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Serving the Cherokee People Since 1992

Muskogee Councilor Opens the Door by Reversing Law Politicians Will Now Vote on Their Own Pay Increase

In the November Regular Cherokee Council Meeting, Councilors abolished existing legislation, enacted only 4 years earlier, to approve legislation which changed the period for adjusting elected official's salaries to the six months right after the General Election.

The new legislation places Councilors in the same conflicted situation they found themselves in 1999, which was why the previous legislation was enacted to assure they are not voting on salary increases where they will personally benefit.

Don Garvin, from Three Rivers District - Muskogee, introduced legislation which designates the six months right after the General Election as the new window period for increases to political salaries.

Garvin's legislation essentially reversed law enacted in 2003, where Council mandated political salary modifications would occur prior to the General Election so that all candidates are notified and further to provide that no future Council would ever be voting on a raise for themselves.

Theoretically, Councilors voting on their own salary increase would be conflicted to cast a vote on such a measure because each would financially benefit by such a decision.

Stephanie Wickliff, Councilor for Mayes County, sponsored the former legislation stating it was proposed, "in a spirit of fairness to all" and "to prevent any future Council from getting into a similar conflicted situation as the 1999 Council had experienced."

She said in her presentation of the Act, "It is my sincere hope that no future Council will ever have to endure such criticism as many of us have experienced since we approved the long overdue increase to the Council's pay."

Within months after the 1999 election Councilors voted to virtually double their salaries to approximately \$35,000 plus benefits.

Their action prompted Carl Guthrie, a tribal member from Stilwell, to file a Referendum Petition, to freeze the raise until Cherokees could vote on the question.

Guthrie felt any increase to political salaries should have been made prior to the election so that all candidates were apprized of an increase in salary. Guthrie stated that he thought it was totally improper for newly elected officials to immediately vote themselves a raise, in effect doubling what all other candidates had believed the positions would pay.

Although Guthrie garnered adequate signatures, the petition was ruled invalid on its face because it did not contain the enough information on the measure to adequately inform voters signing the petition. Councilors subsequently filed suit against Guthrie alleging fraud within the petition drive although the evidence cited as fraudulent was found on petitions that carriers, other than Guthrie, had circulated. The petition effort died a slow death within the CNO judicial system and Councilors finally dismissed the case against Guthrie.

Although a Referendum is supposed to freeze any Act approved by Council until after all signatures are verified and counted by the Election Commission and the Court rules on the validity of the petition, Councilors enjoyed the increase in salary throughout the period with no negative influence by the Referendum.

In 2003, Council enacted law preventing any future Council

from voting on a salary increase that would affect the Council casting the vote, through a system designed to assess salaries of elected officials by the seated Council preceding a General Election so that future Councils would not repeat history by being in a similar conflicted position, voting on their own salary increases.

The enactment created an independent Citizen's Compensation Committee for elected official salaries. Two members are selected by the Chief, two by the Council and the four members select the fifth member. This Committee was to be selected prior to the General Election and would follow the directives contained within that legislation to determine any necessary salary increase.

Pursuant to Cherokee Nation Legislative Act 42-03, the Committee will consider all relevant comparative market compensation levels, including available compensation information of other tribal governments, state and local governments, and the private sector, along with data from U.S. Department of Labor's Bureau of Labor Statistics, and all other relevant market information.

The Committee then notifies Council of their findings and recommendations. The Council then votes to approve or reject the Committee proposal. Any increase in salary would only affect the Council seated after the following General Election so that the Council voting on any increase is not personally benefited.

Last term just prior to the 2007 election, the Citizen's Compensation Committee was assembled for the first time as per law, where former Speaker of the House of Representatives for the State of Oklahoma, Larry Adair of Stilwell served along with Clem McSpadden, Jennifer Barger-Johnson and Joe Hutchinson.

The Committee made their assessments and recommended to Council that salaries for the Chief, Deputy and Council should all increase at a rate of 3% within each year of the following term. The Committee determined an average for current salaries of similar officials in the other four of the Five Civilized Tribes and the Eastern Band of Cherokees. Within that they found Cherokee Councilors and the Deputy respectively were paid 15% and 13.8% less than their counterparts. The Principal Chief however was only 3% less than the average of other five tribes.

On September 7, Councilors voted (15-1) to reject the Committee's recommendations for an increase in pay for elected officials during the term following the 2007 election.

Garvin presented his legislation in the November meeting stating, "This legislation creates fairness between persons on the Council who are serving both six year and four year terms because the shorter term people will not enjoy the benefit of a raise when its time for increases four years from now like the people with six year terms will, so it will make us all equal."

Bill John Baker, of Cherokee County was the only Councilor voting against the Garvin legislation.

Although since approving Garvin's legislation, no official Council Committee has begun discussion concerning raises; there have been rumblings among Councilors of potential increases as high as \$75,000 with the Chief's annual salary moving from the current \$125,000 up to \$300,000, both becoming effective immediately.*

CONSTITUTIONAL CRISIS

What is Chief Chad Smith Slate (Team Cherokee) really interested in?



Chief Smith's Tribal Council Rubber Stamps



Curtis G. Snell



Harley Buzzard



Cara Cowan Watts



Julia Coates



Buel Anglen



Bradley Cobb



Meredith Frailey



Don Garyin



Janelle Fullbright



Jack O. Baker



Chris Soap



"Chief Smith's Team Cherokee" Since taking office only four months ago the Slate has:

- (1) Modified the Nepotism Laws so that CNO can now hire politicians' spouses & children into high paying jobs.
- (2) Revoked existing elected officials' compensation laws in preparation to vote themselves another pay raise, discussing 75,000 annually and increasing the Chief's salary to nearly \$300,000 a year.
- (3) Enacted laws so that elected officials can now bid on contracts with CNO & profit from the government they are entrusted to watch over. (check the Cherokee Nation Constitution in Article X, Section 10.)

One day the Court is likely to rule these steps backward are unconstitutional.

Whenever elected officials can legally choose to serve their own self-interests thus being in conflict to vote and represent the voice of their constituents, a critical check & balance within our system has been dissolved!

Is it time to begin recall petitions? Cherokee Nation Landfill Critic's Cabin Burned Ruled Arson



continued on page

Cherokee Council Revises Nepotism Laws - Did the Family Just Take Over

Editorial Opinion Cherokee Nation of Oklahoma?

Cherokee Nepotism Laws took a 180 degree turn in the first meeting of the newly seated Council in the September 10th meeting when newly elected Councilor Brad Cobb, representing Tulsa/Washington Counties, introduced legislation entitled "The Sunshine Ethics Act of 2007" to legalize the Cherokee Nation of Oklahoma, (CNO) employing immediate family members of elected officials.

The legislation also made it legal for seated elected officials to bid on contracts with the CNO and profit from the Cherokee government while they are seated.

The Cobb legislation may ultimately be invalid on its face because it seems to be in direct conflict with the Constitution. The Act attempts to legalize Nepotism that is declared illegal within the Cherokee Constitution.

The Cherokee Nation Constitution in Article X, Section 10, provides that, "No official member or officer of the Council, Cabinet Member, employee of any official, Council, Cabinet, or subdivisions thereof, or any person employed in any capacity by the Cherokee Nation shall receive from any individual, partnership, corporation, or entity doing business with the Cherokee Nation directly or indirectly any interest, profit, benefits, or gratuity, other than wages, salary, per diem, or expenses specifically provided by law."

Following that statement under The Purpose the Act then states: This Act is in part intended to specify those situations "provided by law" under which a transaction which would otherwise be prohibited by this section of the Constitution will be permitted.

Prior to the tenure of Principal Chief Chad Smith, CNO nepotism laws were strictly enforced. Nepotism laws have historically provided an important safe guard to discourage the CNO from evolving into a radically run "Family" operation more similar to The Sopranos than a government set up to serve its people.

During the 1995 term, Councilor Mige Glory passed away and the Council chose to fill his seat by naming his wife, Tina May Glory. Barbara Starr Scott, then a Councilor for Delaware County, filed suit saying that Tina May could not be seated on the Council because her daughter Tina Glory Jordon, presently a Cherokee District 1 Councilor, was then a Cherokee District Court Judge.

Although there was a legal question if a Judge would be considered an employee of the CNO, the case asked the Court to rule that the two were in conflict of nepotism laws and force at least one to resign. Rather than it becoming a legal controversy Tina Mae resigned and the Council appointed Harley Terrell to the seat.

Nepotism rules are included in many organizations to discourage conflicts of interest, preferential treatment, favoritism and discrimination. These laws generally create a more responsible system so that officials voting on decisions within are not conflicted in their fiduciary duties by self interest and/or involvement of closely related family members.

Many Cherokee have expressed concern that this legislation creates a radical potential for rampant corruption throughout the employment base and contractors working for the CNO.

Joe Crittenden, Councilor for Adair County who voted against the legislation stated, "Persons who are elected into Cherokee public service are in a real sense promoted by the voters into the highest position of trust where they are expected to exhibit the utmost integrity. Elected officials of this government are entrusted to make good decisions concerning the Cherokee peoples' assets and assure that the operations within the tribe are proper in every sense of the word," he said.

Crittenden stated, "The legislation in place is much better law than this new legislation, which creates a possibility for our government to end up in the selfish hands of a few, who could potentially sacrifice what is best for the people and choose rather to benefit their own agenda. It dissolves a real safeguard that has historically promoted more accountability within our elected officials. I can not support it," Crittenden said.

Smith stated many times through the 2007 election that the best service Cherokee Nation provides is all of the jobs created by CNO. Smith also boasted that during his tenure, he has tripled both the employment base and the revenue stream flowing into the CNO.

But Resident Cherokees in the 2007 election must have seen through Smith's logic to realize only the person receiving a job enjoys any benefit from the tribe under the Smith theory.

Objectively speaking, with three times the revenue and workers, one would assume that any efficient operation would produce at least three times the product, in CNO's case quality services to the Cherokee people.

