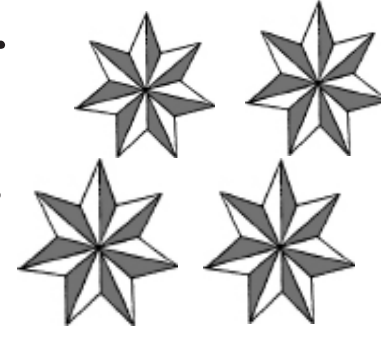


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Serving the Cherokee People Since 1992

Cherokee tribal councilors quiz officials on investments

By S.E. RUCKMAN World Staff Writer
7/30/2006

One business is said to be teetering on the edge of bankruptcy.

TAHLEQUAH -- Cherokee tribal councilors peppered their business leaders in committee Thursday with questions about investments that are costing the tribe millions.

Executive and Finance Committee Chairwoman Linda O'Leary and Co-chairman Bill John Baker pushed officials of Cherokee Nation Industries and Cherokee Nation Business about businesses that are doing questionably.

Their inquiries centered on Global Energy Group, a company purchased by CNI in 2005, and Cherokee Connex, a wireless broadband company started in 2004.

Global Energy Group is teetering on the edge of bankruptcy, said Tom Reynolds, new chief financial officer for Cherokee Nation Industries. Global Energy Group currently has no payroll, faces a large debt and pays an inventor a monthly fee on the patents it reported in SEC reports as assets, he said.

"It's (Global Energy Group) an investment I wouldn't even come close to making. . . . It's ridiculous. I wouldn't put a dime in the thing," Reynolds said. "I've already told you more than my lawyers wanted me to."

Meanwhile, Cherokee Connex has lost millions since the tribally owned entity bought the company in 2004, said newly appointed tribal Treasurer Callie Catcher, who is head of Cherokee Nation Business.

"I have never come before this council and said that this company (Connex) was doing well," she said. "If we were to shut it down, our loss would be \$2 million."

Additionally, Dave Stewart, chief executive officer of Cherokee Nation Enterprises, said that the tribe's Will Rogers Downs is struggling. He cited a poor horse racing market and called its Claremore investment more of a "long-term project."

O'Leary and Baker asked Reynolds and acting Cherokee Nation Industries CEO Brian Collins if they had been instructed to withhold information from any entity's board or the chief's administration. Both denied the question.

New Cherokee Attorney General Diane Hammons said two investigations were being conducted into the Global Energy Group acquisition, but offered no details. The council rejected a proposed executive session to discuss the matters.

"My motivation is to determine what went wrong and punish those who did it," she said. "There can be bad business decisions, but that doesn't make it illegal."

Despite the heavy questioning, tribal councilors turned down a proposed resolution that would empower their council attorney, Todd Hembree, to take action on their behalf.

Baker admonished his fellow councilors prior to the vote, saying they were willing "to stick their head in the sand," rather than protecting the Cherokee people's money.

He cited fiscal oversight authority given to them by their constitution, which allows the council to maintain scrutiny over its business and tribal entities.

Questions about Cherokee Nation Industries intensified in June after its chief executive officer, Jim Majewski, was placed on administrative leave for his part in the purchase of Global Energy Group.

Allegations about fraud and fiscal mismanagement spurred tribal councilors into federal court against Majewski, Benjamin Dixon and Cherokee Chief Chad Smith.

The allegations also have spawned a Securities and Exchange Commission investigation.

The seven councilors allege in their lawsuit that Smith, Majewski and Dixon knowingly misrepresented information about the stocks' value and lied to the CNI board about the deal in order to gain approval for it.

Smith maintains that the seven councilors acted outside of the scope of their authority in filing the federal suit. He filed a tribal lawsuit last week asking to bar payment of tribal monies for the seven councilors' legal fees.

No date has been set in federal or tribal court.

S.E. Ruckman 581-8462 - se.ruckman@tulsaworld.com

Tom Reynolds, CFO for Cherokee Nation Industries, attributed most of the company's losses to an investment in Global Energy Group.

Teddye Snell - Tahlequah Daily Press

TAHLEQUAH — Tom Reynolds, CFO for Cherokee Nation Industries, stood before the tribe's Executive and Finance Committee Thursday afternoon and predicted a \$6.3 million write-off for the fiscal year, primarily due to the company's investment in Global Energy Group.

In August 2005, CNI purchased 51 percent controlling interest in GEG for \$2.5 million. According to Doug Evans, CPA for the tribal council and executive director of financial oversight, assets of the publicly held GEG totaled \$350,000 at the time of purchase, with the majority held in a patent also in question. In addition, GEG carried a \$5.3 million debt to its preferred stockholders.

The money for the investment was carved from a \$14 million line of credit from the Bureau of Indian Affairs. The line of credit was originally established to prevent CNI from laying off tribal employees and, according to Evans, was never earmarked for investment or venture capital.

Following an investigation by Evans, a report was submitted to the Securities and Exchange Commission for further review and CNI CEO Jim Majewski and Benny Dixon, financial adviser for the tribe, were placed on administrative leave. In June, seven tribal councilors filed a federal civil suit against Principal Chief Chad Smith, Majewski and Dixon, to reclaim the money used to make the investment, including interest and court costs.

Reynolds assumed his position at CNI in May of this year.

When giving his report concerning the year's loss, he was, at first, non-specific.

Bill John Baker, District 1 Councilor and co-chairman of the E and F committee, wanted more information.

"Tom, what exactly are these write-offs?" he asked.

Reynolds reported \$2.5 million would be for the investment in GEG, with an additional \$500,000 and \$650,000 for credit extended to the Texas-based company since the original purchase.

In addition, \$1 million in write-offs was attributed to the investment in Cherokee Idling Systems Solutions.

"The principals [executives] involved in this company are the same as GEG," said Reynolds. "We also have an additional \$650,000 in potential write-offs of GEG inventory. It has some value and we might be able to sell it."

Finally, \$1 million of the projected write-off is due to non-saleable CNI inventory.

Brian Collins, acting CEO of CNI, indicated they were currently trying to sell the GEG interest.

"But, to be honest, I wouldn't give it [sale of the company] very good odds," Reynolds said, in answer

to a question posed by Councilor Charles Hoskin. "If you look at the company's [GEG] financials, let's be honest, it's close to bankrupt."

Taylor Keen, newly appointed at-large tribal councilor and Harvard graduate, voiced his concerns in the matter.

"I am appalled at what I've seen in this business venture," he said. "I am quite qualified in mergers and acquisitions, but it doesn't take a rocket scientist to see what a bad idea this was. How this has managed to transpire for so long is beyond my comprehension." Keen asked a final question of Reynolds.

"What happened to the \$2.5 million? Where is it?"

Reynolds reported the stock had been purchased from individuals, and would be hard to trace.

Keen asked if the tribe had any recourse in the matter.

"I really don't see any unless a sale comes along," said Reynolds. "We have had some interest, but I believe the guy is more of a broker in the deal. He's one of [Majewski's] buddies."

While trying to investigate the financial matter, tribal councilors reported being refused information from CNI. Charles Hoskin asked Reynolds if he had been asked to conceal information from the council.

