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Serving the Cherokee People Since 1992

Who's pulling Chad's string?

By: Robin Mayes

Even today 30 years after it all began with the 1975 CNO Constitution; the arm of corruption still reaches back into the Cherokee Nation to dictate some of the most critical decisions within it. A recent example is the Arkansas Riverbed settlement where some of the most priceless and last of our land owned in common by all Cherokees was ordered sold to the federal government by the Cherokee administration for a mere \$40 million in which the Cherokee only received 1/2.

But why was this sale so important? 15 years ago negotiations with the federal government for an amount around \$150 million for the same property were seriously considered. No chief who really cared about the Cherokee people would have sold an asset that could have educated Cherokee children perpetually from just the duties that should be paid for use and damages to our last common lands.

Also we must consider that the entire sale was orchestrated because the time was right for the powers that be to call home the collection of a debt from a self-promoted Chief. When one considers that the attorneys that had written themselves into a 10% cut of the proceeds when it was finally settled would finally get their share. Three attorneys in particular were behind the push for a settlement, namely Ross O. Swimmer, the Wilcoxon firm who was Mankiller's General Council, and Joe Mambrino who raked in the bulk of a cool \$4 million when the sale was finalized. Who were the main operatives that did everything in their power to make sure it all happened now but Chad Smith and Brad Carson. Yes Chief Chad Smith and Congressman Brad Carson both supposedly Cherokee citizens organized the sale of the last land owned in common by the Cherokee people and sold them down the river so that Swimmer and his cronies could reap the handsome reward of the sell out. But don't forget that Chad also paid Brad handsomely for his assistance in his last campaign where it is alleged that near \$1 million of Cherokee money slipped out of the peoples' services into the political campaign of a candidate Chad hoped would win for his own selfish reasons. Brad had gotten the Land Reform Act through Congress but it was killed in the Senate. That Act would have put all restricted land under the control of Chad Smith. All Cherokee, Keetoowah, Delaware and Shawnee who still had restricted land would have had to get permission from the Cherokee Chief to sell, lease or make a loan against it. If Brad would have

been elected US Senator Chad Smith would have been undoubtedly untouchable because a US Senator can pretty much pull or push the FBI where they want or need them. Although Chad has been banished by the Keetoowah basically for acts of treason, he chose a full blood, who is also Keetoowah but was not banished, to run with him as Deputy Chief in the last election in order to give himself some credibility as an

all buildings are paid for in full, expenses are above industry standards. CNE this year estimated \$70 million net profit in which it gave \$18 million to the tribe as a dividend to go into services keeping over \$52 million for investment purposes in which the Council has little if any voice. CNE CEO Dave Stewart recently gave a report that projected near \$150 million in development that would surely keep dividends used for

WILL N.C.A.I. MEMBERS BE FOOLED BY CHAD'S SCAM?

N.C.A.I. ELECTIONS

I AM JOE GRAYSON A FULL BLOOD CHEROKEE AND KEETOOWAH SO VOTE FOR ME!



Indian. Both also once ran in the same capacity in the Keetoowah election however members were wise enough to not buy apples when they wanted oranges. Today the Cherokee people have a Deputy Chief that is little more than a puppet for the Chief. Joe always knows how he will vote when there is a tie. He votes however the Chief's slate has voted as we saw in the recent sell out sending over \$13 million of Housing Authority money into the hands of the administration that has disassembled what was the number one housing authority in America when he took office just 6 years ago. We saw the Deputy again break the tie with the slate on the Contribution Act to make it illegal to use Cherokee Corporation money in tribal elections and mandate that all political contribution go before Council. This all makes one ask why does the worst of what we have to offer, often seem to rise to the top of our leadership?... Are they all just floaters that someone forgot to flush?... Not so much as it is very simply exactly how organized crime has always worked and will continue to work unless we wake up. We have a short window period in which we can reestablish the Cherokee Nation as a peoples' government or sit back and watch as organized crime takes over our Nation totally. Gaming revenues have begun to make the tribe incredibly rich bringing in \$270 million last year. CNE spent \$200 million of those revenues how they wanted in operating expenses. Considering that

services to a minimum for years to come. Later that month when Council was discussing raising the dividend with the Dividend Act CNE officials cautioned that gaming could have a short life span and increasing the dividend could cause problems in the enterprises if revenue ever began to decline.

Who that is standing in the line waiting for dialysis assistance or emergency housing cares much at all about how many jobs have been created by the bureaucracy or if all of the new buildings are paid for when completed? None do and that is why we must make elected officials remember that government should be in place to serve the Cherokee people not to create a bureaucracy of jobs buying votes for the incumbent. It has always been the fundamental strategy of the hand me down administration, from Ross to Wilma to Chad, to keep the Cherokee residents poor and ignorant so they can more easily control them. However Cherokees can all do something about remaining ignorant of the facts. That is the ultimate goal of the Cherokee Observer, to get the truth to the people so they know exactly what is happening within their government and can make their own decisions in what they will do to change it, especially when it is time to go to the polls. We the Cherokee people are very fortunate to have a newspaper that is truly free from the control of a tyrant like Chad Smith.

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Election Commissioner claims harrasment

A lawsuit, filed by Principal Chief Chad Smith, claims that his earlier approval of a fifth commissioner to the Cherokee Nation Election Commission was not really an approval of the commissioner, but was instead an approval of the Council's approval.

