

## 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."

### Change of Address

NAME \_\_\_\_\_

New ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Email: \_\_\_\_\_

Old ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

email or snail mail

Email: \_\_\_\_\_ 11207

The Cherokee Observer  
**DGWY D840DJ**  
"The Only Independent Cherokee Newspaper"  
P.O. Box 487  
Blackwell, OK 74631-0487  
e-mail: cwyobserver@yahoo.com  
editors@cherokeobserver.org  
Phone/Fax: 1-580-363-5438  
PUBLISHER: Marvin J. Summerfield  
OWNER: Cherokee Observer, Inc.  
[www.cherokeobserver.org](http://www.cherokeobserver.org)

Rate Per Copy (News Stand).....\$5.00  
Back Issues rate per copy (mailed).....\$2.00  
Yearly Mailing Rate (domestic).....\$22.00  
Franklin McLain.....Online/Managing Editor  
Marvin J. Summerfield.....Language Editor

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.