"To my knowledge, no," said Reynolds. "We've been told by our inside counsel to refer you request information through the Freedom of Information Act. I think it's crazy, but frankly, I've only been here a short while and it's very difficult trying to figure out which body - the council, the CNI board or the in-house lawyers - I'm supposed to answer to."

"I spent 20 years in acquisitions at Hudson Foods, and I think it was ridiculous to make this investment," said Reynolds. "I wouldn't have given a dime for GEG, I would've put it in the trash can."

Reynolds reported CNI has currently cut off funding to GEG as well as Idling Solutions.

Adding insult to injury, since the councilors are currently involved in litigation against employees of the tribe - Majewski and Dixon - CNI's legal insurance company has declined to defend the pair.

"According to the company's by-laws, we are going to have to pay to defend both of them in the federal suit out of CNI funds," said Reynolds. "Which, since the company is reporting a loss, will be taken from the BIA line of credit."

Baker wanted to know what would happen if CNI lost its line of credit.

"We'd be insolvent," said Reynolds.

More to come . . .

Millions lost in tribal investments

By Donna Hales - Phoenix Staff Writer

TAHLEQUAH — The Cherokees are losing millions of dollars on businesses investments not connected with gaming enterprises, councilors were told Thursday. Gaming profits have financed the failed or failing ventures, records show. Cherokee Connect, one of those businesses has lost \$2 million, said Callie Catcher, CEO of Cherokee Nations Businesses and tribal treasurer.

Cherokee Nation Industries, Inc. officials confirmed \$2.5 million used to purchase what is now 49 percent of Global Energy Group stock from a group of investors is as good as gone. Related expenses and investments with the same men pushed related losses to more than \$6.3 million, said CNI's new Chief Financial Officer Tom Reynolds.

"This is an investment I would never have come close to making," Reynolds said in an Executive and Finance committee meeting of the Cherokee Nation Council on Thursday. "It's ridiculous. I wouldn't put a dime in that thing. I would have put it in the trash can. And then we loaned them \$500,000 to buy some lighting company — and that's now a \$1 million (investment)."

Reynolds was praised for being so candid.

Taylor Keen, who was recently sworn in as a Councilor-at-large, said he was "concerned for (Reynolds') professional health."

"I'm going to watch carefully what happens to him," Keen said.

The federal Securities and Exchange Commission is investigating allegations of fraud in connection with the GEG purchase.

"I'm absolutely appalled at what I've seen from everything from lack of due diligence to looking at GEG and recognizing there is no payroll, a large amount of debt and a huge amount of good will."

Keen said he was "appalled at how (the GEG purchase) happened."

CNI Chief Executive Officer Jim Majewski, who touted the stock purchase, earlier was placed on administrative leave with pay. An advisor to Cherokee Nation Businesses, Benjamin "Benny" Dixon, resigned rather than be put on administrative leave, CNI officials said Thursday.

Majewski, Dixon and Cherokee Chief Chad Smith are being sued in federal court by seven of the tribe's 17 Councilors over the GEG sale.

Reynolds informed councilors that under CNI bylaws, CNI will have to hire attorneys to represent Dixon and Majewski in the federal suit.

Cherokee Nation Attorney General Dianne Hammonds, who also serves as the administration's general counsel, asked the tribal court Friday to rule the seven Councilors who filed the federal suit were involved in a conspiracy to spend the Cherokee people's money because they had no

standing to file the suit.

That could mean the seven Councilors would have to pay their legal fees. Baker made a motion Thursday to empower the council's attorney to recoup the Cherokee people's money using any legal means necessary.

"We need to try and recoup some of this money and if it means punishing the individuals who took us on this ride — then that's what it means," Baker said. "We're the keepers of the purse — we've got the responsibility to the Cherokee people."

Nine of the 15 councilors present voted against Bill Baker's motion: Cara Cowan, Bill Johnson, Jackie Bob Martin, Phyllis Yargee, Meredith Frailey, Don Garvin, Audra Connor, Jack Baker and Taylor Keen.

Reynolds confirmed the \$2.5 million initial investment in GEG came from line of credit guaranteed by the Bureau of Indian Affairs that was not intended to be used as venture capital.

Bill Baker asked Thursday what would happen to CNI, which employs more than 160 people, if that guaranty is recalled.

"I'm afraid we wouldn't be solvent," Reynolds said.

CNI purchased Global Energy before Reynolds, a former CFO for Hudson Foods, started working for CNI.

Councilors pressed Reynolds hard Thursday for his opinion of the GEG purchase. "Just look at that company's financials," he said.

When asked if there was any hope of survival, Reynolds said: "To be honest with you, I think they're close to bankrupt."

It would take a huge amount of capital for installation and marketing and developing the product line, Reynolds said.

"It's going to require a third party to come in and buy out our shares," Reynolds said.

CNI will be taking from \$3 million to \$5 million in write-offs, Reynolds told Councilors.

GEG related losses include a \$1 million investment in Cherokee Idling Solutions, Inc., which is owned by the same investors who own the majority of the stock in GEG, Reynolds confirmed.

"I don't see us getting any money back there," he said.

Another similar investment includes a lighting company that is losing money.

Reynolds assured Councilors CNI funneling money to GEG and related companies has ceased.

Reach Donna Hales at 684-2923 or dhales@muskogee.com. Originally published July 28, 2006

"Chad, Chad, Chad... What were you thinking - two wives." And trying to keep it a secret at that. It only makes me wonder what other secrets you are hiding.

Well it looks as though Mr. Smith is in the spotlight with all fingers pointing directly at him. And, we, the Cherokee People have a front row seat to a show that can only cause embarrassment to us all.

Will justice prevail...Heaven only knows.

To the 8 tribal councilors who filed suit - WAY TO GO!!

At this time, I would like to thank Mr. Smith for representing the Cherokee People with honor and dedication...oops! I completely forgot, Mr. Smith doesn't know the meaning of honor and dedication. Much less representation.

Nevertheless, I am very proud of my Cherokee heritage and always will be. Cherokee People keep your heads held high in our time of disgrace brought on by our chief. We have come a long way since our ancestors were forced to relocate. And we have a long way to go still.

Please keep in mind: A chief doesn't make a tribe - the people do. Our chief is only a man with authority. It just so happens our chief has disgraced the people. So let the 'Great Spirit' deal with him.

For we are a tribe of MANY wonderful men and women, we can represent the Cherokee Nation with honor. As a tribe, we have the power to overcome this embarrassment and continue on our journey as Proud Cherokee People.

Wah Doh a Cherokee

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7 Cherokee councilors sue tribe - By Donna Hales - Phoenix Staff Writer

Seven Cherokee Nation Tribal Councilors are suing the chief, the CEO of Cherokee Nation Industries Inc., and a tribal business adviser, alleging securities fraud.

A Tulsa firm, Commercial Litigation Group, filed the suit on the council's behalf late Friday in federal court in Muskogee.

The suit stems from CNI's investment of \$2.5 million from a federally funded line of credit into Global Energy Group Inc. The suit alleges the money went to certain Global Energy insiders and not into the operation of the business, which the councilors claim violates the antifraud provisions of the Securities Exchange Act.

The suit also alleges the investment was at a time when Global Energy had generated about \$12 million in losses and had no assets. On June 30, 2005, Global Energy had more than \$4 million in current liabilities and less than \$100,000 in current assets, the suit states.

