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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.

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

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1 mile fun Walk/Run following the race.

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

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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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