

"We never had any idea that Jack Abramoff did any work for the Cherokee Nation."

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Abramoff-related trips also were paid for by the Agua Caliente Band of Cahuilla Indians, the Mississippi Band of Choctaw Indians, and the Cherokee Nation. Some of these trips were taken by aides of longtime proponents of Native American causes.

Three staff members from the office of former Rep. Brad Carson, D-Okla., and an employee of Rep. Dale Kildee, D-Mich., appear to have been sent on trips to Oklahoma by the Cherokee Nation during the same week. In 2003, Cherokee Nation Enterprises, a subsidiary of the Oklahoma tribe in charge of casinos, was paying Abramoff and his lobbying firm \$120,000 to influence Congress.

Carson, who is a Cherokee tribal member, has been a strong supporter of Indian rights. During his legislative career, he sponsored and co-sponsored more than 80 bills and resolutions that dealt at least in part with Indian issues. During the year of his staff's trips, he wrote legislation to make Indian employment tax credits permanent and issue bonds to build and modernize Indian schools.

Carson told the Center that the trips taken by his staff were related to his constituency and not connected to Abramoff or his lobbying firm.

"I represented one of the two most Native American districts in the nation," he said. "We never had any idea that Jack Abramoff did any work for the Cherokee Nation."

Long before Abramoff's indictment, he came under scrutiny for allegations that he had bilked Indian tribes out of tens of millions of dollars. Carson said that he is working for the Cherokee Nation now that he has left Congress and believes Native Americans have been unfairly portrayed in the scandal.

"The Indians are caught up in all of this controversy," he said. "It wasn't the tribes that were doing anything improperly; it was Abramoff that was doing things wrongly."

The Center found disclosure filings for five trips listing Abramoff clients as travel sponsors. They include:

- * An \$826 trip in June 2000 for an aide to Rep. Dan Burton, R-Ind., paid for by Pitney Bowes
- * A trip costing about \$1,000 in October and November 2003 for an aide to Rep. Tom Cole, R-Okla., paid for by the Agua Caliente Band of Cahuilla Indians
- * A \$448 trip in August 2002 for an aide to Sen. Trent Lott, R-Miss., paid for by the Mississippi Band of Choctaw Indians
- * Two December 2003 trips, costing \$1,949 and \$2,129, for aides to Rep. Jim McCrery, R-La., paid for by the Agua Caliente Band of Cahuilla Indians.

Chad's Employee

October 28 2006

Response to Re: "We never had any idea that Jack Abramoff did any work for the Cherokee Nation."

A federal judge yesterday sentenced David H. Safavian, a former top Bush administration official, to 18 months in prison for lying and concealing unethical dealings with lobbyist Jack Abramoff.

During an unusual hearing that lasted much of the day, U.S. District Judge Paul L. Friedman wrestled with how to mete out justice to Safavian. He said Safavian was a man who had "pulled himself up by his bootstraps" and had been "a very good person to a lot of people." But, the judge said, Safavian also committed "an abuse of the public trust" in his relationship with the lobbyist.

A jury found that David Safavian hid unethical activities.

Abramoff, the once-powerful lobbyist at the center of a wide-ranging

public corruption investigation, was sentenced to five years and 10 months in prison on March 29, after pleading guilty to fraud, tax evasion and conspiracy to bribe public officials in a deal that required him to provide evidence about members of Congress.

"Did he believe in public service? I guess he did," Friedman said. "But he also wanted someday to join Mr. Abramoff in that lucrative lobbying business."

Friedman lamented that Washington has become "more and more corrupt," increasingly a home to greedy lobbyists and politicians on the take.

Safavian, 39, a former chief of staff for the General Services Administration, wept as he told Friedman that he knows now he never should have given Abramoff inside information about government-owned real estate that the lobbyist wanted to acquire. At the time, Safavian said, he thought what he was doing was innocuous. "I didn't see anything wrong in helping Jack," he said.

The 18-month jail sentence was about halfway between the 30 to 36 months sought by government prosecutors and the defense's proposal for alternative sentencing that would avoid any prison time at all.

Barbara Van Gelder, Safavian's attorney, urged leniency, telling Friedman that Safavian exhibited an ethical "blind spot" in his dealings with the brazen and flashy Abramoff. "He may have been blinded, dazzled," she said, but his wrongdoing with Abramoff was "isolated, not a man beginning a life of crime."