By their vote in 2007, Cherokee people within the jurisdiction voiced their discontent with Smith's vision of building a huge bureaucracy consuming the money rather than creating a more efficient system of enough quality services for the people. Smith was defeated in both Cherokee and Adair Counties and narrowly escaped defeat in most other districts where more Cherokees are dependent on services.

But just the opposite occurred out

continues on page 5

"Power to the Cherokee People!"

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The First Printed Law in the Cherokee Nation Sept. 11, 1808

Resolved by the Chiefs and Warriors in a National Council assembled. That it shall be, and is hereby authorized, for the regulating parties to be organized to consist of six men in each company; one Captain, one Lieutenant and four privates, to continue in service for the term of one year, whose duties it shall be to suppress horse stealing and robbery of other property within their respective bounds, who shall be paid out of the National annuity, at the rates of fifty dollars to each Captain, forty to each Lieutenant, and thirty dollars to each of the privates; and to give their protection to children as heirs to their father's property, and to the widow's share whom he may have had children by or cohabited with, as his wife, at the time of his decease, and in case a father shall leave or will any property to a child at the time of his decease, which he may have had by another woman, then, his present wife shall be entitled to receive any such property as may be left by him or them, when substantiated by two or one disinterested witnesses. Be it resolved by the Council aforesaid, When any person or persons which may or shall be charged with stealing a horse, and upon conviction by one or two witnesses, he, she, or they, shall be punished with one hundred stripes on the bare back, and the punishment to be in proportion for stealing property of less value; and should the accused person or persons raise up with arms in his or their hands, as guns, axes, spears and knives, in opposition to the regulating company, or should they kill him or them, the blood of him or them shall not be required of any of the persons belonging to the regulators from the clan the person so killed belonged to. Accepted.—

BLACK FOX, Principal Chief, PATHKILLER, Sec'd TOOCHALAR. ACT OF OBLIVION [This Act stopped the Seven Clans from Revenge Killings] CHAS. HICKS, Sec'y to Council. Brooms Town, 11th Sept. 1808. Be it known, That this day, the various Clans or Tribes which compose the Cherokee Nation, have unanimously passed an Act of Oblivion for all lives for which they may have been indebted, on to the other, and have mutually agreed that after this evening the aforesaid Act shall become binding upon every Clan or Tribe; and the aforesaid Clans or Tribes, have also agreed that if, in future, any life should be lost without malice intended, the innocent aggressor shall not be accounted guilty. Be it known, also, That should it happen that brother, forgetting his natural affection, should raise his hand in anger and kill his brother, he shall be accounted guilty of murder and suffer accordingly, and if a man has a horse stolen, and overtakes the thief, and should his anger be so great as to cause him to kill him, let his blood remain on his own conscience, but no satisfaction shall be demanded for his life from his relatives or the Clan he may belong to. BY ORDER OF THE SEVEN CLANS. Turtle At Home Speaker of the Council Approved—BLACK FOX, Principal Chief, PATHKILLER, Sec'd TOOCHALAR. HORSESHOE BEND Private Reese: The Real Hero In the war between the United States and the Creeks in 1814 a large body of Cherokees volunteered to assist the army led by Generals Andrew Jackson and John Coffie. Among the officers were Colonel John Lowry, Major George Lowery, Major Ridge, Major John

Walker, Captain George Fields, Captain Alexander Sanders, Captain John Rogers, Adjutant John Ross and Private Charles Reese. In the crucial battle Horse Shoe Bend in which the Creeks were strongly barricaded behind Cyress log ramparts and were holding their own against the frontal attacks, a detachment of Cherokees came up on the opposite side of the river, Charles Reese swam across and towed a canoe to his associates, the canoe load of warriors crossed the stream and each one got a canoe. In this manner the Cherokees landed in the back part of the bend, attacked the Creeks from the rear. In attempting to repel this assault the Creeks so weakened their front that a breach was made nearly annihilating the belligerent Creek forces. From that day Andrew Jackson became increasingly popular. HISTORIANS CAREFULLY REFRAIN FROM GIVING THE CHEROKEES MENTION OR CREDIT for a part in this combat and Reese's family received a silver mounted rifle as acknowledgement for his actions, three years after his death. THE BASIS FOR THE FIRST C H E R O K E E CONSTITUTION MAY 6, 1817 An Act of the Cherokee Council that served as a substitute for a Constitution was as follows: Whereas, fifty-four towns and villages

Local attorney loses his license

By JOSH NEWTON
jnewton@tahlequahdailypress.com

TAHLEQUAH DAILY PRESS—Tahlequah attorney Nathan Young III has been disbarred for using his trust account to pay family bills.

The action comes after a complaint was filed April 13. An opinion by the state Supreme Court's Professional Responsibility Tribunal shows two separate cases that led to his disbarment after more than 30 years as a licensed attorney with the Oklahoma Bar Association.

In the first case, Young represented a client in a personal injury case who had been treated at the Eastern Oklahoma Orthopedic Center, which filed a lien for \$3,803 for its services. March 31, 2006, the case was settled, and Young requested permission to endorse the settlement check on his client's behalf. In exchange for a promise to pay as soon as the funds cleared the bank, the center allowed Young to endorse the check, and on April 1, 2006, Young deposited \$142,000 into his trust account.

The Orthopedic Center failed to receive its payment, so officials "made several attempts to contact Young," according to court documents Young did not return the calls, but wrote a check for \$3,823 on his trust

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION
NOTICE OF VIOLATION (No. NOV-0807)
Indian Country Investments, LLC
Gary S. Pitchlynn, Managing Member
PO Box 73070
Norman, OK 73070
Cherokee Nation
Financial Resources Group
PO Box 948
Tahlequah, OK 74465

On July 7, 2005 the Cherokee Nation Environmental Protection Commission issued conditional interim permit no. MSW-01 with an accompanying compliance schedule to Cherokee Nation Financial Resources. Permit number MSW-01 was later modified to add ICI as a joint permittee. The permit relates to the Cherokee Nation Sanitary Landfill located in Sections 3 and 10, T 14N, R25 East, Adair County Oklahoma.

You are receiving this notice because you are a listed permittee or their agent and are responsible for compliance at the above mentioned landfill.

YOU ARE HEREBY NOTIFIED of the following violations of the terms of permit no. MSW-01, the Compliance Schedule, the Cherokee Nation Environmental Quality Code, federal laws and/or federal regulations in 40 CFR Part 258:

(1) An unauthorized discharge of pollutants from the leachate storage pond occurred on 7/1/07 and 7/2/07. The discharges entered waters of the Nation or were in a place likely to reach waters of the Nation, were not authorized by any permit, and therefore were unlawful pursuant to 63 CNCA '908 A and other provisions of Cherokee Nation law. See Exhibit 1 (Complaint received from Jack Crittenden July 2, 2007) and Exhibit 2 (Photo dated July 2, 2007).

(2) Failure to maintain complete daily cover as required by 40CFR 258.21 for 50 days. See Exhibit 3 (List of days without 100% daily cover). Exhibit 4 (Landfill Daily Cover Log Reports for April, May, June and July 2007), and Exhibit 5 (5.1, 5.2, 5.3 and 5.4, photos of daily cover)

(3) Acceptance of industrial waste in violation of Permit No. MSW-01, Section VIII for 182 days (2/13/07-08/14/07). Industrial waste has been accepted from Insul-Bead Corp., Hendren Plastics, Cellofoam North American, Tyson Foods, Mrs. Smiths, and others. No modifications to the permit has been approved to allow for the acceptance of industrial wastes to date. See Exhibit 6 (List of CNSL Industrial Customers dated 2/13/07), Exhibit 7 (photo of industrial waste being disposed at landfill on 7/25/07), and Exhibit 8 (Permit Section VIII)

(4) Since 08/02/06 methane levels at monitoring wells GP-4 through GP-6 have exceeded 25% of LEL regulatory limit (40 CFR 258.23). The Gas Remediation Plan prepared by A & M Engineering on 8/28/07 has not been implemented and this problem continues to date. See Exhibits 9, 10, 11, and 12.

(5) Part VII, page 2 of the Permit MSW-01 authorizes one stormwater pond and provides that no new impoundments shall be constructed without prior written approval of the Commission. The landfill is currently utilizing an unlined depression as an additional stormwater impoundment. This impoundment was cited in violation (NOV 01/06) on 11/06/06. CNSL installed a pumping system to redirect stormwater to the permitted stormwater impoundment on 4/19/07 in response to Administrative Compliance Order 0001-07 issued by the EPS on 3/20/07. However on 8/3/07 the pumping system has been disassembled and the unauthorized storm water detention basin is full. See Exhibit 13.

As of 8/14/06, the above violations had not been satisfactorily corrected.

This notice of violation serves as a final notice to correct the above violation by _____. This compliance order shall become a final order unless, by the above stated date, any respondent named herein requests an administrative enforcement hearing.

Failure to correct the listed conditions shall result in the issuance of a compliance order, as authorized by the provisions of the Cherokee Nation Environmental Quality Code 63 CNCA 1005 et seq.

account, dated May 30, 2006. That check was returned for insufficient funds. A grievance was filed by the center on June 5, 2006, and on June 8, Young sent the center a cashier's check. The Orthopedic Center released the lien June 12.

A letter was sent to Young when the OBA learned the check drawn on his trust account had been returned for insufficient funds. "Young's letter was nonresponsive and untimely," states the PRT.

Young's trust account statements show checks were written on it for home and car insurance; cable TV service; for cash; for payroll obligations; and to members of Young's family. Young testified he used the trust account to pay his bills because the Internal Revenue Service put a lien on his operating account. Young has also failed to pay \$19,714.77 in bills from the client's other medical providers, the state alleges.

"Young spent these trust funds for his and his family's benefit, funds to which he had no entitlement," the Supreme Court of the State of Oklahoma ruled.

