

They support the United Keetowah Band

At a May 25 special meeting, the Cherokee County Board of Commissioners allowed Principal Chief Chad Smith to weigh in on its decision to endorse certain United Keetoowah Band-owned property to be placed in trust.

As the meeting's lone agenda item, Smith and tribal general counsel Julian Fite asked the county board to reconsider its trust endorsement for the UKB land.

"I don't think we ask much from the county. We try to help the county because we know you are underbudgeted," Fite said. "I do think there might have been some confusion on how this thing was presented to the various county officers and to the commissioners that this wasn't a big deal and that your support would say, 'Well, we like the UKB, too.' If that's what it is, fine, but that's not what it is and what you are saying here (with the endorsement.)"

Fite said the county's endorsement upsets CN's history as far as the tribe having Cherokee County as one of the areas within its jurisdiction. Fite pointed out that the CN helps the county with its EMS, roads services, marshal service and payroll for county citizens. He added that while the UKB has legal existence, it has never had authority to exercise jurisdiction over any land in the county or throughout CN.

"We just want to share information and ask that you might possibly reconsider something that we don't think was intended in the first place," Fite said.

District 1 Commissioner Doug Hubbard responded by saying that when the county first endorsed the land application, he didn't think the endorsement would cause so much controversy and that he was only thinking of the county's best interest.

"I'm not a big history buff on the Cherokee Nation, and maybe I should have been, but I assure you that we appreciate our partnership with the Cherokee Nation," Hubbard said. "My point of view is that we have such a good relationship with the Cherokee Nation that if the UKB would be as good as a partner as they (CN) were, it would be a win-win for us. I

wasn't aware of the boundary issue."

Smith told commissioners that the Cherokee Nation existed with a fee patent land base at least 162 years before the UKB formed.

The board took no action at the meeting.

The special meeting stemmed from the county commissioners' unanimous May 16 vote to sign a letter of endorsement for giving the UKB land trust status. The approximate 80 acres that re-



ceived the endorsement contains the UKB council chambers and other tribal offices two miles south of Tahlequah at 18263 W. Keetoowah Circle.

The board's endorsement doesn't determine whether the land is to be placed into trust, but it does assess official response to the UKB's request, commissioners said. The final word of whether the UKB land is placed into trust eventually falls to the Bureau of Indian Affairs.

If the BIA deems trust status, Cherokee County would lose about \$4,900 in taxes annually. However, county officials said when they endorsed the property for trust status that they hoped that the potential loss of tax revenue would be offset by UKB assistance on roads and other projects similar to Cherokee Nation's situation with its trust land.

"We've got a lot of Cherokee Nation property that way and it's been helpful to us in other ways," Hubbard said when the commissioners endorsed the UKB application. "Hopefully, this will be the same situation."

Hubbard said it was UKB Attor-

ney General Dianne Barker Harrold who approached the commissioners seeking their endorsement for trust status.

At the special meeting, Barker Harrold said the UKB does not have to have Cherokee Nation consent for the UKB to receive trust status according to federal law.

"This is a big deal for the Keetoowahs, and we are not an offshoot of the Cherokee Nation," she said. "We are a federally recognized tribe. We've been federally recognized since 1950. ... The federal courts have ruled that in the case that we have against the state of Oklahoma (concerning the UKB casino in Tahlequah) that the Cherokee Nation is not a necessary party to that decision. ... So I think that is significant when we talk about who has the right to protest (the land application.) The only person or entity who truly objects to that is the Cherokee Nation."

The UKB is involved in a lawsuit with the state of Oklahoma. The state asserts that Cherokee County District Judge John Garrett improperly granted the tribe's emergency request to prevent the state from closing UKB's casino in Tahlequah.

"The case originally began in state court when the UKB filed a case for declaratory relief in Cherokee County," Oklahoma Assistant Attorney General Charles Rogers said. "The case somehow got assigned to a judge (Garrett) that doesn't normally sit in Cherokee County. He entered a proposed order by the UKB because there was no other party. He judged that the land the casino was on was (in) Indian Country and therefore not subject to the jurisdiction of the state of Oklahoma."

Garrett's ruling sparked the state's Attorney General's Office involvement, Rogers said.

