

# DG W Y \* D S 4 o d J

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Serving the Cherokee People Since 1992



## UKB begins banishment process against Cherokee Chief

The United Keetoowah Band Council adopted a tribal membership banishment code Saturday, and then proceeded to use it on Cherokee Nation Principal Chief Chad Smith.

Last month, UKB councilors discussed kicking Smith out of the UKB, but no provisions existed in their legal code to allow such an action.

Smith, along with Cherokee Nation Deputy Chief Joe Grayson, are dual members of the Cherokee Nation and the UKB. The Cherokee Nation has no ban on dual enrollment, but the UKB prohibits dual enrollees from receiving benefits or taking part in tribal government.

Once the council had banishment provisions at Saturday's meeting, Sequoyah District Representative Barry Dotson made a motion to add the banishment of Smith to the meeting agenda. Then, Flint District Representative Woodrow Proctor made a motion to banish Smith from the UKB for causing hardships to the tribe, attacking the UKB constitution, and - as worded in the tribe's new banishment code - "grievous conduct."



AP wire photo

Under Smith's leadership, the Cherokee Nation recently opposed efforts by the UKB to have Keetoowah land put in trust by the Cherokee County Commissioners. The Cherokee Nation also contends that the UKB casino in Tahlequah is operating illegally, because it isn't located on trust land as required by the federal Indian Gaming Regulatory Act. The UKB has no trust land, but is currently involved in a lawsuit with the state of Oklahoma to prevent the state from shutting the tribe's casino down. The UKB contends the land where their casino is located is a dependent Indian community, and therefore exempt from state jurisdiction.

UKB attorney Ken Belnard suggested that - even though the banishment code may have been inspired by Smith's actions - the council use it consistently, and only in accordance with the provisions set forth in the code.

"When you start taking action under this code, you'll have to treat everyone similarly situated the same way," he said.

Under the new banishment provisions, Smith will be notified of the council's attempt to banish him, and will be entitled to a hearing on the matter before the council.

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### Traditional Keetoowahs Left Out of Cherokee Master Craftsmen Awards after 14+ years of participation

**Editors Note. Where are the Tribal Council on this issue. They should be ashamed of themselves. These our in most part our full blood Cherokees family members. It is open to ALL Cherokees. Who do we have to thank for this . . . Chief Chad Smith, that is who!**

Tahlequah, Okla. -- On Tuesday, July 5, the Cherokee Heritage Center released conflicting press releases on the opening of nominations for Cherokee Master Craftsmen and artisans for the National Living Treasures Awards. In the first e-mail, which was sent at 8:35 a.m. nominations were open to citizens of either the Cherokee Nation or the United Keetoowah Band of Cherokee Indians in Oklahoma. Before the end of the day, however, a correction to the release was sent at 4:11 p.m. which said, Treasures award is open to Cherokee Nation Tribal Members only.

Calls made to the Cherokee Heritage Center that day from the UKB Public Information office were not returned, however UKB tribal employees did obtain a copy of the NOMINATIONS AND SELECTION GUIDELINES for the NATIONAL LIVING TREASURES-CHEROKEE MASTER CRAFTSPERSON AWARDS.

The United Keetoowah Band is distressed by the announcement on the Cherokee Nation website that only citizens of the Cherokee Nation will be eligible for the National Living Treasures Award. This continues to find ways to disenfranchise Keetoowahs by his vindictive acts. This is a subterfuge by Smith to thwart Keetoowah tribal members in their quest to receive what is rightfully theirs. Smith knows that to limit eligibility to members of the Cherokee Nation is to specifically exclude all Keetoowahs. In order to be a member of the Keetoowah Band, one must relinquish their membership in the Cherokee Nation. Dual membership is no longer allowed, which is pursuant to a BIA directive.

