

This is Dave Whitekiller, recording some information for Franklin McLain, concerning Cherokee Nations Industries, Inc. - Feb. 9, 1994

In the fall of 1968, I was asked by W. W. Keeler to assist the tribe in establishing a manufacturing concern in Stillwell, Oklahoma. The firm, The Cherokee Nation Industries, had already begun with eight people of in and around Stillwell and what they were doing, was through Mr. Keeler's association with the head of Western Electric Plant in Oklahoma City, they were building telephone switching materials for Western Electric. I was asked to come on as the first president. They had a man there who was an employee of Western Electric heading up the company at the time, a quarter blood Cherokee by the name of C. B. Myse, Brian Myse, who has since retired from Western Electric and is living at Wildcat Point here near Tahlequah.

I took the company when there was eight people employed and over a period of three, a little over three years that I worked with them went from eight people to 303 employees at the time of my departure. I also helped the company earn as much as 3.2 million dollars in the third year, gross. But during the short history that I was involved with Cherokee Nation Industries I started in as the President, or actually the General Manager and then the Presidency and then later the Chairman of the Board of the company. By the time, this was in 1970, 1969 I'm sorry, and along about 1971, or there a bout's. After I had established the company in the little American Legion building, which is no longer existent in Stillwell at 9 West Olive Street. It has since burnt down but I was able to work out an arrangement were we could build the original building, it's out on the north side of Stillwell right now.

Now Ross Swimmer came on board about 1971 with the Cherokee Nation of Oklahoma as a legal consultant and various other things that Bill Keeler was tutoring him for, including to take over as Chief when he got out of the way. But my first encounter with Ross Swimmer, Bill Keeler had put him in charge of overseeing the economic development projects and so forth, one of which was under his charge was the Cherokee Nation Industries of Oklahoma. Cherokee Nation Industries is Oklahoma charter cooperation, and the chartering and all the legal work was done by Marvin Franklin, ex Chief of the Iowa's and later ex-commissioner of the Bureau of Indian Affairs or first Under Secretary of the Bureau of Indian Affairs. But telephone to me I can't remember what his name is uh he was actually an engineer and I understand he took over there for a while after Cary Wyatt left. Any way it has a real, real suspicious history as to the amounts in dollars paid to these guys and I can't or I haven't been able to prove it but think that what they did was to work out an arrangement of a payoff to Ross Swimmer and in a tremendous oh exorbitant fee or

exorbitant salaries for themselves, I understand Cary Wyatt at one point made \$700,000.00 in one year.

Any way at one point Ross Swimmer while he was Chief wanted to sell this company. Well things went on pretty good one uh thing that I had instituted in there was that I, this is another thing Ross Swimmer disagreed with me on, I felt that the people who had worked and built the company up should own stock in the company so I had started as a bonus thing issuing stock to all the employees and this is how the employees wound up owning a bunch of the stock. Well uh the initial outlay of funds by the Cherokee Nation of Oklahoma was \$20,000.00 to help them get this thing kicked off and going. But we gave the \$20,000.00 back within the first six months after I took it over. And uh so it has never cost the Cherokee Nation of Oklahoma a dime. Now they were paying upwards of \$500,000.00 in dividends to the Cherokee Nation of Oklahoma supposedly for the stocks that we issued to 'ern that the industry issued to 'em but I understand that that's no more.

But somewhere along the way here as Wilma Mankiller took over as Chief she figured out an angle or between them figured out an angle to where the industry actually was merged and a new CNI was formed and so forth and I think I am the only individual out of the whole employees, the original employees, that still holds my five shares and that's all I ever issued myself was five shares. Some of the employees uh after I left had received quite a few more shares than I did like 35 or 40 shares I understand. So I don't know what the actual shares were, would have been worth at the time of the merger, but they sent me a letter and sent me a \$30.00 check saying that's all uh well because I wouldn't turn my stock certificate in, at a given time that they had designated and I wouldn't even go to their stock holders meeting **er as a matter of fact they didn't hold a stock holders meeting.**

What they wound up doing is **actually violating the fiduciary trust of the stockholders** that they had, by taking a Board of Directors action uh and changing over the whole stock setup it was a stock split that took place prior to the take over and so forth, so I think they reduced the shares of stock to be where it's like uh a penny on the share or something like that, I can't remember how it all worked out but any way that was the reason they gave me for only giving me \$30.00 for my five shares, when the company is actually worth upwards of 7 to 12 million dollars, I'm told. I don't know if there is anything else I need to elaborate on. You may have some questions on this and I will furnish you the copy of the check and a copy, which I haven't cashed, and a copy of a letter from my attorney and I had, I had tried

to bring about a lawsuit of some kind on the Board of Directors of Cherokee Nation Industries uh based on the fact that they had violated my, as a stock holder, my fiduciary trust in doing the things that they did without a stock holders vote but with just a, just a Board of Directors action.