Carson told the Center that the trips taken by his staff were related to his constituency and not connected to Abramoff or his lobbying firm.

But prosecutor Peter Zeidenberg asked the judge to add a perjury conviction to Safavian's crimes for his testimony at trial. "For the two days he spent on the witness stand, Mr. Safavian lied about virtually everything," Zeidenberg said. "He testified under oath that he never lied, never concealed. . . . He even went on to say, 'I never gave Jack Abramoff favorable treatment,' " statements the jury rejected in its verdict.

Friedman said he did find some of Safavian's statements from the witness stand "incredible," including the defendant's claim that he believed his payment of \$3,100 would cover the cost of a week-long luxury golfing excursion to Scotland with Abramoff. But in the end, the judge decided against the prosecutor's request for a perjury conviction.

Safavian was a lobbyist and congressional aide until 2002, when he joined the GSA, the agency that oversees the purchase and leasing of billions of dollars in federal property around the country. He later became the government's top procurement officer at the Office of Management and Budget.

He was convicted in June of concealing facts about the 2002 golf trip as well as the help he gave to Abramoff, a longtime friend, in trying to acquire two GSA-controlled properties -- one of them the Old Post Office building on Pennsylvania Avenue.

The jury found him guilty of lying to the GSA inspector general and obstructing an inquiry by that office, as well as lying to the Senate Indian Affairs Committee and to a GSA ethics officer.

Trial evidence included stacks of e-mails showing that Safavian secretly maneuvered within the GSA to obtain information for Abramoff about properties he wanted to buy or lease. The two schemed to get members of Congress to pressure the agency for the information.

Friedman said he had received 50 to 60 letters from people attesting to Safavian's good qualities, including one from his former boss Clay Johnson, the OMB's deputy director for management, from friends on Capitol Hill and from his pastor. A letter also came from his sister, who testified tearfully on his behalf yesterday. Her brother, she said, "didn't tell anyone" he was in trouble until his arrest. "He called me at work, sobbing and sobbing. He said, 'I'm so sorry for embarrassing you,'" Mehnaz Safavian said.

Safavian's lawyers said their client will appeal the conviction. Safavian is one of eight people convicted so far in the wide-ranging influence-peddling investigation into Abramoff's lobbying activities on Capitol Hill and

in executive branch agencies. Earlier this month, Rep. Robert W. Ney (R-Ohio) became the first lawmaker to plead guilty in the probe. Abramoff and several former congressional aides have pleaded guilty and are cooperating.

One of them, Neil G. Volz, a former Ney aide, went to work with Abramoff, went on the Scotland golf trip and was a central witness in the Safavian trial. Friedman said he was revolted by Volz's testimony that government officials prepared sworn declarations about lobbyist-paid trips based on what "would pass the smell test" -- not what was true. "I wanted to go home and take a shower," the judge said.

Cherokee Nation court rules councilors violated constitution in lawsuit

By Donna Hales
Phoenix Staff Writer

Seven members of the Cherokee Nation Tribal Council lacked constitutional authority to file a suit in federal court on behalf of the Cherokee Nation, a tribal judge ruled Wednesday.

Cherokee Nation District Judge Bart Fite said the power to bring a lawsuit on behalf of the Cherokee Nation is granted solely to the attorney general of the Cherokee Nation.

Fite wrote that individual council members, or even the entire council acting as a body, would be violating the tribal constitution by filing on behalf of the tribe.

One of the seven councilors, Bill John Baker of Tahlequah, said if councilors, as elected officials, don't represent the Cherokee Nation, who does?

"This ruling pretty much says the only branch who can sue for the Cherokee people is the chief," Baker said.

"I didn't give up my constitutional rights when I signed up for the Cherokee Nation. The lawsuit was over security violations and fraud and deceit -- if not me, then who?"

Baker said Fite's ruling will be appealed to the tribe's highest court, the Judicial Appeals Tribunal of the Cherokee Nation.

The approval of Principal Chief Chad Smith and the Cherokee Nation Industries Inc., to purchase a substantial interest in a failing penny stock company, resulting in a loss of more than \$3 million so far, prompted the councilors' suit in federal court in Muskogee.

The other six plaintiffs include councilors: Linda Hughes O'Leary, S. Joe Crittenden, David Thornton, Charles Hoskin, Melvina Shotpouch and Johnny Keener.