"When we did learn of it, this office moved to set aside the order," he said. "Our motion was simply ignored for about a year. When the matter was finally redocketed, the state judge decided to continue the case for his own reasons."

The state took action by trying to get relief from the state's Supreme Court, Rogers said. However, Rogers said that when the UKB learned that the case had made it to the Supreme Court, the tribe "dismissed and filed a new case in front of the same judge (Garrett), who then signed an injunction against the state from enforcing its laws pending the outcome of the suit and set the matter for a final hearing three weeks later."

Rogers said the case was then moved to federal court at the request of the Attorney General's Office. He said the state filed a motion to vacate Garrett's temporary injunction of keeping the state from enforcing its laws on the casino and to substitute an injunction against the UKB from conducting gambling on that property.

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Swimmer shown-up for the fony piece of crap he is!!

Forum Owner
By Elouise Cobell

The way Ross Swimmer, the Interior Department's special trustee, is talking these days you'd think there really wasn't any reason for Indians to be upset over the thousands of individual Indian trust accounts the Oklahoman is supposed to be overseeing.



After years of attempting to find the billions of dollars that are missing, Swimmer told a group of reporters recently that his department hasn't been able to find any serious problems with the accounts it has been checking. There may be some missing money, he conceded.

But Swimmer insisted that any losses are perhaps in the millions -- not the billions of dollars that plaintiffs in a nine-year-old lawsuit against the federal government have been suggesting.

What Swimmer isn't telling his listeners is that his department has only begun to check the records. And the records it is still checking are those from the most recent years -- 1985 forward, the so-called "electronic era" of trust records. Even there, the "accounting" is laughable -- they don't review the over 95 percent of "unrecorded" transactions and presume that unverified transactions are correct.

But as Swimmer well knows, the government's trust records date from 1887. Study after study by the government has documented that massive amounts of documents are missing from the Interior Department's files.

So how can Swimmer, or any Interior official, truthfully say they're verifying that the trust records are in good shape? That every thing indicates most Indians were being properly paid? As the former head of the Bureau of Indian Affairs, Swimmer knows firsthand how bad the trust records are. When he was head of the BIA in the Reagan administration, it was so fouled up that he tried to convince Congress to turn the entire trust operation over to commercial banks.

Many Cherokee's have been very patient in seeing what the Chief, Deputy Chief and our tribal district council representatives have done or not done! So now is the time to compile the information and see which ones didn't do what the promised the Cherokee people when the were running for office.

We will be reporting to the Cherokee People what we find out, stay tuned.

Congress heeded the warning of Indian tribes and issued a resounding "no" to that idea. First, fix the records, the lawmakers said. That's the part of the problem Swimmer would just as soon Congress forget. He can't fix documents he can't find. Investigators have documented that massive numbers of the records are missing. Destroyed. Lost.

Years after our lawsuit was filed, someone discovered a barn filled with discarded and missing trust records in Anadarko. These records were being watched only by the rats in that leaky building. Interior officials testified that when the barn filled up, they just tossed out the oldest records and stacked in newer ones.

As for the leases of Indian lands that were supposed to be the sources of trust account funds, thousands of those leases were never recorded. So how can the trust records be accurate? They can't.

That makes all the statements from Swimmer and others at Interior that everything is fine with the records a bald-faced lie.

What they want you to think is that they can paint an accurate picture of the trust accounts by relying on the tiny percentage of the total records that they can lay their hands on. That's like saying you can tell the entire story of America by beginning with the Jamestown settlement in 1607. All you have to do is forget about the Indians -- the first Americans.

But forgetting about Indians is what Interior has been doing since 1887. That's when it was supposed to create trust accounts for individual Indians. It never did the job right then and just saying that its current records are accurate won't cut it. It's time to tell Swimmer and his friends at Interior, no, we won't forget about the Indians this time.

Dianne Barker Harrold

Monday, June 13, 2005 11:10 PM

Dianne Barker Harrold is the general counsel of the United Keetoowah Band of Cherokee Indians in Oklahoma and a former prosecutor who twice in eight years was named Oklahoma's outstanding district attorney.

