

DG W Y * D S 4 o d J

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Serving the Cherokee People Since 1992

DO WE, THE CHEROKEE PEOPLE HAVE A CONSTITUTION?

Editor Note: For the last 25 years tribal members have questioned the legality of the current 1975-76 Cherokee Nation of Oklahoma constitution. Many of our elders have stated many times, This is not the constitution we voted on. Ross O Swimmer hand carried the Constitution to the BIA in Washington DC and what he came back with was the Swimmers version - the current constitution of the Cherokee Nation of Oklahoma. The final draft that was voted on in 1975 is different, it was published in the New Cherokee Nation News. We will be publishing more on this issue.

It really seems odd that we still have all these legal issues in the Cherokee Nation of Oklahoma.

You would think after

paying all these high paid attorney's with federal funds & our tribal funds these issues would have been taken care of years ago.

But, no! they are too busy passing law's and using their rubber stamp tribal councilor's to support their efforts to keep the Cherokee people from having a voice in their own tribal affairs. Which the Cherokee people have a constitutional right to do.

Protecting the Executive branch & staff is not their job. They are to protect the Cherokee people's rights. Which is not really being done.

They have used this tactic from day one. If they put up enough road blocks, the Cherokee people will give up and go away and not bother them.

So they can do or not do

anything they want. It has worked in the past and they hope will work now.

The employees are working for the Cherokee Nation of Oklahoma, not the chief. **How many votes does the chief have? one (1) the same as you or I.**

The ones in the executive branch, attorney's are the same old ones. They have shown by their works they have failed in their job and they need to be replaced. We need new blood in the executive branch and our attorney's.

Ones that will fight to protect the rights of & for the Cherokee People, not just the chief!

Cherokee's need to stand up & be counted! Don't give in, because that is what they want us to do!

The BIA refused its approval

On Feb. 26, 1999, the opening day of the Constitutional Convention, the commissioners handed over to the other 72 delegates a rough draft of a new constitution. The delegates then broke the document down into separate elements. They went article-by-article, section-by-section, line-by-line and sometimes word-by-word, breaking it down and revising. "Once the delegation convened, it was their responsibility to either look at the language and retain or look at it and modify or rewrite it all together," Keen said.

Nine days later, the Cherokee Nation had a newly drafted constitution. "They (delegates) accepted almost every-

thing we recommended, at least the concept of what we were recommending. It may have not been in the final form that we offered it, but they adopted almost all the concepts almost without exception. Plus they added a few of their own," Keen said. "We really did what I felt to be a tremendous job in accomplishing all that we wanted. Except we overlooked one thing, and that was the BIA (Bureau of Indian Affairs) wouldn't approve what we came up with."

Ralph Keen, Jr. With new draft in hand, the commissioners turned it over to the BIA for approval. The BIA refused its approval, and the revised constitution is currently on hold, said Jay Hannah, Constitution

Commission chairman. It remains just a draft because of Section 10, Article 15 of the 1976 Constitution, which states, "No amendment or new Constitution shall become effective without the approval of the President of the United States or his authorized representative."

Keen said the new constitution remains in limbo because of two sticking points with the BIA: the proposed elimination of Article 15, Section 10 requiring federal approval for amendments and the fact that the BIA has taken the position that Freedmen Cherokees must be allowed to vote and run for elected office in the Cherokee Nation.

Cherokee Vote? Not if you are Black?

Conf: Cherokee Issues

The right to vote is among the most basic and fundamental rights of American citizens. American Indians have not always had that right. From the inception of the United States, the states dealt variously with American Indians and the right to vote. Voting and its procedures are an essential responsibility of the states.

Western states imposed severe restrictions that limited or barred American Indians from voting and holding office. Citizenship was required for voting, and American Indians did not become citizens until 1924 with the Congressional enactment of the Indian Citizenship Act (in Colorado, Montana, Nebraska, Oregon, South Dakota and Wyoming). Many states required that voters be "civilized," meaning that an American Indian would have to sever all ties with the reservation, the people and land (in California, Minnesota, North Dakota, Oklahoma and Wisconsin).

Property ownership was a prerequisite for voting; voters had to be on city and county tax rolls for voter eligibility (Idaho, Montana, New Mexico and Washington). "Residency" was a requirement to vote in four states, and Indians who resided on reservations were defined as "nonresidents" (in Arizona, Montana, Nevada and Utah). A final disqualifier was "federal ward"; states banned American Indians from voting because they were under government guardianship and therefore disabled or incompetent (in Arizona, Montana, Nevada and Utah).