Targets of the suit: Principal Chief Chad Smith, CNI's Jim Majewski of Tahlequah (who was put on administrative leave earlier this month by the CNI board) and Benjamin "Benny" Dixon of Haskell, a tribal business team adviser who is the executive in charge of economic development for CNI.

Dixon and Smith did not return calls to their cell phones and Majewski did not return a call to his home phone.

Cherokee Nation spokesman Mike Miller sent the Phoenix quotes from Smith and Councilor Meredith Frailey, chair of the Council's rules committee. Frailey also serves as temporary speaker of the council.

"You know this whole thing is politically motivated when it is sent to the press before it is served on the parties," Smith said, claiming the suit is political grandstanding.

Such suits become a matter of public record immediately after they are filed, which is before service is made on parties.

Smith contends if Crittenden

and O'Leary, as CNI advisory board members (without a vote), would have raised their concerns "as this deal unfolded, CNI would not be in the situation it is in today."

The other Councilor on the advisory board is Jackie Bob Martin of Stilwell.

Smith also contends O'Leary scarcely attended CNI board meetings.

Tulsa attorney James Clinton Garland, who filed the suit on behalf of tribal Councilors, said although Dixon and Smith knew of the Global Energy purchase, the CNI board didn't know about it for three months.

"The purchase was misrepresented to the Business Advisory Team and completed without the due diligence necessary ...," the suit states.

"Global Energy is a firm that controls patents on air conditioning and lighting systems.

Garland said Saturday that one short of the majority of the council "has decided this is the only way to go" since documents have been denied to council members since last November.

"There's a lot of things we don't know, but enough things collected to give a clear view of wrongdoing. We've got to get to the bottom of this," he said, adding Council members have a right to be informed.

The suit alleges a scheme and course of deceptive conduct by Smith, Majewski and Dixon was intended to, and did, cover up the failure of CNI management personnel and the true business and financial condition of Global Energy and its impact on CNI.

The suit also alleges unlawful deceptions included the public dissemination of misleading statements of material fact about Global Energy in the company's SEC filings.

"You couldn't find one in 1,000 businessmen or financial people to look at this deal and say that they would make that investment," Garland said. "Their business judgment is out the window. It never looked like a good deal. No way could they make it look like a good deal.

"When you go around giving strangers \$2.5 million — this is such a blatant deal. These people are trustees of every dollar these people are throwing away.

"When they may be making \$300 million a year and throwing away \$6 to \$10 million they don't want anyone to know about and won't give out any information, you can't expect (Councilors) to pat them on the back and say, 'Better luck next time.'

"These folks (defendants) think they can do anything."

The suit alleges a laundry list of deceptive and improper accounting devices and business practices causing Global Energy public financial statements to present an inaccurate account of the company's actual condition.

The suit states defendants acted with others to create a fictitious goodwill entry on the balance sheet of Global Energy, a penny stock company, by multiplying the number of shares outstanding times 16 cents. The 16 cents was derived from an arranged trade at that price.

"Thereafter, the defendants represented to the plaintiffs that its investment was already worth much more than what was paid for it based upon its fictitious trading value," the suit states.

In addition to fraud, the suit alleges corporate waste, mismanagement and violations of fiduciary duties owed the tribe and its members.

The suit states that in May 2005, Majewski committed to purchase the stock from the sellers although CNI's board had not yet approved the purchase.

It wasn't until July 13 that the Business Advisory Team of the tribe authorized conditional approval subject to 17 items related to due diligence required.

Such due diligence was never completed, the suit alleges, although \$500,000 already had been paid to the sellers in May 2005 with the knowledge and consent of Chief Smith and Dixon. On Aug. 19, the balance of \$2

million was paid to close the transaction.

"From its inception, Chief Smith knew of and consulted in the (Global Energy) transactions as well as the concealment and deception practiced by defendant Majewski," the suit states.

But Smith contends including him in the lawsuit is a "raw, political attack that ignores the reality of how our corporations operate."

Smith said CNI's board was approved by the council members who filed the lawsuit. Smith makes all board appointments, which then have to be approved by the tribal council.

Dixon participated in all acts involved in the acquisition of Global Energy, under the direction of Majewski, and assisted in the cover up of the true nature of the transactions, the suit alleges.

Records obtained by the Phoenix show Smith assigned all voting power of the shares to Majewski. The suit alleges that bypassed the control exercised by CNI's board of directors and violated Smith's fiduciary duty to the Cherokee Nation.

On June 27, 2005, outside securities counsel for CNI wrote a comment letter on the acquisition, which the suit alleges was largely ignored by defendants and that they concealed from the CNI board and the tribal council. The final payment was made and the deal closed Aug. 19.

The CNI board has requested an investigation through the tribal administration and the tribal marshal's service. Councilors have been denied access to documents "under every excuse they could dream up," Garland said.

Smith contends CNI's board was prompted to seek an investigation because of his inquiries.

Several Councilors have sought an SEC investigation into alleged wrongdoing.

Miller said Frailey questioned how a minority of the Council members could constitutionally commit the tribe to a lawsuit and risk its assets particularly when the issue for resolution was under "careful and thorough investigation. It is surprising that the lawsuit was filed against individuals only. Generally, an approach to correct a wrong is to seek resolution from a governing board of a corporation. Therefore, I am perplexed as to the full intent of the lawsuit."

Garland said although Cherokees are tribal members they also are citizens of the United States, and "if the Cherokee Nation won't protect them, then the U.S. laws will."

Reach reporter Donna Hales at 684-2923 or dhales@muskogeejournal.com.

Seven Cherokee councilors suing on behalf of the Cherokee Nation:

- Linda Hughes O'Leary, of Jay, chair of the Executive and Finance Committee and a member of the CNI advisory board.
• Bill John Baker, of Tahlequah, co-chair of the Executive and Finance Committee.
• S. Joe Crittenden, of Stilwell, a member of the CNI advisory board and chair of the council's Health Services Committee.
• David Thornton Sr., of Vian.
• Charles Hoskin, of Vinita, chair of the council's Education Committee.
• Melvina Shotpouch, of Jay, chair of the council's Community Services Committee.
• John F. Keener, of Salina, chair of the council's Language, History and Cultural Committee.

The short list - my thoughts and opinions

July 3 2006 - David Cornsilks

Known Chaddywhackers

Ross - Cut from the same cloth as Cara Cowan-Watts, Ross is a vicious backstabber whose cares little for the real Cherokee people and has spent a good deal of her professional life promoting her books and defending wannabes. She thinks nothing of verbally attacking Cherokee elders who have chastised her for turning her back on the Cherokee people and criticizing her so-called "Cherokee stories" borrowed from the black slaves her ancestors owned.

Cobb - A protege' of Cara Cowan-Watts, Cobb is just like her, bitter about his lack of Indian blood and virulent in his hatred of the Freedmen. Cara criticizes anyone appearing at her meetings she does not know as being "uninvolved," yet she embraces Cobb, whose face have NEVER been seen before at any Cherokee function.

