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"The Only Independent Cherokee Newspaper"
Vol. 15 No. 6&7 - June/July 2007

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Smith wins controversial third term as Principal Chief

In what can only be described as a controversial election, Principal Chief Chad Smith has won an unprecedented third term in office some say violates the constitution.

Cherokee Nation elections, held June 23, once again saw a low voter turnout with less than 10 percent of the eligible voters casting ballots. Smith defeated his challenger Stacy Leeds with less than 10 % votes. Smith garnered 8,035 votes to Leeds 5,675.

Analysis of the votes show that Smith actually lost the election in the counties that knows him best. Cherokee and Adair Counties both went overwhelmingly against Smith, Leeds taking enough votes to win there by close to 60 percent. However, when the votes came in from the northern areas of the Cherokee Nation and the non-resident/absentee votes, Smith's numbers shot up to 59 percent.

Controversy swirled around Smith's head prior to the election with several key issues becoming campaign issues. The most prominent of the issues, taking not only a local stage but an international one, was the question of the Freedmen. A March 3 special election to oust the Freedmen caused a great deal of concern and a flurry of media attention that eventually got the attention of the U.S. Congress.

Just days before the June 23 election U.S. Congresswoman Diane Watson, D-Calif., introduced a bill into

Congress to strip the Cherokees of their federal funding, gaming rights and government to government relationship until the Freedmen are fully restored to their citizenship rights. That bill is still pending and is now awaiting movement in the House Resources Committee. Several members of Congress have endorsed the legislation including powerful long-time Congressman Barney Frank of Massachusetts.

The BIA also stepped into the mix a couple of months prior to the election by informing Smith that because the Freedmen had not been permitted to vote on the 2003 amendment to remove federal oversight from the 1976 constitution, that amendment was not recognized. Their position also cast doubt upon the 1999 constitution, which the tribal courts had ruled operative and retroactive to 2003. Again, the BIA balked at recognizing the constitution when BIA head Jim Cason informed Smith that the BIA did not recognize the 1999 constitution and instead would only recognize the 1976 governing document.

Smith proceeded with the election anyway, basically thumbing his nose at the BIA, Congress and the Cherokee people. Because the Cherokee people had put the requirement for federal oversight in the 1976 constitution and it had not been properly amended out, the people's law was not followed precipitating a breakdown in the

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Chief's offer to Freedmen raises concern

An eleventh hour offer to the Freedmen who filed a lawsuit against the Cherokee Nation has raised the eyebrows of many and caused at least one councilor to wag her finger at Chad Smith and caused tribal members to call their councilors.

According to sources in Washington, DC, Chad Smith, just days before the June 23rd general election, where Smith was accused of running for an illegal third term, he attempted to delay the filing of a federal bill in the U.S. House of Representatives that would strip the Cherokee Nation of its funding, gaming and federal recognition.

According to one source, who asked to remain anonymous, Smith and the Freedmen attorney, Jon Velie, along with U.S. Congresswoman Diane Watson and reliable sources, were involved in secret negotiations to give

the Freedmen land in trust in the Canadian District of the Cherokee Nation (Muskogee/Warner area), a right to operate a casino, separate federal recognition and any Freedmen with Cherokee blood could become a citizen of the Cherokee Nation.

Response to the alleged offer was swift. Councilor Linda O'Leary, Delaware District representative, immediately reacted to the news by declaring the Council must be involved in any offer to the Freedmen that might infringe on the sovereignty and financial status of the Cherokee Nation.

The Freedmen filed a lawsuit against the Cherokee Nation in 2003 because they had not been permitted to vote on the now unrecognized constitution

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Cherokee Nation of Oklahoma
General Election
held on June 23, 2007

Chief Chad Smith RE-ELECTED 3rd Term
Check out the results on page 8

US Department of the Interior says they will remove federal government approval of CNO constitution, but not the removal of the freedmen.

Read story on page 6

They also stated they only recognize the 1995-1996 Constitution of Cherokee Nation of Oklahoma.



U.S. Representative Diane Watson held open forum meetings, read article on page 6.

See video clip
<http://www.kotv.com/e-clips/?id=7950>

(These 2 photo's by KOTV - Tulsa OK.)

Housing amendment would punish Cherokee over freedmen

July 27, 2007 by: [Jerry Reynolds](#) / Indian Country Today

WASHINGTON — The Financial Services Committee in the House of Representatives proved as good as its word July 26, approving an amendment to a tribal housing loan guarantee bill that prohibits the Cherokee Nation of Oklahoma from participating until it fully recognizes all Cherokee freedmen as tribal citizens.

Cherokee freedmen are the descendants of slaves and free blacks kept by the Cherokee in the 19th century. The Cherokee citizenship expelled the Cherokee freedmen from the tribe in March, in a vote nullified by a BIA administrative decision. The freedmen remain Cherokee citizens pending court actions. But a staff person for a lawmaker in the Congressional Black Caucus, speaking on condition of anonymity because of the volatility of the freedmen issue, said they are only "provisional" citizens.

Financial Services Committee Chairman Barney Frank, D-Mass., pledged at a previous hearing that the committee would address the freedmen

issue once it could find a way to do so without penalizing all of Indian country along with the Cherokee. The July 26 amendment was clearly a fulfillment of Frank's pledge.

The bill proper, H.R. 3002 in the House, originated by Rep. Steve Pearce, R-N.M., and co-sponsored by Democratic Reps. Frank, Dan Boren of Oklahoma and Dale Kildee of Michigan, as well as Rep. Rick Renzi, R-Ariz., is of the first importance in its own right. It amounts to a demonstration project for federal guarantees of repayment to purchasers of notes and bonds ("obligations" in the parlance of investment finance) issued by tribes and tribally designated housing entities to finance housing-related infrastructure, long one of the dire needs in Indian communities. The guarantees are capped at \$1 billion, or \$200,000 annually between fiscal years 2008 and 2012. At least 70 percent of the guaranteed obligations must be for the benefit of low-income Indian families on reservations or

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Congress Tells Cherokee Nation: No Funding until upholds Treaty Obligations Freedmen's cause gains momentum in Congress

The Freedmen Band of the Cherokee Nation of Oklahoma (FBCNO) gained more Congressional support yesterday, when the House Committee on Financial Services voted on an amendment to restrict Housing and Urban Development funding to the Cherokee Nation of Oklahoma.

In June, Congresswoman Diane Watson (D-Calif.) introduced H.R. 2824, a bill to sever U.S. relations with and halt federal funding to the Cherokee Nation of Oklahoma until such time that it restores full tribal citizenship rights to the Freedmen.

'Cherokee Nation until it restores full tribal citizenship rights to black Cherokees, known as Freedmen, and fully complies with the Treaty of 1866. In March 2007, the Cherokee Nation voted to

response will suffice. I commend Congressman Watt for offering an amendment that sends a clear signal to the Cherokee leadership that Congress will not tolerate their attempts to remove the Freedmen."

H.R. 2824 currently has 23 cosponsors and has been endorsed by the National Association for the Advancement of Colored People (NAACP) and the National Congress of Black Women. These and other civil rights organizations have typically been united with Native Americans on civil and human rights issues.

"The Cherokee Nation's blatant acts of disregard for those (CBC /African American political Constituency) who have been the staunchest allies of Native Americans in their quest for justice and opposition against the shameful conduct of the U.S. government, can no longer be tolerated in Congress, or anywhere else," said Dr. Ron Daniels, noted national civil rights leader associated with the Freedmen Band. "This gross offense against these African American civil rights, human rights and political leaders a n d organizations, and deceptive quest for ethnic purity threatens to do irreparable damage to that relationship."



remove the Freedmen from the Nation. In May, the Cherokee court temporarily reinstated the Freedmen on a limited basis.

Marilyn Vann, Band Chief of the FBCNO said "This amendment is a clear message to Cherokee Officials – you must act like an honorable sovereign nation and honor your official agreements and the rule of law, or suffer the consequences. We [Freedmen] are very grateful to Congressman Watt, Congresswoman Diane Watson and the Congressional Black Congress for their support in our fight for equality." We have authorized our representatives to return to the conference table if the Cherokees are willing to resume "good faith negotiations " for a equitable resolution to these issues.

"The Cherokee Nation's push to disenfranchise the Cherokee Freedmen represents a fundamental injustice that must not go unchecked," said Congresswoman Watson. "Nothing less than an affirmative and decisive Congressional

In August, Congresswoman Watson is planning a trip to Oklahoma to participate in a series of town hall meeting in Oklahoma City, Tulsa and Muskogee as a show of support for the Freedmen Band of the Cherokee Nation. Representatives of the Oklahoma Legislative Black Caucus, Oklahoma Chapter of the NAACP and others will co-sponsor the meetings and travel with her delegation.

"What the Cherokees hope we remember to forget is that the Cherokees were once the largest slave-holding tribe in America, and that, in 1861, they severed their relationship with the United States, allied themselves with the Confederate States and waged war against America to defend the abominable practice of slavery," said Vann. "To make amends, they signed the Treaty of 1866, granting us full citizenship rights. We plan to hold them to that promise."



2007 Combat Cross Medal

Officer Franklin McLain Jr. was awarded the Kennewick Police Department's "Combat Cross Medal" and the "Lifesaving Award". Franklin Jr. is the son of Franklin & Cindy McLain Sr., of Blackwell, OK and the grandson of the late UKB tribal councilor Jackson McLain (Cherokee full blood). He's the Great Grandson of the late J. B. & Jane Earp of Jay, OK. Officer McLain Jr. has 4 brothers, Nathanael, Jonathan & Isaac of Blackwell, OK and Joseph McLain of Ponca City, OK.

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Why has Chief Smith's Adminisatration expended over \$1 million dollar\$ to remove 2,867 tribal members?

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Smith wins controversial third term as Principal Chief

relationship between the U.S. government and the Cherokee Nation. It is unclear whether the BIA will recognize the June 23 vote since it took place under the authority of the unrecognized 2003 constitution.

Suspicious financial dealings also loomed large for Smith, but apparently were of little concern to the Cherokee voters. At least two businesses operated by the Cherokee Nation failed miserably. One, GEG, remains under investigation by the U.S. Securities & Exchange Commission because the purchase price of the company was so much greater than the direct value of the stock. According to reports to the Council by the Cherokee Nation Secretary Treasurer Callie Catcher, the business has lost the tribe nearly \$6 million.

Another failed business was an internet service provider created by Smith to serve the Tulsa area and at press time was closed and had lost the tribe over \$2 million. At a debate in Tahlequah a few days prior to the election Smith claimed that he was reserving the money from the Casinos as "seed corn" to start new businesses. Leeds countered that the idea of using tribal funds to start new business was good in theory, but Smith's track record showed nothing but failure.

Meanwhile the programs of the tribe designed to meet the needs of impoverished Cherokees continued to go under funded. Leeds pointed out that the basic needs programs, including health care, were always out of money and unable to help tribal citizens, while top brass at the Casino pay themselves huge bonuses and the attempts at business development continue to hemorrhage money out of the tribe's coffers.

Even Smith's candidacy was challenged and a lawsuit remains pending in the Cherokee Nation Supreme Court concerning Smith's eligibility to run for and hold a third term in office. The 1999

constitution imposes term limits, limiting elected officials to two consecutive terms. Smith was just elected to a third consecutive term.

Robin Mayes of Denton, Texas filed an appeal to the Election Commission challenging Smith's candidacy based on the constitutional provision. In a 3 to 2 decision the Election Commission, controlled by Smith appointees, voted to deny the appeal and keep Smith on the ballot.

Mayes appealed the decision to the Supreme Court who twice dismissed his case based on the fact that he did not file the case in a timely manner. According to court documents Mayes' first appeal was filed two days late. However, Mayes countered that he had not been given notice of the Commission's decision. Commissioners agreed and issued a written notice to Mayes. He filed a second appeal, which was also dismissed. The Court stated that the appeal was still untimely because Mayes had received notice of the Commission's decision at the meeting where the vote took place.

Mayes has since filed a third petition directly filing suit against Smith and the Election Commission in an attempt to get the question answered. Mayes said, "At this point it is becoming increasingly apparent our courts don't want to answer this critical question." Several councilors also have been elected to a third term.