Fite ruled the Cherokee Nation is not liable for any amount of money expended as a result of the filing of the suit, according to a media release from the administration.

The release said Fite ordered the plaintiffs to remove any and all statements that the suit was brought on behalf of the Cherokee Nation and clarify in the federal record that they "do not represent the interests of the Cherokee Nation."

The Phoenix received the release too late to obtain a copy of the ruling.

Reach Donna Hales at 684-2923 or dhales@muskegephenix.com.

Term Limits

Robin Mayes

Hey, I've been thinking about something David said about term limits. David said it was clear to him that Chad would not be legally able to run in 2007.

I'm wondering who the others are that will be faced with this problem. I can list some of them but I wonder if anyone knows who all with two terms are.

Let's see Buel has been in twice but I bet he will claim the first time was an appointment to finish a term and not a full term.

There is **Chuck Hoskins, Don Garvin, Melvina Shotpouch, Johnny Keener, Jackie Bob Martin, and David Thornton.**

Did I miss anybody? Bill Baker has not served two consecutive terms so he can run.

Keep up-to-date on webboard of www.cherokeeobserver.org & www.cornsilks.com - John's Place.

Interior claims constitution lacks proper approval

Principal Chief Chad Smith says a Judicial Appeals Tribunal ruling makes federal OK unnecessary

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By Travis Snell - Staff Writer

TAHLEQUAH, Okla. - The Cherokee Nation received a letter in September from the U.S. Department of Interior stating the 2003 Constitution approved by Cherokee citizens still needs federal approval despite CN implementing the new law in June.

In a letter dated Aug. 30 addressed to Principal Chief Chad Smith, Associate Deputy James Cason stated he received correspondence from Smith on June 9 in which Smith notified the Interior that CN was withdrawing its request for federal approval.

"Your letter indicated that you consider the approval ... moot in light of the June 7, 2006, decision by the Cherokee Nation's Judicial Appeals Tribunal," the letter states. "The Cherokee Nation's (1976) constitution requires secretarial approval of amendments and neither the secretary nor any authorized representative of the secretary has approved the amendment."

CN began operating under its new constitution after a June 7 ruling by the JAT, now the Supreme Court, which stated CN did not need federal approval for the new governing document.

In a 2-1 decision, Justices Darell Matlock and Darrell Dowty ruled Article XV, Section 10 of the 1976 Constitution was self-imposed and that the Cherokee people "by their inherent sovereign power had the right to remove the self-imposed requirement."

The section states that no amendment or new constitution shall be effective without presidential approval or his authorized representative.

Following the decision, Smith said CN was exercising its sovereignty by approving the 2003 Constitution without federal approval and the new law had received all proper approval by a vote of the Cherokee people.

In a Sept. 7 e-mail to tribal employees regarding Cason's letter, Smith stated that the new constitution is still effective.

"We should first and foremost keep in mind that Cherokee Nation has the sovereign right to decide our constitution. Our highest court and a vote of the Cherokee people made that decision and it is no one else's decision to make," Smith wrote. "Additionally, at no point does the letter question the validity of the new constitution as the governing document of the Cherokee Nation."

In April 2002, after negotiations between the tribe and the BIA, the BIA agreed that CN could amend its 1976 Constitution by referendum vote to remove the clause regarding federal approval, which voters did during the 2003 tribal elections.

Chief Smith said he received the letter Sept. 6 and viewed it as a request and not a demand from the DOI. He said the tribe will not resubmit an approval request to the department because it's unnecessary.

"It is not necessary and is not requested by the BIA in this letter. We interpret this as a courtesy letter from BIA," he said. "The (DOI) letter appears to be a courtesy communication, outlining what we should do if we seek the secretary's approval. Nowhere in his letter does Associate Deputy Secretary James Cason cite any federal authority for the BIA to approve the constitution. Since we do not need BIA approval, we will not request it."

Tribal Councilors were also reviewed the letter and some expressed concern at its intent, but said they would wait for the issue to be resolved between the administration and the DOI.

"The Cherokee people have spoken (in 2003)," Councilor Bill John Baker said. "I have read this three times and it is a serious, important document. But I don't want to throw caution to the wind."