Baker - A close friend of Chad Smith and major contributor to his political campaigns, Baker was appointed to the Registration Committee by Smith. He never publicly questions the actions of Smith or his slate. Baker serves on the Executive Board of the Cherokee Heritage Center but has done little to stem the tide of wannabeism that controls that place.

Voice of the full bloods

Nordwall - closely aligned with the United Keetoowah Band and a very intelligent young man, Nordwall is nearly a full blood Indian and would bring an authentic Cherokee perspective to the council. The sad and ridiculous attacks against the UKB by Chad Smith might be slowed to some degree by having a voice on the Council which could speak intelligently about the Band so that current council members can vote on related issues with some degree of knowledge.

Reformed Mankillerites

Leach - A first cousin to Wilma Mankiller, Leach was instrumental in organizing the Outlander vote in New Mexico for the previous Chiefs (except Joe Byrd). He was the "red herring" plaintiff in a lawsuit challenging a residency requirement to run for chief; working hand in hand with now Chief Justice Matlock and Chad Smith, so that Smith, who lived outside the Cherokee Nation, could run for chief in 95. Leach later admitted what he had done and has since openly left the Smith camp.

Self-serving

Martens - Failing to gain enough support for her proposed policies in the homeland where people know her best and refused to elect her to Cherokee office, Martens now seeks to be appointed to a seat in order to gain the momentum of incumbency necessary to court the Outlanders. She wants to be Chief of the Cherokee Nation, but her proposed policies and plans are little different from any other previous administration (except Joe Byrd). She is closely aligned with the incumbent machine, having supported Swimmer and Mankiller in office. She has not been vocal in any way regarding the Smith regime and his slate and I suspect she would simply fall in line with the slate, just as Frailey did.

Gourd - An arrogant man with a lot of brains, but way too much ego, Gourd would be "odd man out" in the Council and would probably end up impeached. He tends to "talk down" to people and rarely listens when

spoken too. He was one of the main architects of the Byrd administration and was, unfortunately, one of its biggest problems. He had the ear of Joe Byrd and could have helped him to listen to other voices outside the regime, but instead, he insisted Byrd close ranks and listen only to his small circle of advisors headed by Gourd, which ultimately led to Byrd's failed administration and defeat in 99 by Chad Smith.

Star Scott - I once trusted Starr-Scott implicitly. I campaigned for her in the run-off against John Ketcher for Deputy Chief in 1987. But after observing her for the past 20 years, I have found her to be interested mostly in lining her own pockets. She thinks nothing of using her position for personal gain, turning her position on the tribal council into some pretty lucrative smoke shops. She and another councilor, Wathene Young, purchased a company that allegedly competed with CNI for contracts while they both served on the Council. She has proven untrustworthy in her word, saying one thing to your face and doing something completely different later. She has no set political philosophy, her votes would probably be, for the most part, against the Smith slate, unless there was something that would benefit her personally. During the past few years, the only concern she has shown in Cherokee affairs is whether or not she can turn a profit at her smokeships.

Intellectuals

Keen - A very intelligent young man with long-time ties to the Mankiller family and administration, Keen currently works for the Cherokee Nation in the Brad Carson office (whatever that is) and would be required to quit his job and take about a 50 percent pay cut to serve on the Council. He is versed in Cherokee history and law and open to learning new truths and dispelling old myths. He has openly supported the rights of the Freedmen, even saying so in his interview last week. He has also opposed any effort to deny the outlanders the right to vote, saying, "I would fight that with everything I have, they are citizens." His father was the first Chief Justice of the Judicial Appeals Tribunal and had formerly served as tribal attorney for W.W. Keeler. Keen is a quarter blood Cherokee and half Omaha Indian. He is one of those rare individuals who actually thinks in two worlds, with a very good head for business, ethics and law, tempered by his very Indian upbringing. He is the ex-boyfriend of Cara Cowan-Watts, who has, from time to time, attempted to undermine him professionally after he dumped her. I believe he would be a swing vote on the Council, bringing independence to the office and an authentic voice for the outlanders.

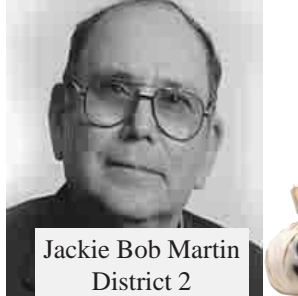
Grassroots

Raymond Vann - A man of integrity and action, Vann is one of those men who moves easily in the world of Indians and white men. He is intelligent, but not arrogant. He is a man who does for others, even when it takes from his own pockets. He ran for office in the Cherokee Nation and was defeated, but his drive for action was not defeated. Unlike others who have been turned down for public office by the Cherokee vote, Vann simply went to work helping Cherokees pay their bills, heat and cool their homes and put clothes on their backs. He served on the Election Commission, probably appointed by Smith, but I'm not sure, and he made some major mistakes while on there. His greatest mistake was in not investigating Smith's residency more closely. However, his position was vindicated by the JAT, so what can you say, I think they both were wrong, but the ruling is law. I know Raymond has a good heart and the best interest of the Cherokees at heart. He lived as an outlander most of his adult life and would bring an authentic understanding of their position to the office. He is a full blood with ties to both the Chewey and Oaks communities.

These are the tribal councilors slate that Chief Chad Smith's has full control of . . .and they will do whatever Chad tells them to do!



Buel Anglen District 8



Jackie Bob Martin District 2



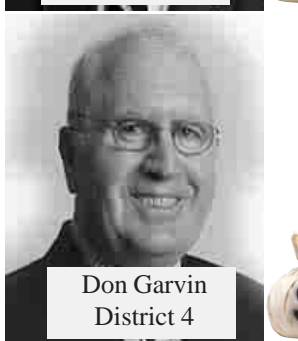
Meredith Swimmer Frailey



William Johnson District 8



Cara Cowan District 7



Don Garvin District 4

So Who are They Protecting?

Note: If only one of these councilors had voted yes to overturn Chief Smith veto of the Act, well they would not - "They are bought & Paid for" by Chad!

"Is stealing a crime in the Cherokee Nation"

These six voted not to Increase of Punishment on Serious Crimes.

"Frailey an attorney, who serve as Chair on the Rules Committee where all new law must originate, stated she didn't understand the Act and voted against it. Since becoming Councilor in 2003 to represent Cherokees in Mayes County, District 6, Frailey has voted straight down the line with the Chief's political slate.

Keener, who also represents District 6, has voted consistently to create better law and more accountability in the tribe however Frailey has voted opposite on almost every important issue." from the article Slate Decides No Increase In Punishment On Serious Crimes in May 2006 issue.

It should be noted that 9 councilors voted to increase punishment on serious crimes, they were; Joe Crittenden of Adair County, Johnny Keener of Mayes County, David Thorton of Sequoyah County, Bill John Baker and Audrey Connors of Tahlequah, Linda O'Leary and Melvina Shotpouch of Delaware County, Phyllis of Sequoyah County, and Chuck Hoskins of Craig County.



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Go to www.cherokeobserver.org and click on the webboard link to read & post your views on Cherokee Issues. There are over 20,000 post from 1997 to current. Plus you can got to John's Place at www.cornsilks.com CHECK THEM OUT!!! Keep informed.