While his personal life did not play large in this election, questions regarding Smith's second set of children by a woman not his wife did arise at several campaign venues. Smith announced in a 1999 Muskogee Phoenix interview that he had an illicit relationship with a woman outside his marriage to Bobbie Gail Scott Smith, which had produced not one, but three children over a long period of time. Sources close to Smith say that his desperation to keep the job of Principal Chief is because he

would be unable to move into the political arena of the state and federal government because of his personal life.

Disgraced Washington, DC lobbyist Jack Abramoff also played a role in stirring up controversy before the election. Abramoff, now in prison for various federal crimes including influence peddling, gave a sizeable donation to the Smith for Chief campaign in 2003 after the Cherokee Nation had given Abramoff's firm \$120,000 for lobbying. Various members of the Department of the Interior including high placed officials of the BIA have been netted in the ever widening scandal.

Sources in Washington state that the funds given to Abramoff were meant to pay for "lobbying" of the BIA and other federal officials to try and change the BIA position on the Freedmen and the Delaware tribe. The official position of the BIA on both had been that the Freedmen were and continued to be citizens of the Cherokee Nation and the 2003 amendment and constitution would not be approved. The Delaware tribe had been officially recognized by the BIA as a federally recognized tribe and Smith sought a reversal of that position through Abramoff's lobbying.

The Freedmen issue remains an ongoing controversy, however the Delaware tribe, who enjoyed a short period of federal recognition and funding, were stripped of their tribal status by a ruling of the federal courts. While a few Delaware-Cherokees voted in the June 23 election, most refused to participate, even though their votes, number about 3,000 could have ousted Smith.

For the first time in over two decades, the Principal Chief may have a super majority on the Council. In this election 11 members of the Smith slate, known as "Team Cherokee" either retook their seats or defeated opposition incumbents. Runoff elections in Cherokee and Adair County could give Smith two more seats as Audra Smoke Conner, a former member of Team Cherokee and weak councilor faces Tina Glory Jordan, an independent candidate. In Adair County incumbent Jackie Bob Martin, a member of Team Cherokee, faces Jodi Fishinghawk, one of the proponents of Smith's petition to oust the Freedmen.

Should Smith garner one more seat on the council, he will have absolute control of all three branches of the Cherokee government. He has appointed three of the four sitting justices with one seat yet to be filled. He will have at least a majority and most likely a super majority on the council and a slim majority on the Election Commission. All political appointees are his including the office of Attorney General, Marshal and Secretary of State.

Chief Smith keeps telling us we need to vote for his 2007 slate for tribal councilors, so he can get things done. They will work together as a team.

Sounds good, but is it constitutional? It says that no branch of government is to control another. No one person is to control all branches of government. If one person has control of all three branches of government it's a dictatorship. Which is what we have been working under for 3 1/2 years already.

We have seen this slate in action over these last 3 1/2 years. Tribal councilors voting to approve an act in committee. Then have Chief Smith Veto's it, then his slate not doing anything to overturn the veto. Which amounts to doing what the Chief wants even when it is a great act of law. Their actions are puppets, bought & paid for.

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Housing amendment would punish Cherokee over freedmen

in tribal jurisdiction areas. At the end of that period, the secretary of Housing and Urban Development would report on the program, with the expectation that Congress will act accordingly to either maintain the program or let it expire, depending on its track record.

The Cherokee-specific amendment, offered by Rep. Melvin Watt, D-N.C., reads as follows: "No funds appropriated under this bill shall be expended for the benefit of the Cherokee Nation of Oklahoma until the Secretary [of Housing and Urban Development] shall have certified to Congress that the Cherokee Nation of Oklahoma is in full compliance with the Treaty of 1866 and fully recognizes all Cherokee Freedmen and their descendants as citizens of the Cherokee Nation."

H.R. 3002 and its Cherokee-specific amendment could go to the floor for a vote of the full House before the traditional August recess of Congress, beginning Aug. 3, according to the anonymous staff member quoted above.

At the previous committee hearing, Watt expressed optimism that talks between freedmen and Cherokee Nation of Oklahoma representatives were entering a phase that made resolution conceivable without congressional action. On July 27, Corey Little of his press staff said, "The amendment suggests that things have broken down to a degree."

Principal Chief of the Cherokee Nation Chad Smith was in Washington July 26. He issued a statement expressing the nation's disappointment with the amendment.

"The Cherokee Nation has taken every step to bring this matter to a just and equitable solution, but the fact remains that the Cherokee Nation is being singled out for an enrollment policy that we share with more than 500 other Indian tribes: you have to have an Indian ancestor on our base rolls to be a citizen. You have to have Indian ancestry to be in an Indian tribe.

"This issue, which is currently in the courts, has never been about race. Thousands of African-Americans, including more than 1,500 descendants of slaves, are

Cherokee citizens because they also have Indian ancestors. Our fundamental principle is that you have to be an Indian to be in an Indian tribe. Even so, the Cherokee Nation currently allows citizenship to non-Indian freedmen descendants pending their tribal court appeals.

"This amendment hurts the very people it claims to be helping, because it denies services to non-Indian freedmen descendants, who are citizens of the Cherokee Nation today, but will suffer along with Indian citizens if funding is cut. Cutting off access to this program only denies opportunities for quality housing to low-income citizens, including the elderly and handicapped. We have fully complied with the 1866 treaty and we'd like to see the United States comply with it, too."

Since the freedmen issue began to draw international attention, Smith has not publicly elaborated in detail on the Cherokee interpretation of the 1866 treaty. But in Washington July 7, as part of the Live Earth day festivities at the National Museum of the American Indian, he repeatedly cautioned that the history of those times, and of the Cherokee-freedmen relationship, is too complicated to be appreciated properly through the prism of race.

Rep. Diane Watson, D-Calif., a member of the Congressional Black Caucus and sponsor of a separate bill to sever federal relations with the Cherokee, commended the committee's adoption of the Watt amendment. In a prepared statement, she termed the freedmen disenrollment "a fundamental injustice that must not go unchecked."

The Watt amendment will not be seen as "punishment enough" on Capitol Hill, according to a Washington professional of long standing in Indian affairs, who spoke on condition of anonymity because of the racial sensitivity surrounding the freedmen issue. In other words, Watson's much harsher bill, H.R. 2824 in the House, will not lose steam because of the Watt amendment, he said, adding, "They're really mad about this, the CBC."

The National Association for the Advancement of Colored People and the National Congress of Black Women, in addition to 21 co-sponsors in the House, have endorsed H.R. 2824. Among the co-sponsors is Rep. John Conyers, D-Mich., chairman of the House Judiciary Committee. Watson's bill is currently awaiting action before the Judiciary Committee.

5K Walk/Run for Child Abuse !!

When: Sunday Oct 07, 2007 at 2:00 PM

Where:: Bricktown Area Near W. Reno and S.W. 2nd Oklahoma City, OK 73101 United States

There will be a 5k run for anyone who is interested in running, and there will be a fun walk for anyone who can not run that long.

Those who are willing to run there will be chip timed for you guys.

General Event Information:

5k run to benefit Prevent Child Abuse Oklahoma. \$20.00 pre-registered, \$25 day of the race.

Pre-Registration Fee for Runners and Walkers: \$20.00 Registration must be postmarked no later than September 17, 2007.

Race day registration 11:00 am - 1:00pm { \$25.00 } Intersection of EK Gaylord and Shields.

Race time: 5k run begins @ 2:00 pm.

1 mile fun Walk/Run following the race.

Children: Children are welcome! No registration fee for children 5 and under.

Strollers: Allowed during fun run/walk

Pets: No pets

So please mark your calendars and join us to run against child abuse.

Questions: Please contact the organizer

Race Consultant & Coordinator: Don Garrett Event Coordinator: Teri Sigman Event Email: kelseybriggswalk@yahoo.com Event Phone Number: 405-401-1771

Or visit www.kelseybriggswalk.com againstchildabuse.com

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The Cherokee Observer
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P.O. Box 487
Blackwell, OK 74631-0487
e-mail: cwyobserver@yahoo.com
editors@cherokeobserver.org
Phone/Fax: 1-580-363-5438
PUBLISHER: Marvin J. Summerfield
OWNER: Cherokee Observer, Inc.
www.cherokeobserver.org
Rate Per Copy (News Stand).....\$.50
Back Issues rate per copy (mailed).....\$2.00
Yearly Mailing Rate (domestic).....\$22.00
Franklin McLain.....Online/Managing Editor
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06707

2007 Combat Cross Medal



in recognition of the heroic actions of Frank McLain and Ken Taylor, on this 14th day of May, 2007 each Officer is awarded the Kennewick Police Department's "Combat Cross Medal" and the "Lifesaving Award."

On March 17, 2007 Officer's Frank McLain and Ken Taylor were dispatched to 916 W. Kennewick for a welfare check. Officers McLain was able to do a "premise history" check on his computer and learned there was domestic violence history at the residence. Shortly thereafter both Officers arrived on scene. At the back door of the residence they spoke with Kelly Hewitt, who reported Abigail Alongi was inside the house and needed "help immediately."

McLain and Taylor entered the home, began searching, and found Abigail in a rear bedroom with her estranged boyfriend, Marlon German. German was holding Abigail down on the bed, pinning her with his body. Initially, the Officers believed German was holding Abigail down due to a medical issue. When German made statements he was going to "kill" Abigail, McLain and Taylor realized this was a domestic assault in progress. Both Officers attempted to physically control German, and remove him from the bed. However, due to German's physical condition, strength, size and determination they were unable to restrain him. Both Officers gave several orders to German to get off Abigail. McLain sprayed OC spray into Germans face in an effort to get compliance; however, the chemical agent was ineffective.

McLain and Taylor then realized German was armed with a knife, which had been concealed out of the Officer's sight. German began to stab Abigail in the neck while McLain and Taylor attempted to stop the attack by grabbing Germans hand and arms. During the attempt to stop German's attack, Officer McLain's hand was cut with the knife.

Officer Taylor removed his sidearm and told German he would be "shot" if he did not stop the attack but due to German's position in relation to Abigail, Taylor was unable to fire his duty weapon without putting Abigail at grave risk. Taylor and McLain realized they were going to have to act quickly if they were going to stop German from killing Abigail. When German began to thrust the knife into Abigail's abdomen McLain quickly told Taylor he needed to "back away" from German. When Officer Taylor "cleared" Officer McLain fired one round, instantly ending the deadly attack.

in a subsequent review of the case the Benton County Prosecutor, Andy Miller, stated, "the evidence is conclusive that if Officer McLain had not shot German when he did, that Alongi would have been killed. Therefore, his actions were not only justified but they were the only logical and appropriate course of action to take."

in recognition of the heroic actions of Frank McLain and Ken Taylor, on this 14th day of May, 2007 each Officer is awarded the Kennewick Police Department's "Combat Cross Medal" and the "Lifesaving Award."

Ken Hohenberg, Chief

Ed. Note: Officer Franklin McLain Jr. is a tribal member of the Cherokee Nation of Oklahoma.

"Whole Indian Nations have melted away like snowballs in the sun before the white man's advance. They leave scarcely a name of our people except those wrongly recorded by their destroyers. Where are the Delawares?"

They have been reduced to a mere shadow of their former greatness. We had hoped that the white men would not be willing to travel beyond the mountains. Now that hope is gone. They have passed the mountains, and have settled upon Tsalagi (Cherokee) land. They wish to have that usurpation sanctioned by treaty. When that is gained, the same encroaching spirit will lead them upon other land of the Tsalagi (Cherokees). New cessions will be asked. Finally the whole country, which the Tsalagi (Cherokees) and their fathers have so long occupied, will be demanded, and the remnant of the Ani Yvwiya, The Real People, once so great and formidable, will be compelled to seek refuge in some distant wilderness.

There they will be permitted to stay only a short while, until they again behold the advancing banners of the same greedy host. Not being able to point out any further retreat for the miserable Tsalagi (Cherokees), the extinction of the whole race will be proclaimed. Should we not therefore run all risks, and incur all consequences, rather than to submit to further loss of our country? Such treaties may be alright for men who are too old to hunt or fight. As for me, I have my young warriors about me. We will hold our land."

