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**Abundant Evidence - Neglect of Duty - Impeachable Offense**  
**Will Congress investigate CNO's radical state of out of compliance?**  
**Who could be charged & prosecuted for these federal violations?**

citizenship because of the March 2007 Special Election costing over \$350,000 held only three days before the General Election began.

12. When Justices ruled in the Keen case, Supreme Court Judicial seats went from 6 years to 10-year terms. The 1999 Constitution created significant changes to the governmental structure adding two more Supreme Court Justices and two new seats on the Council to represent "at large voters." It also created a new position of Attorney General (AG) that can only be removed from office under the same extremes as a Chief or Judge. The Chief has since appointed the AG to also serve as General Council, which defends the Chief while as AG she is also Prosecutor.

13. A few months after the ruling on the 1999 Constitution, Acting Sec. Jim Cassen gave written notice to CNO that the 1999 Constitutional Amendment was required to be approved by the Secretary of Indian Affairs.

14. A couple months later newly seated Sec. Carl Artman served CNO formal notice specifically denying the 1999 Constitutional Amendment stating it would never be approved because the Freedmen were prevented from voting on the question. Chief Smith continued to move forward building a new government as prescribed by the 1999 although the Sec. recognizes the 1975 as being the only valid Constitution.

15. This decision created a valid question yet to be answered. Were the political officials duly elected in the 03 elections when Freedmen were not allowed to vote? However the Secretary did not weigh in on the candidate issue because generally the BIA considers elections other than the Chief race and constitutional amendments internal tribal matters.

16. After the ruling that the 1999 Constitution was the valid governing document, the Smith Administration rapidly began to appoint people within the Executive into the powerful new positions, Sec. of State, Attorney General and Marshal, all who can only be removed through the same extreme process prescribed to remove a Supreme Court Judge or Chief.

17. The Smith Administration also quickly filled the two new Justice seats of the Supreme Court under the 1999 Constitution. He chose to appoint Kyle Haskins a Special District Judge from Tulsa who had also served as an Election Commissioner during the controversial 2003 election and that Smith had reappointed to the Commission for the 2007 election. Haskins resigned right after the meeting where he attempted to thwart the confirmation of Dr Charles Hathaway, as the fifth Election Commissioner who had previously voted to confirm. Smith had filed a protest trying to block the appointment saying that he had not meant to confirm Hathaway. The Court ruled against Smith saying he could not have take backs and could only use the removal process after a Commissioner had been confirmed. As the other newly seated Supreme Court Justice Smith appointed Jim Wilcoxon. Smith also appointed his brother Drew Wilcoxon to the Election Commission. The Wilcoxon are law partners in a Muskogee firm that Cherokee Nation paid close to \$750,000 in the Arkansas Riverbed Settlement the preceding year.

18. Since the Secretary's official decision and notice of his position on the amendment, CNO was radically "Out of Compliance." Yet the Chief based all of his actions on the ruling within the Tribal Court knowing well that in the stroke of a pen the Secretary could reverse any tribal court ruling, shut off federal funding and remove the federal recognition of the tribe.

19. John Ketcher returns his petition to the Election Commission for verification of signatures. The petition asks that an issue be placed on the ballot which has already been placed on the ballot by Council theoretically making the petition moot. Ketcher is also demanding within his petition a Special Election

be held to vote on the matter although there is no provision for the people to demand a Special Election. The Council voted not to approve the expenditure for a Special Election because the General Election was so near. Council chose instead to place the issue on that ballot.

20. The Election Commission verified voter signatures and forwarded the numbers on to the high court. The petition was protested where evidence proved beyond a reasonable doubt that crimes were committed during the petition drive. Eye witness testimony on the witness stand gave unshakable evidence Harley Buzzard and his son Darren committed fraud in the petition drive. Harley ran for Council in the 2007 election on the Smith political slate and with an unprecedented number of votes for his district beat a four term incumbent.

21. The court ruled in a split decision (3-2), the petition valid and ordered the question to be placed on the ballot. The certain irony here is that two of the three Justices in the majority (Chief Justice Matlock, Smith's former law partner, Wilcoxon and Haskins) were newly appointed under the 1999 Constitution the Secretary ruled invalid because Freedmen were not allowed to vote. These two Justices probably should have recused because of obvious conflict because their existence on the bench depends on the Freedmen failing in their citizenship quest. The two dissenting Justices (Dowty and Leeds) concurred there was too much criminal activity discovered to even conceive the petition could be deemed valid. The two dissenting Justices ordered an immediate investigation. Cherokee Marshals reported they could not prove there were actual crimes committed although testimony during the trial gave absolute proof of numerous counts of fraud. Chief Justice Matlock once suggested one of the witnesses take the 5th. However after a short recess requested by Justice Dowty when the Justices returned Matlock granted the man immunity probably because he was not a tribal member and the Cherokee Court has no jurisdiction over non tribal members. He went on to testify that he had signed the petition in violation of the legal warning on the front page, but was never shown the warning page as required under Cherokee Law.

