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

citizens who have brought forth the undeniable evidence of crimes that Smith himself has committed. It is obvious this whimsical case is simply a smoke screen of distraction in a political charade to discredit and punish the three Council members who originally filed the law suit and furnish himself a media cover up of all the crimes that were uncovered within that protest hearing.

Since filing the charges Hammons has been promoted to the position of **Acting General Council to the Chief.**

Space within this publication is far too short to replay the entire trial. However we will briefly review some of the most important evidence presented to the court and testimony during the trial, which revealed additional proof those candidates in the election, had committed serious crimes, however certainly not by the three Councilors who filed the protest and are on trial today.

It is critical to understand that the burden of proof is extreme within Cherokee law that is beyond a reasonable doubt that substantial evidence is presented that would change the outcome of the election. This is the exact burden required by law that must be met to sentence people to death in capital crimes. It is far too extreme to insure fair elections. The fact is that most of the laws governing election protests assure the hand me down administration that few if any election protests will ever be filed and it virtually guarantees against any protest being successful.

Further the time restraints under Cherokee Election Law for an election protest are extremely limited and unrealistic to properly prepare a viable case. An election appeal must be concluded so quickly according to the election law there is little chance to gather the witnesses much less expect a fair hearing based on all pertinent facts and testimony. There is insufficient time for discovery that is critical in any criminal case or to question witnesses throughout the 14 county areas. Witnesses were still coming in after the trial was concluded.

During the protest period a multitude of telephone calls and voters came forward with facts alleging illegalities and irregularities throughout the precincts. Each of these statements had to be validated and the time allowed was grossly insufficient. Although some were only disgruntled people many had valid proof that created additional doubt that a fair election had occurred. Although the governing law created little likelihood the election would be cast out, a dedicated team of concerned citizens diligently prepared for the facts to be heard.

During the trial numerous persons including some of the slate candidates testified under oath that Chad Smith had himself distributed the registered voter lists in question to all of his political slate candidates to be used as a tool in their election. It is a direct violation of election law for any candidate to give another candidate a registered voter list to use in the latter's campaign. Further it is a violation of law for any candidate to receive a list from another candidate and use the list to benefit his or her own campaign. All evidence clarified the likelihood that these lists were prepared for and distributed by Chad Smith to slate candidates as a perk for running on his political slate. **These particular testimonies proved beyond a reasonable doubt, crimes of election fraud occurred and likely had enormous affect on the outcome of the election.**

Furthermore because the perfected nature of the information contained valid phone numbers and addresses, unavailable to citizens or candidates legally from any department within the Cherokee Nation, the information was suspect of being illegally obtained from departmental databases. Undeniably the information was prepared with malice and forethought to create an unfair advantage over all opposing candidates in the election, the very definition of election fraud.

Within the trial it was also discovered that Chad Smith had illegally purchased a digital copy of the registered voter list from the Election Commission one year before the election when legally only a printed version is available. Any citizen can obtain a printed version at any time. But the Election Commission employee who sold Smith the digital list gave testimony. **The actual receipt of this illegal transaction between the Election Commission and Smith was also entered into evidence.** It is important to understand that when Smith provided completed clean lists of voter information, the most important and valuable tool in any candidacy, which also included phone numbers, a month prior to any other candidate even beginning that same process, slate candidates enjoyed such a head start that to say they had an unfair advantage over all other candidates in the campaign is not even close to a fair picture.

It would take hundreds of hours to type 35,000 names, addresses and phone numbers into a computer even without having to look up the numbers. But by putting information into digital form it can be easily organized, alphabetized and manipulated into a tremendous tool for campaign strategy, mail outs and phone solicitation. Yet no candidate is about to undertake such an order when they can simply purchase from the commission a digital list upon announcing their candidacy. However

the phone numbers are not included and it could easily take a candidate and volunteers two months to gather voter phone numbers for just one district. Most candidates simply do not have the resources to accomplish this feat.

A registered voter list with good addresses and phone numbers is of huge value in Cherokee elections because not every opponent has availability to that information. If one has the financial resources and good information it may mean as much as half of the entire campaign. **Smith testified in the trial that he had purchased the lists from a vendor. Yet no vendor has access to the Cherokee Nation Registered Voter List because it is a criminal violation to use voter lists for commercial purposes.** However there are vendors who for a fee will find phone numbers matching the names and addresses on a list.

That brings forth another serious crime that was discovered. Campaign financials are required to be submitted monthly by each candidate according to Election Law. **Failure to disclose, the tremendous financial value of the contributions made by Smith to each of the Slate's campaign is likely a violation of Section 44 of the Cherokee Election Law whereby violators can be charged criminally, civilly and can be banished from the tribe for not less than one year and barred from holding elected office for 5 years.**

More evidence presented during the trial was a letter from Keetoowah Chief Dallas Proctor that was mailed to the Cherokee Nation Registration Department and Election Commission over a year before the election notifying CNO authorities that Cherokee Nation "Red Cards" known as Voter Identification Cards were being improperly mailed to non tribal members that were actually Keetoowah tribal members. **The letter warned that if not corrected the mistake could compromise the integrity of the CNO election. Testimony was given that nothing was done by CNO to correct the error after being given notification.** Several Keetoowah members who received the Red Cards also testified that their entire family had voted in the CNO Election because they had received the Voter ID but did not know it was illegal.

