

Agents nab \$69K worth of illegal cigarettes

By Donna Hales
Phoenix Staff Writer



Cherokee Nation Councilor Meredith Frailey

The state seized more than \$69,000 in unstamped or unlawfully stamped cigarettes and tobacco products in a five day sweep of 1,050 convenience stores in the northeast quadrant of the state. The illegal cigarettes and tobacco items were taken from 78 different businesses, Oklahoma Tax Commission spokesman Paula Ross said.

Sixteen two-person teams of tax commission field agents went through 15 counties. Most of the confiscations were in the first two days of the sweep, news of which spread like wildfire, Ross said.

Cherokee Nation Councilor Meredith Frailey, owner of Willard's Convenience Store in Locust Grove, told the Phoenix that all her cigarettes had Oklahoma stamps on them, but about \$300 or \$400 in smokeless tobacco was seized when clerks couldn't locate an invoice. Frailey said she was out of state at the time and will produce an invoice to tax commission officials and expects to get her confiscated tobacco returned to her or to be reimbursed for it.

Hearings will be scheduled in connection with the confiscations, but the main aim right now is for everyone to get in compliance, Ross said.

If store owners sell unstamped or illegally stamped cigarettes and tobacco items, they could have their businesses shut down, Ross said.

Tulsa Metro Area Location
(918) 581-2399
440 South Houston, 5th Floor
Tulsa, OK 74127
OTC

Councilwomen Frailey had invoices for such smokeless tobacco & was given an apology for the frivolous action taken by the OTC & all items were returned to her business.

Theft Coverup by Chad & Fite

Tribal councilors refused Cherokee Chief Chad Smith's request to address the council's Rules Committee in executive session Thursday to provide information about General Counsel Julian Fite's salary and hours worked.

Councilor Linda O'Leary sued the chief last week in the tribe's highest court for not revealing Fite's salary, alleging the chief is in violation of the tribe's Freedom of Information Act.

Smith has refused repeatedly to give the requested information since Jan. 3, writing three letters stating he would reveal the information only in executive session.

That means rank and file Cherokees could not know the information because anything said in executive session is privileged.

If it is determined that Smith violated the tribal Freedom of Information Act, he could face a fine of not more than \$200 or imprisonment of not more than 60 days for the first offense, according to Cherokee law.

Council attorney Todd Hembree advised councilors in a memorandum not to grant the executive session, writing: "My duty is to keep the council out of the courtroom (for illegal executive sessions)."

Hembree cautioned councilors that the information should be given to councilors under the Governmental Records Act. Councilors are to be granted access to documents deemed confidential and privileged under the act.

"The most appropriate way for the chief to tell what he needs to tell is by supplying the information and labeling it confidential pursuant to the act," Hembree wrote.

Councilor Phyllis Yargee introduced a motion Thursday for the council committee to listen to Smith in executive session.

It died for lack of a second.

Smith then stood to address the committee.

But because Fite's salary was the topic he decided to address and it was not on the agenda, it would have taken a two-thirds vote of the council committee to amend the agenda.

The motion failed.

"The question of whether the chief should have provided this information is properly before the courts," Hembree told councilors. "Discussion of litigation is not a constitutional topic for which an executive session may occur."



Julian Fite

O'Leary explained in a joint letter to Smith and Northeastern State University President Larry Williams on Jan. 3 that she was requesting to know Fite's salary from both entities and the hours he was to work for each.

Williams was immediately forthcoming to both O'Leary and the Phoenix that Fite had a full-time teaching position, 12 hours, at NSU and was obligated to work a couple of hours in his office for each hour he spent in class. That was to make himself available to students, Williams said.

Williams said part of Fite's job at NSU also entails doing legal work for the college. His annual salary from the university, paid over 12 months, is \$69,816.

The tribal budget lists Fite's position at the tribe at \$96,799 a year with an additional 32.3 percent in fringe benefits, or an additional \$30,259.

Tribal spokesman Mike Miller told the Phoenix earlier this week that Fite is under a contract that pays him \$90 an hour and that he was paid "about \$94,000" in fiscal year 2004.

That would mean in fiscal year 2004 Fite worked 1,044 yours for the Cherokees.

Through the first 7 1/2 months of this fiscal year, Fite has been paid "about \$31,500," Miller said.

