

Cherokee Nation Uses Weapons of Mass Distraction

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count, the tribe probably can't even make them pay it back. How much of your money would you leave with a bank if this was the most extreme punishment to discourage embezzlement? Now you see a pretty good picture of where we are in the Cherokee Nation concerning the punishment of crimes over tribal dollars. Added to this is the fact that the federal agencies are not interested in the losses of tribal money. **The FBI is only concerned with federal dollars and will not come inside of a tribe to investigate a crime to investigate the theft of tribal dollars.** Efforts by Council to correct the situation have been attempted but few have been succeeded this term because of the Chief's rubber stamp political slate with the majority of eight votes on the Council. Last month an Act was proposed by Linda O'Leary that would raise the punishment, allowed to be decided by a judge on crimes such as stealing, embezzlement and fraud, to the level of a political banishment from the tribe. **Any person found guilty of being involved in such a crime, even as an accessory to a crime could be removed from office and ineligible to hold political office or in any way employed by the tribe again.**

The Act was approved in March by full Council but was then vetoed by Chief Smith. The Act is up for an override in the May meeting. A full Council Chamber of Cherokees is the best way to show obvious support, for having better laws in place to protect our money and get the vote to override. It takes ten votes to override. **Within Smith's brief reasons for his veto of that law he posed the question, if stealing is a crime according to Cherokee law?**

The old saying that uch sense when one realizes that theoretically we are each a stockholder in a \$750 million a year operation.

Consider for a moment having all that you own and all that you have invested in the stock of a small yet lucrative business where the corporate structure makes it possible for the President of the company to make all decisions concerning your investment without any input from you or any consequences for bad decisions, simply by him having control over a dozen or so employees, yes men, placed in key positions within the company. Ponder this seriously for all could be lost. What person with good sense would not demand to be kept informed on a daily basis the conditions of his investment? Is being uninformed really where Resident Cherokees choose to be or is it a struggle for Cherokees to stay informed because it has been structured so for a reason?

Although gaming money has exalted the tribe into riches as we have never imagined, the quality of life, of most Cherokees, has not been substantially enhanced because of the tribe over the past decade. However by reading the tribal newspaper one would imagine that everything is quite well in the homeland.

Tribal public relations are working hard to perfect weapons of mass dis-

traction to maintain control over the perception of people, especially non-resident citizens. For in 2007 readers of the tribal newspaper will vote according to their beliefs. We within the homeland know too well how absentee citizens tend to vote.

There is seemingly no limit what this administration will attempt just to insure their tight grip on the reins of our operation so that netting a huge discretionary cash flow, of non-federal money, can continue without question.

The Observer discovered last month that **Cherokee Nation Businesses (CNB) made an offer to purchase the Muskogee Phoenix for \$23 million.** Council only learned of the offer after the bid was submitted. A reliable financial source within the tribe estimated that it would take **CNO at least 11 years to repay that investment** if nothing changed in the profitability of that newspaper. However governments will never operate for profit businesses as efficiently as the private sector. Had that deal gone through we wouldn't have known for years that it would fail and it would likely have been the most costly lesson yet of the Cherokee peoples' money.

This scenario should exemplify the lack of oversight within this malformed structure of government and that there is no limit of what will be attempted to develop greater weapons of mass distraction. An administration that will pledge such an amount of our money, for a marginally profitable business venture, simply to control a major portion of the media just eight months before the next election begins is capable of doing anything to insure they win the next election.

Last month a group of Cherokee citizens stopped the expenditure of \$1,250,000 to be spent on a TV media campaign to tell the world how good a job CNO has been serving the Cherokee people and for political contributions. A petition was circulated for signatures and 526 Cherokees stepped up to sign the petition and stop this waste until the people can vote on it.

However the Observer discovered that the Administration has, since the petition was returned for verification of signatures, began filming the TV spots allegedly using the same company used for Smith campaign videos. A check has been cut by the administration for the full amount of \$750,000 to get any further actions out of the oversight of the Council. According to the 1975 Constitution the portion stated within the petition was stayed until further notice by the court. A suit must now be filed by the petitioners to stop the administration from running away with the money.