- Chief Dragging Canoe, Chickamauga Tsalagi (Cherokee) 1775

Ross O Swimmer on 1975 Constitution

The Nation's Golden Age ended abruptly with the U.S. Civil War. It's 1866 Reconstruction Treaty with the victorious Union forced the Nation to surrender land and open its territory to railroads.¹¹ During the 1880s and 1890s, the United States placed increasing pressures on the Nation to sell land to burgeoning railroads and, later, to incorporate the Nation into a territory of the U.S. Government.¹² In 1893, the U.S. Government formed the Dawes Commission to create a roll of citizens of five Oklahoma tribes, including the Nation, for the purpose of dividing up the Nation's land into individual allotments. In 1898, the U.S. Congress passed legislation accelerating the process of allotment and formally mandating the abolition of the Cherokee government by 1906.¹³

From 1907 through 1970, the Cherokee Nation functioned without a government. During this time, the U.S. government appointed a Principal Chief, who did little more than approve leases and sign documents transferring out the last of the allotments. More than 60 years later, the Nation reconstituted itself and obtained recognition by the U.S. Government in 1970. The intervening decades without a functioning government, however, had taken its toll. Through a combination of allotment forgeries, embezzlements, misuse of notary seals, and other crimes, the overwhelming majority of land allotted to Cherokee citizens fell into white hands.¹⁴ The Nation's population had fallen to only 40,000 citizens and federal agencies of the U.S. Government had taken over responsibility for delivering services to individual Cherokee allottees.

Current 1976 Constitution

Before serving as Principal Chief of the Nation from 1975 to 1985 and heading the U.S. Department of Interior's Bureau of Indian Affairs in the Reagan Administration, Ross Swimmer played a large role in helping to construct the Nation's modern government. With the beginning of the U.S. Government's policy of self-determination in the mid 1970s, Swimmer and other Cherokee leaders began looking for ways to access the new inflow of federal funds into tribal communities.

Swimmer saw federal funds as a "a big impetus" for the Nation to organize its government and adopt a new constitution.¹⁵ By the time Swimmer was elected Principal Chief in 1975, a cluster of community representatives had already been working on a new constitution for over ten years.¹⁶ According to Swimmer, the process of reform "was all over the place" with some people "wanting to recreate the 1839 constitution." Soon after being sworn in, Swimmer, frustrated at the slow pace of reform, decided to form a small group that would push through with completing work on a new constitution.¹⁷

The Nation's current 1976 Constitution supersedes completely the 1839 Constitution. It divides the Cherokee government into three branches. The legislature consists of a single-body Tribal Council, composed of 15 members elected at large from the Nation's 14 districts.¹⁸ Executive power is vested in a Principal Chief and a Deputy Principal Chief, elected to four-year terms of office.

The Deputy Principal Chief also serves as President of the Council with the power to cast tie-breaking votes.¹⁹ The Judiciary is comprised of a three-member Judicial Appeals Tribunal (the Nation's Supreme Court) and other courts that the Council may choose to establish.²⁰ The Constitution incorporates the protections of the 1968 Indian Civil

Rights Act and contains provisions for referendum and initiative Swimmer says he viewed the Cherokee Nation "not necessarily as a government but as an organization. Sort of between a non-profit and a profit-making business that was there for a specific purpose and that was to enhance the living conditions of the people."²¹ He therefore based the Constitution on "a corporate model" with Council members serving in positions akin to members of a Board of Directors.²²

In Swimmer's view, a bicameral legislature, discussed at length in discussions leading up to the new Constitution, would have been too "unwieldy" and not useful for the quick receipt and disbursement of federal funds: "[A bicameral legislature] would have meant about 60 or 75 people in the government of the tribe, and it was a personal privilege. I didn't like that. I thought we'd never get anything done. And so I said let's cut that out and let's just have a tribal council to act as a legislature. And we pegged the number at 15. There wasn't a lot of thought that went into that, but we decided on 15 as a good number."²³

Swimmer grounds his preference for a unicameral, corporate form of government in the context of the time. For almost 70 years, the Nation had had no enrollment and no government. Services were delivered directly from the U.S. government to individual Cherokee allottees. Swimmer says that before the era of self-determination, he never could have imagined that the Nation would one day exercise taxing powers or have a court system that could incarcerate Cherokee citizens and handle adoption cases. Instead of creating a government, Swimmer simply wanted to organize a system for the improvement of the delivery of services to individual Cherokees: The court, for instance, its only purpose at the time was to handle disputes between the executive and legislative bodies. It had no outside function. It was going to be an internal court. The legislative body was there to review programs and sign off for the most part on federal programs and appropriations to the tribe. And, of course, the executive body was to administer those programs that came in and do whatever it could to improve the living conditions of Cherokees in eastern Oklahoma.²⁴

Two specific provisions in Article XV of the 1976 Constitution later proved to play key roles in the Nation's recent constitutional reform process. Article XV, Section 9 requires that the question of a proposed constitutional convention be submitted to the members of the Cherokee Nation at least once every 20 years.²⁵

Article XV, Section 10 requires that any new constitution or amendment receive the approval of the President of the United States or his authorized representative. While Section 9 helped to launch the Nation's process of political reform, Section 10 has been responsible for the Nation's difficulty in holding a referendum to approve the proposed constitution adopted by convention delegates.

18 Cherokee Nation of Oklahoma Constitution, art. V, § 3.
19 Cherokee Nation of Oklahoma Constitution, art. VI, § 11.

Footnotes

15 "A lot of federal help was being given to tribes in the west, but none in Oklahoma, because again we didn't have organized tribes. This was also an impetus, a big impetus, for the adoption of a constitution. I saw this opportunity with the federal money that was coming in that we could use that and turn it into a useful tool that we could do some things in

Eastern Oklahoma." Interview with Ross Swimmer, former Principal Chief of the Cherokee Nation of Oklahoma (September 4, 2000).

16 "In 1967 or '68, Bill Keeler had assembled a group of Cherokees in Eastern Oklahoma to look at the formation of a constitution, not necessarily, I think, with the idea in mind of a governing document but something that would, from a social point of view, give more people the opportunity to focus on the services, the Indian health services, the BIA services, and provide some input to the leadership, to the chief, for how those services could be better delivered to tribal members." Ross Swimmer, former Principal Chief of the Cherokee Nation of Oklahoma, Address at John F. Kennedy School of Government Symposium on American Indian Constitutional and Governmental Reform (April 2, 2001) (transcript on file with author)

17 "At that time we had all these myriad of drafts, we've been holding public hearings, we've gone through the community representatives and it had just seemed like that we just weren't going to get there. So I had several people that I gathered together and we sat down and drafted a final version of the constitution and said 'this is it.' And we put it out for a vote and it got passed." Swimmer Interview (September 4, 2000).

Swimmer said later in a separate context: "And then there were a couple of other things that needed some revision, I felt, from what the constitutional committee had been putting together. I had some opposition and people said well, it's not ready yet, you can't do this, one thing after another. I went ahead and took it to the Bureau of Indian Affairs, we got them to sign off on it, and in 1976 we took it to a vote and it was overwhelmingly adopted. I don't think the people had a clue as to what they were voting on. They accepted that we needed something, but they still, you can imagine, I mean up until that time the only government the Cherokee people were aware of in Eastern Oklahoma was county, state, city and local government. They were totally under the law of the state. They were totally under county police jurisdiction, that kind of thing. And in fact, in 1975 if somebody had suggested to me that the Cherokee Nation had tax powers, or that I, as principal chief, had the opportunity to incarcerate my fellow Cherokees for crimes they might commit, I would have said they were crazy. I would have said there is no such thing. We don't have that kind of sovereignty. In fact, as I recall, we were operating a restaurant and a motel and we were still collecting sales taxes to send to the state. That went on for several years until I finally woke up and said well why are we doing this." Ross Swimmer, Address at John F. Kennedy School of Government Symposium on American Indian Constitutional and Governmental Reform (April 2, 2001) (transcript on file with author)

24 Interview with Ross Swimmer (September 4, 2000). Swimmer said in a different context that he wanted to "give more people the opportunity to focus on the services (delivered by HIS and BIA) and provide some input to the leadership, to the Chief, for how those services could be better delivered to tribal members." Ross Swimmer, Address at John F. Kennedy School of Government Symposium on American Indian Constitutional and Governmental Reform (April 2, 2001) (transcript on file with author)

25 Swimmer said he had come across a similar provision in another state or tribal constitution. Ross Swimmer, Address at John F. Kennedy School of Government Symposium on American Indian Constitutional and Governmental Reform (April 2, 2001) (transcript on file with author)

Ed. Note: Ross O Swimmer cheated the Cherokee People out of their New Constitution which was the 1973 final draft. This is outlined in Ross Swimmers own words how he did it.

20 In 1990, the Nation passed legislation creating a District Court with one or more judges.

20 Cherokee Nation Code § 11.

21 Swimmer said that in Oklahoma, "there's such an assimilation that we look to the local, state, county, federal governments for primary services and the Cherokee Nation sort of then overlaps all of these services yet they have to be careful where they go because their jurisdiction is only over certain areas. It's real complicated. And that's why I had not envisioned, and perhaps I was being shortsighted, I don't know, but when we adopted the constitution I said it was more of a corporate document, a development authority. I mean our job was to help improve lives. It wasn't to create a government. I never envisioned having two or 3,000 people working for the government. I envisioned them working and I always thought at some point we would reach a peak and then we would start declining in employment because we would be able to say, "we have created the result that we want, people are working, we don't need to be there any longer. We can have fewer social workers than we had yesterday." Interview with Ross Swimmer (September 4, 2000).

22 "I think actually I was probably thinking again of a corporate model. I was thinking more of a Board of Directors. And the rest of it, the executive branch and the judicial branch is pretty straightforward. It was mainly in the legislative arena that I suggested we make those changes and make it a 15 member council." Interview with Ross Swimmer (September 4, 2000).

23 "The final document that was being considered as I recall would have two houses of the legislature and we would wind up electing around 100 people. And that's the part that I took out. I just said, "look, we're not going to do that". Interview with Ross Swimmer (September 4, 2000).

24 Interview with Ross Swimmer (September 4, 2000). Swimmer said in a different context that he wanted to "give more people the opportunity to focus on the services (delivered by HIS and BIA) and provide some input to the leadership, to the Chief, for how those services could be better delivered to tribal members." Ross Swimmer, Address at John F. Kennedy School of Government Symposium on American Indian Constitutional and Governmental Reform (April 2, 2001) (transcript on file with author)

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Ed. Note: Ross O Swimmer cheated the Cherokee People out of their New Constitution which was the 1973 final draft. This is outlined in Ross Swimmers own words how he did it.

When will our elected officers & council start standing for the Cherokee People. Every time we hear what these people are going to do for us, then don't.

THE CHEROKEE OBSERVER
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 "The Only Independent Cherokee Newspaper"
 "Serving the Cherokee People since 1992"
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U.S. Rep: Disenfranchising freedmen threatens federal funding

*By Donna Hales
Phoenix Staff Writer
Published August 21, 2007*

The Cherokee Nation must restore full tribal citizenship to disenfranchised Cherokee Freedmen or see its relations severed with the federal government, a U.S. representative said Monday.

That is threatening 6,500 jobs in eastern Oklahoma, said Cherokee Nation spokesman Mike Miller.

U.S. Rep. Diane Watson, D-Calif., visited with more than 500 people gathering in Tulsa and Muskogee, standing pat on her efforts to have the Cherokees honor the Treaty of 1866.

Severing relations would shut off more than \$300 million in federal funding to the Cherokees, Watson said. That would terminate vital services to thousands of Oklahoma Cherokees, according to Cherokee Nation Principal Chief Chad Smith.

"The proposed bill would create a state social services crisis, cutting \$270 million in health care, housing and child care for the neediest citizens," Smith said.

Smith said Monday that he had been unable to convince Watson to accept an invitation to meet with him.

Watson said she doesn't see a chance for negotiating, because the Cherokees are in violation of a federal treaty and until the tribe is in compliance, it shouldn't get federal funding.

She said the more than \$300 million in taxpayer funds that go into the Cherokee coffers come from "each and every one of you," she told a crowd of almost 300 people Monday evening at the Muskogee Civic Center.