Cherokees buy former truck stop

By ROBERT EVATT
World Staff Writer
7/25/2006

Cherokee Casino Resort at Catoosa has upped its real estate ante with the purchase of a former truck stop just east of the casino.

The former Sunmart gas station and Mayberry's restaurant, as well as 6.7 acres of land on the northeast corner of U.S. 44 and 193rd East Avenue, was purchased from the W.O. Smith Trust for \$2.5 million, Rogers County land records indicate.

Weister Smith, owner of Arkansas Valley Petroleum, is listed as a member of the trust, Rogers County records show.

David Stewart, CEO of Cherokee Nation Enterprises, said the business branch of the Cherokee Nation purchased the property in anticipation of growing commercial activity around the casino.

"We felt it was an opportunity we couldn't turn down," he said.

The acquisition expands the company's holdings around the Catoosa casino to 267 acres.

Stewart said Cherokee Nation Enterprises will likely demolish the former truck stop, which closed this month and still bears the painted visage of fictional Mayberry resident Barney Fife from "The Andy Griffith Show," by the end of the year. A future use for the land has yet to be determined.

The area around the casino is expected to develop into a commercial hub thanks to the continuing success of the casino and plans to widen and reengineer the intersection of I-44 and 193rd East Avenue within the next five years, he said.

"We're always looking for ways to reinvest in the community in ways that compliment our operations," Stewart said.

He noted that the purchased land lies at the gateway to both the casino and the town.

Though the area may expand commercially, Stewart said that Cherokee Nation Enterprises has no plans to diversify its Catoosa operations beyond the casino and businesses that directly serve the casino, such as motor inns and convenience stores.

In addition to the casino, Cherokee Nation Enterprises owns the Cherokee Hills Golf Club, Cherokee Casino Inns, the Cherokee Smoke Shop and the Speedy's fuel station in Catoosa.

Stewart said the inn and Speedy's are both performing well. "When people come here, Speedy's is the place to stop," he said.

Plans to expand the casino itself with up to 200 more hotel rooms, a 1,000-car parking garage, 20,000 square feet of convention center space and additional restaurants are still being discussed, though the project has not gone before the company's board of directors for approval, Stewart said.

Robert Evatt 581-8447
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Muskogee Phoenix Opinion

Chad Smith, principal chief of the Cherokee Nation, called the lawsuit filed against him and two others a politically motivated suit. But not only tribal members, but American taxpayers, too, should be concerned about the transaction that forced the lawsuit.

Seven councilors on the nation's council filed the federal lawsuit in late June, claiming that Smith, Jim Majewski, the CEO of Cherokee Nations Industries (now on administrative leave), and Benjamin Dixon, another CNI executive, violated the antifraud provisions of the Securities Exchange Act.

The U.S. Securities and Exchange Commission is investigating the claims based on the purchase of Global Energy Group Inc. by CNI last year.

CNI invested \$2.5 million in Global, which when the purchase was made was in dire economic straits, with \$12 million in losses and no assets. The lawsuit claims the CNI investment went to Global insiders and not the operation of the business.

The \$2.5 million was not Cherokee money, but was from a federally funded line of credit.

This was credit that was supposed to be used in employment assistance to prevent a layoff of CNI workers.

If the purchase of Global included stock price manipulation and fraud, those involved should be prosecuted. But even if the purchase was not handled fraudulently, it appears to have been a very poor investment that will possibly hurt CNI more than it will ever help it.

Unfortunately, when executives and CEOs mismanage corporations — as we've seen with Enron and WorldCom — it's the small investors and employees who get hurt the most.

The Global transaction appears to be a poor investment that is going to have severe consequences for CNI and the nation.

Originally published July 5, 2006

I doubt it, Bill...the CNO has a long history of obtaining failing businesses...this has been going on since Swimmer was in office...all the way through Wilma's administration...each administration since the '70s have lost money..none of them have been smart enough to invest into a winning company...so, Chad is only doing what the rest of them have done..millions and millions of Cherokee dollars going down the drain.

mjs

Ed. Note: In 2005 Ms Evans came to my house in Miami, Oklahoma and interviewed me for a masters thesis she was working on for the department of journalism at Baylor University. It was a case study of the independent Cherokee Observer and the tribally funded Cherokee Phoenix and Indian Advocate newspapers, and our fight against censorship. She also interviewed David Cornsilk, Robin Mayes, Franklin McLain and Dan Agent.

A Case Study of Two Cherokee Newspapers and Their Fight Against Censorship

by Desiree Y. Evans, B.A.
Committee Chairperson: Sara J. Stone, PH.D.

This study attempts to illuminate an injustice to the Cherokee Nation through denial of First Admendment rights in newspapers and communities. Through case studies and in-depth interviews it examines the avenues by which other Native American newspapers can gain independence and publish free from censorship. The study focuses on the Cherokee Phoenix and Indian Advocate and The Cherokee Observer. Studying the Cherokee Phoenix and Indian Advocate allowed for the examination of the Cherokee Tribe's official newspaper before and after the Independent Press Act of 2000, and how the landmark legislation has changed the newspaper and its relationship to the tribal government. The establishment of the Cherokee Observer shows why some members of the Cherokee Tribe felt that an alternative newspaper was necessary before and after the legislation was passed, and as they continue to feel the need to publish even five years after the Cherokee press was freed.

Chapter One Introduction

The current state of the Native American press in the United States could possibly be compared to that of the newspapers of seventeenth century England or even those of colonial America—despite the fact that the Native American press can trace its origins back two centuries. The days of licensing and prosecution of journalists and publishers may seem very far away to the journalists in the mainstream press today, however, to journalists who are publishing in Indian country, time may seem to be standing still.

Although the punishments for speaking out are much less severe now than in colonial days when journalists were jailed, losing a job is the definite possibility for those in the tribal press. More than one Native American editor of the Sho Ban News, Lori EdnoSuppah. According to the governing body of the ShoShone-Bannock tribe located in Fort Hall, Idaho, Suppah was fired for "gross insubordination." Suppah, however, claimed that she was fired because the paper tried to report both sides of a story about a recall campaign that intended to oust some of the council's members. Stories like Suppah's are not rare, and in fact, they occur rather frequently.

Too few Native American newspapers are independent and too few flourish and grow. This is due to the control that these papers must contend with on a daily basis. Most of the Native American press is under the strict rule of tribal rulers, council, or government. These newspapers are censored and considered public relations devices for the tribes.

The first Amendment, which gives all Americans the right to freedom of speech and a free press, does not stretch all the way to the sovereign nations of the Native American tribes and reservations, although it is not due to the lack of effort. In 1968, the U.S. government passed the Indian Civil Rights Act in the hope of ensuring individual American rights, regardless of the tribal governments, who are seen as sovereign nations. The Columbia Legal Services and Northwest Justice Project describes the ICRA and its purpose:

The Indian Civil Rights Act of 1968 (ICRA) prohibits Indian tribal governments from enacting or enforcing laws that violate certain individual rights. It is similar to the Bill of Rights in the United States Constitution, which guarantees personal freedoms against actions of the federal government, and the Fourteenth Amendment to the Constitution, which extends those protections to actions of state governments. Since these Constitutional limitations do not apply to tribal governments, Congress adopted the ICRA to ensure that tribal governments respect basic rights of Indians and non-Indians.