enter to rescind this announcement

and include all Cherokees whether they are enrolled in the Cherokee Nation, the Eastern Band of Cherokees or the United Keetoowah Band of Cherokee Indians in Oklahoma. The true history of the Kituwah Cherokee History includes all Cherokee people. To do otherwise is discriminatory and highly suspect. According to their own web site, the Cherokee Heritage Center was created to preserve the history and culture of the Cherokee people-past, present, and future. We urge the board to honor their stated purpose. currently headed by Chad Smith has no history before 1976. New members after 1976 are members of the new Cherokee Nation of Oklahoma

According to the guidelines for Nomination & Selection of National Living Treasures-Cherokee Master Craftsperson one of the criteria includes of the Cherokee Nation or a **Band in Oklahoma**. We urge the board to honor their stated purpose and the selection committee to follow their guidelines.ckliffe went on to say.

In years past, **many Keetoowah members have been named as National Living Treasurers** including

**Maxine Stick, Lorene Drywater, Lucille Hair -1990; Dorothy Ice and Edith Catcher Knight - 1991; George Fourkiller -1992; Betty Garner - 1993; David Neugin and Luther (Toby) Hughes -1994; William Foster - 1997; Noel Timothy Grayson - 1998; Marie Proctor - 1999; Jim Buckhorn -2002; and Kathy Van Buskirk - 2004.**

The Cherokee people need to wake up and get involved. Help stop these kinds of illegal actions.

It is time again in our Cherokee History to rise up and protect the Cherokee Nation from corrupt elected officials.

They are taking the funds that belong to the Cherokee People and using the money against us. They are not using their money.

### One-Year Anniversary Of Cherokee Petitions: But Still In Limbo

Written by Phillip Carey

One year ago during the 2004 Cherokee Nation Holiday, Former Deputy Chief Hastings Shade and Cherokee citizen Jack "Edward" Crittenden kicked off a historic petition drive to have four separate issues placed on the next ballot and begin what they say is a quest for democracy in the Cherokee Nation.

The two said it was an honorable attempt to get the Cherokee people involved in the proper way that the Cherokee Constitution provides the people to change their government for the better.

Shade said, "The petitions were a simple beginning and make perfect sense for all Cherokees living within the service area to begin having the voice that is heard in the elections so they can change the government into what they need it to be."

Shade stated, "Experiencing from the inside how this administration really works leaves no doubt in my mind that the Cherokee people are going to have to take the reins away from the bureaucrats if they are ever going to enjoy a government that will honestly serve their needs."

Petitions proposed:  
1. A residency requirement to vote by absentee ballot,  
continued on page 3

## Will We Loose The Heroes In A Smoke Screen Of Deception?

Written by Ed Crittenden

For decades whispers of impropriety and fraud within the Cherokee election process have echoed through the hills and valleys of the Cherokee Nation.

Integrity is the difference between not knowing and knowing but not doing. Once a person knows something is wrong such as a crime being committed, one cannot simply ignore it if they have any integrity. In fact if a person fails to bring forth substantial evidence and alert the authorities once they have knowledge of it, they themselves become a co-conspirator to the crime. Although this story is written in a somewhat unorthodox manner, after reading it you too will know the rest of the story and must ask yourself honestly, **what shall I do?**

At the conclusion of the Primary Election in 2003 three Cherokee Council members, Don Crittenden, Mary Flute Cooksey and Stephanie Wickliffe Shepherd made a decision to file suit and investigate the election process after being handed undisputable evidence of Election Fraud. Important to understand is that within Cherokee Election Law **ONLY defeated candidates can file a petition for appeal to cause an investigation of an entire election.** No legal provision exists whereby a citizen has standing to file this type of protest that involves candidates, even if the citizen is in possession of concrete evidence of election fraud.

The cost for filing a challenge to an election is \$1000. Additional verbiage within the law further discourages anyone from alleging fraud in a protest. However should a defeated candidate suggest that fraud has been committed the price tag of justice becomes even more astronomical in that a \$5000 cash bond must be posted with the court. If fraud is also alleged within the absentee portion of the voting process an additional \$5000 must be posted.