In a phone interview Wednesday afternoon, Young admitted he's been known for his accounting issues.

"Historically, they have criti-

cized me for sloppy bookkeeping," said Young. He also said he's been criticized for the number of people who had access to his trust account, "and I take full account for that."

A second case involves Virgle Wilhelm, who hired Young on a contingency fee arrangement to represent him when, on Oct. 20, 1999, the Tahlequah City Council terminated two contracts it had with Wilhelm. On Dec. 23, 1999, Young filed a lawsuit on behalf of Wilhelm against the city of Tahlequah in Cherokee County District Court.

According to the state, Wilhelm said he became frustrated and tried to hire another lawyer after "nothing had happened for one and one-half years." Wilhelm was refused because of Young's status. Young dismissed the Cherokee County action, and on April 16, 2001, he filed a complaint in the federal district court of the Eastern District of Oklahoma. On Oct. 12, 2001, the defendants filed a motion for summary judgment. Young was given an extension until Nov. 1, 2001, to reply, but instead, he filed a motion to dismiss this federal action, which the court granted.

Activities continued for several more years, until in July 2004, Young again filed a petition in the Cherokee County District Court. In December 2005, the city made a motion for summary judgment and Young was given until Feb. 6, 2006, to respond. Again, Young filed to dismiss the case without prejudice.

Wilhelm said he tried to contact Young several times, but Young did not return phone calls. The state alleges that when Wilhelm learned Young had filed bankruptcy, he agreed to advance the attorney \$10,000 for expenses related to his lawsuit in exchange for Young's lowering his contingency fee.

"Wilhelm never received an accounting for the \$10,000," the state alleges. "... Young accounted for \$2,488.76 of the \$10,000, leaving a balance of \$7,511.24."

Young said part of the problem behind the unaccounted \$7,000-plus balance is a computer-system crash that occurred several years ago, which he said he reported. All related information to the case was lost, he

said. Wilhelm also loaned Young \$10,000. A note states Young was to pay \$10,600 within 60 days, which included 6 percent interest. Young paid Wilhelm \$10,100 in a timely fashion.

Wilhelm testified, "Well, right off the top of my head, that [\$600 in interest] is significantly better than 9 percent in my favor."

When Wilhelm asked Young about the other \$500, Young's response was that \$100 was interest at 6 percent per annum.

On Wednesday, Young said he did pay the \$10,100, but the idea behind the other \$500 is a "total fabrication." Part of the situation, he said, revolves around the fact that Wilhelm's daughter-in-law was one of Young's employees at the time. The PRT states it "cannot agree that the payment of \$100 was unreasonable on its face."

Young and the OBA disagreed over whether the statutes of limitations have run on Wilhelm's claims, but the state Supreme Court said it is not necessary to make the legal determination.

Young is ordered to pay \$1,065.54 to cover costs of the investigation, the record, and disciplinary proceedings within 90 days of OBA's opinion.

According to the Oklahoma Rules of Professional Conduct, lawyers are required to maintain a separate account for client or third-party funds.

This requirement safeguards the funds and maintains complete records of them. The owner is to be notified when the funds are received. "We recognize that Young accepts responsibility for at least some of his misconduct and has stated he has established procedures to maintain the integrity of his trust account," said the PRT.

Young said he has to stand up for his actions and take responsibility. He added that much of what's happened is a result of recent personal and family issues, including his and his mother's deteriorating health.

"I've done it for 32, 33 years," he said of practicing as an attorney.

"Truthfully, I'm not going to miss it. Maybe this is a blessing in disguise."

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Old ADDRESS _____

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The Cherokee Observer welcomes letters to the Editor. All letters must be signed and include the writer's address. Letters may be edited for space and or libelous content. Names may be withheld upon request. Letters will be published as space permits. Letters to the Editor express the views of the writer and donot necessarily reflect the view of the Cherokee Observer.

11207

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.

These are main puppets from the 2003 slate.
Meredith Frailey (6)
Jackie Bob Martin (2)
Cara Cowan Watts (7)
Buel Anglen (8)
Don Garyn (4)
Audra Smoke Conner (2)
* Jack O. Baker (2)
* new At Large

Over these last 3 1/2 years, chief smith met with theses slate members outside of the tribal complex to plan how, who and what was to be presented at the tribal council meetings. This could be that they conspired; (to plan together secretly) to follow Chief Smith's orders. This may be in violation to constitution.

Now we will see what this new slate will do. Work for the Cherokee People or for Chief Chad Smith.

continued from page 1

Cherokee Nation Landfill Critic's Cabin Burned Ruled Arson

Portions Attributed to Donna Hales - Muskogee Phoenix Staff Writer
Published November 03, 2007

Portions Attributed to Monica Keen - Sequoyah County Times Staff Writer - Published November 1, 2007

A fire that destroyed a hunting cabin owned by a critic of the Cherokee Nation Landfill was arson, said state Fire Marshal Sam Pinson. The owner,

where the cabin was located. Young said the cabin had been burned to the ground and was still smoldering when he got to the site.

city of Stilwell, about six miles away. There are still employees on site.

Three days before the cabin burned, Glenn DeAtley, solid waste coordinator for the Environmental Protection Agency office in Dallas, acknowledged receipt of an e-mail from Crittenden to the EPA's Washington, D.C., office.

DeAtley wrote he understood the landfill was in the process of being closed, and any complaints Crittenden had should be addressed to the Cherokee Nation Environmental Protection Commission.

"That is what I have run into at every turn, and now it's gone 360 degrees back to the Cherokee Nation Environmental (Department), who couldn't oversee a Port-A-Potty and get it right," Crittenden put in a copy of the e-mail mailed to his attorney.

Crittenden said, "The Cherokee Nation Environmental being the only oversight on their own landfill operation is like the fox watching the hen house."

"I believe we're on the brink of discovering that CNO has been polluting the drinking water within a huge radius for decades. Yet the authorities within the United States government seem unwilling to exercise any authority over what has been dumped in it," he said. "There could be untold damage to this area for decades to come. It's time for the federal government to get their EPA involved so the people of Adair County can finally know the damage, what must be done to fix it and stop anything worse from happening," concluded Crittenden.

DeAtley's supervisor, Willie Kelley, chief of the Underground Storage Tank and Solid Waste Section of EPA's Region 6 in Dallas, said Friday that Indian tribes are sovereign and that the EPA is allowed to give technical assistance, but that the tribe would have to request EPA to do so.

Under the federal Solid Waste Disposal Act, the EPA has no "permitting authority, nor inspection authority nor enforcement authority," Kelley said.

Tressa Tillman, a public affairs specialist with EPA External Affairs, concurred.

If a tribal landfill pollutes surrounding streams or areas not owned by the tribe, the EPA has no jurisdiction, Kelley and Tillman said.

"Tribes are sovereign," Tillman said. "EPA respects their self-governance rights."

Crittenden is offering a \$2,500 reward for the arrest, leading to the conviction of those responsible. Those with information may call Crittenden at (918) 696-2595.



Jack Crittenden enjoyed his hunting retreat for over 30 years after returning from the Vietnam War.

Jack Crittenden, is claiming the arson was a form of retaliation for the closure of the landfill.

"It was set on fire," Pinson said. "There were no utilities in the cabin so there was nothing to start the fire, and it wasn't storming when the cabin caught fire. Somebody had to be there — there's no other reason for it to start."

According to the incident report Crittenden and, Cherokee Tribal Councilman Joe Crittenden, who is Jack Crittenden's cousin, asked the State Fire Marshal's Office to investigate the fire.

Chief Deputy Benton Sims said that the report filed with the Adair County Sheriff's Office, stated that Deputy James Austin Young received a call from Jack Crittenden's wife at about 5:45 p.m. on Oct. 25 informing Young that her husband's hunting cabin had been burned and arson was suspected.

Owned for more than 20 years by Vietnam veteran Jack Crittenden, a Cherokee citizen, the cabin was not on tribal land, but crossing tribal land was the only way to get there.

Before the Cherokee landfill was opened in 1983 a County Road running through where the current landfill was constructed on top of a 1200 foot high hill, provided the only access to several land owners who have since been land locked. Although that County Road was never officially closed by the State, the Cherokee Nation erected fences, leaving the surrounding property owners only access to their property, through the gates of the landfill.

Young first reportedly met with Jack Crittenden at the gate of the Cherokee Nation Landfill and Crittenden guided Young to the east side of the landfill and off landfill property to

Crittenden told Young he believed the cabin was set on fire because he had been trying to get the landfill closed or get a federal or state inspection of how it is operated.

Crittenden said Wednesday morning that after the cabin burned he learned that men were working at the landfill, 300 yards away from his cabin on the day the cabin burned. He said the men told him they saw smoke, but thought Crittenden was at the cabin.

Crittenden said Thursday night he has been given names of people who talked about burning his cabin or worse. He said he intends to ask law enforcement to check that information out. He said he's been told several landfill employees blame him for the landfill closure, although the landfill was clearly full.

Crittenden contacted federal and tribal environmental officials for more than a year complaining of various problems at the landfill, including the pollution of ground water and Lee's Creek, 600 feet right below it, which is a tributary within the watershed of the Ft. Smith drinking water supply.

The closing came after the tribe's environmental protection commission issued more than \$1.6 million in fines to the firm, Indian Country Investments LLC (ICI), which operated the landfill, citing numerous violations. Cherokee Nation spokesman Mike Miller said that the fines against ICI that were levied by the Cherokee Nation Environmental Protection Commission (EPC) were about issues related to how the landfill was operated on a day-to-day basis.

The landfill closed in early October because it was full, according to Miller. He said tribal environmental officials said there was no environmental reason to close the landfill, and nearby lands had not been harmed by the operation of the landfill.

