for summary judgment at the same time as filing evidence showing Anglen is a member of the Cherokee Nation with a Certificate of Degree of Indian Blood (CDIB) card showing him to be 3/16 Cherokee.

In response to the motion for summary judgment, Peacock responded that the CDIB does not indicate what kind of Cherokee Anglen is, because the Cherokee Nation is comprised of members by blood and members by adoption. Anglen is a Shawnee Indian and Peacock contends that makes him a member by adoption,

and that he does not meet the constitutional requirement for elected officials to be a member by blood.

The JAT gave Hembree until January 3, 2006 to respond to Peacock's response but nothing was filed. Both parties appeared before the Justices of the JAT on January 19th and gave oral arguments.

That same day the Justices returned with a ruling against the motion for summary judgment and in an abbreviated ruling, with only two sentences stated that there are material facts in dispute and summary judgment is inappropriate at this time.

This was a critical moment in the development of this case, said Cornsilk. If we had lost here, there would be no way to hold Anglen accountable.

Another revelation has recently come to light

Security guard discovers cash in unlocked office

Cash discovered by a security guard in an unlocked office west of Tahlequah, is yet to be accounted for by Cherokee Nation Enterprises (CNE).

The Cherokee Observer has obtained a copy of a security violation report alleging a large amount of cash was left unattended in an office at CNE west of Tahlequah with an exterior door left unlocked. According to the report dated November 19, 2005, Cherokee Nation security guard Robin M. Perl discovered an unlocked exterior door at the Red Building at CNE.

The report described the unlocked room as "Girty's office." Perl stated in her report, "I checked inside and noticed on the floor approximately 30 bags of cash for deposits. I then informed dispatch and locked the door and wrote an incident report on findings." Dispatch notes stated a call came in from security at 12:20 a.m. on November 19, agreeing with Perl's report. Dispatch notes stated, "There is bags of cash laying all over the floor." In an incident report to the Cherokee Nation Security Division, Perl offered a summary of the incident stating, "At approx. 0020 hrs (12:20 a.m.) I Robin M. Perl was out at CNE checking

doors. I then checked the door to the acct. room. the door was unlocked. I then proceeded to go into room to check. As I looked around the office I noticed approx. 30 bags of cash on the floor. I then called dispatch and informed her of the situation. I then locked the door and shut the light off before exiting the bldg." A source at CNE who asked to remain unnamed for fear of being terminated, stated, "There are no retail operations at that building and there is no reason for cash to be there." The source added that all cash pickups are by armored vehicle and take place at the retail location and no cash is allowed to leave the building except under armed escort. A Bank of Oklahoma official, who asked to remain unnamed, stated, "The scenario suggests one of three possible conclusions, either money laundering, a drug deal or both. The BOK official added that most money skimming operations use this sort of drop off and pick up technique. "I guess they weren't expecting the security guard to get there before the pickup," he said. A followup report on the incident was filed by another security guard who went to the office later the same day at 4:30 p.m., which was over 16 hours after the initial report was filed by Perl. The



Cherokee Observer has been unable to obtain a copy of the second security report. Dave Roberts, head of CNE Security confirmed there was no one dispatched from CNE security until around 4:30 in the afternoon on Saturday and he stated the security report said only "...a clear baggy with a deposit slip was found on the floor..." The money was clearly gone. Our CNE informant stated that someone must have gone to the room after the first security report was filed and removed the cash. However, the Cherokee Observer has been unable to locate a report either by security or the CNE accounting staff showing a cash pickup at the West Tahlequah CNE office or that cash should even be present at that facility. The Cherokee Observer staff will continue to investigate this developing story and will report more as information it becomes available.



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