After any election defeated candidates have typically spent all of the money they have or intend to spend on an election and are unwilling to pursue the costs of a protest even if there is evidence of fraud. However seated Councilors have \$5,000 within their appropriated budget each year, specifically for attorney fees to spend, as they deem necessary. Councilors can use this money to write laws or to file suit and investigate anything within the Cherokee Nation.

The principal reason that Council's current role of oversight specifically on white-collar crime is so critically important is primarily **because over the past six years the Chief has refused to appoint anyone to the**

**position of Attorney General within the tribe.**

Within our current laws **the Attorney General SHALL HAVE the power of Prosecutor.** However that position would serve independently of all three branches of government to investigate and prosecute ALL crimes. **The Administration instead prefers to empower employees within the Law and Justice Department to act as their prosecutor.** That entire department of employees, **which includes 10 attorneys on the payroll, only serves at the pleasure of the Chief.** No one within the Department of Law and Justice is about to investigate and or prosecute anything that might involve their boss, the Chief.

For your information, **An Act to make the position of Attorney General mandatory has been brought forth 4 times by Councilor Linda O'Leary from District 5, over the past year and failed from lack of support of the seven votes on the Chief's political slate sitting on the Council along with Meredith Frailey. This month they killed it in Committee, so that it never saw the light of day before Full Council,** a version of the Bill that contained the exact and complete wording the people voted to approve within the 1999 Constitution in the last election. **It is for obvious reasons that the Administration does not want an independent and investigative prosecutor accessible by the Cherokee people.** Because Council members are the Cherokee people's only eyes watching over all of the programs' moneys that are expended by the tribe that have a duty by their oath of office to Cherokee citizens to investigate impropriety within the Cherokee Nation whenever evidence is brought forth, Cherokee citizens approached the three defeated seated Council members and presented them with evidence believed to be election fraud. **The actual evidence provided were two registered voter lists along with affidavits of testimony describing the scenario surrounding the, who, when, where and how these lists had been confiscated.** After reviewing the initial evidence and corresponding election law, the three Councilors agreed to file the suit in a timely manner so that the Judicial Appeals Tribunal could determine if the election process had been fair to all or if illegal actions had occurred that created an unlevelled playing field.

When Council signs any contract it is mandatory according to the organizational procedures of the current Chief to first be reviewed and approved by the Law and Justice Department. If there are any legal problems with the transaction they are to be resolved before it goes any further forward in the payment process. When the contract was personally delivered to the Director of the Law and Justice Department, Diane Hammons she told the staff person that "She did not need to approve this contract" and that it needed "to be taken to the Accounting Department."

**The contract was submitted to Accounting where it was approved and processed for payment.** The check and supporting paperwork was then forwarded to the Chief's office that personally signed the disbursement of funds.

**Eighteen months later,** Hammons who had chosen not to review the contract as required under the current Chief's contract policy, now files civil and criminal charges against the three Councilors for Unlawfully, Willfully, Wrongfully, and Knowingly Conspire to Defraud the Cherokee Nation or Unlawfully, Willfully, Wrongfully, and Knowingly Filing a Fraudulent Claim Against the Cherokee Nation. **The conflict is undeniable that both Hammons and the Law and Justice Department is in because of her own nonfeasance in office.** Hammons bases her entire case on one line within the Election Law, Section 102 Conduct of Appeal Hearings under Part A - Legal Council which states, **"The petitioner may be represented by Council at his own expense; and the Election Commission may be represented by its designated legal council."**

The law clearly says **"may."** It does not say **SHALL or will or must.**

To file charges based on such feeble grounds and drag citizens' good name through the news pronouncing them criminals is preposterous and nothing less than criminal. It is slander; defamation and blatant abuse of the power and authority of the office and officers of the court are orchestrating it all. **The Smith Administration has reached for a new low by this time using Cherokee people's money through the Law and Justice Department to persecute**

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