Although it is closed officially, the landfill still accepts sludge from the

The State of Sequoyah "Indian Territory Proposed as Sequoyah"

The U.S. government attempted to abolish the governments of the Five Civilized Tribes effective March 4, 1906. This was through the Curtis Act. Most of the members of the United States Congress were in favor of Indian Territory and Oklahoma Territory combining into one state. Most of the Native Americans, and some whites who legally resided in Indian Territory, were adamantly against united with Oklahoma Territory.

In April, 1905, President Theodore Roosevelt promoted single statehood at each stop of his railroad campaign throughout Indian Territory. A separate state, however, consisting of the Five Civilized Tribes located in Indian Territory, was proposed. The name of that state would be "Sequoyah."

J.A. Norman wrote, "Oklahoma has already thrown down the gauntlet of statehood by holding this summer a convention to form a constitution for Oklahoma and Indian Territories as one state. We, as Cherokee, Creek, Choctaw, Chickasaw, Seminole, and Osage Indians, together with the whites and blacks in our midst, have the same right to call a constitutional convention, to adopt a constitution for the Indian Territory's new state, called "Sequoyah," and submit it to the next congress to ratify as it is already duly bound to do so by sacred and solemn treaties. American citizens, the loyal patriotic matter is now us to you."

It was said that Norman's letter "Lighted a match and set the prairies on fire." Norman later joined with Cherokee Chief Rogers, and Choctaw Chief McCurtain, and called for a constitutional convention. They were

soon joined by Muskogee (Creek) Chief Porter and Seminole Chief Brown. However, Chickasaw Chief Johnston was in favor of joint statehood with Oklahoma and refused to participate. However, he later sent William Murray who was his private secretary.

The convention convened on August 22, 1905 and was held at the Hinton Theater in downtown Muskogee, Muskogee (Creek) Nation, Indian Territory. The hall was decorated with pictures of the Cherokee inventor Sequoyah, pictures of the Five Civilized Tribes' Chiefs, as well as American flags and a picture of Theodore Roosevelt. The festivities were embellished by the Muskogee Merchant's Band. The Muskogee Phoenix reported that "... hardshelled single staters figuratively wept bitter tears."

The elected Chairman of the Constitution Committee was W.W. Hastings (Cherokee) of Tahlequah. Some of the hottest debates were the boundaries of the proposed 48 counties, but suffrage for women was also a topic of much discussion. Due to the matrilineal structure of the Cherokee society, the Cherokee representatives fought earnestly for the right to vote being given to both sexes.

The Principal Chiefs stated on October 1, "Indian Territory has reached to period of transition from tribal government to that of statehood. The policy of the United States expressed in treaties and upheld by the United States government has always consistently maintained the position that out of the country owned and occupied by the nations of the Indian Territory at the right time a state or states should be formed by its people.

This time was fixed by the agreements closing the tribal governments March 4, 1906. Through this transition our present government shall not be annihilated but transformed into material for a nobly builded state. This shall we have life, not death." It was signed, "the Principal Chiefs of the Cherokee, Choctaw, Seminole and Creek Nations.

The Sequoyah Constitution was published on October 14, 1905 with an election on November 7. 65,352 votes were cast, and 56,279 were for the ratification of the constitution. Only 9,073 were against.

A copy of the constitution, along with the results of the votes, were sent to U.S. Congress. However, Congress would not even consider it. The St. Louis Republic editorialized, "the Indians are powerless to enforce the bargains which Congress made with them, and organized government is absolutely necessary to the whites who have gone, and are still going fast, into the Territory."

A handbill promoting the State of Sequoyah stated, "These treaties so far as they apply to the lands owned by the Five Civilized Tribes, and to those lands alone, have never been repealed, but expressly ratified in later treaties. . . . If these promises are not binding upon the United States, then our government and people can be bound by no treaty. If we do not scrupulously respect the rights flowing from these treaties no one can reasonably place confidence in our national honor.

In 1907, Indian and Oklahoma territories were merged into one state whose name is a Choctaw word for 'home of the red man,' - Oklahoma.

Cherokee Nation dissolves tribal housing authority

By S.E. RUCKMAN Tulsa World Staff Writer 12/19/2007

TAHLEQUAH — The Cherokee Nation is dissolving its housing authority, placing all of the tribe's housing programs under tribal administration oversight. The tribal council approved the move during a regular meeting Monday night. The Cherokee Nation has 25 housing programs. Previously, seven were handled by the housing authority, which operated separately from the tribe. Unifying programs under the tribe's structure would lead to improved services, proponents of the plan said. "This move brings numerous programs under one umbrella, which should improve accountability, efficiency, and foster cohesive collaboration among the various assistance programs that provide services throughout the Cherokee Nation," tribal Councilor Chris Soap said. Councilors approved the transfer of about \$6.5 million in housing funds to the tribe's general fund to help with the transition. The housing authority

has 170 workers, who now will become employees of the Cherokee Nation, councilors said. The move could mean the loss of about a dozen positions. Other councilors pushed to table the move so that further study could be done. Tribal lawmaker Chuck Hoskin Jr. said the administration had not presented a formal plan that outlined the changeover for the council. "It is unknown how many will not have jobs or how many will take a reduction in pay," Hoskin said. "I am not against this, but I am in favor of better planning." The board that oversees the housing authority will remain in place. It will manage properties within the tribe's 14-county jurisdiction, officials said. The tribe receives about \$31 million annually in Native American Housing Assistance and Self-Determination Act funds from the U.S. Department of Housing and Urban Development. The federal funds are earmarked for housing needs including emergency repairs and home rehabilitation. The Cherokees join the Muskogee

(Creek) Nation in Okmulgee in opting to run their housing programs. The Creeks sought and received a legislative act that dissolved their state-chartered housing authority in 2006. S.E. Ruckman 581-8462 se.ruckman@tulsaworld.com By

Tell us what you think below!

1. 12/19/2007 6:44:29 AM, Marvin James Summerfield, As a former Commissioner of the Housing Authority of the Cherokee Nation I disagree with the idea that Chad Smith's administration can do a better job of obtaining decent housing for tribal members than the employees of the HACN. I was a two term commission under the Mankiller administration. We were building over 200 houses per year as a separate entity. Let's see if Chad's friends can do better than that? Marvin James Summerfield Cherokee tribal member, Miami, Oklahoma



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Industry: NAICS 237110
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The company's graduation date for the 8(a) program is 9/20/2014 . SBA case

continued from page 1

Editorial Opinion

Cherokee Council Revises Nepotism Laws - Did the Family Just Take Over CNO?

side of the boundaries where Cherokees gave a two to one vote of confidence for Smith's job growth philosophy as their leader. Only in two districts within the nation, Rogers County and the Tulsa /Washington area, far from the oppressed Cherokee back in the hills of the nation did Smith fare well. Voters within these Northwestern districts also elected Smith sponsored political slate members as their representatives including Cobb, who is one of the newly seated Councilors on Smith's "Team Cherokee."

Councilors opposing the measure expressed concern because of the lack of oversight Council has today to oversee the enormous job growth and unprecedented salaries within the CNO especially within the casino gaming operations.

Linda O'Leary, former Councilor for Delaware County and Chair of Executive and Finance stated, "With almost a billion dollars a year going through the operations of the CNO, this Council has less oversight than ever before. Nepotism laws have historically prevented anyone from legally appointing family members to key positions throughout the tribe and building a team of loyalist for anything other than what is best for the Cherokee people." she said.

"Furthermore, the voice of an entire district could be blanked out if a family member of anyone on this Councilor is an employee of a department or entity the question concerns. Anyone on this Council who is in that situation would not be able to cast a vote on such an issue. This legislation compromises the objectivity that elected officials must enjoy to adequately represent our constituents and perform the fiduciary duty with which we are entrusted." O'Leary stated.

"This government is in place to provide services the Cherokee people. We tell the federal government we can serve Cherokees more effectively and efficiently than either the state or federal systems can or will. If we are not making every good business decision possible to assure this, we are simply lying to get taxpayer money. This legislation creates enormous potential for corruption building a system that consumes the money in salaries to preferential family members rather than increasing actual services. It is counter productive to what the CNO and the Council is supposed to be doing for the Cherokee people," stated O'Leary.

Last year much debate was heard about Council's inability to determine how over two-thirds, \$200 million, of the \$300 million in Gross Profit was expended within the gaming operation. Additionally many Councilors were distressed with how the new structure created under the Smith administration usurped Council's constitutional responsibility of financial oversight to watch all revenue within the tribe.

Smith created a new corporation last term he named, Cherokee Nation Businesses, (CNB) to oversee all tribally owned business ventures. Smith initially appointed Callie Catcher, who also served as Treasurer of the CNO, as the CEO of CNB increasing her combined salary to approximately \$180,000 annually. Smith has since replaced Catcher with former Congressman Brad Carson who enjoys an even a larger salary yet Catcher received no decrease in pay. Allegedly Carson's wife was also initially hired as Carson's assistant for near \$60,000 per year.

Carson seemed to be lining Councilors out in a recent Regular Council meeting, that it is the CNB Board's responsibility to approve the budgets and expenditures of the Cherokee Nation owned corporations. However according to the Cherokee Constitution, the Council enjoys unbridled financial oversight authority within the government.

There has since been discussion that CNB may be a violation of the Council's constitutional authority over appropriation power and oversight responsibility of revenues within the tribe. Yet nothing has been filed to place the constitutional

question before the court.

Last month Council approved increasing the line of credit for CNB from \$40 million to \$125 million. However the Smith slate voted against including a 5% increase to the ceiling where Council could later increase the dividend from gaming. Carson told Councilors they needed to keep the dividend where it is to get the best deal from Bank of America on the line of credit. Council increased the amount CNB could draw out of the bank on top of all other tribal debt yet froze the ceiling on the casino dividend for services over the next six years. At last check Bank of America holds nearly \$100 million in CNO bank accounts. Any business negotiator worth their salt should have no problem getting the best deal possible with that kind of deposit power.

Over the past few years many of the top level employees from the government side of CNO have moved over to CNE employees where most enjoyed an increase in salary with an additional annual bonus, some as much as 100% of their annual salary.