O'Leary and other councilors want to see the contract and determine if Fite has been paid bonuses or merit increases.

The lawsuit remains before the Judicial Appeals Tribunal of the Cherokee Nation.

Casino revenue reported

By Anthony Thornton
The Oklahoman

Tribal casinos in Oklahoma, Kansas and Texas made **\$1.25 billion** from gamblers during fiscal year 2004, according to figures released Wednesday.

Oklahoma casinos accounted for the bulk of that, with experts attributing it to major expansion projects completed during the year.

The growth came before implementation of a new state law allowing card games and faster electronic machines.

Nationally, Indian gaming produced \$19.4 billion in revenue during fiscal year 2004, an increase of \$2.58 billion, or 15.3 percent, from 2003, according to the National Indian Gaming Commission.

The region that includes Oklahoma, Texas and Kansas had by far the highest percentage of growth. The \$1.25 billion reported for fiscal 2004 is \$381 million, or 44 percent, more than the \$867 million the region reported in fiscal 2003.



Some tribes' fiscal year ends June 30, while for others the end is Sept. 30 or Dec. 31, so the figures don't cover a universal reporting period.

In deference to tribes, federal regulators release financial numbers only by region, not state-by-state.

However, commission spokesman Shawn Pensoneau said "it's fair to say" that Oklahoma accounted for the most of the three-state region's revenue growth. Of the region's 84 tribal gaming operations, 78 are in Oklahoma.

Brian Foster, chairman of the Oklahoma Indian Gaming Association, said this year's revenue figures should be considerably higher, thanks to the addition of card games and faster electronic machines. Oklahoma voters expanded gambling during the November elections.

Foster, who manages two Lucky Star casinos for the Cheyenne and Arapaho Tribes, said he anticipates a 60 percent increase in revenue this year.

Addition routes to the historic Cherokee Trail of Tears

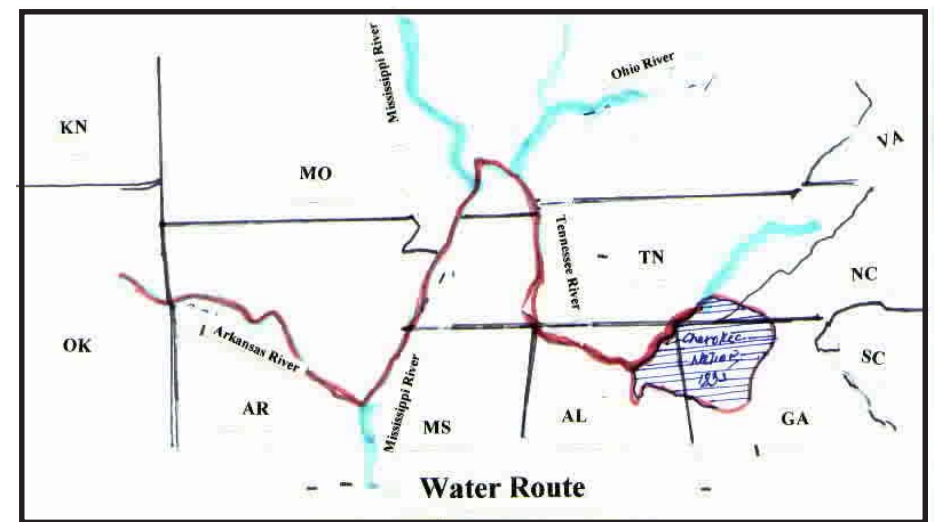
Some of more than 20 routes and sites in Western North Carolina may be considered for addition to the historic Cherokee Trail of Tears.

These include Fort Butler, the command center for deportation in North Carolina and part of what is now Murphy, and the Unicoi Turnpike, the primary route used to deport Cherokee from Western North Carolina to Tennessee. Inclusion on the trail could take years, but a bill now in Congress is the first stage in the designation, and a series of wayside markers is also in the works.

is the lone exception.

The office has the option of reviewing projects on traditional Cherokee land that involve federal land, money or permits. Russell Townsend is a member of the Cherokee Nation who works in the Eastern Band's Historic Preservation Office. Recognizing routes and sites relevant to the trail serves a contemporary purpose, Townsend said.