With the ICRA in place, it is difficult to imagine the Native American press having any difficulties when it comes to freedom of speech. One problem remains, however, and that is funding. Tribal newspapers are usually funded by the tribal governments, which often leads to newspaper editors engaging in self censorship for fear of being punished. Therefore, even with federal laws in place, the Native American press is still held on a tight leash, afraid to bite the hand that feeds it. The free flow of ideas and communication between the Native American press and the Native American people has made progress but there is still a lot of room for improvement.

Some developing trends are occurring within the realm of the tribal press. Some Native American newspapers are attempting to gain editorial freedom through legislation passed by their respective tribes, which would theoretically free them from censorship. In 2000, the Cherokee Nation of Oklahoma and the Navajo Nation of Arizona became the first tribes to pass free press legislation. The Cherokee Nation enacted the Independent Press Act of 2000 to ensure the rights of the press and to uphold the Federal Indian Civil Rights Act of 1968, which it had already adopted into its constitution. According to Section 4 of the Act, "The Cherokee Nation's press shall be independent from any undue influence and free of any particular political interest. It is the duty of the press to report without bias the activities of the government and the news of interest to have informed citizens."

Some newspapers may

choose to fight for editorial and financial independence from their tribe. The Navajo Times became independent in 2003 when the Navajo Tribal Council voted to make the newspaper a private corporation. Tom Arviso Jr., publisher of the Navajo Times, explained the reasoning behind the fight for independence:

From an editorial standpoint, this removes any possibilities of tribal censorship or attempts to remove us if the [tribal government] disagrees with us...from a business standpoint, the bureaucracy in dealing with tribal governments is just incredible. It's tough to run a business and be profitable with all the constraints and rules and regulations that government throws out in front of you.

The third trend is when the citizens of the Native American tribe take it upon themselves to develop other avenues for tribal members to get uncensored news. According to the Cherokee Observer website, the newspaper has dubbed itself, "the only independent Cherokee newspaper." The Cherokee Observer is a completely separate entity from the tribe. Therefore, tribal government has no control over the funding or content of the newspaper. According to assistant editor of the Cherokee Observer, Franklin McLain, Sr., the newspaper was started in 1992 because of the lack of uncensored and unbiased reporting that tribal members were receiving from the official tribal newspaper did not include some items that were important to tribal members, such as the teaching of the Cherokee language.

The Native American press and its cause are important issues that need to receive more attention. Increased publicity in the mainstream press and with independent Native American newspapers and organizations like the Native American Journalism Association championing this cause, the notion of a free tribal press has begun to command more attention.

This study examines the avenues by which the Native American newspapers can gain independence from censorship. The study focuses on the Cherokee Phoenix and Indian Advocate and the Cherokee Observer. Studying the Cherokee Phoenix and Indian Advocate allowed for the examination of the Cherokee tribe's official newspaper before and after the Independent Press Act of 2000, and how the landmark legislation has changed the newspaper and its relationship to the tribal government. The Cherokee Observer shows why some members of the Cherokee tribe felt that an alternative press was necessary before and after the legislation was passed, as they continue to feel the need to publish even five years after the Cherokee press was freed.

end of chapter one

The rest of the study by Ms Desiree Y. Evans will be coming in several months issues of the Cherokee Observer.

Cherokee councilors ask court for ruling on spending legal funds

By Donna Hales
Phoenix Staff Writer

Cherokee Nation Councilors Linda O'Leary and Bill John Baker asked the Cherokee Nation District Court late Friday to rule on Councilors' expenditure of legal funds.

At issue is \$12,450 in legal fees that O'Leary and Baker authorized in their positions as chair and co-chair of the Executive and Finance Committee.

At specific issue is the legal fee for a suit seven Councilors filed in federal court in Muskogee against Principal Chief Chad Smith, Jim Majewski (suspended CEO of Cherokee Nation Industries, Inc.) and Benjamin Dixon, a tribal business advisor hired by the administration.

That suit is a federal securities fraud action in connection with the purchase by CNI of 49,865,309 shares of common stock of Global Energy Group from certain insiders of GEG, allegedly violating the antifraud provisions of the Securities Exchange Act.

Global Energy's filings with SEC showed it had generated about \$12 million in losses.

O'Leary and Baker filed a request for a declaratory judgment. The filing states that on previous occasions the Council attorney has used the services of contracted attorneys to assist him on complex matters and such sub-contracts have been approved in the normal course of business.

O'Leary and Baker contend the legal fees are appropriate and proper.

The filing states they received information that legal action against them concerning the expenditure of the Cherokee Nation funds on the legal fees in question would be imminent.

Petitioners stated no Cherokee Nation funds have been paid or submitted to be paid on legal fees involving the suit in question. They want a court ruling as to whether they may contract individually to expend tribal funds for the prosecution of the case against Smith, Majewski and Dixon.

The Friday filing states Council Resolution 31-05 authorizes the members of the Tribal Council to expend funds for legal services on issues that are before the Council and that the subject matter of the seven Councilors' case against Smith, Majewski and Dixon is such an issue.

Without access to legal funds to bring actions to recoup the Cherokee people's money or to expose corruption or other bad acts, their effectiveness as Councilors would be hindered, the filing states.

CNI's purchase of Global Energy stock is the target of an SEC investigation.


Reach Donna Hales at 684-2923 or dhales@muskogeeophoenix.com.

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Attention Class Of 1967 Sequoyah Alumni
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At Our Next Class Planning meeting to be held at,
Place: Ryan's Family Steak House
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Phone: (918) 250-5502
Date: Sept 10, 2006 (Sunday)
Time: 2:00pm.
For more information Contact
"Jack" @ (918) 227-1508 - Franklin @ (580) 363-6617
If unable to attend, other meetings will be held please call and let the contact person know a more convenient Time & Date.

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continued from page 4 of June 2006 Issue
by Marilyn Vann (Special to the Observer)

The Cherokee Freedmen Story as of May 7, 2006

to***** stay in Georgia unmolested, however, President Andrew Jackson did what the voting white people wanted (ie push and remove the Cherokee people to less desirable lands) in spite of the previous promises made to the Cherokee people and a court decision which upheld the Cherokee people rights. Are the Cherokee people to now say that Jackson was right?

Perhaps you believe that the freedmen have been gone for 100 years. That is a patent falsehood. The Cherokee freedmen continue to live in the Cherokee nation; primarily in districts, 8, 9, 3, and 4. They came to participate in the new Cherokee government in the early 1970s at a time when there were no benefits such as car tags, and the few benefits available for Indian programs such as educational benefits were reserved primarily for those people with ¼ blood or higher. Some of the very elderly freedmen still speak Cherokee. Some of the Church services at the Antioch Baptist church in Tahlequah were held in Cherokee language for many years after statehood. The freedmen have continued to fight since 1983 to regain their rights raising their own moneys; while those who have opposed them, such as former Chief Swimmer have not needed to do so to oppose them. Some of the Freedmen people have attended Cherokee language classes, for example those held in my own home area – District 9. Others such as descendants of Stephen Hildebrand, whose daughter Francis was listed as a freedmen, are members of the Nancy Ward Society. Others such as my own half sister have taught at Indian schools such as Chilocco which have been attended by Cherokee youth for decades. Freedmen have worked at the BIA. Malcolm Ross, son of freedmen councilman Stick Ross, worked at the BIA offices in Muskogee at the same time as many Cherokee citizens until his retirement in the 1940s. Leslie Ross, the great grandson of Stick Ross served his country with distinction in the military in the same unit as Deputy Chief Joe Grayson.