Allegedly Mike Miller, spokesperson for the tribe, is an example of one who crossed over into the land of financial abundance. Although Miller is seen at every juncture speaking on behalf of the Chief on tribal affairs, rather than being paid from the Chief's tribal operations budget, Miller is paid from gaming money, his salary ultimately reducing Net Income and the dividend paid for services to the people.

With no Council oversight the casino operation can theoretically legitimize spending whatever amount the Board decides, thus lowering the remainder of the Net Profit. Only 30% of the Net Income is returned to the tribe as dividend.

In 2007, when Council reviewed the 2006 budget they found that nearly \$38 million, that was available or earmarked for services, had not been spent by the Administration. This amount equaled the total dividend from all gaming operations for 2005 and 2006 combined.

In 2006, employee bonuses on top of salaries within Cherokee Nation Enterprises, (CNE) the casino operation, totaled \$10 million. Many of the top level salaried employees receive 80-100% of their salary as an annual bonus. CEO of CNE, Dave Stewart is paid approximately \$150,000 annual salary plus 100% of that salary as an annual bonus. CNE Board members began voting themselves bonuses last term, which are now near \$50,000 a year. Prior to Smith, Board Members were given a reasonable stipend and the honor of being in such a position to help with business decisions for the Cherokee people.

Councilors opposing the Cobb legislation were concerned that the casino operation could easily become flooded with elected officials' family members enjoying high paid salaries and bonuses with little that could be done after the legislation was passed.

Because of Smith's newly created hierarchy with CNB positioned between the Council and the corporate moneys, Council can no longer determine much about the casino operation other than what they hear during brief monthly reports to the Council given by Stewart and Carson.

Although CNB was established to bring new business opportunities to the Cherokee Nation and promote job growth, to date the ventures CNB has overseen have ended in disastrous failures losing million of dollars while upper level positions within the ventures and CNB enjoyed enormous salaries and bonuses. Today CNB employees almost 50 people assessing new business opportunities for the Cherokee Nation.

In the last few years Councilors uncovered much that explains where much of the money is going. Throughout the corporate structure of CNO, unprecedented salaries are being paid many with additional bonuses each year, business ventures which reek of organized

crime, almost every new business venture going bust losing millions on each and with the Cobb legislation approved, the family can legally be placed throughout the operation without any control on salaries.

Last term, Cherokee Nation Industries, (CNI) invested approximately \$3 million from a BIA insured loan in a business named Global Energy Group, (GEG), a company who had a lease agreement on a patent for 20 year old technology in air conditioners that supposedly saved on utility bills. GEG financials reported only \$200,000 in intangible assets, the value they gave to the patent they did not own. In addition the financial structure of the company presented \$8 million in liabilities be paid to the primary stockholders of the company before any profits could be taken by CNI.

CNI purchased half interest in the company buying the stock from the primary stockholders personally rather than from the company where the capital went into those five peoples' pockets rather than into operating capital for the business. Further, CNI mysteriously failed to purchase approximately 5% of remaining outstanding stock, just enough to allow the tribe to lose controlling interest of the company. Last year a new investor bought the remaining stock. When this occurred CNI breeched the guaranteed loan agreement with the BIA, leaving the tribe totally exposed to the bank that held the note.

Several years ago Council approved acquiring the federally guaranteed loan, that was earmarked for the re-organization of CNI to protect the employees jobs after a significant bad inventory write off had put CNI in a state of insolvency. The federally insured money was never approved for venture capital, especially investments in high risk venture company stock. In 2007, CNI wrote off almost \$6 million in losses. CNI ended upside down financially insolvent, with GEG ending bankrupt.

Seven Councilors filed criminal suit in federal court last year attempting to recoup the Cherokee peoples' money. However the case was dismissed by the federal judge who said the Council had no standing to file the case. No evidence was ever examined by the court concerning the alleged crimes naming Smith, Jim Majewski, then CEO of CNI and Bennie Dixon, Business Director for CNO. The judge concluded that the only persons having standing to file such a case would be the stock holders of the tribe or the Board who approved purchasing the stock. The only stock holder within CNO corporations is the Chief and the CNI Board is appointed by the Chief. No further effort has been made to recoup any money although all evidence was turned over to the Board and the Attorney General, Diane Hammons, who also serves in conflict on the Chief's cabinet as General Council.

Subsequently Senator Tom Coburn was asked by Councilors to request the Securities Exchange Commission, (SEC) investigate the matter. The SEC has since ordered GEG to restate their financial statements disclosing improper stated assets in years past. GEG had misstated \$12 million of their net worth listing an exaggerated amount as good faith, creating an inflated value on the company's publicly traded stock. SEC investigations are kept private until concluded so no damage is done to a company if the investigation determines innocence. Thus the Smith campaign was able to keep the matter quite until after the 2007 election.

An examination of the communication between the SEC and GEG that the SEC also demanded to be made public discloses that much of the Councilors' suit hit the bull's eye. The SEC required this discourse be posted online for the benefit of the public, which can be reviewed at:

<http://www.sec.gov/cgi-bin/browse-?company=global+energy+group&CIK=&filenum=&State=&SIC=&owner=include&action=getcompany>

Carson recently announced to Council that CNB made the decision to pay off all debts within CNI expending \$15 million from gaming revenues so that CNI could return to a financially stable condition once again. Council has a long history of bailing out CNI after mismanagement drives them into financial disaster. However this time CNB injected more gaming profits into the operation in one swipe than all of the historic bailouts combined.

Cherokee Idling Solutions, (CIS), a battery company for semi trucks, was another high risk business venture where CNI officials invested money from the BIA guaranteed loan.

After spending \$1 million Smith notified CNI that he did not want to pursue any further in that direction. However Majewski had other ideas and created his own Idling Solutions Company in Louisiana along with his son, which is still in operation. To date, no accounting books have been found by CNI disclosing how the million dollars was expended within the CIS venture.

Another business venture CNB brought to the CNO was named Cherokee Connex, a wireless internet service. In April 2007 the Council learned the tribe was set to lose \$3.6 million after only two years in that venture. The tribe loaned outside partners \$4 million but afterward found the market too sparse on customers.

The tribe's outside partners pledged personal guarantees of \$2 million to the Cherokees for their \$4 million loan, \$400,000 of which was paid in March of 2007, as agreed, Catcher, then still CEO of CNB, told Councilors. She said that another \$1.6 million was due in July but it is not clear if that money was received. The tribe has since backed out of the venture.

The Cherokees remained in the partnership until 2006, when the Cherokees "did a workout arrangement to get out of the business side of it," Catcher told councilors.

"Losses in Cherokee Connex were \$1 million the first year and \$900,000 the second year." Catcher said.

"We're out \$3.6 million if we never see any more," said O'Leary. "Also, we were told it (Cherokee Connex) would put a lot of Cherokee people to work. This has been a defunct thing from the get go."

Nepotism violations became blatantly obvious last term when O'Leary filed suit against Buel Anglen, Councilor for Tulsa Washington Counties, accusing him of nepotism violations. However the Cherokee Court has failed to date to rule in that case. O'Leary alleged that Anglen's two daughters were both employed by CNE one working in the money counting rooms inside the Catoosa casino. Robin Mayes, a Chief candidate in 2003, questioned Anglen's validity as a candidate by filing protest against him during the protest window of the 2007 election.

Mayes also presented the Commission undisputed proof that Anglen was not living within the district when he was selected by Council to fill a vacated seat. Mayes presented an affidavit to HUD from the Law and Justice Department of the CNO who deposed Anglen. Richard Osburn assistant prosecutor for the tribe stated emphatically that Anglen had lied to the previous Election Commission and Council about his residency.

The Election Commission ruled that nepotism would only become a problem if Anglen was re-elected. The Commission stated the law was clear that if he was reelected either Anglen or his family members would be required to resign. Although there was little doubt from the evidence that Anglen had served the entire four year term since 2003 in violation of nepotism laws, the Commission ruled that it was necessary for a Court to have found him guilty of the crime of nepotism

prior to the 2007 election for the Commission to rule him ineligible to run. The decision was split in a (3-2) vote with Drew Wilcoxon, Patsy Morton and Rick Doherty supporting Anglen and Jim Briggs and Dr. Charles Hathaway opposing him as a valid candidate.

Anglen ran again on Smith's slate but in the 2007 election the slate coined themselves as "Team Cherokee" a slogan which CNE has spent millions in advertising dollars to promoting the casinos.

Another "Team Cherokee," candidate, Deputy Chief Joe Grayson's son was also allegedly employed by CNE.

Although Councilor for Mayes County Meredith Swimmer Frailley's, son attempted to attain employment within CNE last term, allegedly he could never pass the drug testing. Months afterward, he was sentenced to prison on burglary charges. Since being released from the penitentiary he was recently arrested again on burglary in Mayes County but for some reason then transported to the Cherokee County jail. When Frailley was arraigned before Associate District Judge Mark Dobbins, Cherokee Nation attorneys argued that the case should be remanded to Tribal Court. Judge Dobbins questioned that the matter was an after former conviction of a felony and that tribal courts only have punishments for misdemeanors. Mysteriously the case was handed to the Cherokee Courts yet the outcome is unknown.

Within this term, several of the newly elected Councilors had family members working for the Cherokee Nation prior to the election. According to law at the time of taking the oath of office in 2007, either those family members were required to resign their employment with CNO or the elected person had to resign from taking the oath.

Although the Cherokee Court previously ruled that the Housing Authority of the Cherokee Nation, (HACN) is a State Agency and that employees are not CNO employees, Rex Jordan, who was working for the HACN, was the only elected official's family member who made an honest attempt to honor the law by resigning his employment. Rex is the husband of Tina Glory Jordan, a newly elected Councilor for Cherokee County.

The following Councilors who ran on Smith's "Team Cherokee" may have been in violation of the law upon taking the oath of office, before the nepotism law was amended.

