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Smith's Deception

housing vision buying existing homes rather than building, spends only a few housing dollars locally, paying real estate commissions and loan closing fees to banks and closing companies, then sending the bulk of the dollars straight out of the State to pay off the underlying mortgage. Today within the 14 Counties there is less positive effect because of federal funds injected into money supply, fewer jobs, less money changing hands within our communities, than we have seen in decades simply because of this one drastic change in the Cherokee Nation by the Smith housing strategy.

The main reason the Smith Administration fought so hard to move the Housing Authority under the tribe is likely one of the reasons they are moving to take over WW Hastings. Twenty five percent (25%) of all housing funds, historically as much as \$30 million a year, are dumped into an administrative cost pool, which can then be expended off however the Chief's office determines to spend them, on the upper level salaries, expenses, operating costs, etc..

Another of my pet peeves is the unregulated construction of huge projects within the last eight years. Within the Cherokee Nation every major construction job in the past eight years has enjoyed a seemingly unbridled budget under a Smith construction concept of "Design As You Go" creating astronomic cost overruns some tripling the original projected budget. The Gymnasium at Sequoyah projected to cost \$4 million ended up costing near \$10 million. The Catoosa Casino which started at \$34 million ended at almost \$90 million with \$10 million dollars in change orders alone. Presently there is over \$200 million in construction projects underway.

The underlying critical issue is that within the Cherokee Nation there is no auditing process over these construction projects and the Council has no way of determining if construction costs are legitimate or

radically mismanaged. Yet we continue to build more high dollar casinos throughout the CN. When one is finished almost immediately a remodel project or addition is begun. Presently they are adding another ten stories onto the Catoosa Casino just after finishing a multi level parking garage there. Construction costs have to be monitored or there can be tremendous over spending, especially on huge projects.

Another significant mismanagement issue worth noting is that Council discovered in January of 2007 while reviewing the End of Year 2006 Budget that \$38 million in funds available or earmarked to be spent on tribal services to the people had not been expended by the Administration. That amount was nearly equal to the entire annual gaming dividend for both 2005 and 2006. The equivalent of two years of casino profits did not have any positive affect on the quality of Cherokee people lives as had been prescribed by Council within the budget for 2006.

These few instances of mismanagement are serious indications of why we do not want our hospital healthcare to be run by the current Administration. But there are many more for those who are interested enough to seek them out.

Recently Council approved increasing the legal line of credit from \$40 million to \$125 million to a new entity created under the Smith Administration called Cherokee Nation Businesses, (CNB). The entity was created to bring new business opportunities to the Cherokee Nation. However every business venture the tribe has entered within the past eight years has either gone bankrupt or had to be bailed out by Council using other funding sources that could have gone to services. An investment in Global Energy Group by Cherokee Nation Industries cost Cherokees nearly \$6 in losses last year. Another investment in a

company called Cherokee Connex cost tribal members another \$2 million. The Smith Administration decided to lease out the landfill operation at Stilwell to a newly formed company owned by an attorney from Norman who allegedly netted profits of \$12 to 20 million over the past 2 years leaving the tribe \$6 million in losses and an estimated clean up and closure cost of \$12 to 20 million according to former Congressman Brad Carson, who is now CEO of CNB reportedly being paid around \$200,000 annually.

This year within tribal clinics the Smith Administration has begun requiring a co-payment by tribal members. Several years ago the Smith Administration created a new policy whereby anyone seeking contract health services is to be denied on their first request for services. After being initially denied a Cherokee citizen must write a letter of appeal explaining their medical needs, which are reviewed and approved or denied by a review board, composed of various hospital employees. If denied another appeal must be filed, etc. many giving up before receiving the needed care.

The one thing I can determine that Chief Smith has successfully accomplished is to triple the number of employees working for the tribe along with tripling many of the upper level employee salaries and bonuses. Today almost a billion dollars a year flows through the tribe triple the revenue of eight years ago. In any similar business operation, providing services to the Cherokee people, such increases in employment and salaries could only be warranted or considered cost effective expansion if the operation was able to increase production at least three times the original amount of product than before. At the point of diminishing returns increasing either the employment base or salaries begins to consume service money rather than producing more services. Cherokees can best assess if this point has been exceeded by honestly asking if they are three times better off today primarily because of the Cherokee Nation or the leadership of Chief Smith. Probably some of the only persons who could are the top level employees making over \$100,000 annually many plus an annual bonus.