22. Right after the ruling Chief Chad Smith exercised a newly found power within the 1999 Constitution providing a Chief the authority to call a Special Election when a Referendum Petition is circulated by the people. A Referendum is used to reverse a decision by Council and could theoretically create an emergency condition if funding or legislation is being held up until the question is decided by a vote of the people. However Ketcher's was an Initiative Petition to propose change and is a different instrument, by the letter of the law, than what provided for a Chief to call an election. Smith set the Special Election, costing Cherokees \$350,000, only three days before the General Election was scheduled to begin.

23. A majority of voters terminated the Freedmen's citizenship in the Special Election. Immediately after the election the AG filed a Stay on the procedure in Tribal Court stating she was doing so to prevent Judge Kennedy in the Eastern District from telling CNO how they would hold the 2007 election. Attorney General, Diane Hammons assigned the Freedman case to Nate Young as a public defender. Last month Young's law license was revoked for improprieties within his escrow accounts. Hammons has since appointed Ralph Keen Jr. to represent the Freedmen.

24. Documents were filed within Tribal Court to immediately freeze the situation allowing the 2,800 Freedmen enrolled to continue to be recognized as Cherokee citizens. However all tribal registration of Freedmen has been discontinued until the Court rules. Freedmen who did not get registered and into the system in need of tribal assistance they are due are presently disenfranchised from those services

because of the freeze on further registration of Freedmen.

25. Recently Judge Kennedy in Federal Court in Washington D.C. ruled in favor of the Freedmen within the case concerning the 2003 election protest. CNO has appealed that ruling arguing that because the CNO is a sovereign nation and they do not have to abide by the Federal Treaty of 1866. The CNO has twice enforced this same treaty to prevent the Delaware from separating from CNO to become a federally recognized tribe arguing that Delaware were made Cherokee citizens, as were the Shawnee and the Freedmen, under the Treaty of 1866 and can therefore not create a Delaware Tribe. CNO also enforced the Treaty of 1866 on the USA to win a \$40 million windfall in the Arkansas Riverbed Settlement. If CNO should win on appeal no tribe would be able to again enforce treaty rights because of the argument CNO is now attempting to use.

Freedmen are asking the Court to cast out the 2003 election because they were prevented from voting or running for office. As a remedy in such a case a Federal Judge has the authority to rule the 2003 election invalid and order it be held again allowing the Freedmen the right to vote. The candidate portion of that election is still unclear but has been entered as evidence in that case.

It is realistic that the election could be ruled invalid since the Freedmen were prevented from voting on their representation and running for office as provided under the Treaty.

26. In 2007 election the Smith Administration has with malice and forethought, held an election based on the foundation of an invalid Constitution that created two new seats to the legislative branch to represent non-resident Cherokee. These two "At Large Councilors" are voting on each issue involving services and laws that do not affect any of their constituents. Yet their vote is diluting the integrity of the representatives within the service area.

27. Realize that 20% of the all voters participating in the 2007 Election defaulted to participate in the election as "At Large" voters under the 1999. Under the 1975 Constitution all of these Cherokee at large would have voted in one of the Council districts inside of the boundaries. Because the Secretary has ruled that the 1975 Constitution is the valid governing document the government that is recognized by the United States does not have those two "At Large" seats. If the twenty percent of voters had cast their vote within one of the District races it would have significantly changed the outcome of each race. That is the burden of proof one must prove in an election protest to have an election set aside.

28. The Freedmen citizenship case in Washington DC is based on CNO being out of compliance with the Federal Treaty of 1866 which is the foundation the Cherokee Nation began rebuilding on after the Civil War. The U.S. Constitution states "and all other treaties." The highest law in the land recognizes and empowers treaties with the highest regard to law. CNO being out of compliance with the Treaty of 1866 is a violation of the highest order because Cherokee ancestors set their wishes in stone 140 years ago. This law between the Cherokee Nation and the United States of America is just as valid today as it was the day it was signed.

29. The CNO violated a law which Cherokee Ancestors used judiciously to protect the rights of a body of Cherokee people called Freedmen who had endured a degree of oppression that few people today can fathom. These Cherokee Ancestors forevermore entrusted Congress with the only authority to modify the citizenship in which our ancestors chose to grace them.

30. In 2003 Cherokee citizens were again excluded from exercising their constitutional right to choose their representation or hold office within the democratic process of the Cherokee government. These are serious violations committed against Cherokee people who are realizing their constitutional rights were stolen from them almost 25 years ago by Ross O. Swimmer. They have taken their battle to Congress, the highest level in the land, the guardian to which our

ancestors entrusted them. We can all learn something from the perseverance and tenacity of the Freedmen. We should all learn to fight the battles of oppression and take back out government from the bureaucrats that squander our money and refuse to provide adequate services rather than building more casinos.