Harley Buzzard, of Delaware County, allegedly had family members including his son, working for CNO at the time of taking the oath yet they still remain employed.

Charlie Soap continues employment with CNO, although his son Chris Soap is now a seated Councilor for Mayes County. However Soap did vote against the Cobb legislation.

Curt Snell, Councilor for Delaware County, allegedly transferred ownership of his construction company to his son. Snell is allegedly contracting work on health clinics for the tribe and was one of the contractors on the Sequoyah Gymnasium.

Cara Cowan Watts, from Rogers County, husband allegedly has begun bidding on construction projects solicited by the CNO.

Julia Foster Coats was a CNO employee prior to the election organizing Cherokee history classes throughout the USA. Allegedly her position was converted to a contracted position with CNO where she continued to work through the election and may still be enjoying that financial gain.

O'Leary stated, "Supporting this legislation is a direct violation of the trust that Cherokee people grant to elected officials. Before anyone enters public service they need to decide if they honestly want to serve

their people or if they would rather profit by doing business with their government. But no person can serve two masters.

She said, "Several of Smith's slate, during the last term, were in violation of Nepotism laws yet the court or Attorney General would do nothing. This term they have become even more unconscionable to abolish laws that for decades have defined the crime of nepotism as being so serious as to warrant removal from public office." she said.

"From the corruption Councilors discovered last term throughout the corporate structure and the way the Administration has built layers of hierarchy blocking Council from oversight of the finances, this legislation just opened the door for corruption throughout the employment base. It is a bad indication of what's ahead. This legislation just handed over our nation to "The Family." O'Leary concluded.

Any Councilor who was in a violation of the Nepotism laws in place prior to this revision, because a family member was at that time employed within CNO or who was benefiting from a contract with CNO at the time of taking their oath of office could be found to have been improperly seated and if they were still in violation at the time of this measure being voted on, would have been conflicted to participate in the vote on this question. However as you can see by the following tally, all who were alleged to be conflicted above, chose to participate and most voted to approve the legislation to legalize any current violation of the law.

Legal argument could possibly be made that this legislation was never legally approved because possibly conflicted Councilors participated in a vote that would abolish their conflict yet no conflict was disclosed and their vote significantly affected the approval of the measure.

The new Nepotism Law Section 5 (20) (A) states: If an elected official has an immediate family member employed by the Cherokee Nation or a Cherokee Nation instrumentality, the employment of whom is not otherwise prohibited by this Act, such official shall disclose that relationship prior to any vote or action involving the department or instrumentality in which the relative is employed, except for votes taken in the annual budgeting process, in open session, but excluding the budget modifications. The Council shall require, by a majority vote, the disclosing Council member to recuse himself/herself should the Council determine a conflict of interest exists. Failure to disclose such relationship prior to action or vote involving the department or instrumentality may constitute willful neglect of duty and may result in removal of the Council member pursuant to the laws and Constitution of the Cherokee Nation.

An abstention is typically cast if a person feels they may be conflicted to participate in the vote or they might abstain if they feel the measure is illegal or unconstitutional. An abstention actually counts as a No Vote if a measure is not passed by at least a majority of the members in attendance, as it is not a vote to approve the measure.

The vote to approve the legislation as recorded:

Harley Buzzard	Yes
Curtis Snell	Yes
Cara Cowan Watts	Yes
Buel Anglen	Yes
Julia Coates	Yes
Meredith Swimmer Frailley	Yes
Jack Baker	Yes
Bradley Cobb	Yes
Janell Lattimore Fullbright	Yes
Don Garvin	Yes

Joe Crittenden	No
Charles Hoskin, Jr	No
David Thornton, Sr.	No
Chris Soap	No
Bill John Baker	Abstain
Tina Glory Jordan	Abstain
Jodie Fishinhawk	Abstain
- Disclosing that she had family involved.	

The YES votes are from TEAM CHEROKEE.

UKB's Don Ade Comes Full Circle

The first statement Don Ade made when he talked about his new position as Executive Director of the UKB Economic Development Authority (KEDA) was, "I have come full circle." He was referring to coming back to Cherokee County to be among the traditional Cherokee people. This is after working and living across the United States with many people of many different tribes for twenty-one years. Orphaned at an early age, Ade was raised by his full blood traditional grandparents, Ben and Agnes (Blossom, Salina, OK) Snell at Little Kansas.



Cherokee was his first language, in fact he ended up attending Oaks Mission School for two years for the purpose of learning to speak English. Then he returned to the public school system, but after flunking 9th grade because he would not attend school, he enrolled at Sequoyah High School. Don loved Sequoyah so dearly it became his second home.

Several things happened at Sequoyah that changed Don's life forever. "I had a flash of insight as I carried that hundred pound sack of potatoes up the stairs from the basement to the kitchen. I realized that I needed to pursue a formal education so I could earn a good living. That perspective was life changing, as well as the influence of my teacher, friend and mentor, Mr. Harold Jones. He held a Bachelor's and Master's Degree in Speech and Hearing Pathology and he changed jobs to become a Speech and Hearing Pathology Professor at NSU. After I left Sequoyah, I attended NSU and followed in his footsteps and earned my degree in Speech and Hearing Therapy," said Ade.

Ade was involved in several landmark events early in his career. At age 22, Ade was primarily instrumental in establishing the first Muskogee County Schools Special Education Cooperative Program. This involved nine schools. He was also

the youngest member of the Five Civilized Tribes Inter-tribal Council that went to Washington, D.C. in 1973 and held a series of meetings with President Nixon's Cabinet Secretaries along with Pat Nixon in the White House to move tribes toward self-determination. "We told the government that we had the right to make our own mistakes" said Ade. Two years later, most likely as a result of these meetings, Congress passed the Indian Self Determination and Education Assistance Act. Don Ade is a 32nd Degree Mason, having earned his Master Mason's degree in the Blue Lodge in Talihina, OK, and his 32nd degree in the McAlester Consistory Temple. He takes pride in his Masonic work. "All but three of the signers of the Declaration of Independence were Masons. I like their philosophy of taking a good man and making a better man of him. It is a constant life long program of self improvement. It teaches leadership and enables one to establish valuable contacts," said Ade.

Mr. Ade has worked developing youth and youth programs, as a member of the Haskell Board of Regents, as a Speech and Hearing Therapist, as a Budget and Accounting Analyst, in Health Quality Assurance, as

a Civil Rights Officer, in Public Relations, assisting in planning and designing new hospitals and health centers, and many years as a Health Systems Administrator with Indian Health Service.

Every experience he has had has prepared him for his current position as Executive Director of the Keetoowah Economic Development Authority (KEDA). "I am very passionate about my work. I have the drive and the determination. That is far more important than any college degrees and contacts one may have. After everything is said and done, the credentials that I earned in becoming a licensed and ordained minister have served to keep me spiritually balanced and keep things in perspective," said Ade.

One of Mr. Ade's first assignments as Executive Director of the KEDA was to write a Business Plan and 10 year Economic Development plan for the tribe. "My goal is to promote the United Keetoowah Band of Cherokees as a legitimate Entrepreneur and Competitor in the Business World. I want to leave this legacy: Ensure that the UKBC takes backseat to no one in any social, economic, political or legal venue.

Another life changing event occurred when Don Ade met the love of his life at Sequoyah High School in a young lady named Shirlene Lewis. They have been married for 43 years. Shirlene is also a retired Federal employee (Dept. of Army) and a member of the Muscogee (Creek) Nation National Council. She was just re-elected for a third term, this time for a four year term on the Council. She is just as dedicated and devoted to her tribe as Don is to his.

News Release
Contact: Marilyn Craig
December 12, 2007
(918)456-6533

Troy Poteete attended the Daughters of the Confederacy presentation of the Stan Watie headstone in a full dress Confederate Officer Uniform. Smith has appointed Poteete to the Supreme Court bench that would hear any appeal of the Cherokee Freedmen case.



TROY WAYNE POTEETE
Cherokee Nation
Assistant to the Principal Chief

Troy Wayne Poteete loyally served as Assistant to Principal Chief Chad Smith who has now appointed Poteete to the Cherokee Supreme Court.

Chief Smith's Tribal Council rubber stamps - "Team Cherokee" confirmed Poteete to the bench. With only 4 years out of Law School, with no real court trials in State, Federal or our Cherokee Supreme Court.

The only real talent Mr. Poteete has is being a loyal servant to Principal Chief Chad Smith. Will Poteete serve the Cherokee people & our Constitution, or Chief Smith, only time will tell.



If you want to check out information about the Cherokee Historical Society, go the www.cherokeeobserver.org and click on CNO Historical Society Concern on Troy Poteete link.



Sam L. Still Named Editor of the Keetoowah News

Sam L. Still has been named Editor of the Keetoowah News, the tribal newspaper of the United Keetoowah Band of Cherokee Indians in Oklahoma. Still comes to this position after serving as Director of the UKB Language, History and Culture Department for the past two years.

Still attended Bacone College and graduated with an Associates' Degree in Art before furthering his education and graduating from NSU with a Bachelor's of Science in Print Management. Still has worked as a photographer and graphic specialist for a tribal newspaper and as a language and cultural specialist for 23 years. He is the former Chairman of the Youth and Culture Camp Association, Former Chairman for the CNO Living Treasures committee, Former Vice Chairman for the Native American Graves Protection and Repatriation Act and Former Chairman of the Language and Culture Committee.

Still said, "My love for the traditional Cherokee youth and elders is what brought me to work for the Keetoowah Cherokee tribe. Photographing and working in the Cherokee communities, I have come to know and love the traditional Keetoowah Cherokee elders. I love to listen to them as they tell their stories and share their history with me.

This has brought me closer to my language, culture, and heritage. I look forward to working as editor of the tribal newspaper and highlighting the accomplishments of Keetoowah Cherokee youth, tribal members and the Keetoowah Cherokee Elders." Still is married to Dama Still and has two daughters Tiffany Still and Tonya Russell. He also is the proud grandpa of three granddaughters.