She handles the Keetoowahs' day-to-day legal problems and oversees a new tribal grant involving legal assistance for domestic violence victims. She knows a lot about domestic violence, having fallen victim to the battered-woman syndrome in her 20s.

She survived and has spent a lot of her time since then trying to keep it from happening to someone else. She's stacked up state awards from the Oklahoma Coalition on Domestic Violence and Sexual Assault. The National Coalition against Sexual Assault awarded Harrold the Women Holding up the World Award in 1998.

More than a decade before that, Pam Moore - then director of Tahlequah's Help In Crisis - credited Harrold with having "easily helped more than 500 women."

Harrold earned a social work degree before she earned her law degree, both when she was a single parent working full-time.

A gaming consultant, she also serves as a contract trainer for Unified Solutions and Coaching in Tucson, Ariz., a grant monitor for trial victims and assistance programs. She also is a certified trainer for the Federal Law Enforcement Training Center in Georgia.

A member of the Cherokee Nation, Harrold doesn't have the blood quantum required to be a member of the United Keetoowah Band, although one of her daughters is a Keetoowah member. She has three daughters and six grandchildren, finds time to garden, cross-stitch and do other crafts.

One of her framed cross-stitch creations adorns her office wall: "Help your brother's boat across, and you all will reach the shore."

She loves a starfish story she once heard about a young boy seeing an old man putting starfish back into the ocean so they wouldn't die.

The boy told the old man that even though he'd rescued some, it was plain to see how the beach was littered with others, and he asked why it mattered.

As the old man threw another starfish into the ocean, he said, "Well, it mattered to that one."

She said she wishes she knew where the story came from. When she speaks to groups, she tells the story and reminds the audience that people in helping positions cannot save the whole world, but can help one at a time, those with whom they come in contact.

"In this world, we may be one person; but to one person, we may be the world," she reminds them.

One of Harrold's prized wall displays is a framed starfish with a thank-you card enclosed from a young Tahlequah woman who had been in bad shape when Harrold encouraged her and helped her complete a drug court program rather than go to prison.

Harrold later hired the young woman

as an employee in the prosecutor's office. She said the woman was one of the best employees she ever had.

When the woman gifted Harrold with the framed starfish, she told Harrold she considered herself Harrold's personal starfish.

10 questions for Dianne Barker Harrold

1. What is your job with the United Keetoowah Band?

A. I have moved away from being its attorney general, and the new administration has expanded my duties to general counsel and handling day-to-day legal issues. I also am to focus on the administration of a new grant to provide legal services to domestic violence victims. We are almost ready to fully implement that program, which should be in operation by mid-July.

2. The Cherokee Nation administration contends land from one tribe cannot be placed in trust within the jurisdiction of another tribe. What do the Keetoowahs say?

A. That is not true. A good example is between the Thlopthlocco Tribal Town, near Okemah, and the Creek Nation. Thlopthlocco has several thousand acres in trust within the confines of the Creek Nation. It has its own casino, which is not regulated by the Creek Nation. Both tribes support each other in their endeavors, and the United Keetoowah Band and the Cherokee Nation of Oklahoma should operate in the same way.

3. Has the United Keetoowah Band established any government-to-government relationships?

A. Yes. The Federal Register for Feb. 6, 1979, listed both the United Keetoowah Band and Cherokee Nation of Oklahoma as having such a relationship with the United States. The Keetoowahs receive federal grants for many of their programs, including Bureau of Indian Affairs funding, U.S. Department of Agriculture, U.S. Corps of Engineers, Environmental Protection Agency, U.S. Department of Justice, Title VI Nutrition and Elderly programs, as well as a recent grant from the Oklahoma Office of Homeland Security.

4. Has the United Keetoowah Band casino ever been regulated by the National Indian Gaming Commission?

A. Yes. The commission approved the United Keetoowah Band Gaming Ordinance in 1994 and accepted our fees until 2000, when pressure was put on the commission to close our casino.

5. There seems to be a lot of legal wrangling between the Cherokee Nation and the Keetoowahs. Does this cause hard feelings between the two memberships?

