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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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