Last issue the Observer reported that a Cherokee Nation (CN) security guard discovered an exterior door unlocked with approximately 30 bags of cash scattered on the floor of an office in a CN Enterprises building 4 miles west of Tahlequah just after midnight one Friday night during November. There is no reason for cash to have even been in that building. We have armored cars and guards picking up and delivering cash

to the casinos. The security guard called in to dispatch, made the report, turned out the lights, locked the building and left a possible crime scene. **Sixteen hours later the CN Marshal Service finally arrived and reported finding only a baggie with a deposit slip on the floor.**

What happened to the money? Your guess is as good as ours, because there has been no further investigation to our knowledge. Sources told us the story is that the initial security guard made a mistake in what she saw and the bags were filled with deposit slips. Our question is, what person can not distinguish cash from slips of paper and would someone make sure this guard is not allowed to carry a weapon? How can the evidence in a possible crime scene be left unattended and a report change so radically without an extensive follow-up investigation and conclusion? This is a good example of the lack of oversight throughout CNO at the moment. If citizens become informed they will be appalled. It will become abundantly clear that Cherokee people must organize NOW to take hold of the reins of this government before it is too late. **The leadership recently attempted to create a legal loophole whereby they would be untouchable and able to be absolutely above the law.**

In the April Rules Committee **Jackie Bob Martin**, of Adair County, one of the Chief's slate Councilors proposed a constitutional amendment that would give elected officials immunity from lawsuits any Cherokee citizen might file against them. Unless eight Council members approved, no one including a Councilor, would be able to file suit against anyone in the government. Martin's carefully disguised proposal would have dissolved the oversight of Council as a check and balance on the administration and would have begun the dismantling of the Judicial Branch, the proper branch to rule in any lawsuit with concern to sovereign immunity. We would have had an instant Kingdom.

If the proposal had passed any Chief who politically controlled eight Council votes, as it is now, would be untouchable by anyone in the tribe. This kind of strategic power play and underhanded tactic cannot be ignored. **We are so dangerously close to a total dictatorial government that if the citizens choose to remain docile, it is very possible for a handful of self serving leaders to, without recourse, sell out our sovereignty for a fortune and leave the Cherokee people but an empty shell.**

The tactics in the April meeting got even more radical. **Martin also proposed an amendment to the Constitution in an attempt to vote the Cherokee Freedmen out of the tribe only two months after the JAT ruled that according to the Treaty of 1866 Freedmen had been legal Cherokee citizens for 140 years** and must be allowed to vote in all Cherokee elections. That one ruling puts into question the entire 2003 Election. The administration is presenting this situation as if the Freedmen just became citizens to distract away from real issues like the last

election was orchestrated by fraud and should be cast out.

Martin took his attack on this minority group of Cherokee citizens a step farther to propose a Special Election in an attempt to get the Freedmen out of the tribe prior to the 2007 Election for further distraction and because Freedmen will surly vote against Smith and his slate. For a Councilman who swore an oath of office to represent all Cherokee people and provide for our culture and heritage to make such a radical attempt to disenfranchise a block of Cherokee citizens is an abomination of our Constitution.

History always repeats itself if we do not learn the lessons. **Few Cherokee Elders in the boundaries can forget the stories of the ruthless tactics of Ross O. Swimmer**, who as Chief manipulated Council to unconstitutionally modify CNO registration procedures to prevent the Cherokee Freedmen from voting in the 1983 Election because he discovered Freedmen were going to support Perry Wheeler for Chief.

Today Smith and his slate Councilors are attempting to banish Freedmen for the identical political reason that motivated Swimmer in 1983. It is a safe bet that not one Cherokee Freedmen will cast a vote toward re-electing any such racist as Smith for their leader in 2007 and rightfully so.

Cherokee citizens must grasp and understand that Cherokee Freedmen are citizens by the Treaty of 1866 between the Cherokee Nation and the United States of America. They traveled and died along side our ancestors on the

If the Supreme Court of America should rule that a treaty assuring citizenship can be abolished by a simple vote of the people then one day Congress will place on the ballot the question that all tribal members to decide once and for all if they will be Indian or be Americans and be subjects of the jurisdiction of the respective government. There are not enough Indians to vote a similar question down and it is doubtful to be constitutional. But when you consider giving up all rights provided under the US and State Constitutions for whatever rights that might be provided within the Cherokee Constitution would see a majority of members relinquish overnight.

Another fact that is important to understand is that the exact same situation occurred in the Seminole tribe. The attempt was made to shut Freedmen out as citizens and the federal government completely shut off all federal program dollars for years. Smith is absolutely willing to risk tribal services to get rid of a block of voters against him. Freedmen are fighting for their very survival as rightful Cherokee citizens. All Cherokees must wake up and smell the smoke. **Chad Smith's treatment of the Freedmen is an example of what he is capable of doing to any Cherokee citizen. He is without a doubt willing to put this tribe into a Civil War just to assure his re-election because the Freedmen will help beat him.** This Act was tabled in full council for sixty days until Councilors could

hold community meetings and discuss concerns with constituents.