The Citizenship Act curtailed most of these restrictions, but eight states persisted in applying restrictions to American Indian voting and holding office, until 1950 in South Dakota and Utah.

Civil rights struggle

The Voting Rights Act of 1965 established major protections for American voters, particularly African American voters in the South and East. From the civil rights movement, the Voting Rights Act was among the most significant pieces of legislation that impacted our public American life. Election processes and elections schemes are

essential to our forms of representative government.

Indian Country was deeply embroiled in a civil rights struggle of its own immediately following World War II. The Eisenhower administration, in cooperation with the U.S. Congress, terminated 15 Indian tribes from their treaty-based status. State jurisdiction was inflicted on many Indian reservations without consent of the individual tribes.

Thousands of young American Indians were relocated from their homes on reservations into the urban centers of the country (a program run by the architect of the Japanese internment camps). Some tribes experienced the loss of half of their population. Indian tribes and nations allied in the National Congress of American Indians to bring this onslaught to a halt, but it took 15 years.

Meanwhile, the nation was headlong in a struggle for civil rights that left American Indians nearly on another planet.

During the first 10 years of voting rights activity, American Indians were hardly involved. Two amendments to the Voting Rights Act included American Indians, with an expansion of the pre-clearance provision of Section 501 in 1975, and the requirement for certain jurisdictions to provide bilingual election materials to language minorities.

In 1982, the amendment Section 2 prohibited the use of voting practices or procedures that "deny or abridge" the right to vote on the basis of race or color. Since 1982, voting rights actions have been brought before the federal courts by American Indians in Arizona, Wisconsin, Nevada, South Dakota, Montana, Nebraska and New Mexico.

Indian representation

Voting rights in Montana is highly contentious in Indian Country, on and near the reservations. The American Indian voters have sought and received protection under the Voting Rights Act, particularly since the amendments of 1975 and 1982. The results can be seen in American Indian school board members, county commissioners

and in the Montana legislature. Montana is known nationally among American Indians for the progress achieved in voting rights.

Montana has an American Indian population of 7.32 percent (self-identification of only American Indian/Alaska Native AND American Indian/Alaska Native and other race). The population is young - 38 percent under 18 years of age, and growing rapidly.

Two of our Montana counties are a majority American Indian: Glacier County and Big Horn County. Three more counties are approaching 50 percent American Indian in population: Blaine, Rosebud and Roosevelt.

Ballot box power

The Montana Districting and Apportionment Commission recognized the Voting Rights Act protections in the basic criteria for redrawing the legislative district lines in the 2003 plan. As a result, the 2003 plan contains six Indian majority House districts and three Indian majority Senate districts.

Three of these are new, two Senate districts and one House district. Eight American Indian legislators participated in the 2005 Montana Legislature. In two years, the Senate seat in Glacier and Lake counties on the Flathead and Blackfeet Reservations, will be up for election.

Candidates and political parties have and will vie for the American Indian vote. Several recent Montana elections have been really close, within just a few percentage points for a win. Congressman Pat Williams won the last election for office by only the percentage of American Indian voters in election day turnout. In South Dakota, Sen. Tim Johnson won his seat by the margin of Indian voter turnout. And Slade Gorton's defeat in 2002 showed his loss was the margin of American Indian voter turnout in Washington State.

Growing American Indian populations, voter registration activities and heavy American Indian voter participation all imply a contentious election environment.

Traditional Cherokees believe

United Keetoowah Band administration and council members spent June 10 and 11 at the tribally sacred site of the Kituwah mother town for the fifth annual Kituwah Celebration.

Eastern Band Chief Michell Hicks, United Keetoowah Band Chief George Wickliffe and others planted a white oak at the entrance to Kituwah Mound.

Long Valley Kituwah Association of Chewey hosted a very large man/

woman stickball game, something that is not played in the East often.

On Friday and Saturday evenings, United Keetoowah Band Delaware District Rep. Jerry Hansen and tribal Web site manager Lisa Stopp participated in ceremonies, along with several other Keetoowah members.

Traditional Cherokees believe Kituwah mound to be the place where God gave laws to humans.

It is also regarded as the birthplace of

the Cherokee people.

The mound was primarily used as a sacred hearth, where a fire was kept burning inside the townhouse or council house, a structure atop the mound. People came from hundreds of miles, each year, to get fire from the hearth and take it back to their communities. Often these people also would bring earth and ashes from their own hearths to add to the mound.

State expected higher casino revenue

Wed June 29, 2005
By Anthony Thornton
The Oklahoman

The state will receive less than one-third of the money it expected this fiscal year from tribal casinos, newly released figures show.