"We're simply saying, if you're going to take a group of people (Cherokee Freedmen) and put them at risk and disenfranchise them, you can't do it with our money ... We do no pay for that with public funds."

Tahlequah attorney Nate Young III, a Cherokee, told the crowd: "It's not about culture, it's about the law - the Treaty of 1866 has been interpreted by the Supreme Court that Cherokee Freedmen are citizens.

"If there's any other remedy you could take that wouldn't be so harsh to the young, innocent and elderly ...," he asked.

But Miller said the Cherokee Nation does not consider that it has broken the law - that there is a federal lawsuit by the Freedmen in federal court in Washington that is trying to make a determination on that issue.

"If the federal court tells us we have broken the law, we're willing to comply," Miller said.

He said he would hope Watson would wait until that is determined.

Watson's spokesman Bert Hammons said Watson's bill is simple - but it's opened a Pandora's box about other Cherokee issues.

"Other chairmen are going to be weighing other issues," he said to a small group meeting with Watson before the Town Hall Meeting at the Civic Center.

The Resources Committee also is interested in some Cherokee issues, he said.

Watson heard varied views Monday night in Muskogee.

Cherokee Nation Councilor Cara Cowan Watts told Watson she is wondering why "our democracy is being challenged by an outside government."

Watts told Watson she was trying to create Cherokee Indians that don't exist. Her comments brought a loud reaction from freedmen in the audience.

A man who identified himself as a freedman told the crowd: "The Cherokee Nation has skeletons in their closets and you're looking at them right now, and they're not going away."

The applause resounded. "One of the things I can do is right a wrong," Watson said. "I have no intention to determine your sovereignty. What we determine in this bill is whether the Cherokee Nation has fulfilled its obligation to the Cherokee Freedmen."

Chief vetoes 17k for B&GC program

By TRAVIS METCALF
Tahlequah Daily Press

Cherokee Nation Principal Chief Chad Smith on Monday line-item vetoed a \$17,000 contribution to the Tahlequah Boys & Girls Club that would have, in part, fund a swimming camp featuring Olympic gold medalist Mark Spitz in September. According to District 1 Tribal Councilor Bill John Baker, \$12,000 had been earmarked for the B&GC camp, and the remaining \$5,000 would have provided fees for un-

derprivileged Cherokee youth to attend camps and events throughout the year.

Pending funding, the B&GC swimming camp will allow 100 area youth to participate in a two-day swimming clinic, and Spitz would make an appearance in Tahlequah to kick off the event. In an earlier Daily Press report, USA Swim Coach Bob Bradshaw said Spitz would be available to sign autographs, meet with the youth and give a motivational speech.

This is in reference to Bruce Ross IV letter to the editor RE: UKB. The whole letter is found on the www.cherokeeobserver.org link to webboard.

This is the last sentence of the letter. "Anyway, it's okay and even understandable that Chief Wickliffe might not be all that knowledgeable about treaties that real tribes have, since his organization doesn't have any and never has had."

Respectfully,
R. Bruce Ross, IV
Cherokee Registry # CO 53097

Ed. Note: Maybe Mr. Ross should read his history, too. The Cherokee Nation of Oklahoma never had any treaties with the United States Government. Since the CNO was created by Ross Swimmer in 1975. The real Cherokee Nation government created in the 1830's, however, entered into treaties long before the CNO was ever created. The UKB or Old Settlers had earlier treaties with the U.S., too. mjs

Ed. Note: A Freedom Of Information Act request has been submitted to the Cherokee Nation of Oklahoma Election Commission for the number of Freedmen that voted with the number that voted by absentee. As of todote we have not heard from them. We will inform you when we get the numbers.

Freedmen turned away at tribal polls

Thomas Drew, a longtime Vian resident, church pastor and Cherokee Freedmen, went to the polls in his hometown on June 23 for the Cherokee election expecting to vote. Instead, he said that he and other members of his family were turned away at the polls.

Drew explained that about a week prior to the election the tribe sent many Freedmen, including most of his family, absentee ballots in the mail, although Drew said that he and his family didn't request the ballots.

Drew was skeptical about filling out the absentee ballots because he was afraid they wouldn't make it to Tahlequah in order to be counted, and planned to go to the polls and vote in person.

On June 23, Drew said he went to the polls in Vian, and poll officials looked in the book and told him that they saw he was sent an absentee ballot. For that reason, Drew said he was told that he wasn't going to be able to vote.

Drew was told that he would have to fill out the absentee ballot and drive nearly an hour to Tahlequah to turn it in.

As a result, Drew didn't vote. If he voted absentee, he said it had to be turned in by a certain time in Tahlequah. "Saturday was too late." *

"There's no reason for anyone to be forced to vote absentee," he said.

Drew said that he thought since by having a poll open in his hometown, he could just bring the absentee ballot to the poll and vote on an exchange ballot. But he said that he wasn't allowed to do that.

This was not the first time for Drew to vote in a tribal election. He first voted in the special March 3 election, which rescinded the tribal membership of descendants of Freedmen listed on the Freedmen rolls of the tribe. Since that time, more than 250 descendants of Freedmen and others have appealed their citizenship status in the Cherokee Nation court system.

Currently, a temporary injunction in tribal court is in effect, which allows descendants of Freedmen to keep their citizenship and voting rights while their citizenship appeals work their way through the tribal court system.

The tribe has said that the March amendment permits the more than 2,800 Freedmen descendants affected by the vote to become permanent citizens if they can prove lineage to an Indian ancestor on the base census roll.

Drew said his family has been in the Cherokee Nation since the late 1800s or early 1900s when the Dawes Commission was brought in.

He provided the original homestead deed that his great-grandmother, Lottie Drew, who was a Freedmen, was given in 1902. The deed indicated that Lottie Drew was a member of the tribe, and she was entitled to land allotment and the other rights of the tribe. The deed was also signed by the tribe's principal chief at the time.

In the veto document, Smith cited a need for an all-inclusive B&GC funding plan, so as to better serve all clubs within the tribe's 14-county jurisdiction.

"I have vetoed line 1b - Charitable Contributions to the Tahlequah Boys & Girls Club because the nation does not presently have a comprehensive plan for funding Boys and Girls clubs fairly throughout the Nation, something that is currently under development," Smith wrote.

The Cherokee Constitution doesn't grant Smith the power of line-item veto; however, the question is under review by the Cherokee Nation Supreme Court.

Communications Officer Mike Miller wanted to assure area residents of the continued support of B&GC by the Cherokee Nation. "Cherokee Nation is a big supporter of Boys & Girls Clubs in all of the 14 counties of the tribe's jurisdiction," said Miller. "In the past three years, CN has contributed \$300,000

"Just about every Freedmen around here has true Indian blood," he said. But he pointed out that at the time of the Dawes Commission, even if Freedmen had Indian blood, they were placed on the Freedmen roll - not the base census roll.

While the tribe maintains that there are Freedmen who are not affected by the March vote, Drew disagrees.

"All Freedmen were affected by that vote," Drew said.

Drew said he feels like he should have a right to all the privileges of citizenship, just like other Cherokees.

"Just because my skin is black doesn't mean I don't have Indian blood," he said.

Drew said he feels like Freedmen have a right to the tribe because the tribe's 1866 treaty with the government put them in the Cherokee Nation. The Freedmen also walked right alongside the Cherokees on the Trail of Tears.

Some Freedmen were slaves of Indians and married into Indian families even before the white people did, he said.

"We as Freedmen know we have Cherokee blood," he said. "It's our color that's separating us and trying to get us ousted."

But Cherokee Nation Principal Chief Chad Smith, who was narrowly re-elected in the latest election, has publicly disputed the claim that the issue is about race and the tribe has a right to decide the tribe's membership.

Your TIMES was unable to reach a spokesperson for the tribe for comment, but in a statement prior to the election, Smith claimed there was a misconception that the tribe is trying to exclude all Freedmen.

"It is important to understand that there are currently more than 1,500 African-American descendants of slaves (known as Freedmen) who are citizens of the Cherokee Nation because they also have an Indian ancestor listed on the Cherokee Nation's base roll," Smith said in the statement. "Those 1,500 Indian Freedmen descendants will remain citizens and are completely unaffected by the recently adopted constitutional amendment.

"Thousands of other Cherokees of African and other heritage are also citizens because they have an Indian ancestor on the Cherokee Nation's base roll."

If the March vote stands and the Freedmen are forced out of the tribe, Drew said he wants to see the tribe's federal funding cut.

A California legislator is currently trying to make the funding cut a reality. On June 21, U.S. Rep. Diane Watson (D-Calif.) introduced legislation to cut the estimated \$300 million in federal funding to the tribe and cut off the tribe's ability to conduct gaming unless the tribe allows Freedmen citizenship. Watson's efforts are in response to the tribe's March vote. Watson is seeking to force the tribe to comply with an 1866 treaty with the government that gave Freedmen, descendants of former black slaves, citizenship to the tribe.

to the Tahlequah Boys & Girls Club alone, and within the last four months, we have given more than \$100,000."

Miller said the chief's suggestion for a comprehensive plan would streamline the budgeting process, and would result in a more equitable solution for all clubs.

"Rather than field individual requests for funding for specific programs, the Cherokee Nation is trying to develop a comprehensive plan for making donations to all Boys & Girls Clubs involved with the Cherokee Nation, said Miller. "This does not in any way mean we are not going to quit donating to the Tahlequah Boys & Girls Club; we're just working on a plan so we don't address funding a program here and there throughout the budget year."

Tahlequah B&GC Executive Director Janice Randall understands the chief's decision, and plans to investigate corporate sponsorship of the camp.

How journalists reported the Cherokee-Freedmen story

BUFFALO, N.Y. - A recent study looked at journalistic coverage of the Cherokee Nation March 3 vote on an amendment to its constitution that ended tribal citizenship for descendants of the Freedmen, not otherwise connected with Cherokee lineage.

The research analyzed mainstream news media presentation of the story, specifically how they dealt with sometimes competing issues such as the CN's sovereignty and citizenship issues of the Freedmen. It also looked at the news sources cited or quoted in the reports and the balance between sources on either side of the issue.

"In general, this was reported as a classic clash between oppressor and victim," Ron Smith, communication professor and the study's principal, said. "Missing were nuance, historical perspective and a context within which to understand the contemporary significance of the story."

The study, released March 22, was conducted by the American Indian Policy and Media Initiative at Buffalo State College. It reported the following additional findings:

* Spokespeople on both sides of the issue had their say in the news stories, but the Freedmen opponents to the amendment generally were quoted before news sources associated with the Cherokee Nation.

* Both issues of racism and self-determination were discussed, but the racism theme figured more prominently (sooner) in the story than the tribal governance or sovereignty theme.

* Few reports gave details or context to the vote itself, either the voting numbers or the voter turnout.

* Nearly two-thirds of the reports raised the money issue, generally without supporting information, as a factor motivating the vote.

* Most of the articles highlighted the slave-owning history of the Cherokees, but fewer explained the incorporation of former slaves into the tribe or the confusion created by the Dawes Commission.

The research reviewed published news reports and broadcast tran-

scripts between Feb. 27 and March 10. It focused on headlines, leads, quoted news sources, statistical information about the vote and presentation of information about money and about the historical context. It also looked at the use of terms such as "racist" and "sovereign."

"Overall, this is another instance of mainstream media failing to understand the complexity of an issue involving American Indians and their oversimplification of an intricate situation," Smith said, who has conducted other research on media presentation of news focused on Native American topics. "We look at how the media 'frames' the story, whose version gets top billing, what themes are presented."

Smith said the media coverage, because it lacked a historical context, covered the story as an example of an Indian nation versus African Americans.

"Some of the reports used terms such as 'kick out' and 'disown.' Several headlines screamed 'racism,' such as one that read: 'Cherokees Accused of Racist Plot as Sons of Slaves Are Cast Out,'" he said.

By a ratio of 5-to-1, Freedmen sources were the first quoted in the reports. Most of the reports used the term "racism," with two-third of those in the lead or opening paragraphs. By contrast, while three-quarters of the articles implied the concept of sovereignty, only 12 percent used the term "sovereignty."