News Release
Contact: Marilyn Craig
November 9, 2007
(918)456-6533

NEWS

U.S. DEPARTMENT OF THE INTERIOR

Office of the Special Trustee for American Indians

FOR IMMEDIATE RELEASE Contact: Debby Pafel December 5, 2007
(202) 208-4289

The Office of the Special Trustee for American Indians - Cautions Trust Account Holders About Misleading Notifications

The Office of the Special Trustee for American Indians (OST) warns Individual Indian Monies (IIM) beneficiaries to use caution if they are contacted about their accounts by private firms. OST has become aware of firms charging fees for account holder services that are free to beneficiaries.

OST is continually looking for people who have funds in trust but who do not have current contact information on file. There is more than \$70 million in trust for over 70,000 people whose whereabouts are unknown (WAW). One business is charging WAW individuals a fee and may misrepresent the amount an individual has in an account. Another firm claimed Power of Attorney status for several WAW account holders and instructed OST to forward all forms, documents and checks directly to the company. The Department of Interior™ Solicitor has reviewed that company™ paperwork and does not recognize its validity.

"These firms have not contracted nor are they affiliated with OST or the U.S. Government. Beneficiaries should not be led to believe they need to pay finder fees to receive their trust funds nor that firms have access to their

account balances," said a spokesperson from the Trust Beneficiary Call Center (TBCC). "People who wonder if they have funds in trust can call the TBCC and establish rights to their accounts without paying fees."

IIM beneficiaries can call the TBCC to receive accurate and timely information and assistance about their accounts. There is no cost to the beneficiary to receive assistance from the TBCC; even the phone call is toll free. Beneficiaries with questions or concerns should call 1-888-678-6836 from 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 am to noon on Saturday. All times noted are in the Mountain Time Zone.

Visit the OST website at www.doi.gov/ost for information about IIM beneficiary benefits and the TBCC.

The mission of OST is to perform our fiduciary trust responsibilities to American Indian Tribes, individual Indians and Alaska natives by incorporating a beneficiary focus and beneficiary participation while providing effective, competent stewardship and management of trust assets.

Martin removed as editor in Cherokee

By Jennifer Garlesky • Staff Writer - Rocky Mountain Press North Carolina

Last week Eastern Band of Cherokee officials made the decision to remove The Cherokee One Feather Editor Joe Martin from his newspaper position.

"A memo notified Martin on Oct. 31 that he was being transferred to manager of tribal day care and stating his position is no longer available to him," said Rob Saunooke, Martin's attorney.

On Nov. 2, Martin received another letter from the Tribal Finance Department saying that "due to lack of response, they consider his actions as resignation," Saunooke said.

Martin is currently on administrative leave.

Martin's sudden removal from his position at the Eastern Band of Cherokee's official newspaper is linked, Saunooke claims, to his disagreement with Principal Chief Mitchell Hick's executive order which called for the removal of the newspaper's anonymous opinion section, "Rants and Raves." The section allowed readers to anonymously offer opinions on any tribal issue, and there were often more than a dozen one-line submissions each week in

the One Feather. Some were critical of the chief and other tribal entities.

"This is retaliation by the chief's office," Saunooke said. "Joe disagreed with the chief's executive order."

On Oct. 1, Hicks issued an executive order to remove the "Rants and Raves" section from the newspaper. The sudden removal of the popular anonymous opinion column came after Hicks declared the column to be slanderous.

The chief's decision upset some tribal members who have said the order violated their freedom of speech rights. The case went before tribal council members last month and council members upheld Hicks' order.

Since then Martin has criticized the Chief's and tribal council decision. He has publicized his opinion and was quoted in several articles that appeared in the Asheville's Citizen-Times.

Tribal officials cited Martin's actions to justify his termination, Saunooke said.

Tribal officials said they would not comment on Martin's removal since it is a personnel issue.

That is why it is essential for citizens to create their newspapers such as the Cherokee Observer. even after all of our trials and tribulations we are still here after all of these years... *We have been publishing 15 years.*

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

Landfill used by Fayetteville fined \$1 million for multiple violations

BY ADAM WALLWORTH Northwest Arkansas Times - Posted on Sunday, September 9, 2007

The company contracted by Fayetteville to handle the city's garbage was fined more than \$1 million for various violations, prompting city officials to wait and see.

" Hopefully they'll be able to work through their issues, " said Gary Dumas, director of operations for the city.

Dumas said he is in contact with Indian Country Investments LLC, which was fined by the Cherokee Nation Environmental Protection Commission for several violations.

The company runs the landfill, which is owned by the Cherokee Nation, with which the city contracted in April to run the city's transfer station and transport the solid waste to a landfill in Oklahoma. Cherokee Nation of Oklahoma, (CNO) was the only group to submit a bid.

Dumas said the city has no liability for the waste once it is delivered to the company. He said the city can void the contract if the company is doing something illegal, but he said he won't make any recommendations until he knows more about the situation.

The company has 15 days from the issuance of the order to request a hearing in the matter. The owner of the site has 30 days to make his company's case as to why it should not be held jointly liable and why penalties shouldn't be assessed.

Dumas said he doesn't expect any action will be taken until the company has a chance to respond. There are always environmental inspections on landfills, and often times there are issues that need to be addressed, he said.

Jeannine Hale, administrator of environmental programs for the Cherokee Nation, commented that the problems appear to only have been on site.

" There is no evidence that any property beyond the landfill was adversely affected, " Hale said. " Also, there are groundwater monitoring wells at the landfill that are monitored regularly and they are not showing any problems. "

The company was fined for the following violations, which were taken from the order issued by the commission:

- For allowing the leachate pond to overflow on multiple occasions, the company was fined a total of \$30, 000, which was the maximum allowable.
- For not adequately covering the site on certain occasions, the company was penalized \$125, 000. The maximum allowable was \$250, 000.
- Violations regarding the concentration of methane gas resulted in a fine of \$710, 000, which was the maximum allowable.
- For the use of a nonauthorized, unlined stormwater detention basin, the company was fined \$200, 000.

The company also faces \$910, 000 in fines for accepting industrial waste other than that produced in construction and demolition. The site has accepted such waste from companies including Roll-Off, Tyson Foods and Mrs. Smith.

The commission issued a compliance schedule and requested an update from the company at the group's next meeting.

Calls made to the local office of Indian Country Investments, (ICI) were not answered Friday.

Something to say about this topic? Submit a Letter to the Editor online at <http://nwanews.com/nwat/News/56979/letter/>

Editor Note: As of the printing of this Observer in November, none of the fines have been paid, the landfill has been closed and ICI has moved all of their equipment off of any property belonging to the Cherokee Nation. Because none of the ICI owners were Cherokee citizens the question remains if CNO has any authority to actually collect any of the fines from or enforce any ruling by a tribal entity on non-tribal members. Since the closure of the CNO landfill the tribe has been subsidizing the refuge from Fayetteville to be hauled to the Tontitown, AR landfill at an approximate additional cost to the tribe of \$2,500 daily. Although it was discovered by Council that the contract between the tribe and Fayetteville had been signed by Doug Baine, the manager of the landfill, who did not have any contract authority, the tribe has continued to honor the contract. Should the tribe breach their side the only specified damages within the contract is the forfeiture of a \$100,000 ICI bond and the companies trucking equipment. In a recent Cherokee Council meeting, Councilors questioned why the tribe would continue footing the bill on an invalid contract with such extreme daily losses if breach only affected ICI who had in effect filled up the \$3 million cell while not building a new one as agreed making it impossible for the tribe to complete the six year contract? Brad Carson, CEO of Cherokee Nation Businesses said, "We want to be good neighbors."



Letter from Keetoowah Chief, George Wickliffe

As Chief of the U n i t e d Keetoowah Band of Cherokee Indians in Oklahoma , I am submitting the following information to clarify the importance and relevant issues of H.R. 2824. Despite what the Cherokee Nation is trying to say about House Bill 2824, at no point does this bill mention "termination". If the word termination was mentioned it would have devastating effect on all tribes and could not be supported. The United Keetoowah Band (UKB) is a federally- recognized tribe, receiving such status under the Oklahoma Indian Welfare Act (OIWA) by Congressional Act August 10, 1949 (60 Stat. 976). Our tribal membership consists of Cherokees ¼ degree blood or more, of whom 98% reside in our 14-county service area. This service area is consistent with the boundaries set out by the Treaty of 1833, with modifications by subsequent treaties. For tribal government and service purposes, this 14-county area is divided up into 9 districts, which were part of the Cherokee Nation of Oklahoma prior to its termination in 1906. The information backing the Status of the Freedmen is well-documented through the Treaty of 1866, subsequent amendments to the Cherokee Nation of Oklahoma Constitution, and tribal Allotment. In addition, it is specifically stated in Bureau of Indian Affairs' policy that one of the stipulations presented in the Bellmon Act (commonly known as the Principal Chief's Act) is that the Cherokee Nation of Oklahoma's voter qualifications 'must be broad enough to include the enrolled freedman citizens of the respective nations, together with the descendants of such enrollees.' Due to the extensive clarity and documentation of these Federal Government agreements and policies, they will not be further dwelt upon in this information. The other issues listed in the House Bill are far more unfamiliar to those unattached from the issue, and are very complex. For that reason, this concise supporting information is made available. In a December 19, 2006 ruling in Vann v Kempthorne, the United States District Court of Columbia denied the Cherokee Nation of Oklahoma's Motion to Dismiss. Cherokee Nation of Oklahoma used its own 'Supreme Court' to overturn this outcome. This was accomplished by the Supreme Court justices ruling in a 3-2 decision that the Cherokee Nation of Oklahoma could hold a vote on the tribal status of the Cherokee Freedmen. The subsequent vote was held in