"It's important because it's a reminder to people who now occupy (what was once) the Cherokee nation and aren't Cherokee that the land was acquired at bayonet



"The research is done. It's pretty cut and dry," said Barbara R. Duncan, education director with the Museum of the Cherokee Indian. The Trail of Tears is the collective name for multiple routes, on both water and land, which about 16,000 Cherokee traveled under different detachments during a forced western deportation in 1838 and 1839 under the orders of President Andrew Jackson.

Although nearly 3,000 Cherokee who were forced to march were from North Carolina and about 9,000 were from Georgia, routes through those states are not designated portions of the trail. The trail also excludes two major arteries in Arkansas and water routes in eastern Tennessee.

Between 4,000 and 8,000 people died during the journey, according to Duncan. The length of the journey varied depending on the route taken, but averaged about 1,000 miles.

The historically designated trail is an integrated system of routes and sites (including sites in North Carolina and Georgia) that tell the story of life at the time of removal and the story of the removal itself. The trail is maintained by the National Park Service and was designated in 1987.

Many of those who survived eventually settled on a reservation in Oklahoma, now the home of the more than 255,000-member Cherokee Nation. Cherokee who resisted the march eventually formed what is now the 13,300-member Eastern Band of Cherokee Indians, on land in WNC bordered by Jackson and Swain counties and the Great Smoky Mountains National Park.

Brett Riggs, an archaeologist with the Research Laboratories of Archaeology at UNC-Chapel Hill, has spent years researching WNC Cherokee sites, primarily in Cherokee County, for the North Carolina chapter of the national Trail of Tears Association.

Riggs is finalizing a study for the National Park Service that details Cherokee-related sites in WNC relevant to the trail. Those sites include Army installations where Cherokee were interred prior to the march, roads, stores, private residences and more.

No evidence remains of most of the sites. Some are covered with heavy development, some are underwater and one is covered by a highway. The Unicoi Turnpike, an abandoned wagon road that runs through woods between Clay and Cherokee counties,

point," he said. "Finally, after 170-odd years, the story's getting told." Townsend said that WNC counties and the tribe recognize that trail additions could be opportunities to expand the region's heritage tourism offerings. "You can still walk in trails that Cherokee walked in the Trail of Tears," Townsend said. "It's really moving when you get up there." Larry Blythe, vice president of the Eastern Band of Cherokee Indians, and Chadwick Smith, principal chief of Oklahoma's Cherokee Nation, were in Washington last month for the introduction of the Trail of Tears Documentation Act, which directs the Interior Department to review new evidence and complete the historical picture through markers and other forms of recognition. Smith called the Cherokee plight a "travesty of justice, sham of public policy and disdain for human dignity." U.S. Rep. Charles Taylor, R-Brevard, is sponsoring the Cherokee Trail of Tears Documentation Act along with U.S. Reps. Tennessee Republican Zach Wamp and Arkansas Democrat Marion Berry. Taylor has "always been a big supporter of the Eastern Band," said Deborah Potter, Taylor's press secretary, who works in Asheville. "Generally, if they ask him to get behind something, he follows their wishes." This is the first step in expanding the trail. The second step is an amendment by Congress of the original act designating the trail so that it can include new routes and sites. Paxton Myers, Eastern Band tribal representative, said he doesn't see any opposition to the bill. Most lawmakers — including many from the South — were mum in 1830 when Jackson sought to remove the tribes. Davy Crockett was the lone Tennessee congressman to oppose the plans and lost re-election as a result. Riggs said the trail has essentially been traced backward, west to east, and the neglected portions of the North Carolina and Georgia trail weren't the result of malice but a lack of research and funding. No matter what happens with the Trail of Tears designation, Riggs said there's a plan to erect a series of wayside exhibits explaining their significance by the end of the year. Riggs said the full trail will never be complete.

"In its truest sense," he said, "the Trail of Tears began at each Cherokee house and led west."



Back in 1845

Cherokee history fills Murrell Home

By Max Nichols
Special Correspondent

Back in 1845, just six years after thousands of Cherokees had completed their long, forced removal from southeastern states on the "Trail of Tears" to what is now Oklahoma, George and Minerva Murrell began welcoming guests to their new mansion in Park Hill near Tahlequah.

By that time, the Cherokee Nation already had a constitutional government, buildings, roads and Oklahoma's first newspaper, the Cherokee Advocate. Some Cherokees had been the first settlers to come from outside Oklahoma earlier in the 19th century, but the forced removal started in 1836 and continued through 1838-39. The Murrells added a fashionable social touch to the rapidly growing nation, with their mansion becoming known as the Hunter's Home.