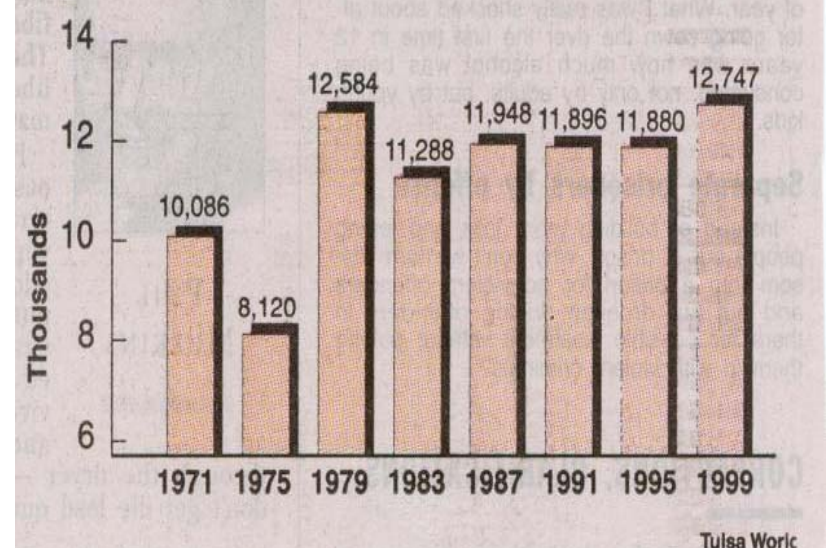
Few published reports noted the legal relationship of the Cherokees in particular or Native tribes and nations in general. Half of the articles mentioned the Dawes Commission that loomed large in the history of the controversy, but most of those without explanation.

A full text of the research report is available online at www.buffalostate.edu/communication (American Indian Initiative).

- Buffalo State College Communications

John's Place Media analysis

Votes cast in Cherokee chief elections



2003 - 7,281 voted for Chad Smith, 5,449 voted for Joe Byrd. Which is a total of 12,730 voted for Chief in General Election.

2007 - 8,035 voted for Chief Chad Smith, 5,675 voted for Stacy Leeds. Which is a total 13,711 voted in General Elewctions.

That is only 17 votes difference from 1999 and 2003 general elections. With 981 more votes from 2003 and the 2007 General Elections.

HOW CAN THESE FIGURE'S KEEP COMING OUT AT AROUND THE SAME TOTAL'S - ELECTION AFTER ELECTION?

"The Cherokee Nation has been a huge supporter of the Tahlequah Boys & Girls Club," said Randall. "We have received an abundance of funding, and we have 11 units in this county, compared to Miami's two units. They have been more than fair in their donations. I'm just glad if they had to tell us 'no' for something, this was the item they chose. We have other avenues, such as corporate sponsorship, we can check with to fund the swimming camp."

Bradshaw was disappointed when he learned the news, but like Randall, he believes other avenues of funding may be available.

"Right now, it's on hold," said Bradshaw. "I don't know if [the program's] in jeopardy. We're sending letters to corporations right now to try and raise the funds. We never intended for the Nation to foot the whole bill."

Bradshaw is keeping a positive outlook, but realizes time

is a factor to make the program a reality.

"That's the way the ball bounces," said Bradshaw. "We haven't signed a contract [with Spitz], fortunately, but we need to get this done within a week or so." Baker agrees with Smith concerning the need for a new initiative regarding B&GC.

"Are we helping the Tahlequah Boys & Girls Club? Yes," said Baker. "And we will continue to do so, as the majority of the children involved in the club are Cherokee. I believe a comprehensive program for helping fund the B&GC is a good idea. We're soon going to enter into budget hearing, and I would be happy to floor that suggestion."

Contact Teddy Snell at tsnell@tahlequahdailypress.com. Sports Editor Travis Metcalf contributed to this report.

Jon Velie letter to Scott Keep--2003

July 21, 2003

Mr. Scott Keep
Attorney for the Bureau of Indian Affairs
1849 C Northwest
Washington, D.C. 20240
Via Mail and Facsimile: 202-208-3490

Re: Certification and recognition of Cherokee Nation of Oklahoma election results in light of Cherokee Freedmen inability to participate

Dear Mr. Keep:

This firm represents Marilyn Vann, Ronald Moon, Donald Moon and Hattie Cullors. These individuals are direct descendants of individuals on the Cherokee Freedmen Dawes Rolls. Cherokee Freedmen are Cherokees of African Descent that were recognized by the Cherokee Nation and the United States as full members of the Cherokee Nation under the Treaty of 1866.

I was advised by Ms. Aurene Martin that you and Charles Babst were the legal counsel handling the issues surrounding the matter of certification of the Cherokee Nation of Oklahoma election. As you may know, I wrote a letter to Ms. Martin addressing the issue that the Cherokee Freedmen were not entitled to vote in the recent election. This action is in direct violation of the Treaty of 1866 and the interpretation of a very similar treaty with the Seminoles by Federal Judges Kotar-Kotelly and Walton in actions that we were both involved in. I have attached a copy of that letter.

Ms. Martin advised me today that the individuals that desired the recognition of the election based their position on Wheeler v. U.S. and invited us to draft our position on that issue for your review.

Please excuse the abbreviated position statement. We understand that a decision on certification may be determined at any time and an immediate statement from the Cherokee Freedmen is necessary. As we have not seen the brief of the parties seeking certification, please accept this language as an aid to your determination regarding the Wheeler case and not a full brief on the position of the Cherokee Freedmen or a response to any party's position. We reserve the right to fully brief our position in the event litigation results.

Wheeler v. U.S. et. al. 811 F. 2d. 549 (1987) holds, "that Indian Tribes have a right to self-government, and the Federal Government encourages tribes to exercise that right. Consequently, while the Department may be required by statute or tribal law to act in intertribal matters, it should act so as to avoid any unnecessary interference with a tribe's right to self government."

While we agree that the Federal government should not unnecessarily interferes with a tribe's right to self-government, upholding the Treaty of 1866 granting the Cherokee Freedmen citizenship in the Cherokee Tribe is not merely unnecessary interference. Further, upholding the Freedmen's right to vote in tribal elections is the position the BIA took in the Seminole cases. These positions were supported by two Federal Judges and are directly on point with the Cherokee situation.

Another federal law that may require the involvement of the Department in the election is the Principal Chiefs Act of 1970, which states that certain procedures must be approved by the Department regarding elections. The Cherokee Nation never submitted the procedures disenfranchising the Cherokee Freedmen right to vote for Department approval, therefore, the Department never approved the procedures. The procedures disenfranchising the vote for the Cherokee citizens of African descent are in direct violation of the Treaty of 1866 and the recent Seminole cases.

I understand that the BIA may take the position that the election for Chief may be certified and recognized but not the election on the constitutional issue. These issues cannot and should not be distinguished. The election is fatally flawed because some citizens of the Cherokee Nation were not permitted to vote, therefore, no part of the election is proper. This is not merely an inter-tribal dispute but a direct violation of Treaty rights that protect the citizenship of the Cherokee of African descent.

The BIA must uphold its trust responsibilities to the Cherokee Nation, no matter what improper position the tribe takes. Seminole Nation v. United States, 316 U.S. 286, 297, 62 S. Ct. 1049, 1055 (1942) (Payment of funds to a faithless trustee would be a "clear breach of the Government's fiduciary obligation" and would be actionable); United States v. Mitchell, 643 U.S. 206, 224-28, 103 S. Ct. 2961, 2971-73 (1983) Failure of U.S. trust obligations gives rise to cause of action against trustee.

The Bureau of Indian Affairs has a fiduciary duty to protect Cherokee citizens against the Tribal Government's treaty violation in the same way the Bureau would have the fiduciary duty to protect the citizens against any other type of illegal act the Cherokee government performed against it's citizens. If the Chief or Council of the Tribe embezzled Federal Trust Funds the Bureau would not think twice about taking action. In this case, the stripping of a citizen's right to vote for who leads the Nation or whether the constitution is altered is a theft of the most valued right a Cherokee citizen can possess. The Cherokee Nation's action has committed the highest form of impropriety it can undertake and stripped itself from being a democracy. Denial of the right to fair elections, the right to chose leaders and ratification of the treatise in which you are governed is a fundamental right all Cherokee enjoy and are of much higher value than misappropriation of funds. Yet the BIA takes pause on whether to take action.

The Cherokee Freedmen listed above respectfully request that the BIA uphold its fiduciary duty to protect their Federally protected right to citizenship in the Cherokee Nation of Oklahoma including their right to vote in elections. To uphold this right, the BIA must take the same course of action it did with the Seminole Nation and demand lawful elections that provide all citizens the right to participate.

If there is any more information I may provide you so that you can adequately examine this issue please contact me.

Sincerely,
Jon Velie

Cc: Mr. Charles Babst
BIA Field Solicitor's Office
918-669-7736

Ms. Aurene Martin
Acting Secretary of Indian Affairs
202-208-6334

UKB gaming funds to go for clothing

By Staff Reports
7/14/2007

TAHLEQUAH -- The United Keetoowah Band of Cherokee Indians will distribute clothing assistance vouchers financed with tribal gaming dividends.

Eligible applicants must meet income guidelines, including proof of enrollment on school letterhead, proof of income and a current tribal card, officials said.

Income eligibility is 150 percent of federal guidelines. Children must be exclusive members of the UKB no later than July 7, 2007, to qualify.

Children in kindergarten through eighth grade will receive \$75 vouchers for school supplies and clothing. Students in grades nine through 12 will receive \$100.

Applications will be taken and approved July 23-28 in the UKB district office.

For more information, call Bryan Shade at (918) 456-8698 or toll-free at (800) 259-0093.

Tribe can change constitution, not freedmen treaty, BIA says

By JIM MYERS World Washington Bureau
8/11/2007

WASHINGTON -- The head of the Bureau of Indian Affairs endorsed the Cherokee Nation's right to amend its constitution without federal approval, but he made it clear Friday that the action does nothing to alter the tribal membership of freedmen descendants.

"By approving this constitutional amendment, it doesn't change the freedmen's status," Carl Artman said. "The 1866 treaty between the United States and the Cherokee Nation affirms their rights.

"Until the treaty of 1866 is abrogated, the freedmen will remain members of the tribe."

Making his comments during an interview, Artman said his agency would consider taking the Cherokee Nation to court to enforce that treaty if the tribe once again moved to expel certain descendants of former slaves from its membership rolls.

"I am not sure that court action is the way to go," he said. "We would look at all of our options."

Artman's Aug. 9 letter to the tribe, which announced his approval of the constitutional change taking the federal government out of its amendment process and his comments about that decision, stressed that the tribe still must follow the law.

"In approving the amendment, it affirmed tribal sovereignty," Artman said, adding that tribal sovereignty, just like the sovereignty of the federal government or a state government, can be limited by a constitution.

"It can also be limited by treaties, and in this case, sovereignty is limited, guided by the 1866 treaty," he said.

Cherokee officials said Artman's approval ends an eight-year "struggle" to remove the federal agency from the tribe's constitutional process.

Cherokee Nation voters passed a constitutional amendment removing federal oversight on June 23.

Artman and Principal Chief Chad Smith clashed over a similar vote in 2003, forcing the chief to set another vote.

Smith said Friday that Artman's approval of the June 23 vote validates self-governance for tribes.

"We do appreciate that they (the BIA) acknowledge what our own courts have already held to be true -- that the Cherokee people are the only people with the right to decide what our constitution says," Smith said.

Meredith Frailey, the speaker of the Cherokee Nation Tribal Council, said federal approval affirms that the tribe

is capable of making fundamental government decisions.

"The BIA has told us what we already knew -- the Cherokee people do not need a federal bureaucracy micromanaging our nation," she said.

Artman's decisions on the Cherokee Nation, specifically those pertaining to freedmen descendants, are being watched closely by members of Congress.

U.S. Rep. Diane Watson, D-Calif., a member of the Congressional Black Caucus and perhaps the tribe's most vocal congressional critic, is not ready to let the matter drop.

"Assistant Secretary Artman's decision to approve the Cherokee Nation's amended constitution is the wrong message at the wrong time," she said. "It demonstrates the need for immediate and aggressive congressional oversight of this matter."