When the Rules Committee meeting reconvened on May 15, Martin had the majority votes to pull it off of the table and cut short any time for Councilors to take this issue into the communities and meet with constituents. It is now set for the full Council on June 12 at 6:00 PM.

Martin then proposed, in the April meeting, a Constitutional amendment to allow any tribal member who is not Cherokee by blood to serve as Chief, Deputy or Councilor. Just after attempting to remove Freedmen because they have no Cherokee blood Martin suggests that any non-blood member should be able to be Chief of the Cherokees. So what's the deal? First, these amendments were very likely written by the Chief's General Council. The latter proposal was a blatant attempt to undermine a lawsuit set for **June 8 before the JAT, (we urge all citizens to attend).** Buel Anglen, a Chief slate member representing the Tulsa Area, is currently being sued for not being Cherokee by blood, according to the 1975 Constitution and being illegally seated on the Council.

Anglen has been but a rubber stamp vote for the Chief and is under investigation for numerous improprieties since his initial appointment last term. More will be revealed in the near future. **The current administration seems willing to go to any length using brutal control over a rubber stamp Council majority of eight, to insure they can indulge themselves forever in the wealth of the Cherokee Nation.**

In conclusion, I ask you to ponder a few questions. Since the entire operation of the CNO principally exists to provide better services for the Resident Cherokees and assure you a better quality of life, do you as a shareholder feel you have received your theoretical portion of dividends over the past six years, estimated at \$40,000? What are you willing to do to insure services increase and become better? Need a hint? Attend Council meetings, read everything you can to get a clear picture of the truth and call the Council members in your District to tell them your opinion. They work for you and you need to remind them of this often. Their phones are listed in every issue. Finally, will you support or reject the banishment of a sector of Cherokee citizens who are sure to vote for a positive change in the leadership of this tribe? The Freedmen may be the only hope that we have to eradicate, in the next election, the massive corruption that is exploding within our government. Subscribe to the Observer and support the cause. Then pass it on to a friend when you're done. My apologies for the length this month but there is much more to come.

Next month I'll discuss, ?

"Parties are... censors of the conduct of each other, and useful watchmen for the public. Men by their constitutions are naturally divided into two parties:

1. Those who fear and distrust the people, and wish to draw all powers from them into the hands of the higher classes.
2. Those who identify themselves with the people, have confidence in them, cherish and consider them as the most honest and safe, although not the most wise, depository of the public interests. In every country these two parties exist, and in every one where they are free to think, speak, and write, they will declare themselves.

Call them, therefore,... Whigs and Tories, Republicans and Federalists, Aristocrats and Democrats, or by whatever name you please, they are the same parties still, and pursue the same object."

-- **Thomas Jefferson** (1743-1826), US Founding Father, drafted the Declaration of Independence, 3rd US President

Ex-tribal justice warns of elimination of rights

Councilor Linda O'Leary read a legal opinion on the affect of Martin's proposed constitutional amendment issued by Oklahoma City attorney Dwight Birdwell. He is a former chief justice of the tribe's highest court, the Judicial Appeals Tribunal.

"In my opinion, there is absolutely no need for this amendment," Birdwell wrote. "Sovereign immunity already exists and is in place, as a matter of law, to protect the Cherokee Nation."

Birdwell wrote that Martin's proposal, "disguised as a means to preserve sovereign immunity, is an imposter which would eliminate individual Cherokee rights. It is nothing more than a clever, but evil, device to strip the Cherokee people of their constitutionally guaranteed right to seek relief for wrongs inflicted upon them by government officials acting outside the bounds of Cherokee laws. It would shut down the Cherokee court system and leave only two branches of government.

"The three-branch system of Cherokee government has functioned well for decades. There is no need to change it to a situation where individual Cherokee liberties and God-given rights are not protected."

Birdwell wrote that he would urge all council members "who are truly for the people to reject this proposal."

Councilor Cara Cowan, who was stumping for the proposal, countered there was "so much asserted in that opinion."

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Attention Class Of 1967 Sequoyah Alumni

You are invited to participate in the planning of our Reunion for 2007. Please bring pictures or year books. Hope to see you.



At Our Next Class Planning meeting to be held at, Place: Ryan's Family Steak House 8110 E. 74th Place Tulsa, Oklahoma Phone: (918) 250-5502

Date: June 4, 2006 (Sunday) Time: 3:00pm.

For more information Contact "Jack" @ (918) 227-1508 - Franklin @ (580) 363-6617 If unable to attend, other meetings will be held please call and let the contact person know a more convenient Time & Date.

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