Several full blood elder tribal members testified of being turned away at the polls, because their name was not on the registered voter books although they had voted in the previous election. If a voter does not participate for two consecutive elections their name is removed from the voter list. These people should have been at least been allowed to cast what is known as a challenged ballot so they could later have an opportunity to prove their case and their vote be counted. Yet they were simply told that they could not vote.

Testimony was given that one of the ballot boxes from the Sequoyah District was seen unlocked when it arrived on the night of the election at the back door of the Election Commission. This was never fully explained by the company hired that furnished machines for the election. During the recount there was also mysteriously 22 fewer envelopes than there were absentee ballots. Precinct workers testified of inadequate training in what was to be accepted as voter identification. Testimony was

given that some precincts did not even require identification only that one's name was in the books. It was discovered there was absolutely no consistency between the precincts what method of identification was used to verify people voting were not imposters. One precinct worker from the Tulsa District testified he had seen persons being registered to vote in the parking lot and then allowed to vote. The list of improprieties is long and evidence is strong that many crimes did indeed occur.

After the trial Councilor Mary Cooksey filed with the Cherokee Marshal Service for Investigation and Law and Justice Department FIVE single spaced typed pages, of improprieties and undisputable crimes that were uncovered and discovered in the courtroom during the trial.

Two years later not one of the above-mentioned improprieties or crimes committed by Smith or any of his slate has been investigated for prosecution. Council has not enacted any viable process within Election Law, which encourages and provides a better a means whereby election crimes or improprieties discovered within the election procedure will be investigated and prosecuted. Any branch of the government has provided no assurance to the Cherokee people that a fair democratic election will be held two years from now. Nothing much has changed except that the people's trust in our government is at an all time low yet money coming into the tribe is at an all time high boasting of multi million dollar casinos buildings planned five years into the future. **Services have diminished and tribal members are relinquishing by the thousands because they can't get assistance and sheer frustration.** What six years ago was the number one housing authority in the America will this year turn out the lights and become part of the massive tribal bureaucracy of jobs while affordable housing plummets throughout the 14 counties. Only within the past month Election Commissioners have finally been seated, after two years, rather than six months after the former commission expires as the law states. However all indications suggest controversy lurks in the shadows because a Chief who has become a king in his own mind is unhappy.

While life goes on in the Cherokee Nation three defeated yet courageous Former Council Members who dared to step up and venture deeper into the election process than anyone in history has ever dared to go are on trial as criminals. A trial where already a District Court Judge ruled that the three would be allowed their request for a trial by jury but within days reversed his ruling to granting a judgment in favor of the Cherokee Nation without a trial stating there was no evidence that disputed the charges brought forth. Citizens living within the Cherokee Nation are witnessing a horrifying example of self will run riot. The beginning of what Iraq people have endured but America has finally stepped up to eradicate. **The Executive branch has crossed the line on this case in a gross violation in the separation of powers into policing the Legislative.** The case has been appealed into the JAT that has exclusive and original jurisdiction where any case involving the interpretation of law enacted by

council and all constitutional issues must originate. On September 15 the JAT will rule if they will hear the case and if so a jury trial has been demanded.

Here is just a little about the Cherokee citizens who have been charged by the Administration:

Don Crittenden is a disabled Korean veteran and served in both the Army and the Navy. He is a member of the Tahlequah Bible Church and served the Cherokee people for 26 years on the Council. Crittenden was the last elder member still seated from the original Council that began the Cherokee Nation of Oklahoma in 1976. He has a Masters Degree in Education from NSU and is a Past State President of the Superintendent of County Schools and served 17 years as the Cherokee County Superintendent of Schools. Don is directly responsible for Sequoyah High School being open today because of the fight that he led in the 70's to Washington DC when the BIA moved to close the school. He helped create the provision for the federal government to begin paying into the public school systems; taxes that would not ordinarily be benefited by the communities on all non taxed Indian housing. As a champion of education he served 21 years on the Sequoyah School Board until the past year when Smith chose to retire him from public service there also. Crittenden Co-Sponsored the original legislation to bring forth the Motor Vehicle Tag Program in 1998. He served on every standing committee within the Council for decades and during his long tenure as Chairman of the Resource Committee negotiated and acquired over 6,000 acres into land base of the Cherokee Nation much at no cost and below market prices. Don was the first Native American ever to be appointed to the Oklahoma Farm Service Agency by the President of the United States, which began a vital relationship between the Cherokee Nation and the U.S. Department of Agriculture and opened the door to millions of dollars in funding to the tribe each year since. He spearheaded the current roads program by mandating that millions of dollars of fuel tax dollars be targeted for the paving of rural roads leading to Cherokee communities throughout the Cherokee Nation, which continues to enhance the quality of life for citizens throughout the 14 counties.