NEWS 9 report

Casino plan draws fire from Ohio senator

Tribes that entered gaming compacts with the state paid nearly \$2.3 million through last week, officials said Monday. No more money is due for the fiscal year that ends Thursday.

State Treasurer Scott Meacham had predicted the state's share at between \$7 million and \$8 million. He projects about \$71 million a year -- all for education purposes -- once the gaming compacts approved by Oklahoma voters last November are fully in place.

Meacham is on vacation and unavailable for comment. He previously said the shortfall was caused by gambling industry delays in developing new machines and having them certified by state and tribal regulators.

The type of electronic game allowed

in Oklahoma is unique to the gambling industry. It's more restrictive than Class III, Las Vegas-style slot machines, but it's faster than the Class II, bingo-based games that have been the lifeblood of Oklahoma casinos. The state receives no revenue from the Class II games.

Developing the machines "has taken longer than anticipated. Tribes don't have the machines in place, and so the state hasn't collected its share from them yet," said Paul Sund, communications director for Gov. Brad Henry.

Casinos like the new games because they are considerably faster than Class II games. Therefore, they can generate 30 percent to 40 percent more than the old games' daily revenue. That can mean anywhere from \$30 to \$75 extra per day for each machine.

In return, the casinos pay the state a fee ranging from 2 percent to 6 percent of the amount a machine makes after paying winners.

Six tribes have some of the new machines. Except for 75 machines placed in the Choctaw Nation's McAlester casino in April, all were installed within the last month. That should result in a large boost in July over the \$794,403 the state received this month.

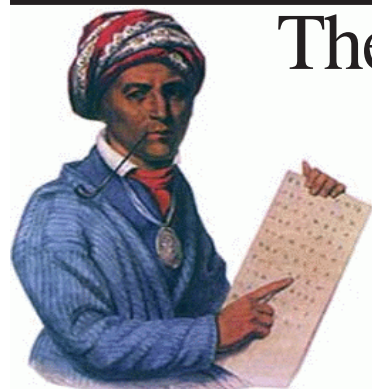
Not seen as a long-term problem Sund said this year's shortfall has no bearing on long-term revenue projections.

This year's shortfall would have been larger if not for the popularity of card games. Casinos can offer poker and non-house-banked blackjack but must pay the state a small fee from each game.

The Cherokee Nation, whose Catoosa casino has the most card tables, paid the state \$1,095,305 since February. That's more than double the amount paid by any other tribe.

Other payments included:

Chickasaw Nation, \$524,151; Choctaw Nation, \$164,301; Absentee Shawnee Tribe, \$118,608; Quapaw Tribe, \$102,898; Seneca-Cayuga Tribe, \$79,097; Comanche Nation, \$58,443; Citizen Potawatomi Nation, \$46,825; Cheyenne and Arapaho Tribes, \$37,042; Peoria Tribe, \$26,714; Eastern Shawnee Tribe, \$21,869; Kickapoo Tribe, \$11,518; and Kaw Nation, \$4,587.



The man known as Sequoyah

, memorialized throughout the world by trees, buildings, vehicles, and other things named for him, is one of the most famous persons in Keetoowah history. Sequoyah, whose English name was George Guess, was born in what is now Tennessee near Tazsigi. No one is sure of the year, but his memoirs state that he was living with his mother as a small boy when the Iroquoian Peace Delegation came to New Echota in 1770. He was old enough at the time to remember the event. Sequoyah had two brothers, Tobacco Will who was a blacksmith when the Keetoowahs lived in Arkansas, and the Keetoowah Old Settler Chief, "Dutch" (U-ge-we-le-dv). Sequoyah is often shown with a cane, and it is known that he suffered from a lame-

ness, which was reported in the Cherokee Advocate on June 26, 1845 as, "He was the victim of hydro arthritic trouble of the knee joint, commonly called 'white swelling' and this affliction caused a lameness that characterized him during life." This did not, however, stop him from achieving one of the greatest accomplishments for the Keetoowah people, the holding and passing on of the knowledge of how to write the Cherokee language. Sam Houston was quoted as saying, "Your invention of the alphabet is worth more to your people

than two bags full of gold in the hands of every Cherokee." In 1815, Sequoyah was married to Sally Waters of the Bird Clan. He parents were Robert and Lydia Otterlifter and her brother was Michael Waters, whose family later settled near the Nicut. Michael served as his first student, and the first to read and write with the invention was Sequoyah's daughter, Ayoka. Sequoyah and Ayoka were charged with 'witchcraft and sorcery' due to the miracle of making leaves

continued on page 2

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