I recently visited with an elder, a member of the freedmen Riley family who was a nurse to former Chief Mankiller. Indeed, freedmen people have continued to work at Indian clinics and hospitals in the past and the present. Freedmen assisted in building the recently constructed Cherokee community building in South Coffeyville. A Cherokee ceremonial ground, with mostly freedmen participation in Nowata County, shut down within the last 40 years. The majority of the freedmen are Christians, just like other Cherokees, not Buddhists or sun worshippers. Many freedmen have stayed in the communities and certainly have not been gone for 100 years by a long shot. Regarding the “gone for 100 years,” it was the old Cherokee way to remove people from the tribal rolls who left the tribal jurisdiction permanently. However, this was done on an individual basis and not a “group basis.” The tribe gives membership cards to people everyday whose ancestors left the state of Oklahoma 80 or 90 years ago who do not even know who the chief is much less the members of the tribal council. Yet no one on the council is challenging these people’s rights to tribal membership.

Also, regarding participation, only about 13,000 people voted in the last tribal election out of perhaps 230000 tribal members. Yet, none of the people who did

not vote in the last election are being threatened with the loss of their tribal membership rights due to lack of “participation”. Did not Chief Smith state in April 2006 in California that only 6,000 to 9,000 tribal members out of 250,000 people speak the Cherokee language? Yet, speaking the Cherokee language is not a requirement for tribal membership or even to hold office; as various Chiefs and council members have not been Cherokee speakers. You may say, don’t we Cherokees have the right to be an “Indian tribe?” The proposed disenrollment of the Cherokee freedmen will result in the removal of many Indian people with Cherokee (and in some cases Delaware and/or Shawnee) blood! The majority of the freedmen do not have to depend on “dna tests” to establish their Cherokee blood ancestry, but can look to US government and tribal records as their proof.

If this constitutional amendment is adopted, the Descendants of Perry Ross and Abbie Brown, recognized prior to 1866 as Cherokees by blood people, as well as descendants of their sister Juno Ross (deceased at the time of the Dawes enrollment) will be ejected from the tribe once again, even though female descendants of Abbie Brown and Juno Ross will still be Wolf clan while the descendants of their brother George Hammer Brown, including his great Granddaughter Rosie Green of South Coffeyville, will remain as recognized tribal members, even though they have no clan. If this constitutional amendment passes, the descendants of William Starr, descendants of his daughter Vinnie Fields by his freedmen wife Rhoda Starr, who received the Guion Miller payment due to their Cherokee blood, will be cast out while the descendants of his son by his white wife Sallie Starr who also received the Guion miller payment will not be cast out. Descendants of Loyal Shawnee immigrant Nancy Barlow Baldrige (deceased at the time of Dawes) and her freedmen husband Jack (Talookie Vann) Baldrige living in District 9 will lose their restored rights to Cherokee tribal membership, while descendants of Dawes enrolled Shawnees who were not married to freedmen will retain their rights to Cherokee tribal membership. And this will be the case with family after family.

Perhaps you think that tribal membership should be reserved to those with “1/4 Cherokee blood” or higher. However, this was not the Cherokee way as Chief John Ross himself was only 1/8 degree of Cherokee blood, and the hundreds, perhaps thousands of his thin-blooded descendants remain members of the tribe, while the descendants of his freedmen children will be cast out. It was always the way to adopt others into the tribe and teach them the Cherokee way. Would it not be better to increase the language skills, cultural knowledge, and participation of all of the Cherokee people rather than to cast people out? And for those who say that the freedmen don’t look like “Indians,” most people in the Cherokee Nation do not look like “Indians.” Did not the white people of Georgia discriminate against the Cherokee people based on their appearance? Have not the full bloods of the Cherokee nation faced job discrimination and insults based on their appearance? Is it right and fair to be unjust to others who have caused no harm and committed no crimes because of their appearance and ignore

promises made to them and their ancestors? Are the rights of the Shawnee and Delaware to be upheld because of their less different appearance compared to the freedmen, even though all are adopted? The Delaware dances, language, etc are different than the Cherokee way? Is not the Cherokee nation a nation of people including adopted Creeks, Catawba, and Natchez, with inherited rights governed by law rather than a race? And remember, the US government only has government to government relationships with nations and not races or private clubs.

Some may ask, can we afford these people? I have heard rumors that some believe that whether the freedmen should retain their rights which were unjustly taken away for 23 years should be looked at from an economic standpoint only. Is this the way that the tribe wishes for the US government to consider treaties and contracts? Would the US Congress be justified in canceling its government to government relationship with the Cherokees, extinguishing judgment funds awarded by the court, and any contract fees awarded by the court solely on the fact that it does not want to honor them because it is too costly? Is it not the responsibility of the tribal officials to seek additional federal monies for additional tribal members and put into place economic development programs to raise tribal revenues? Isn’t that what the tribe has been doing all along?

Does anyone really believe that a very small tribe such as the Poncas receive the same amount of money for programs as the Cherokee nation? Aren’t the freedmen lawyers, doctors, nurses, accountants, laborers etc – people with valuable skills who can render service to their nation in one way or another of no value? Based on the 1880 census and the Dawes rolls, the freedmen would be approximately 25,000 people if all registered. All persons with a freedmen ancestor will not register in the future as some have already previously registered as a citizen by blood, using a roll number from a different ancestor or registered with another tribe which is using a different tribal base roll. Perhaps ½ of the freedmen people do not live in the tribal jurisdictional area and would not even qualify for any tribal benefits. Are we to understand that the Cherokee nation cannot absorb this small number of people, many of whom would not even qualify for services based on income or residency? Or who over the last 23 years, are accessing needed services thru other agencies – city housing authorities, VA health and educational benefits, job related health insurance, etc. And, if there are too many tribal members already, why did the tribal registrar go to California in April 2006 to register more tribal members?

Other troubling issues remain regarding the proposed vote on the constitutional amendment regarding the freedmen rights. Visiting with person after person, many longtime Cherokee voters are not familiar with the current membership requirements of the Cherokee nation, or why various groups have tribal membership. They do not even know that a change in membership requirement is being considered by the tribal council which is waiting for their “input.” Nor are the people being educated by

tribal officials going place to place passing along rumors and stereotypes rather than the true history of all of the Cherokee people. There is nothing in the tribal newspaper’s April or May 2006 issues to alert the citizens as to this important issue.

Many thought that the JAT ruling ended the matter altogether and do not know that the council is waiting on them to have an opinion to set in motion overturning the court’s decision. The people clearly are not ready to vote on such a critical issue. A tribal member receiving a blue card is given a voting application but has no knowledge of his tribal councilman and of ongoing current issues. There is nothing telling them that there is a tribal newspaper or how to get it. Many people do not have internet access. To ask that the freedmen go from city to city, pleading their case all over the Cherokee nation on a 60 day timetable to protect their rights that have been theirs for more than 140 years is completely unreasonable, unjust, and unfair.