March, 2007 and less than 4% of the Cherokee Nation of Oklahoma voters ratified the decision that tribal citizens must be of Indian descent. It should be noted here that the Cherokee Nation of Oklahoma 's "Supreme Court" is a new entity, authorized by the 1999/2003 Cherokee Nation Constitution, which has not been approved by the Secretary of the Interior, and the Cherokee Nation of Oklahoma has removed its request for approval. That will be covered later in this information. The above "Supreme Court" decision, therefore, was mandated by a Court which only exists under authority of a Constitution which has not been approved by the Secretary of the Interior, and is therefore, illegal. In addition, the election (vote) deciding the tribal status of the Cherokee Freedmen was also held under an unapproved, illegal Constitution, as well as denied the vote of the Cherokee Freedmen, mandated by the policy supporting the Principal Chief's Act. The language of the Bill does not elaborate on the so-called 're-instatement' of the Cherokee Freedmen for purposes of voting in the June, 2007 election. In this quasi-re-instatement, not only are the Freedmen's rights severely restricted, but the injunction allowing them this right specifies "temporarily." Therefore, even though the move appears to be beneficial and positive for the Cherokee Freedmen, the issue is clearly not resolved. Another issue is of grave concern. While the recent (June 23, 2007) election held two days after the introduction of H.R. 2824 is clearly illegal based on it being held under an illegal and unapproved Constitution, the election ballot contained a referendum 'affirming a Constitutional amendment.' The question on the ballot read, "Shall the Cherokee people affirm the removal of the requirement of federal approval for the Constitution of amendments to the Constitution, by enactment of the following: "A Constitution of amendment shall not require approval of the United States of America ?" Campaign and promotional material proclaimed the Cherokee Nation of Oklahoma "voluntarily" placed this approval process on its 1975 Constitution, and called it 'self-imposed.' Historic information begs to differ. Cherokee Nation of Oklahoma government was terminated in the years immediately preceding Oklahoma Statehood. The final Act, (March 1, 1901, Fifty-sixth Congress, Session II, Chap 675, "An Act to Ratify and Confirm an Agreement with nations, an Act of Congress is the only legal measure which can accomplish the changes Cherokee Nation of Oklahoma has illegally moved to

do, which include, but are not limited to: 1. Prohibit Cherokee Freedmen from tribal citizenship, voting and other rights; 2. Operate under a Constitution; 3. Amend A Constitution; 4. Hold an election (except under a valid Constitution); 5. Remove Federal Approval from the Constitution; 6. Denying service to federally-recognized Native Americans within their service area using Federal funds, who are not members of the Cherokee Nation; and, 7. Having jurisdiction of Trust Lands which are held in trust for a "Cherokee Tribe organized under the Oklahoma Indian Welfare Act (OIWA)," which the Cherokee Nation is not. It should also be noted that the Bill calls for severe further scrutiny and monitoring ensuring that Cherokee Nation of Oklahoma is not only in compliance with its treaty obligations, but all Federal Statutes which 'govern its relations with the United States Government.' This stipulation is beneficial to the United States , as well as other Native American and Federally-recognized tribes which have been denied their rights due to Cherokee Nation of Oklahoma illegally excluding them from benefits and services by law. H.R. 2824 states in the last paragraph under "GAO Report on Expenditure of Federal Funds" that, "The report shall include an analysis of Federal funds allocated by the Cherokee Nation of Oklahoma 's leadership for its member benefits and services and for administrative and other purposes. The report shall determine whether or not the Cherokee Nation of Oklahoma is in full compliance with all Federal regulations and laws regarding the management and disbursement of Federal funds." It is hoped this will allow the thousands of members of the federally-recognized United Keetoowah Band of Cherokee Indians, who are not members of the Cherokee Nation of Oklahoma receive services through their own tribal government, which has the same jurisdictional area Cherokee Nation of Oklahoma claims. Until this point, Cherokee Nation of Oklahoma has successful and illegally blocked funding to the United Keetoowah Band, and OIWA-organized tribe, with an erroneous claim of dual-enrollment and doubleservicing. It is hoped this information imparts a deeper understanding of the claim made on page 8 of H.R. 2824, that "The manner in which the Cherokee Nation of Oklahoma is conducting the relationship between the United States and the tribal entity is not in the best interest of the United States Government, citizens of the Cherokee Nation of Oklahoma, and violates existing treaties and laws governing the relationship between the United States

Government and the Cherokee Nation of Oklahoma." You will note that in addition, it is not in the best interest of citizens of the United Keetoowah Band (over 10,000 residents of Northeastern Oklahoma), as well. Most importantly, it is hoped that the distinguished members of Congress will find the audacity of Cherokee Nation of Oklahoma to assume it can supersede Congress no less then astonishing. While the Cherokee Nation of Oklahoma exists today only legally capable of administering the assets of the original Cherokee Nation of Oklahoma, and to service the original Dawes Enrollees, the United Keetoowah Band is Congressionally recognized under the OIWA, as are other Oklahoma tribes. The Treaty of 1866 was negotiated to ensure the Indian tribes, originally from the Southeastern area of the United States , were consistent with the civil rights of black people enjoyed through the United States Constitution. The so-called "Five Civilized Tribes" were the signers of this treaty, and the mandates of the document do not affect the United Keetoowah Band of Cherokee Indians in Oklahoma , nor other tribes in the United States other than the 'five.' Certainly, tribal governments have the legal right to determine their own citizenship requirements, IF these are not in conflict with treaties signed between the United States and the tribes. If a tribe is in conflict, there is no court in the land which can abrogate the treaty. Only Congress can do so.

Group opposes Cherokee termination measure
Muskogee Phoenix

Cherokee Nation Principal Chief Chad Smith praised the National Congress of American Indians for unanimously passing a resolution opposing H.R. 2824, a U.S. House bill that retaliates against the Cherokee people for voting to limit citizenship to those with ancestors on the Dawes Rolls, the 1906 federal census list of the Cherokee people. The March 2007 tribal measure, which passed by 77 percent, disenrolled about 2,800 Freedmen descendants who had been citizens in the tribe for about a year due to a Cherokee Nation Supreme Court ruling that allowed citizenship for descendants of people listed on the Dawes Rolls as non-Indians.

The bill would sever U.S.-Cherokee relations and cut nearly \$300 million in federal funding for the tribe. Litigation over Freedmen citizenship issues continues in federal and tribal courts. Until all litigation is resolved, the approximately 2,800 Freedmen descendants have been reinstated to citizenship in the Nation with full social services and the right to vote.

Article V. Distribution of Powers
 The powers of the government of the Cherokee Nation shall be **divided into three (3) separate branches:** Legislative, Executive and Judicial; and except as provided in this Constitution, the Legislative, Executive and Judicial branches of government shall be separate and distinct and **no branch shall exercise the powers properly belonging to either of the others.**

Cherokee Nation of Oklahoma

Cherokee People
 Constitution

"If this is the current operating structure of the Cherokee Nation of Oklahoma, it is unconstitutional"



Executive Branch

Legislative Branch

Judicial Branch



Chief Smith & "Team Cherokee" believe they are the Cherokee Nation and the Cherokee people are not!

Representative's of the Cherokee People

Chief Chad Smith Deputy Chief Joe Grayson Jr
It appears Chief Smith has direct control of the Judicial Branch & Legislative Branch by "Team Cherokee"

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Chief Smith's Slate "Team Cherokee"

"Their Actions Speak Louder Than Their Words"



Article VI. Legislative Section 7. The Council shall have the power to establish laws which it shall deem necessary and proper for the good of the Nation, which shall not be contrary to the provisions of this Constitution. The style of all bills shall be: "Be It Enacted By The Cherokee Nation". The style of all resolutions shall be "Be It Resolved By The Cherokee Nation".

Section 8. No laws passed by the Council shall have retroactive effect or operation.
 [retro-ac-tive (re'tro ak'tiv) adj. having an effect on things that are already past.]

Article XI. Removal From Office Section 1. The Principal Chief, Deputy Principal Chief, members of the Council, Attorney General and Marshal shall be subject to removal from office for willful neglect of duty, corruption in office, habitual drunkenness, incompetency or any conviction of a felony, or a crime under the laws of the Cherokee Nation that if committed in some other jurisdiction would be a felony, or a misdemeanor involving moral turpitude or offenses against the Cherokee Nation committed while in office.

Section 4. Separate from the Council's removal powers, the People of the Cherokee Nation reserve unto themselves the exclusive power to recall any elected official through petition and recall referendum. A petition must be signed by Cherokee citizens registered to vote. In the case of Principal Chief or Deputy Principal Chief, signatures must total a number equaling or exceeding fifteen percent (15%) of the total number of registered voters in the previous general election. In the case of district offices, signatures must total the greater of five hundred (500) or twenty-five percent (25%) of the total number of registered voters in that district in the previous general election. The signed

petition shall be filed with the Election Commission to determine whether the signatures are valid. Said determination shall be made within thirty (30) days after the filing of same. Upon verification of the requisite number of signatures the Election Commission shall certify the petition as valid and notify the Council and the Secretary of State.

Upon notification of a valid certified petition the Council shall immediately call for and approve a special recall election for the office in question within sixty (60) days. The special recall election shall be limited in scope to the voting populous for the elected office in question. Votes casts shall be tabulated and the results certified in the same manner as in general elections. A majority vote to affirm the official shall retain the official in office. A majority vote to recall shall immediately remove the official from office. In the event of a tie-vote the Council shall call a special meeting to conduct a tie-breaking vote. Elected offices vacated under this section shall be filled as otherwise provided in this Constitution.

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(2) Revoked existing elected officials' compensation laws in preparation to **vote themselves another pay raise, discussing 75,000 annually and increasing the Chief's salary to nearly \$300,000 a year.** What have they done for a 100% raise?
So under Article VI. Legislative, Section 7. The Council shall have the power to establish laws which it shall deem necessary and proper for the good of the Nation. So, team Cherokee is in violation of our constitution **Is it time to begin recall petitions?**