Artman said he did not see the point of holding a congressional hearing.

"Oversight of what?" he asked. "The freedmen always have been part of the Cherokee Nation, and they still are." pu, Also --- World staff writer S.E. Ruckman contributed to this story.

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California Congresswoman In Oklahoma To Help Freedmen In Their Fight

KOTV - 8/20/2007 5:55 PM - Updated 8/20/2007 8:20 PM

A group of Cherokee Indians now consider themselves freedom fighters, as they try to get back into the tribe that voted them out. They've won the backing of a member of Congress, who wants to cut off the tribes federal funding, unless they restore the rights of the Cherokee Freedmen. The News On 6's Emory Bryan reports, at stake for the tribe is the right to do what they want, but by excluding the Freedmen they've brought congress into what was a fight in the courts.

On Monday a mixed race, but single minded audience came to hear and ask questions about the idea to financially strangle the Cherokee Nation unless it restores the Cherokee Freedmen to the tribe. Vicki Baker is one of the 2,800 Freedmen who the other Cherokees voted out of the tribe.

"It's important to me about my heritage and for my children to know about their heritage," said Cherokee Freedman Vicki Barker.

U.S. Representative Diane Watson wants the Cherokees to reverse the decision limiting membership to people with a documented Cherokee ancestor. The Freedmen in question were made part of the tribe by treaty.

"The treaty between the United States and the Cherokee Nation says that all of the Freedmen will be taken in and part of the nation with full benefits and services," said California Representative Diane Watson. "Once you take a vote to deny them that you have broken the terms of the treaty."

Dozens of speakers supported Watson's effort, though several complained it didn't go far enough. Some brought documents showing their ancestors were once Cherokees, but didn't make it on the official rolls. Some wanted Congress to force the hand of all tribes with Freedmen. The most heated words came from people who wanted a fuller examination of Indian treaties.

The Cherokee Chief, Chad Smith, says the political talk is about race, while the actual issue is tribal sovereignty and the right to decide who is and is not a Cherokee.

"The way to resolve this is through the courts, and let's see what the courts decide about the 1866 treaty," said Cherokee Nation Chief Chad Smith.

Representative Watson and Chief Smith have not met face to face to talk over the issue.

The meeting Monday afternoon, and another Monday evening in Muskogee, are not official congressional hearings, and the full congress may not even consider the threat to cut off funding to the Cherokees. But Watson says she'll introduce the legislation sometime next month.

How the Cherokee Nation case may affect civil rights

TULSA — The controversial status of freedmen in the Cherokee Nation of Oklahoma was characterized as the "most significant civil rights movement of this century" at a town hall meeting headed by a member of the California congressional delegation.

Rep. Diane Watson, D-Calif., introduced a bill that would cut off federal funding — about \$300 million a year — to the Cherokee Nation unless it restores citizenship to freedmen.

In a March 3 special election, 77 percent of about 8,000 Cherokees who voted decided to strip the freedmen of citizenship.

About 150 people attended the meeting in the Rudisill Regional Library, most to support the bill introduced by Watson.

The Watson entourage included, by her request, at least three members of the U.S. Capitol police force, a congressional agency.

Two uniformed Tulsa police officers also were at the meeting.

Treaty violation?
Watson said actions resulting from the March election were in violation

of an 1866 treaty and for that reason, the United States should not be providing funds to the Cherokee Nation.

"The law says we can't use U.S. dollars to violate the law," Watson said. American money can't be used to "discriminate."

The California representative told the group the only way to resolve this issue is to "return to full status" the freedmen.

In response Chad Smith, principal chief of the Cherokee Nation, said later in a telephone interview that the proper place to settle the issue is in the courts, where there are three lawsuits pending in federal courts and one in a Cherokee tribal court.

Until those lawsuits are settled, the freedmen retain previous rights and benefits in the Cherokee Nation. Smith said if the lawsuits support the election, the Cherokee Nation will help the freedmen transfer to other health care providers and ongoing treatment will "absolutely" continue.

Passage of the bill would eliminate 6,500 jobs at Cherokee casinos and other businesses with a payroll of more than \$184 million.

Federal funds are used for health, housing and education, Smith said.

Income from tribal businesses is divided, with 70 percent going into re-investment and 30 percent to augment social programs and also to fund community projects such as roads and water systems.

Verdie Triplett of the Choctaw-Chickasaw freedmen association, said historically, the black congressional caucus has always supported tribes in getting federal money.

"Congress is the only locomotive monster they respect," Triplett said. It is not a freedman issue "but an American issue because all Americans pay taxes," he said.

David Cornsilk said the March vote was illegal and "should have never happened."

Watson was scheduled to hold a similar forum Monday night in Muskogee.

By Larry Levy
State Correspondent

The Daily Oklahoman -
NewsOK.com

Check out back issues of the Cherokee Observer goto www.cherokeeobserver.org and click on the back issue link.

Dr. Billie Masters - Talking Paper 7/20/07

When contemplating the CNO, it's creation and what has transpired since that time, it is necessary to reflect on the times of its origin.

We can not deny the need for functionality, in the origin of any entity. We can not believe any phenomena, actions or thing is independent and without function, not tribe, not family, not a table,In the spirit of this premise, we can look at the political landscape during the time of Bill Keeler and his request to the President to acknowledge the poverty, health needs and quality of life of the Cherokee. He was probably the only Cherokee who could have gotten the ear of the President, due to his position of Chairman of the Board, Phillips 66 Petroleum Company, who was a major political donor. He chose to use his position to get an executive order to form the Cherokee Nation of Oklahoma. It was the common belief that it was all that was possible at that time.

Bill Keeler had been the overseer of the Indian Work Program in the north-eastern Oklahoma area. It was much like the WPA, but only for Indians. My Dad worked in the Indian Work Program. They did a lot of the rock work, build culverts, low water bridges, schools, city and county government buildings, It was the program which provided government work during the depression and after because there was no other employment - the federal government designed the program to build up the rural nation with the man power that was not utilized any other way and to provide job for families to survive. That was when Bill Keeler first became a family friend. He and my Dad were friends for life from that time. He always came by our house when he was in the area and often sent word by friends when they had not seen each other for awhile.

A historical profile of what was going on with the Cherokee at that time will show why Bill Keeler was so concerned. Since statehood there had been no recognition of tribal rights, the federal government knew those rights continued to exist. That is why the Chief-for-a-day policy continued when it served the needs of the federal government. Yet there was no concern for the tribal rights or needs. It appeared as if there would be no change by the federal government. As a direct result of Bill Keeler's sole effort the CNO came into being. He felt there was no other way to lift the Cherokee given the situation and the political climate. No one could fault a person for doing all they could at the time.

In hindsight, I would have been grateful if he had the insight to just revive The Cherokee Nation, based on the government-to-government treaties - but he did not.

CNO is a dependent entity, no entity is independent. It is dependent upon a lot of parts working in the interest of supporting the status quo and those in control.

Ignorance allows one to believe that an entity, object or thing exists inherently, that is, on its own. This belief leads to exaggeration of all things: beauty, ugliness, power, and results in destructive emotions and actions that are cyclical and brings problems to those who are coming from a place of ignorance. (ignorance affects us all, we are all ignorant in some or other areas of life, those are the areas we know little or nothing about)

CNO is often exaggerated by others emotion and fear of loss. Reason and seeking truth removes emotional and exaggerated responses and actions.

Misperception creates mistakes and destructive emotions that are problematic to us. We must actively realize objects, entities do not exist as we imagine in and of themselves. Withdrawing from them or focusing on something else does not get to the root of the problem. If someone sees and fears a snake by the east side of the porch, you can not make the snake go away by saying look at this wonderful tree on the west side of the porch. Nor can they refuse the fear they feel from the snake. We must achieve realization of the falsity of an entity through reason. Reason and Truth eliminates ignorance.

Because nothing exists in and of itself, the impact of interrelatedness must come into play. Everything is relative, Einstein said. What does that mean here. It means that nothing exists as we imagine. Nothing exists in a concrete form. For instance, we can say an eight foot length of rope is long, until we have a twelve foot length of rope. Then the first one becomes short and is no longer long. When we have a twenty-five foot length, the twelve foot one becomes short. The conclusion is we must focus on a permanent object without attempting to define. Accept that it is. The United Cherokee Nation is permanent according to the standards of our society.

The CNO is also permanent, until another executive order by a President reverses the order. It exists just as it is: an agency of the BIA to seek grants to fulfill the government obligations as the BIA desires, not ratified by Congress. However, that has nothing to do with the existence of the United Cherokee Nation, they are as any non-profit organization, but they have gotten beyond their limits due to the fact they have not been challenged effectively. Just rumbling does not address the root of the issue.

The United Cherokee Nation is also a permanent entity by all government standards and based on the highest law of the land: treaty ratified by Congress. As a sovereign Nation the United Cherokee Nation does not fulfill BIA wishes, it is a sovereign by United States law.

It seems to me, as a Cherokee who does not need CNO to survive, that the CNO leadership at some point would have realized what Art Nave, Robin Mayes, Marvin Summerfield and David Cornsilk, and others discovered and became dedicated to the battle: those who realized that CNO was a shell of the great Cherokee Nation and knew we must restore our rightful place for the legacy to future generations.

If they did realize what was before them and they cared about the Cherokee, they would have initiated this work within the elected officials of CNO who have all the resources to accomplish this battle. It only takes the resources to get high enough in the government for the government to say YES, the United Cherokee Nation is the rightful entity of the Cherokee.

Why didn't they? We can only guess. One reason would be that (thankfully) none of them would go down in history as Cherokee Chiefs, by appointed directors of a governmental agency. Two, they had a full sand box with all the toys they could want, why lose that. None of them had ever had anything before now they had money, control (not power for it is granted by the people, control is bestowed from the top down), intimidation, and more material things than they ever realized possible. They would have been on welfare if not for CNO. Third, they felt that no one would bother to sit in the law library for months on end, studying, becoming a self-educated law student as Art did - they felt no one would ever realize and they did not anticipate that there was a core group of Cherokee who understood exactly what the documents meant. Forth they did not realize the strength of Cherokee warriors as Art, Robin, David, Marvin and all those who staked themselves to the ground in this battle: demonstrating they would not back up or give ground. They just never realized they would be challenged. At least that is what I have decided based on my involvement, observations, education and training. Someone else may have more and better explanations for the situation, but I wanted to share mine since I have been around on the fringes for soooo long.

John, challenged me to come up with a solution. That is hard. It would take winning the power-ball at least once to have equal resources to challenge in one way of doing it: the legal path. Another way is to fund a lobbyist to go to Washington DC to get to know Congress, Congressional Aides and Congressional Committee members, get a national organization for support letters to get you in the door, and after a while get an elected official in Congress to carry your position. That

person will have to be prepared to be there for possibly years, if necessary.

To get their attention in any way, you must be an elected representative of a federally recognized tribal group, have the resolutions passed by that body and not attempt to represent yourself as an individual. You must plan to hang-out wherever anyone will allow you to sleep on their couch, eat at receptions, have a lot of face-to-face time with Congressional Aides and attend so many hearing on your area that they begin to feel you belong there. Always have your information on you, be totally informed and prepared at all times, listen to others goals and help them when you can. Sleep very little and continually study, It is hard.

It will also take work at home. Not as rough of an existence as hanging out in DC, but also having a lot of face-to-face time with People, attending all gatherings, represent your group, let them know that you believe in what you are doing by your actions not only words. Assist others in achieving their goals, help whenever you can, if you can not help find someone who can. Be available, be dedicated in ways that you would want others to be if you were in need. Do not tell them the snake does not exist, it does - just let them know they need not go off the east end of the porch until the goes away and it can not hurt them, they have other ways out - because there is so much that is good on the west side.

Boren gets an agreement to keep Cherokee Nation funded

By Donna Hales
Phoenix Staff Writer

U.S. Rep. Dan Boren, D-Okla., said he worked out an agreement this week on the National Affordable Housing Trust Fund Act to prevent attempts to remove funding from the Cherokees.

That agreement is to stand at least until September, Boren told the Phoenix in a phone interview.

"I'm trying to convey to the committee that I don't want funding cut off to one of the largest employers in my district," Boren said. "I'm not weighing in on the merits of the issue."