31. CNO is also out of compliance in many extreme areas because of the Secretary's opinion concerning the 1999 Constitutional Amendment. The CNO is operating under an invalid Constitution. This nation held the last election under an invalid constitution and there are people who were never duly elected appropriating hundreds of millions of federal taxpayer money and making decisions that affect the very quality of our lives.

32. This state of emergency has existed since 2003 under Chad Smith because Cherokees have not had a valid election. Anyone who is paying any attention should be able to tell that he has no desire to fix the mess he has created. He is a master of deception and our situation will only get worse if we ignore it. Today if we are duped and follow this educated attorney who knows well the limitations of law that he has violated, we allow him to risk very our sovereignty, the most precious asset of any tribe. We enable him to dishonor our ancestors and jeopardize our posterity.

33. The CNO has not held a valid election for elected officials according to the Constitution since 1999 because the Freemen were denied to vote on their representatives within the 2003 election. On top of that the 2007 Election was then held under an invalid Constitution further corrupting the election process.

34. The Cherokee Nation of Oklahoma is in a Constitutional Crisis because of the mismanagement and fraud perpetrated by the Smith Administration. This extreme state of operating "Out of Compliance" is untenable and it is unbelievable that Congress would continue funding such a chaotic state of affairs once they understand just how corrupt it actually has become.

35. Further a precedent was set during an almost exact situation within the Seminole Nation Freedmen case, where the Sec. intervened and shut off all federal funding until the tribe returned to operating within compliance of Federal Treaties, laws and regs.

36. Because the Secretary has not followed this precedent and taken significant action to arrest the condition within the CNO Congress is now forced to investigate this matter. Congress in the blink of an eye has the authority to shut off all federal funds, close down the gaming operations and revoke the federal recognition of the tribe until this indignant child learns to follow the rules. Remember Chad is a lawyer and he wants this issue to be determined by the courts because the court must remain within the purview of the case and a decision by the court can be deferred for years.

37. Cherokees must demand answers while Congress is listening. Oppression and corruption is nothing new in the Cherokee Nation. Cherokees need to demand that Congress investigate this racket from top to bottom while Congress is willing to pay attention. Does a leader commit some kind of crime if he is a trained attorney and knowingly leads the people down the path into the abyss all while recklessly squandering the Cherokee peoples' money filling his pockets at every turn? We must make sure that Congress does not buy a series of excuses that everyone makes some bad business decisions and allow another shyster with pockets full go free simply by using the dumb Indian motes operandi, "Whoops guess we made a mistake," Ross Swimmer perfected decades ago.

**We, Cherokees have been under a CONSTITUTIONAL CRISIS since 2003.**

**WHY?**

**We have a run away tribal council that is following the Chief orders, they are bought & paid for. Seems Chief Smith paid for his slate Tribal Council (Rubber Stamps) campaigns.**

**What is Chief Chad Smith Slate (Team Cherokee) really interested in? "Their Actions Speak Louder Than Their Words"**

**Executive Branch**



Chief Chad Smith Deputy Chief Joe Grayson Jr

**It appears Chief Smith has direct control of the Judicial Branch & Legislative Branch by "Team Cherokee" which is unconstitutional.**



Chief Justice Darell R. Matlock Justice James G. Wilcoxon Justice Kyle B. Haskins Justice Troy Potete

**Chief Smith's Slate "Team Cherokee"**



Meredith Frailey (S) Cara Cowan Watts (S) Bradley Cobb (S)



Don Garyin (S) Harley Buzzard (S) Julia Coates (S)



Janelle Fullbright (S) Curtis G. Snell (S) Jack O. Baker (S)



Buel Anglen (S) Chris Soap (S)

**"Chief Smith's Team Cherokee" Since taking office only four months ago the Slate has:**

- (1) Modified the Nepotism Laws so that CNO can now hire politicians' spouses & children into high paying jobs.
- (2) Revoked existing elected officials' compensation laws in preparation to vote themselves another pay raise, discussing 75,000 annually and increasing the Chief's salary to nearly \$300,000 a year. **What have they done for a 100% pay raise?**
- (3) Enacted laws so that elected officials can now bid on contracts with CNO & profit from the government they are entrusted to watch over. (check the Cherokee Nation Constitution in Article X, Section 10.)

**One day the Court is likely to rule these steps backward are unconstitutional.**

Whenever elected officials can legally choose to serve their own self-interests thus being in conflict to vote and represent the voice of their constituents, a critical check & balance within our system has been dissolved!

**Under our Cherokee Constitution, Section 4. Separate from the Council's removal powers, the People of the Cherokee Nation reserve unto themselves the exclusive power to recall any elected official through petition and recall referendum. A petition must be signed by Cherokee citizens registered to vote.**

**It is time to begin recall petitions! In our history, the Cherokee people have always cleaned up the mess.**