With Congress threatening to shut off all federal funds to the Cherokee Nation because of the election called by Chief Smith, which attempted to dissolve 140 years of Cherokee Freedmen being Cherokee citizens as prescribed by our ancestors in the Federal Treaty of 1866, this is not the time to consider the tribe taking over the critical healthcare of WW Hastings Hospital. Hastings would not be affected by any cut in Federal Funds to the tribe because it is a Federal Hospital. Allowing the Smith Administration to make it into a tribal hospital right now will create eminent disaster within our health services.

I believe the main reason the Smith Administration is rushing to pull Hastings under the tribe is an attempt to provide his Administration cover from the disaster he has created hoping that Congress will choose not cut tribal healthcare funds if that would also close the local hospital. Further I doubt seriously if Congress will cut healthcare dollars. Instead I look for them to come in and begin Administration over healthcare while they are investigating the Smith Administration for the many improprieties.

The fraud and deception that this administration has committed concerning the Freedmen, the 1999 Constitution and such a radical state of being out of compliance with federal regulations, federal law and federal treaties is about to be decided by Congress. In the stroke of a pen all funding could be turned off simply because a Chief chose not fully disclose all of the facts, the law and all potential consequences to voters within an election that he promoted for his selfish political gains. Chief Smith has risked our funds. He has risked our sovereignty. Now he is about to risk our Federal Hospital by taking it under the tribe. Cherokee people can not allow Hastings to be taken over at this point in time and by such a ruthless and dishonest Administration. It is time for Cherokees to unite and stand up for our interests or lose them forever by evil leadership selling our souls. I suggest people picketing the WW Hastings Hospital in a stand against a tribal takeover.

Cherokee Nation clinic care shoddy

Letter to the Editor, Tahlequa Daily Press

I am a Cherokee Nation citizen. There are many problems that need to be addressed about the nursing staff at Redbird Smith Clinic in Sallisaw, but the problem I have encountered this past week has left me without my medication that I take for hypertension.

I am in the very high-risk group for heart attacks. I will admit that I have rescheduled several appointments because I just couldn't make it to the clinic. The clinic was notified in a reasonable amount of time, except for two or three of my appointments in a year.

I do not own a car, have a phone or income. Now, I have been told I cannot have any more appointments or medicine without coming in the clinic as a walk-in, where you sit all day,

as well as be treated like a dog, or calling from a pay phone starting at 7:30 a.m. to get a same-day appointment.

I have tried calling from a pay phone, and I have never been able to get a person to answer the phone; it's always busy. They must be on break, or putting on makeup.

So, thanks to the nursing manager who's running the show, and has taken this upon herself to notify me through my boyfriend that I can no longer have any appointments. There are no Cherokee Nation policies stating they can deny a Cherokee Nation citizen or patient healthcare or medicine, or appointments.

Shirley Whitmire
Roland

January 31, 2008

Tribes further defines term limits

With the passage of its 1999 Constitution, the Cherokee Nation instituted term limits for elected officials; however, the timing confused the issue for some.

By TEDDY SNELL - TAHLEQUAH DAILY PRESS

The 22nd Amendment to the U.S. Constitution set a term limit for the president, which was passed by Congress March 21, 1947. It was ratified by the requisite number of states Feb. 27, 1951.

Franklin Roosevelt, who served from 1933 to 1945, is the only president to have been elected to more than two terms.

In its 1999 Constitution, the Cherokee Nation also set similar term limits for its elected officials. But it took a full election cycle to approve the document, which left many wondering what would happen to the current elected officials should they want to run again.

Did the new constitution wipe the slate clean, or would officials who had already served two terms be prohibited from filing?

If the former scenario is applicable, all officials holding office prior to the 2007 election were eligible to file; the latter would have prevented that from happening. The tribe's rules committee requested an official opinion from its attorney general, Diane Hammonds, regarding term limits. The request read as follows: "Are elected officials who took office in August of 2007, who were previously elected in 2003, serving their first term in office under the 1999 Constitution?"