Mary Flute Cooksey served 12 consecutive years on the Council and served as the Chair of the Health Committee where she worked diligently to provide and create more quality services throughout Cherokee Health Clinics and Indian Health Services. She was instrumental in opening more clinics throughout the Nation and was a driving force behind the development of the dental and eyeglasses programs as well as the EMS Ambulance Services within the tribe. Mary was active in developing elder care throughout the Cherokee Nation. Cooksey also served as Chair of Rules Committee that works closely with the Election Commission and where all laws are created and must clear before going to Full Council for enactment. She served on every standing committee of the Council every year of her tenure and is a member of the Flute Springs Indian Baptist Church.

Stephanie Wickliffe Shepard is a University of Oklahoma degreed professional who came on to Council

with 11 years of upper level business and human resource management experience. She served as Secretary of the Council and was on every standing committee during her 4 years of service. Wickliffe was a leader and delegate in the Girl Scouts of America during her 26-year experience and was one of only six selected to represent the United States in the India Girl Guide World Center. Stephanie is a member of the Pryor Baptist Church and was within only fifteen votes in the election, close enough that the evidence presented easily could have changed the outcome of that race

To even think these three Cherokee citizens would 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 in the final hour of their careers in public service is absurd.

These loyal and dedicated Former Council Members are not the criminals, yet a dangerous faction that is inside of our government has charged them with these two serious crimes. They were the only Cherokee people who could legally and would dare to file the lawsuit and have criminal acts within the last election exposed on the record. They had standing to because they were defeated candidates however they were uniquely different than any other defeated candidate because they also had a fiduciary duty to the people, to take the case into court because evidence of crimes had been presented to them by citizens who had no other remedy. They did not illegally use attorney money, as the Smith Administration would have you believe. They used attorney money exactly as it was to be used. It needs to be used more often. They fought a battle for the precisely the same reason we are fighting in Iraq today. They stepped up so that Cherokee people could know beyond a reasonable doubt if we have a democratic election process in the Cherokee Nation. Are we to stand by and watch as this Administration uses Cherokee people's money to persecute and prosecute the real heroes that went to battle for us?

They did not use lawyer money in an attempt to just get the election thrown out on some technicality. It was the last gallant effort by three loyal and courageous Cherokee leaders before they retired from public service forever. It was a battle fought to expose corruption and assure that Cherokee people will hereafter enjoy a democratic election process. We encourage you to make your own effort to seek out more of the truth. Visit the Cherokee Courthouse and ask to examine the records and evidence from the trial. After this day no Cherokee of quality can with clear conscious turn a blind eye or deaf ear to what we now know and allow these true Cherokees warriors to be shamed for doing the right thing any longer. Good Cherokee people must come together and demand that the real criminals be prosecuted. We must make certain that the efforts of Cherokee goodness shall not go in vain and that it be written in history as three Cherokee warriors greatest gift in a long list of over 42 years of service to the Cherokee people. It is time for the Cherokee people to demand from our government the guarantee that we will have a democratic election process of fairness to all and that **Cherokee citizens living in the Cherokee Nation in the heart of America will not be denied the guarantee of freedom and a democracy that American solders are risking life and limb for in Iraq this very day and that the Cherokee people shall hereafter always enjoy at least the quality within the Cherokee Nation that they have as American citizens.**



The 2005 Miss Keetoowah will reign over the celebration and represent the tribe in parades, meetings, and other special events. The Miss Keetoowah Pageant will be held in mid September. For more information. : (918) 456-6533.

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PUBLIC INVITED TO ATTEND THE 55th ANNUAL KEETOOWAH CELEBRATION ON SEPTEMBER 30, OCTOBER 1 & 2

News Release Contact:
 Marilyn Craig, July 28, 2005
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Tahlequah, Okla. — The United Keetoowah Band of Cherokee Indians in Oklahoma will host the 55th Annual Keetoowah Celebration on Friday, Saturday, and Sunday, September 30, October 1 and 2. The theme for this year's event is "Honoring our Elders, Ancestors and our Greatest Leaders". Most events will be held at the Keetoowah Activity Park off West Willis Road at Keetoowah Circle unless otherwise specified.

TheKeetoowah Celebration is held on the first week in October to commemorate the signing of the Keetoowah Constitution. The constitution of the United Keetoowah Band of Cherokee Indians in Oklahoma was ratified by the U.S. Congress in October 1950, which gave the tribe federal recognition and distinction. "This year's celebration will honor our elders, ancestors and great leaders," said Chief George Wickliffe. The Celebration will include a parade featuring a marching band competition with \$5,000. in prizes, a car show, a fishing tournament, golf tournament, traditional games such as blowgun,

stickball, cornstalk shoot and marbles, a stomp dance and free hog fry. Other sporting events include the Keetoowah Run, volleyball, and softball. The celebration will be full of musical events including two gospel singings, the 32nd Annual Indian Fiddler's Contest, and a sunrise church service and singing. There will be a host of children's' activities including a fishing derby, turtle races, face painting, story telling and other events. A variety of arts and crafts booths, food booths, and tribal program information booths will be featured, along with a health fair.