Now, 170 years later, visitors can see the remarkable results of Cherokee efforts to develop their nation in what later became northeastern and eastern Oklahoma. From the Cherokee capital in Tahlequah to the Cherokee Heritage Center and Murrell Home in Park Hill, Fort Gibson, Sequoyah's Home north of Sallisaw and other historic sites, the Cherokee Nation's heritage is remarkably well-preserved.

The 1845 opening of the Hunter's Home, now called the Murrell Home, and later events there will be celebrated from noon to 4 p.m. June 4 with the 12th annual Lawn Social, a re-enactment featuring four skits, period dancing, music and games.

"In previous years, we focused on a single year for interpretation," said Shirley Pettengill, who manages the Murrell Home for the Oklahoma Historical Society. "This year, we are introducing 'A Walk Through Time,' an exciting new program with skits reflecting the exciting and devastating times of Cherokees who lived there."

The first scene is set in 1845, with George and Minerva welcoming guests and telling stories of their removal to the new Cherokee Nation. In an 1865 skit, Eliza, E. Jane and Joshua Ross will recount their Civil War experiences and report on the welfare of their relatives and friends.

In 1880, James and Harriet Latta are saying goodbye to friends as they leave, because they are considered white intruders, though they have lived for years in the Cherokee Nation. The final scene is set in 1903, when Fanny, Jennie and Robert Bruce Ross host Dawes Commission members, who are allotting Cherokee Nation property.

The Murrell Home, which has been restored under the direction of Pettengill with the aid of craftsman Chester Grimm, recently received the Non-Profit Heritage Award from the Tahlequah Chamber of Commerce. Also in Park Hill, visitors will find the Cherokee Heritage Center, which includes the Cherokee National Museum, the Tsa-La-

Gi amphitheater, an ancient village, and the Adams Corner Rural Village and Farm.

"The Tsa-La-Gi theater was reopened a few years ago and now presents plays every summer on Cherokee history," said Dr. Bill Corbett, professor of history at Northeastern State University in Tahlequah and a historical society board member. "The plays reflect the history of the Cherokees and how they managed to blend their traditions, including religion, with a changing world. The ancient village presents traditional crafts and skills, such as flint knapping and making blow guns. The museum has a growing collection of Cherokee historical photos, documents and historical records."

From there, it's a short trip to Tahlequah, where visitors can see the Cherokee Capitol, built in 1867 on the courthouse square, the Cherokee National Supreme Court building, built in 1844, and the Cherokee National Prison, built in 1874.

"The Cherokee Capitol building housed the National Council, the treasurer's office and the executive branch," Corbett said. "After statehood, the capitol building was converted to the Cherokee County Courthouse until the 1970s, when it was returned to the Cherokee Nation. It is now the tribe's courthouse. The separate supreme court building is empty."

The prison originally was called the Cherokee National Penitentiary. It was taken over by the county for a jail in 1907 and returned to the Cherokee Nation in 1976. It houses the Cherokee Cultural Resource Center.

Southwest of Tahlequah is Fort Gibson Historic Site, which was the end of the Trail of Tears for many Cherokees. Fort Gibson was built in 1824 to protect the Cherokees. During the Civil War, 15,000 Cherokee refugees came from Kansas to Fort Gibson, and the Union's Indian Home Guard operated from there.

Farther southwest, near Checotah, visitors can tour the Honey Springs Battlefield, where Cherokees fought on both sides during the Civil War. The 1st and 2nd Cherokee Mounted Rifles fought for the Confederates in the major 1863 battle, and the 2nd Indian Home Guard fought for the Union. The site features a visitor's center.

Sequoyah, who developed the Cherokee alphabet, lived in a cabin three miles north and 11 miles northeast of Sallisaw. Visitors also can see the Tahlonteeskee Courthouse, built by early Cherokees in 1827 near Gore and the 1871 Saline Courthouse near Rose. These and other sites, such as the Five Civilized Tribes Museum in Muskogee, combine to present a vivid picture of how the Cherokees initiated the settlement of Oklahoma and have preserved their heritage to this day.

Max Nichols writes a column for the Oklahoma Historical Society



Dick Tulane