Boren said proponents of removing tribal funding agreed with him the tribal court system should be allowed to complete its review of the Cherokee Freedmen issue before Congressional action is taken against the Cherokees.

"At this point, measures to withhold funding from the entire tribe will also eliminate opportunities and assistance to the Freedmen they seek to help," Boren said.

Boren said he reminded the committee that a court-ordered stay has reinstated full tribal benefits and rights to the Cherokee Freedmen. If H.R. 2805 were amended to exclude the Cherokee Nation of Oklahoma, the Cherokee Freedmen would lose the benefits as well, Boren said.

Proponents of eliminating the tribe's federal recognition and funding have made several recent attempts in committee hearings to amend legislation to exclude funding to the Cherokee Nation of Oklahoma, he said.

The National Affordable Housing Trust Fund Act provides for the construction, rehabilitation and preservation of decent, safe and affordable housing for low-income families, Boren said. According to a formula established under the Act, tribes, states and local jurisdictions receive allocations from the fund each fiscal year.

"Programs like these increase home ownership to an underserved population and are crucial to thousands of citizens in eastern Oklahoma," Boren said. "With the 10th poorest congressional district in the nation, I am committed to making sure my constituency receives these important opportunities for economic stability."

The program is a housing program,

Finance Bill not on hold - Vote to be taken in September

According to reliable sources in Washington D.C. the finance committee bill is not on hold but is expected to be taken to the full house to vote on in September 2007. That was when they had always planned to have the vote on this bill, anyway.

There was NO revote by the committee this week to take the Cherokee removal of funding amendment out of the bill. Rather, if the Cherokee Freedmen situation has been favorably resolved in accordance with the treaty to the satisfaction of various Congressional members, prior to the September vote on the bill by the full house, the amendment which will impact the CNO funding will be removed by a vote of the committee.

If the Cherokee Freedmen have not had their legal treaty rights restored including full citizenship rights, the bill will go forward as voted on this week by the committee including the amendment. The sources also said that similar amendments which will not allow the Cherokee nation of Oklahoma to receive funding for various programs and projects will be attached to other funding bills by Congressional members if the CNO does not resolve this issue so that the Freedmen receive equity under the treaty of 1866. [mjs]

but it is also legislation trying to allow tribes to expand on economic development, Boren said.

Boren said the amendment cutting out the Cherokee funding had passed by a voice vote. Boren said he voted on the initial bill because it impacted a lot of other tribes in the congressional district, but he did not vote for the amendment.

"The bill is put on hold until the Cherokee Nation issue works itself out," Boren said.

The same group that offered the amendment to keep funding from the Cherokees are basically offering amendments to every bill in an effort to cut funding for the Cherokee Nation.

The tribal court has said it is going to look into the matter (Freedmen) and rule on it, Boren said.

"In less than a year, we're going to know," Boren said. "If the court rules the Freedmen can be reinstated - it also can rule the Freedmen were illegally kicked out." Reach Donna Hales at 918-684-2923

Dan Boren duped the Muskogee Phoenix and the Tahlequah Daily Press

But not the Cherokee Observer...we received information from a highly reliable source who informed us that Dan Boren wasn't telling the truth about his so-called agreement with the finance committee in Washington D.C. Yesterday, Congressman Watt verified what our source had told us...we will be doing a follow up on this breaking story..hopefully, the other two local papers will be doing the same..Dan Boren's credibility has hit rock bottom with us. I bet our good friend Donna Hales will be on guard from now on, too.
Marvin Summerfield
Cherokee Observer

Become a cwyReporter for the Cherokee Observer.

"If you know of any cherokees being done wrong or see something out of the ordinary or see CNO elected officials doing something they shouldn't be doing, then send in your story, photo's or video."

The Effects of Revitalization Movements

Journal of Cherokee Studies 1988
(HISTORY REPEATS ITSELF IN 2007)

At the other extreme from the mixed blood contributions to Cherokee acculturation were those of the full bloods. It is a mistake to assume the full bloods, among the Cherokees or any other tribe, were uniformly conservatives, opposed totally to acculturation, seeking always to sustain or return to the old ways. One of the earliest and most active supporters of acculturation among the Cherokees was a full blood chief named Doublehead. All of the full bloods acquiesced in some aspects of the civilization program, especially those which enabled them to support their families by farming as the fur trade dwindled away.

Perhaps the most important contributions of the full bloods to the success of Cherokee acculturation was the brake they provided against the unbridled rush of many mixed bloods and intermarried whites to completely remodel Cherokee culture. The lower house of the Cherokee council could, and did, refuse to concur in measures pushed by the more rabid supporters of acculturation, thereby, saving the Nation from the kind of polarization which wracked other tribes. A functional and healthy tension between those eager for change and those reluctant to abandon traditions was extremely important in sustaining tribal unity during the difficult years of transformation.

Eventually that tension was incorporated into the Nation's evolving political structure. Majority votes in each district selected members of the legislature every two years. Deference to the useful talents of mixed bloods led to their domination in the upper house but full bloods retained control of the lower. This balance was further preserved by a tradition after 1789 which prescribed two principal chiefs of the Nation, one a full blood and one a mixed blood. The Cherokees did not need the example entrusting power to the mixed blood leaders, they never yielded all power to them as other southeastern tribes did. The highest Cherokee ideal had always been harmony and they worked hard to maintain it.

On the three occasions when harmony broke down, the Cherokees almost lost control of their destiny. The first occurred between 1805 and 1808 when the chiefs of the Lower Towns, placing their region above that of the national good, tried to exchange their part of the homeland for an equal part in the West. That failed when a nationalistic group in both regions agreed to depose those chiefs and sustain unity. The reunion of the Upper and Lower towns was the first major step toward political remodeling and led to the first major national

Delaware Elders take stand

By Special to the E-E

The Delaware Elder Committee recently passed a resolution that repudiated the proposed draft legislation and Memorandum of Understanding, which the Tribal Council of the Delaware Tribe of Indians and the Cherokee Nation of Oklahoma have presented to the United States Congress for the federal recognition of the Delaware Tribe of Indians.

Rusty Creed Brown, government specialist, moderated the meeting.

This resolution, signed by Bonnie Thaxton, Elder chairman, and Susan Cade, secretary, will be mailed to the U.S. Congressmen and representatives on all committees that will handle the proposal and to the Oklahoma delegation in particular. Thaxton and Cade planned to hand carry the resolution to Sen. Coburn when he was in Bartlesville.

A committee for distribution and further exposure of the Delaware Elders Committee plans has been formed. In addition to Thaxton and Cade, Don Wilson and Dee Ketchum are on the committee.

The Elder Committee of the Delaware Tribe fully supports a true and proper restoration of the Delaware Tribe's federal recognition, restoring the Tribe to its rightful place among other sovereign Indian nations. The Delaware

legislation. The second two occasions, in 1811-1812 and 1827, were described by James Mooney as Ghost dance movements in which full bloods traditionalists rebelled against acculturation and demanded a total return to the ways of their forefathers. Colonel Meigs and the Moravian missionaries who lived through the first of these felt the same way, and so did the missionaries in the Nation in 1827. Yet, in both cases the confrontation were peacefully resolved, and recent studies have tended to identify them as revitalization movements and not Ghost Dance movements. Ghost Dance Movements are symptoms of frustration, anger, and despair, revitalization movements are constructive assertions of traditionalist needs. Only a few extremists among the Cherokee conservatives had visions calling for total rejection of the white man's ways and predicting that the Great Spirit would destroy the whites. The vast majority of those in both movements (and they were not all full bloods who protested) simply sought a better balance between the best of the old and the best of the new.

In 1811-1812 the crisis was resolved when the Nation agreed to remain officially neutral in the impending war in the Mississippi Valley, thus thwarting those who might have wanted to join Tecumseh's effort to push the white man back east of the Appalachians. Those who wanted to side with the United States and fight the Creeks and Shawnees were allowed to volunteer to join Andrew Jackson's army. Significantly, many full bloods and conservatives joined the 600 volunteers, partly out of a sense of loyalty to their treaty obligations and partly out of the desire to enjoy once again the thrill of warfare (forbidden under treaty obligations without War Department approval.

In 1827 White Path and his rebels voluntarily abandoned their illegal council and agreed to adjust their grievances in the duly elected council. Both sides agreed to compromise because federal negotiators were on the way to obtain land cessions and it was important that the Nation speak with one voice against this. Concessions were made to White Path's conservatives by imposing checks on missionary schools, planning to institute secular public schools run by the nation, and agreeing not to enforce some of the new laws designed to impress Christian whites (e.g., laws against polygamy and laws favoring Sabbath observances and a Christian oath for all office holders.)

From all three instances of factionalism, the Cherokees emerged stronger, more united, more determined to retain their ideal of harmony for the nation's welfare.

and Cherokee leaders drafted a Memorandum of Understanding to accompany the proposed legislation. However, neither the elders nor the Delaware people were consulted or allowed to vote on the language in either drafted legislation or MOU.

The proposed drafted legislation and MOU does not restore a true government-to-government relationship between the United State of the Delaware Tribe as it once had. The MOU gives the Cherokee Nation control over most all federal funds the Delaware Tribe would rightfully receive and is paternalistic in its very nature by continuing to allow the Cherokee to govern the actions of the Delaware - two very distinctive tribes.

The Delaware Elders seek to have the currently drafted proposals completely withdrawn, and new drafts written reflecting a true government-to-government relationship with the United States, and have complete separation from the Cherokee Nation.

Anyone interested in helping the Delaware Elders Committee or contributing help in distributing information to Washington D.C., may contact a member of the committee.

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PRINCIPAL CHIEF



Stacy Leeds
11177 Hwy 10
Tahlequah, OK 74464
5675 (41.39%)



Chad 'Cornassel' Smith (I)
22958 S, 494 Rd.
Tahlequah, OK 74464
8035 (58.62%)

DEPUTY CHIEF



Raymond Vann
21828 N. Ben George Rd.
Tahlequah, OK 74464
5275 (38.90%)



Joe Grayson Jr (I)
530 Summit Ave
Tahlequah, OK 74464
8286 (61.10%)

(I)Incumbent
ELECTED
Disqualified
(1 or 2) Seat #
RO= Run-Off
(S)late

**RUN-OFF ON
JULY 28, 2007**

Many have questioned the 4 1/2 hours it took to post the incoming results from precincts on Election night. Many still say, these numbers just don't look right or add up. **What do you think?**

DISTRICT 1

Bill John Baker (I)(1)
406 E. Arden
Tahlequah, OK 74464
1594 (63.53%)

Barbara Dawes Martens.(1)(S)
22092 West 877 Rd
Cookson, OK 74427
915 (36.47%)

Tina Glory Jordan (2)
12272 W. 770 Road
Hulbert, OK 74441
1091 (43.71%)
RO = 993 (63.1%)

Audra Smoke Conner (I)(2)
8509 Hwy 82
Hulbert, OK 74441
584 (23.40%)
RO= 581 (36.9%)

Amon A. Baker (2)(S)
312 W. Clay St.
Tahlequah, OK 74464
456 (18.27%)

David Walkingstick (2)
21969 S, 482 Rd.
Tahlequah, OK 74464
365 (14.62%)

DISTRICT 2

S. Joe Crittenden (I)(1)
PO Box 1542
Stilwell, OK 74960-0542
908 (56.68%)

Rita Bunch (1)(S)
Rt 3 Box 2510
Stilwell, OK 74960
694 (43.32%)

Bob G. Leach (2)
RR 4 Box 615
Stilwell, OK 74960
286 (17.47%)

Ronnie Joe Hale (2)
Rt 4 Box 631
Stilwell, OK 74960
34 (2.08%)

Jack L. Christie (2)
Rt 2 Box 625
Stilwell, OK 74960
281 (17.17%)