You can check into this and one of the attorneys, er in fact both of the attorneys said I had perfectly good grounds to do so although the weren't neither one cooperate attorneys but they both suggested I needed to take it to a cooperate attorney to prosecute, prosecute and I have just had other things that were more pressing, things that I'd rather do than to go after these people, but I am perfectly willing to come in and testify or do anything else that's necessary to bring everything to, to light and bring justice to the many people that I feel have really been bilked out of their possessions and their stocks Uh other information I think you are really going to have to go right directly to the source or try to follow a paper trail if you can to try and find out more about Cherokee Nation Industries. Uh I was just setting here trying to think of possibly some questions you might want to ask uh and I don't know what the questions would be.

But I really feel like right now, that the Cherokee Nation Industries is not owned by the Cherokee Nation but is a, a private cooperation held by Cary Wyatt and Wiltfong was the name of that other guy I was thinking about, Phil Wiltfong, but it's owned by Wiltfong, Wyatt, uh Ross Swimmer and some other Tulsa attorney and Wilma Mankiller. I feel like that they are the ones that are, are actually receiving any dividends, stock dividends if there have been any paid since the takeover. I don't know if the Cherokee Nation of Oklahoma has received any of the stock dividends, if they did it would be a meager amount uh just to keep the people quiet I am sure. But I think if you get to dig that you are going to find that these people actually are the ones who own the industry and not Cherokee Nation of Oklahoma.

However I think on the surface for the sake of cover up and so forth they're probably trying to make it look like the tribe owns the industry so that through their sovereign authority they can collect all the taxes also. I'm not sure about that but I think if you if you go back and dig into it check with the IRS and everybody I think you will find that they haven't paid any taxes and if that be the case and it is a state charter cooperation well then they're in violation against the IRS also. during my tenure, as I said I took it up to 300 employees, we increase the work load in several different areas and we were doing all business with the private sector instead of just the military which is what's being done over there now. We had several opportunities to do 8A contracts and various other

military projects of which I didn't uh want to go into because it winds up creating a separate empire, a paper empire so to speak, and it wasn't as profitable I felt as it would be for the Cherokee people to learn to be able to work with the private sector of industry.

Anyway Ross Swimmer and I came to loggerheads over the fact that I wanted to move the industry to the north side of town. He wanted me to take it out where the uh manufacturing facilities of uh oh what's the name of that company that's south of town about five miles and Stillwell industrial, Cherokee National Industrial tract out there. Well that was going to cause a tremendous delay because my moving the plant out there required taking three phase electricity out that distance and at that time the REA wasn't that cooperative with us and we did have three phase electricity right there within town so I took it north of town.

The way I was able to secure the land is kind of strange because that land that the industry is setting on was not owned by the Cherokee Nation it was owned by Oklahoma State University and it was willed to them by an ex student that had passed away and in his will had he said that he wanted that oh twenty six acre plot there to be used for educational purposes. So what I did I went to the Oklahoma Indian Vo Ag Vocational Indian Capital Vocational thing up in Muscogee and I worked out an arrangement with those people who were in search for a place to build their facility in Stillwell, that I would or that the Cherokee Nation Industries would buy the full twenty six acres if they would divide it in half and allow us to have half of it for the industry and they'd take the other half meeting the requirements of the will for an educational facility on that land and that's the way I wound up getting that piece of property north of town.

And when I left the company in 1972, I left it very well off financially and like I say with 303 employees. Within a very short period of time after I left uh the uh industry went down to as few as 60 employees. And then uh it went through a couple of different managers one of whom was an uh understudy of mine and his name was Leo Walkingstick and I had a second in command during all my tenure there by the name of Leon Price, but I wound up firing Leon Price, who incidentally is a cousin to Dennis Springwater, and the reason I fired him was because he was taking some under table money from a supplier of electronic parts for the industry. And when I found this out and I presented the evidence to the Board of Directors and I fired him, by this time Dennis Springwater had worked his way on to my Board of Directors and he convinced the Board of Directors that I shouldn't be able to fire him

and that I should continue working with his cousin and that caused me to tell the Board of Directors that if I didn't have the power to hire and fire, as not only the Chairman of the Board, and the General Manager and President combined, then they needed to find somebody else.