Baker said his concern was over bud-

getary matters because if federal approval was needed, federal funds could possibly be cut until the tribe complies. Federal funds make up 77 percent of the \$340 million budget.

Another issue is the government itself. Since June, the Tribal Council has added two seats to its body, approved a secretary of state, treasurer, attorney general, tribal marshal, two Supreme Court justices as well as its own speaker and deputy speaker.

Also in the DOI letter, Cason asks that if the tribe does resubmit for approval, Chief Smith should consider implications of the JAT's March 2006 decision to allow descendants of Cherokee Freedmen to become tribal citizens.

Cason states that more than 800 Freedmen have enrolled in the tribe since the March ruling and suggests that not everyone "who was entitled to membership in the Nation were considered eligible to vote in the 2003 elections, which purported to adopt the constitutional amendments."

However, Smith wrote that the BIA certified the 2003 election results.

"Mr. Cason did miss some very clear language in our Supreme Court's ruling on the Constitution, which says the 2003 elections were valid. Plus, the BIA itself has repeatedly assured the Cherokee Nation that the 2003 elections were valid and properly held," Smith wrote. "The Cherokee people have expressed their will, and the (Cherokee) Nation's highest court has ruled that our constitution is valid and effective."

History of the 2003 Constitution

1975 - On Oct. 2, Principal Chief Ross O. Swimmer approved the final draft of the Cherokee Nation's Constitution, which was voted on the following year.

1976 - Cherokee voters approved the 1976 Constitution on June 26. The constitution contained the Article XV, Section 10 clause that stated no amendment or new constitution shall be effective without presidential approval or his authorized representative. It also contained Article XV, Section 9 that stated that the question of a constitution convention must be submitted to the Cherokee people at least once every 20 years.

1995 - In the general election held on June 17, Cherokee voters approved the call for a constitutional convention.

1999 - On March 6, the Constitution Convention Commission adopted a new constitution and stated that the greatest obstacle during the process was the federal approval clause.

2000 - Tribal Councilors passed a resolution on May 15 requesting that the CCC seek approval from the assistant secretary of the Interior to authorize a referendum vote on a single amendment to remove the federal approval clause from the 1976 Constitution.

2002 - In April, after negotiations with the Interior, the Bureau of Indian Affairs agreed that the tribe could amend its 1976 Constitution by a referendum vote to remove the clause regarding federal approval.

2003 - On May 24, Cherokee voters removed Article XV, Section 10 from the 1976 Constitution. On July 26, Cherokee citizens voted to adopt the revised constitution presented by the CCC as the tribe's supreme law. In an Aug. 2 letter from the BIA, the bureau notified the tribe that it will not challenge the results of the May 24 election despite protests from Cherokee Freedmen and four former elected officials who lost in that election.

2003 to 2005 - CCC members periodically appeared at Tribal Council meetings stating that the BIA still has not approved the federal approval amendment vote or the new constitution.

2005 - On March 7, Dennis Jay Hannah and Ralph Keen Jr., two men who served on the CCC, filed a lawsuit asking the JAT to determine the legal status of the federal approval amendment and the 2003 Constitution.

2006 - On June 7, the JAT ruled 2-1 that the 2003 Constitution is valid and does not need approval from the Interior because the federal approval clause in the 1976 Constitution was self-imposed and that the Cherokee people "by their inherent sovereign power had the right to remove the self-imposed requirement."

Red Bird Smith and Son's



Red Bird Smith



**John Smith
Oldest Son**



**Sam Smith
2nd Son**



**Richard Smith
3rd Son**



**Thomas Smith
4th Son**



**Kiah Smith
7th Son**



**Stoke Smith
8th Son**

This is the blood line that Chad Smith claims. It has been suggested from the Smith Families that Red Bird & Kiah Smith never claimed Nelson as Kiah Smith's son. Kiah Smith was not back from over sea's in the war when Nelson's mother conceived him. Nelson didn't use Smith as his last name while Red Bird & Kiah were alive. Nelson Quinton changed his name to Smith after there was no one to protest.

Nelson Quinton "Smith" is the person Chad has claimed as his father. This is in question too. This issue has been being looked at for many years and it will not go away, until Chad provides his original birth certificate or DNA to compare to the Red Bird Smith descendant's. **NOTE: The only information that connects Chad Smith to Red Bird Smith is Chad's own words & writings. What do you know about this issue?**

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