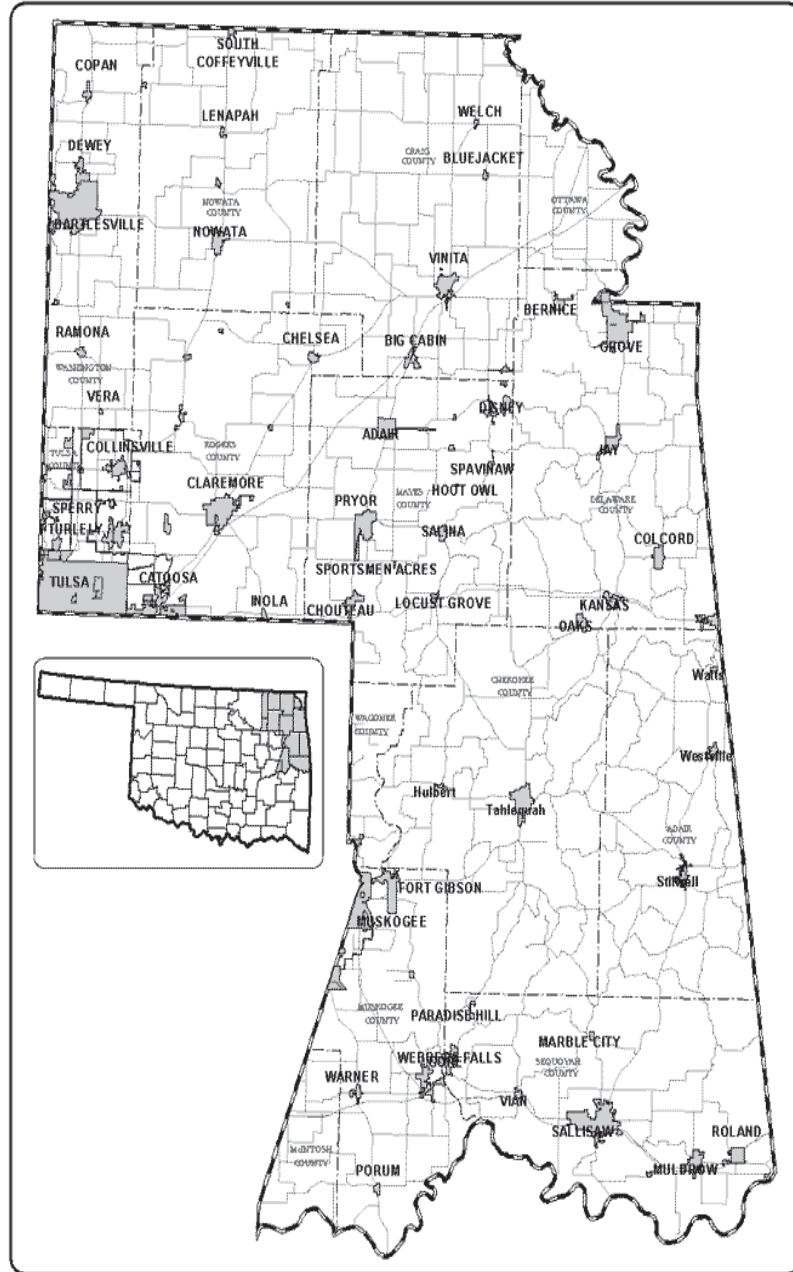
Jackie Bob Martin (I)(2)(S)
Rt 6 Box 436
Stilwell, OK 74960
539 (32.93%)
RO= 503 (35.9%)

Jodie Fishinghawk (2)
309 W. Locust St.
Stilwell, OK 74960
497 (30.36%)
RO= 899 (64.1%)

Cherokee Nation of Oklahoma

**General Election
on June 23, 2007**

Run-Off July 28, 2007



AT LARGE

Taylor Keen (I)(1)
1628 S. Trenton Ave.
Tulsa, OK 74120
718 (26.72%)

Julia Coates (1)(S)
PO Box 1202
Woodland, CA 95776
1969 (73.28%)

AT LARGE

Sean R. Nordwall (2)
8256 E. Holly St.
Scottsdale, AZ 85257
690 (25.78%)

Jack O. Baker (I)(2)(S)
1102 Marlboro Lane
Oklahoma City, OK 73116
1986 (74.22%)

RESOLUTION NO. 55-07

NO, Federal approval should be required	3955	33.23%
YES, to affirm the removal of the Federal approval	7946	66.77%

Less than 0.05% of all tribal members (270,000)voted in the 2007 Cherokee election. Which is a paltry amount of voters that run our Nation..the election commission needs to do a better job of informing and signing up eligible voters for our elections..this is not a mandate..this is a joke. We are suppose to live in a democratic society..but, when voters are disenfranchised in the United States something is very wrong.

When we requested on how many Freedmen voted & how many by absentee from the Cherokee Nation of Oklahoma. We were referred to their Attorney, instead of giving us the number's related to the Freedmen that were allowed to vote. Well I guess they were allowed to vote on this amendment to the constitution again like they were in the General Election in 2003. In 2003 the Freedmen were denied the right to vote at all! **What do you think? This should really be looked into, just don't smell right.**

DISTRICT 3

David W. Thornton Sr (I)(1)
PO Box 387
Vian, OK 74962
624 (50.34%)

Sam Ed Bush, Jr (1)(S)
PO Box 276
Marble City, OK 74945- 0276
615 (49.64%)

Janelle Fullbright (2)(S)
Rt 1 Box 104
Sallisaw, OK 74955
737 (57.58%)

Phyllis A. Yargee (I)(2)
Rt I Box 284
Gore, CK 74435
543 (42.42%)

DISTRICT 4

Don Garyin (I)(1)(S)
1112 Sky View Orive
Muskogee, OK 74403
745 (68.66%)

Mickey Ikert (1)
PO Box 2012
Fort Gibson, OK 74434
340 (31.34%)

DISTRICT 5

Melvina Shotpouch (I)(1)
PO Box 1380
Jay, OK 74346
456 (39.24%)

Harley Buzzard (1)(S)
8385 County Road 396
Eucha, OK 74342
618 (53.18%)

Susan Lamb Reed (1)
PO Box 668
Kansas, OK 74347
88 (7.57%)

Linda Hughes OLeary (I)(2)
PO Box 7
Jay, OK 74346
355 (33.59%)

Curtis G. Snell (2)(S)
55569 S, 550 Rd.
Rose, OK 74364
702 (66.41%)

DISTRICT 6

Jerry O. Troglin (1)
2218 E Hwy 412
Locust Grove, OK 74352
62 (8.66%)

Sue Fine (1)
PO Box 1585
Locust Grove, OK 74352
250 (34.92%)

Chris Soap (1)(S)
1120 SE 14th St.
Pryor, OK 74361
404 (56.42%)

Gary R. Keener (2)
PO Box 301
Rose, OK 74364
0 (0 %)

Meredith Frailey (I)(2)(S)
PO Box 699
Locust Grove, OK 74352
uncontested (100%)

DISTRICT 7

Thelda Rucker Boen (1)
21306 S. 4170 Rd.
Claremore, OK 74019
237 (24.79%)

Cara Cowan Watts (I)(1)(S)
PO Box 2922
Claremore, OK 74018
719 (75.21%)

DISTRICT 8

Roy Eugene Herman (1)
331 W. Blair St.
Sperry, OK 74073
259 (25.17%)

Buel Anglen (I)(1)(S)
1831 S. Broadway
Skiatook, OK 74070
770 (74.83%)

Bradley Cobb (2)(S)
PO Box 3351
Bartlesville, OK 74006
696 (68.30%)

Stephen O. Earley (2)
425 N.E. Spruce
Bartlesville, OK 74006
323 (68.30%)

DISTRICT 9

Rodney Lay (1)(S)
Rt 2 Box 329
Nowata, OK 74048
228 (30.77%)

Chuck Hoskin Jr (1)
218 S. 4th Street
Vinita, OK 74301 3806
513 (69.23%)

Over A year ago on June 7, 2006

Response to Konw any of the people who filed with the SEC???

Jim Majewski, CEO of Cherokee Nation Industries, was placed on paid administrative leave June 7, pending an investigation of alleged investment improprieties.

The decision for the action was made by the Cherokee Nation Industries Board of Directors and the Board of Managers of Cherokee Nation Distributors LLC, which is owned by CNI.

Majewski is being accused of altering information and concealing details about a financially unstable company for which he convinced the

tribal enterprise into making a substantial investment.

The CEO, who persuaded CNI Board of Directors to purchase stock in Global Energy Group, is under fire following a financial review of the investment by the tribal council's CPA and executive director of financial oversight, Doug Evans. Upon the request of Evans' superiors, Councilors Linda Hughes-O'Leary and Bill John Baker, chairman and co-chairman of the Executive Finance Committee for the tribe, a report has been prepared and delivered to the Securities and Exchange Commission for further scrutiny.

According to a letter from CNI Board Chairman David Ballew to Majewski, during the leave period, Majewski may not:

- Come onto company property or premises.
- Utilize company e-mail systems or Web sites.
- Contact company employees, customers or vendors.
- Use company credit cards or charge expenses.
- Take any actions befitting a company representative.

"You are also directed not to take such actions with regard to any of the company's subsidiaries, partnerships or affiliates, including Cherokee Medical Services LLC," the letter states.

A memo from Ballew to CNI board members indicated Majewski was informed of his leave by Ballew; Jim Carrington, Business Advisory Team member; and Jim Frasier of Cherokee Nation Marshal Service.

"The only reason for Mr. Frasier's presence is that he needs to be the one that takes possession of any personal items such as computers, phones, etc.," states the memo. "Unless advised by legal counsel to do so, we will allow Jim to take his vehicle home."

Ballew said Brian Collins will be the acting CFO, pending the outcome of the investigation. Collins gave the monthly report for CNI during the tribal council meeting Monday evening, and did not indicate Majewski had been placed on leave.

The memo also indicated some quality issues had arisen in manufacturing with "two of the biggest government contracts." Government inspectors were on-site Thursday and Friday to inspect plans. Ballew said he had visited with people dealing with the contracts about holding off on Majewski's leave until after the inspectors left.

"The decision from the CNI administration was that if we waited and did it after they came it would look like we did that on purpose, and it would probably be better to make this change at this point," the memo states.

Majewski was required to turn over all company property, including laptop computers, company cell phone, credit cards, office keys and access cards.

"Your failure to follow these directions will constitute grounds for disciplinary action, including grounds for termination from employment," the letter states.

A formal statement from Ballew, issued this morning, reads: "Jim Majewski has been placed on administrative leave in order to facilitate the review of specific items at CNI and CND. This is a decision that was made by the board of directors and managers on Friday June, 2 preceding any information being release[d] in any newspapers."

continued on page 1

Chief's offer to Freedmen raises concern

and an amendment that had removed federal oversight. The judge in the case ruled earlier this year that the Cherokee Nation's sovereign immunity had been waived by the Treaty of 1866 and the 13th Amendment to the U.S. Constitution forbidding slavery and badges of slavery.

Freedmen plaintiffs, including Marilyn Vann, president of the Descendants of Freedmen Association and Chief of the Cherokee Freedmen Band, attempted to halt the Cherokee Nation elections on March 3 and June 23 by filing motions in federal court. The judge in the case refused to halt either election, but informed the tribe that he would be watching the results carefully.

Even though Chad Smith and Velie had agreed to keep the negotiations secret, Smith is alleged to have immediately contacted the Chief of the Creeks and said, "I duped them into believing they could have all these things and got them to delay the filing of that Watson Bill."

Just hours after the meeting the news of the offers allegedly made by the Smith were circulating across the Cherokee Nation and throughout

Indian country. Our source in Washington stated that during the negotiation, Watson said she would delay filing her bill for no more than seven days, which meant it would be filed just two days prior to the June 23rd election. Watson allegedly stormed out of the meeting calling Smith's offers to the Freedmen "ridiculous." However, she was true to her word and waited seven days to file her bill.

At press time the Watson Bill had been moved to the House Resources committee and had 12 sponsors including powerful Massachusetts Representative Barney Frank. Oklahoma House reps have vowed to oppose the bill.

Smith's alleged offers to the Freedmen plaintiffs have since been withdrawn. Smith claims there never were offers made to the Freedmen and the negotiations broke down very early in the week.



**8(a) Sources
SUMMERFIELD, INC.**

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Tamara R. Summerfield

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Industry: NAICS 237110

Water and Sewer Line and Related Structures Construction

SBA certified this company as of 9/20/2005 .

The company's graduation date for the 8(a) program is 9/20/2014 . SBA case

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