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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 23<sup>rd</sup> 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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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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**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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*Why has Chief Smith's Administration expended over \$1 million dollars to remove 2,867 tribal members?*

**Freedmen to be removed - 2,859**  
**Intermarried Whites to be removed - 8**  
**TOTAL 2,867.... WHY Now?**

## 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."



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