A. No. We believe members of both tribes support each other. Cherokee Nation members should question the wisdom of expending so much money fighting the Keetoowahs when that money could go to member services. The United Keetoowah Band has to expend money to defend the endless challenges the Cherokee Nation administration continues to pursue, and that money could be used for tribal member services as well.

6. How do United Keetoowah Band members and Cherokee Nation members get along?

A. Keetoowahs and Cherokees co-habit in the same households, probably more than we know. The members of the respective tribes co-exist in peace and harmony. There are many marriages consisting of a Keetoowah and a Cherokee. It is the leader of the Cherokee Nation of Oklahoma who bears the great animosity toward the United Keetoowah Band.

7. You have questioned Cherokee Nation Principal Chief Chad Smith's motives to attack the Keetoowahs since he is a dual enrollee of both the Cherokee Nation and the Keetoowahs. The same question could be asked of you.

A. If I met the blood quantum requirement, I would be an enrolled Keetoowah member; one of my children is an enrolled Keetoowah member. However, I am proud of my Cherokee heritage and was raised to consider that an honor. My fifth great-grandmother was Nancy Ward, known as the "Loving Mother of the Cherokees," and I am a member of the Nancy Ward Society. However, as a Cherokee tribal member, I disagree with Smith's continuing attack on the Keetoowahs.

8. Is the United Keetoowah Band trying to take Arkansas riverbed money away from the Cherokee Nation?

A. No. When the Cherokee Nation settled its claim, Congress had to appropriate money for the multimillion-dollar settlement - literally an act of Congress. In that act, separate money was set aside for "any other Cherokee tribe which could have a claim to the Arkansas riverbed." The only other tribe was the Keetoowahs, and its claim was filed in June 2003, pursuant to a time line set by Congress.

The litigation does not affect any money paid to the Cherokee Nation, yet the Cherokee Nation has protested our claim.

9. In a nutshell, describe the case the state of Oklahoma has pending in federal court in Muskogee against the Keetoowahs.

A. The state contends United Keetoowah Band property the casino sits on is not Indian trust land and the casino should be closed.

The Keetoowahs claim the property is Indian Country because of inalienability of the land, which established superintendence or governance by the U.S. Department of Interior.

10. Do you plan to leave the Keetoowahs and run again for district attorney of Cherokee, Wagoner, Adair and Sequoyah counties?

A. I am asked that on a daily basis and am flattered by it. However, it is far too early to make that decision or announce any decision. Right now, my focus is my duties with the United Keetoowah Band and the many facets of my job here.

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U.S. REPRESENTATIVE DAN BOREN OKLAHOMA'S 2nd DISTRICT VA Shortfalls Continue To Draw Concern Boren worries budget problems could affect long term care

For Immediate Release: Thursday, July 14, 2005 Contact: Michael Allen (202) 225-2701 WASHINGTON, D.C. - U.S. Representative Dan Boren expressed concern today that hundreds of Oklahoma veterans could be forced out of state nursing homes under an earlier proposal submitted in the Administration's FY 2006 budget. Boren worries the proposal could find new support in light of the recently disclosed shortfalls in the Veterans Affairs budget. The proposal would set new eligibility rules for older veterans by limiting eligibility for per diem to only service-connected and catastrophically disabled veterans with special needs. According to the National Association of State Directors of Veterans Affairs, the proposal could affect 82% of veterans in state long-term care facilities nationally. Of the current 1,366 veterans receiving care in Oklahoma's state nursing home facilities, as many as 916 could fail to meet eligibility requirements if the proposal was enacted. "This proposal is an outrage," Boren said. "In Oklahoma we honor those who serve their country, and we take care of them when they age," Boren said. "If this proposal gains steam, the outcome would be drastic," Boren said. "Hundreds of Oklahoma veterans could be forced to leave state nursing homes, and the cost to the state could be enormous," Boren said. Tuesday, Veterans Administration officials admitted an additional \$300 million will be needed on top of the \$975 million already requested by the Administration to correct the shortfall for veterans' healthcare. The shortfall was expected to be about \$1.3 billion in the current fiscal year, and could reach \$2.7 billion in FY 2006. "We must meet the demands of our aging veteran population," Boren said. "At a time of war, we must show the newest generation of veterans that we will keep our promises to them," Boren said.

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