And why is this necessary? Because a few tribal officials who have taken negative positions on the freedmen do not wish to face them at the polls in 2007? It appears more and more as if these officeholders position is that the freedmen must be quickly removed so that they cannot vote in 2007. And the plan was to restrict them as well as all the other Cherokee people from challenging this election at the tribal court! I also point out that more than 1,500 citizens signed each of 4 petitions requesting constitutional amendments regarding the voting rights of people outside the Cherokee nation as well as revocation of the proposed 1999 constitution. These petitions were collected more than a year ago. However, the council has not proposed placing these items as well as other referendum items on a regular ballot much less on a fast track special election. Why, if the council has not had time to put these issues forward for a vote of the people are they to fast tracking the ouster of the freedmen? If the council spent more than one year deliberating and information gathering on election laws, why are they hurrying thru a decision which would take away citizenship rights of a small group of longtime tribal members?

You may ask what changes could occur if the council approves this constitutional amendment and the freedmen are stripped of their citizenship rights thru a vote of the people. Many things could potentially happen. Indian country could lose key support in Congress, as many things favorable to the tribes have been done because tribal peoples are seen as suffering from the greed of white Americans of past generations. However, if it is seen by all, including the Black Caucus in Congress, that the freedmen people are booted out against their will, led by officials now in power, this favorable vision of Indian people will quickly fade away and there may be more resistance to improvements or continuation of Indian programs.

Tribal leaders should consider the reputation of the nation. The amount of sovereignty that tribal nations can exercise is dependent on the will of the overwhelming white majority of the American people. White businessmen who now wish for the tribes to fall completely under the control of the state governments will be able to point to the situation in the Cherokee nation and use the

proposed freedmen disenrollment as evidence that the Cherokee people and perhaps all Indian people are unable to govern themselves and demand more federal and state controls than exist right now in tribal affairs. We must remember that the BIA took over the Seminole nation government and programs approximately 5 years ago for quite a while because they tried to remove their freedmen without due process. Also, if the disenrollment does occur the freedmen people will have grounds to form a separate Indian nation and sue to lay claim to Cherokee lands of the old Canadian District based on rights granted them in the treaty of 1866, which also gives the freedmen the right to sue in Federal Courts.

Although the current Chief has stated that the BIA should “get out of the affairs of the Cherokee nation”, Chief Smith, Deputy chief Grayson, and Chief Smith’s father Nelson Smith were involved in an election dispute as members of the United Keetoowah Band of Cherokees and called for the BIA to not recognize the election in 1991 when Nelson Smith and Grayson were barred on the eve of the election from running for office following a sudden change to UKB election laws (22 IBIA 075). Is it right for the Principal Chief to call on the BIA to uphold due process rights for himself and his father but wrong for the Freedmen to call for the BIA to uphold their treaty rights and ask for their citizenship rights according to the 1976 Cherokee constitution upon which all of Cherokee people’s right to vote originates.

The Freedmen call upon all of the Cherokee people for justice. The freedmen only ask to retain those rights promised to them. Please do not think that if the freedmen are cast out, future disenrollments will not follow for others who challenge the status quo. Disenrollment is a slippery slope and the next to be cast out may be you. Contact your council representatives and tell them to allow the Cherokee freedmen to continue working to rebuild the Cherokee nation and to not give assistance to those individuals who wish to take away the rights that the freedmen and their ancestors have been promised by treaty and law. Let your council people know that you support no changes in the membership clauses of the Cherokee nation constitution and that you wish for the council to focus on the important issues of housing, health care and education, and let the freedmen disenrollment resolution die in committee.

Marilyn Vann is a descendant of Dawes Enrolled Freedmen Citizens and a descendant of Cherokee by blood citizens listed on 1852 Drennan Roll. She is also President of the Descendants of Freedmen Association

Box 42221, Oklahoma City, Oklahoma 73123
www.freedmen5tribes.com
terior, challenging the 2003 elections, based on the rights of the freedmen in the 1866 treaty, the 1975 constitution, and the *Seminole nation versus Norton cases of 2001 and 2002* where Judge Kolar Kotelly had upheld the treaties of 1866 for the Seminole freedmen and their voting and membership rights in the Seminole nation. Several prominent Cherokee nation individuals such as then Deputy Chief Hastings Shade also sent a letter to the BIA questioning the validity of an election when the Cherokee freedmen were not allowed to vote. Various letters went from Chief

Smith to the BIA accusing the BIA officials of the Cherokee nation.

In late July 2003, the Muskogee BIA director wrote a letter, temporarily recognizing Chief Smith, but still withholding approval of the constitutional amendment, citing the Seminole nation cases. About 1 week later, another letter, written by the same Muskogee BIA official recognized Chief Smith as principal chief, but still not approving the constitutional amendment. On August 11, 2003, descendants of Cherokee Freedmen, thru the Velie and Velie law firm filed the lawsuit Vann et al Versus Norton (1:03 CV01711) in the District of Columbia Federal Courts to keep the US government from approving the constitutional amendment to remove the BIA approval requirements of new constitutions and constitutional amendments. After the initial complaint was filed, various stays were granted by Judge Kennedy for the parties to attempt a resolution. In an effort to downplay the legitimacy of the Freedmen cause, Cherokee nation officials made false statements to the press such as okee nation (made by spokesman Mike Miller – which is obviously not true as such men as Freedmen Councilman Stick Ross even now has several streets, companies, etc named after him and there is even a plaque with his name on the grounds of the council house!). Even Chief Smith, an attorney, told the Muskogee Phoenix Newspaper on September 13, 2003 that requires CDIB cards. The III of the Constitution shows no such thing – the tribal constitution recognizes as citizens all Dawes enrollees and their descendants without reference to blood degrees or CDIB cards and does not exclude any person who was recognized on the Dawes Rolls as being ineligible for tribal membership. Other statements by tribal officials indicated that the supporters of the Freedmen were merely he former Chief Joe Byrd. When the Daily Oklahoman in August 2003 raised the issue of descendants of Dawes enrolled Cherokee Freedmen being barred from tribal membership despite proven Cherokee blood, tribal spokesman Miller stated that looked at againy Cherokee nation officials to change the tribal code to give tribal membership to Cherokee by blood Freedmen individuals or recommend issuing CDIB cards to them as of May 2006.

Due to fears that a resolution had been reached between the Department of the Interior and the Cherokee Freedmen plaintiffs, in January 2005, the Cherokee nation, through its Washington law firm, Sonowsky et al filed motions to intervene in the lawsuit for the sole purpose of filing a motion to dismiss the Freedmen lawsuit. One of the CNO complaints was that they had not been allowed to participate in any negotiations. However, this was untrue, because during the summer of 2004, the Velie law firm had made contact with Cherokee nation chief and the general council through a Cherokee community leader. Indeed a phone conversation regarding the issues had taken place between Jon Velie and CNO general council Fite to set up a face to face meeting. After the single phone conversation, Fite refused to take phone calls from the plaintiffs’ attorney.

On February 7, 2005, the agenda for the upcoming February 17, 2005 CNO rules committee was posted on the council house door, and contained an agenda item titled Resolution Ratifying Intervention in Litigation in the US . .