Smith claims that he has not approved the fifth commissioner and informed the Council of his refusal to approve the nomination in a letter 21 days after the fact.

The lawsuit asks the Cherokee Nation Judicial Appeals Tribunal to review the procedure for the appointment of Dr. Charles Hathaway, a Tahlequah native, and determine if he legitimately hold the seat of fifth commissioner.

Documents filed with the suit show that the Principal Chief signed and approved the appointment with his signature on the resolution where the full council unanimously approved Hathaway's appointment. Documents filed with the court also show that all four of the previously appointed commissioners, two by the chief and two by the council, also unanimously approved the appointment.

In his response to the suit, Hathaway stated that the way the approval was handled by the Principal Chief was in keeping with his mode of operation in previous tribal business. The response shows that Smith previously had approved resolutions with his signature alone. Ample evidence was amassed by Hathaway to show that the chief has never vetoed or disapproved a resolution after signing his name to it.

Evidence is also abundant to show that the Principal Chief has never before approved a resolution and then later claimed he had not approved it or that his signature did not constitute approval. A memo signed by the Principal Chief when the resolution was returned to the Council signed

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Cherokee Petitioners Still Waiting For Justice

Written by Phillip Carey

Cherokee Nation - Tahlequah, OK, Nearly a year after the Cherokee people circulated four initiative petitions for signatures they are still waiting to find out if the Election Commission will receive the initiatives and if enough signatures were garnered for the issues to be placed on the ballot of a Special or the next Regular Election. The petition drive began during the 2004 Cherokee National Holiday, Labor Day Weekend and were due to be returned to the Election Commission 90 days later however neither the legislative nor the executive had appointed commissioners that could be held accountable to legally receive them.

Proponent Jack Edward Crittenden said that in the final hour petitioners had to make a hard decision whether or not to turn the signatures in to the employees remaining after the former commission was dissolved. It was discovered that these same employees were being directed by the administration, in violation of Cherokee law.

Former Cherokee Deputy Chief Hastings Shade also a proponent said, "We had to consider what kind of fairness we could expect from an administration that had only days before, illegally ordered us out of our own tribal public property in absolute violation of our most fundamental rights as citizens." Shade said, "In the end we felt that turning in the names of our supporters, basically right into the administration's hands, could cause retaliation on families who work for the tribe and had signed in support of the issues."

Proponents say that just before the deadline the Cherokee Nation administration sent out a memo to Health Clinic Directors ordering that petitioners were to be ejected from tribal clinics unless they had written permission from the tribe's Law and

Justice Department. Petition carriers had been peacefully gathering signatures in the clinics for almost three months and say that almost everyone asked had signed and supported the four causes.

Petitioners provided that the elected officials would finally have to find a majority of their votes inside the districts they serve by changing the absentee ballot availability to only resident Cherokees, recalled the 1999 Constitution from the last election, which placed two seats on the Council representing non resident Cherokees, mandated a residency requirement for any future Constitutional Convention delegates and proposed electing Justices rather than being appointed by a Chief.

Crittenden said, "We chose to hold the petitions at the risk of having to do the drive again rather than expose good people to any wrath and with all that has occurred since, I know now that for them we made the right decision."

On November 30, 2004 Robin Mayes, one of more than 50 petition carriers, chose to file suit JAT 04-14 against Principle Chief Chad Smith and his General Council Julian Fite, now deceased, claiming interference with the Election Commission by the administration stating they had "acted in grotesque violation of the guarantees of the Indian Civil Rights Act of 1968 and the express limitation on the powers of office set forth in the 1975 Constitution of the Cherokee Nation."

Crittenden intervened and joined the interference case June 27, 2005, bringing to the court a voice of what he says is near 6000 Cherokee voters' signatures on

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INDN'S List Blast Off Huge Success

Written by Ed Crittenden

October launched the first Indigenous Democratic Network List, (INDN'S List), which attracted nearly 150 Native Americans candidates, campaign staff members and donors from coast to coast to a four day intensive campaign boot camp. The Shakopee Mdewakanton Sioux Community hosted the event at the beautiful Mystic Lake Casino Hotel in Minneapolis, MN.

Kalyn Free, founder and President of INDN'S List, said, "The event was a huge success and our first step towards realizing my dream of building an organization that supports Indian candidates up and down the ballot. It was so rewarding to know I was looking at the future leaders of Indian Country and the Democratic Party."



Visiting among attendees from left Al Franken, Cherokee Councilman Chuck Hoskin, Kalyn Free, Gov. Howard Dean.

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CNO member claims discrimination

A Tulsa resident has filed suit against the Cherokee Nation Tax Commission alleging that the Tax Commission has discriminated against him because of where he lives.

The suit, filed in the Judicial Appeals Tribunal, alleges that the law which creates the Tax Commission and

authorizes it to issue car tags to Cherokee Nation of Oklahoma members, discriminates against him and violates the constitution because there is no boundary mentioned in that document.

"I understand that the federal law says the tribe has to follow some kind of rule, but

that doesn't mean the tribe can violate my rights and the constitution to accomplish it," said Jon Aaron Carrico, the plaintiff in the suit. "The tribal politicians come to the non-residents and ask us for our votes, but then they turn their backs on us and when they could do something small for us, they choose not

to."

Carrico seeks to purchase a CNO car tag, but he has been denied a tag because he lives just a few miles outside of what the Tax Commission describes as the "historic boundary" of the Cherokee Nation. Carrico's suit

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