Well Earl Boyd Pierce happened to be on that Board of Directors also and he went against me and swayed my President at the time which was Leo Walkingstick to go along with him and a couple other votes and J. D. Johnson, I think had taken over the uh Chairmanship of the Board of Directors and they had reduced me back down to General Manager. Uh oh a couple of months before that all at the insistence I understand later uh I found out later by Ross Swimmer, but at any rate uh I turned in my resignation because of this. In the meantime the agreement that I had made with Bill Keeler to take over that industry in the very beginning was that I would take very low wages, I went to work there for \$7,000.00 a year, forgoing a job that I had with Tinker Air Force Base, which paid uh \$18,000.00 a year, and he offered to make amends and to make uh restitution and pay me the difference of what I would have been making down there after the industry became successful, which it did, and Bill Keeler never carried through with his part of the bargain.

So as a result of this when I requested my back pay, my difference in money Earl Boyd Pierce suggested a way that they instead of for tax reasons or what ever reasons he gave I can't remember now, several, but anyway that I take the money on a loan basis and all the records of that particular meeting were destroyed or hidden from me, as I later found out by Ross Swimmer who accused me then of uh reneging on a loan that I, that they gave me my difference of a part of the first years salary but they still owed me about another \$14,000.00 I think, which I never did go after. But because of that loan and the papers showing that it was a loan Ross Swimmer says that I reneged on a loan but that wasn't the case, anyway the accountant there at Cherokee Nation Industries who is still with them uh a uh paraplegic by the name of Clint Fixon if he would tell the truth knows the full story of what happened in my particular instance. But the end result was I went ahead and turned in my resignation and left them in 1972, taking a job with General Motors, but like I said after I left the industry itself went down to about 60 people before eventually winding up with a manager that Ross Swimmer brought on board and by that time incidentally he had become Chief of the Cherokee Nation.

He brought on two white fellows, one guy by the name of Cary Wyatt and another guy

by the name of uh oh you know who it is it's this guy that you mentioned on the. If there's anything else you'd like for me to help you with well please feel free to call me or write me and I'll be very happy to help you in any way I can. Where Cherokee Nation Industries is concerned, because I feel very badly in not having uh taken the time to go ahead and follow this thing through, but I didn't want to be alone in bucking the odds here, and I tried to get several of the former employees that had already cashed their checks and so forth to come in with me on a class action lawsuit against 'em and several of them are willing to do just that. The thing about it is the only evidence we would have is my check and the letter that I got from them. I think I'll cut it off right here and leave it open for you to ask any questions you want to.

Thank you.
Dave Whitekiller
Cherokee

Cherokee Nation Industries, Inc. was a Oklahoma Corporation and it appears they did not follow State of Oklahoma Corporation Laws in this merger.



Can we re-write history?

A letter to the Editor from the Native American Times

YOU CANNOT REINVENT

The Cherokee are trying to reinvent themselves and change their history. In addition, they are trying to bypass the BIA to validate their constitution by piggybacking on the Delaware Tribe of Oklahoma's recognition legislation to Congress. If this legislation gets passed, with this definition in it, the Cherokees will not need the BIA approval they have been seeking since 1999 for their constitution. Congress will have approved it, which is even better than the BIA, since Congress has plenary power over all Indian tribes.

This constitution no longer requires the BIA or Secretary of the Interior to approve future amendments to their constitution; which is legal. This constitution also allows the Cherokees to basically kick out the Freedmen. This constitution has never been approved because when the Cherokees voted on it, the Freedmen were not allowed to vote.

The 1866 treaty the Cherokee signed with the US government specifically made the Freedmen and all of their descendants citizens of the Cherokee Nation. If the Cherokee can kick out the Freedmen and prevent them from receiving services from the tribe will they be able to do that to the Delaware in the future?

We also all know that for nearly 65 years-in the 1900s-the Cherokee Nation had no government. They have not had a continuous government-to-government relationship with the United States. They did not reform their government until Ross Swimmer incorporated them in the 1970s.

Can we all rewrite our history?

Thomas Cade
Via e-mail

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