Hammonds returned her opinion Dec. 5. According to the AG's analysis of the question, the 1999 Constitution instituted term limits for elected officials who weren't included in the previous, 1975 Constitution. The council limitation states: "All council members shall be limited to two consecutive elected terms on the council. All council members having served two consecutive terms, must sit out one term before seeking any seat on the council."

The 1999 Constitution provides that "no person having been elected to the office of principal chief in two consecutive elections shall be eligible to file for the office of principal chief in the election next following his or her second term of office." The deputy chief is subject to the same term limitations. Jim Briggs, former CN election commissioner and attorney, believes Principal Chief Chad Smith, Deputy Chief Joe Grayson, as well as a number of tribal councilors, should not have been eligible for re-election in 2007.

The 1999 Constitution was OK'd by the Supreme Court prior to the last election," said Briggs. "So, on the day of filing for office, Chad Smith had already served two consecutive terms of office. According to the plain language of the previously approved Constitution — the supreme law of the land — Chad Smith was not even eligible to file for office."

Hammonds addressed this issue in her opinion, citing transcripts of the delegates to the 1999 Constitutional Convention. Discussions regarding term limits for tribal councilors indicated the delegates believed the term limit would be prospective rather than retroactive. With respect to the principal chief, the transcript discussion indicated the same.

The agreement among the delegates was that the incumbent principal chief was eligible to run for and be elected to an additional two elected terms after the end of the term he was serving at the time the Constitution would become effective," wrote Hammonds. "Apparently, the delegates assumed the Constitution would be voted on in late 1999 rather than in 2003. The discussion also indicates that the counting of terms for limitation purposes was to apply equally to the principal chief, deputy chief and the council members."

Because the first elections held in keeping with the passage of the 1999 Constitution were in June 2007, "no previous terms, including the term being served when the Supreme Court made its decision on the Constitution, count toward the term limitations," wrote Hammonds. "As such, all individuals are eligible to be elected to and to serve two consecutive terms beginning with the term starting in 2007."

That said, should Smith decide to run for re-election and win in 2011, he could serve 16 years consecutively as the tribe's principal chief. This term of office has been surpassed by two of his predecessors: Chief W.W. Keeler, who served from 1949 to 1975, and Chief John Ross, who was elected several times and served from 1828 to 1866.

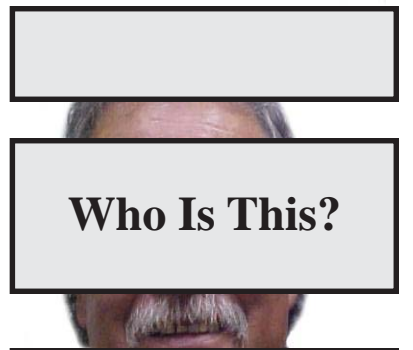
Smith, who has confirmed his intention to run again in 2011, said he has a long-term vision for the Cherokee Nation, with plans to expand its culture, sovereignty and economic base. "The goals I have for the Cherokee Nation extend for generations to come," said Smith. "I want my grandchildren and their grandchildren to have a Cherokee Nation with a strong government, a growing economy and vibrant communities of Cherokees, with a shared interest in keeping our language and culture alive."

To reach those goals, Cherokees have to balance the needs of today with the legacy of the future, said Smith.

Our main goals revolve around three main initiatives: language, jobs and communities," said Smith. "Our language and culture are part of the foundation of who we are as a people, and what we have found is that Cherokee language and culture thrive best in communities where Cherokees live and work together. So to keep culture alive, we not only invest heavily in cultural programs, but also in programs that make Cherokee communities stronger."

Another thing we have found is that the things that keep communities strong is a good

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Who Is This?

Email your answer to:
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Change of Address

NAME _____

New ADDRESS _____

CITY _____ STATE _____ ZIP _____

Phone #: (____) _____ - _____

Email: _____

Old ADDRESS _____

CITY _____ STATE _____ ZIP _____

Phone #: (____) _____ - _____

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