

United States Department of the Interior  
OFFICE OF THE SECRETARY  
Washington, D.C. 20240  
APR23

Honorable Chad Smith  
Principal Chief  
Cherokee Nation  
P. O. Box 948  
Tahlequah, Oklahoma 74465-0948

Dear Chief Smith:

This is in response to your letter of November 7, 2001, requesting my decision on the proposed amendment to the 1975 Cherokee Nation Constitution ("the 1975 Constitution") that, if enacted and approved, would remove the provision requiring the Secretary's approval of constitutions and amendments. Before responding to the substance of your request. I want to clarify that I understand that you recently received a letter dated March 15, 2002, purportedly signed by me relating to this same subject. I did not sign the March 15 letter and did not authorize the use of the autopen to engrass my signature on the letter. The letter is of no validity or effect and should be disregarded.

As to the substance of your request. Article XV, Section 10. of the 1975 Constitution provides that "[n]o amendment or new Constitution shall become effective without the approval of the President of the United States or his authorized representative." You have advised that the proposed referendum regarding the amendment that is at issue here would be presented to the Cherokee voters in the following form:

**REFERENDUM ON CONSTITUTIONAL AMENDMENT**

Article XV, Section 10 of the Cherokee Nation Constitution, adopted by the Cherokee people on June 26, 1976, states: "No amendment or new Constitution shall become effective without the approval of the President of the United States or his authorized representative."

**SHALL ARTICLE XV, SECTION 10 OF THE CHEROKEE NATION CONSTITUTION BE STRICKEN TO ABOEISH THE REQUIREMENT OF FEDERAL APPROVAL OF THE AMENDMENTS OR NEW CONSTITUTIONS OF THE CHEROKEE NATION'?**

**YES TO REMOVE THE FEDERAE APPROVAL REQUIREMENT.**

**NO TO RETAIN THE FEDERAL APPROVAE REQUIREMENT.**

We have no objection to the referendum as proposed and I am prepared to approve the amendment deleting the requirement for Federal approval of future amendments. Until it is repealed or amended, the Act of October 22, 1970 (94 Stat. 1091). will, however, still apply.

If you have any questions, please don't hesitate to call me.

. Assistant Secretary-Indian Affairs

As we can see our high paid attorney's still can't understand simply english

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**forced marches**

The Interior Department was ordered Tuesday - by a judge who called it a "pathetic outpost" - to admit it can't provide accurate information about lost royalties owed to American Indians.

In a scathing condemnation of the government's treatment of American Indians, U.S. District Judge Royce Lamberth directed the department to enclose notices in its correspondence saying information provided on trust assets may not be credible.

Interior officials called Lamberth's language "intemperate rhetoric uncommon to jurisprudence but made common in this case."

The notices also are meant to alert people that they may be members of the class-action lawsuit brought by lead plaintiff Eloise Cobell in 1996 on behalf of more than 300,000 American Indians. Under Lamberth's order, the notices must say: "Evidence introduced in the Cobell case shows that any information related to (American Indian trust accounts) ... from the Department of the Interior may be unreliable."

Lamberth has been locked in a nine-year battle with Interior - both Secretary Gale Norton and her Clinton administration predecessor, Bruce Babbitt - over the department's inability to come up with an accurate accounting of what American Indians are owed. The judge has held both administrators in contempt of court.

Lamberth wrote in his opinion Tuesday that "one would expect, or at least hope, that the modern Interior Department and its modern administrators would manage it in a way that reflects our modern understandings of how the government should treat people.

"Alas, our 'modern' Interior Department has time and again demonstrated that it is a dinosaur - the morally and culturally obliviously hand-me-down of a disgracefully racist and imperialist government that should have been buried a century ago, the last pathetic outpost of the indifference and Anglocentrism we thought we had left behind."

Tina Kreisher, the Interior Department's communications director, responded to the judge's opinion with a statement saying that the agency's "historical accounting efforts have consumed approximately \$100 million in taxpayer funding and have found a net error of approximately \$15,000.

"Although our accounting efforts are not complete, the accounting firms have not found any evidence of systemic fraud or accounting system error," the statement said. "The facts, to date, do not support the rhetoric being advanced in this case."

Calculating payments of oil, gas, grazing and timber royalties from American Indian lands dating back to when the trust fund was created in 1887 and adding accrued interest, Indian plaintiffs in a suit against the government say they are owed at least \$27.5 billion.

Lamberth's decisions in the case have occasionally been reversed by a federal appeals court. For example, it threw out a plan he had for making the Interior Department account for the money and told Lamberth he could no longer "micromanage" how the system gets fixed.

Lamberth's 34-page opinion accompanied a three-page order.

He wrote: "For those harboring hope that the stories of murder, dispossession, forced marches, assimilationist policy programs, and other incidents of cultural genocide against the Indians are merely the echoes of a horrible, bigoted government-past that has been sanitized by the good deeds of more recent history, this case serves as an appalling reminder of the evils that result when large numbers of the politically powerless are placed at the mercy of institutions engendered and controlled by a politically powerful few."

**Man charged for taking ballot from polling place**

By BOB GIBBINS Press Staff Writer

Cherokee County prosecutors have charged a Tahlequah man with removing a ballot from a polling place.

Orvel G. Baldridge, 49, allegedly took a ballot Nov. 2 from St. Brigid Catholic Church. Election Board Secretary Connie Parnell called police after telling Baldridge it is a misdemeanor to remove the ballot from a polling place.

Precinct 1 is in St. Brigid Catholic Church.

A report filed by TPD Sgt. Steve Young states Baldridge voted by in-house absentee ballot on Nov. 1 and went to the precinct on Nov. 2, the actual election day. He

was given a ballot at the precinct, but did not vote two times, reports state.

Young spoke with Baldridge who allegedly said he wanted to see whether it was possible to vote two times. He allegedly told Parnell he didn't care when she informed him of the law violation for taking the ballot from the polling place.

Removing a ballot from a polling place is punishable by imprisonment for up to a year and/or a fine of up to \$1,000. The case will be placed on a misdemeanor disposition docket for a hearing.

Assistant District Attorney Nikki Baker Dotson is prosecuting the case.

**The Keetoowah Society and the Avocation of Religious Nationalism in the Cherokee Nation, 1855-1867**

**Chapter Two - The Birth and Growth of the Keetoowah Society**

**Continued from May 2005 Issue page 7**

1848, a group of Cherokee Masons made application to Grand Master R.H. Pulliam of the Grand Lodge Arkansas and was granted a dispensation to formulate a "blue lodge." [74] Brother George Moser, Secretary and Historian of the Cherokee Lodge presents the information as follows:

Facts as taken from the proceedings of the Grand Lodge Free and Accepted Masons of Arkansas show that the Committee on Charters and Dispensations did, on November 7, 1848 at the hour of 9:00 a.m., recommend that a charter be granted to "Cherokee Lodge" at Tahlequah, Cherokee Nation, and that it be given the number "21". [75]

The officers were sworn in at Supreme Court Headquarters on Keetoowah Street on July 12, 1849; it was the first lodge of Masons established among Native Americans. [76] The officers of Cherokee Lodge #21 were:

Walter Scott Adair, Worshipful Master. Former Chief Justice of the Cherokee Supreme Court in the East. Southern Methodist who was elected Superintendent of Public Schools in 1850. Leader of the temperance movement. A member of the Ross Party who had forcibly resisted removal to the West.

Nathan Dannenberg, Senior Warden. Veteran of the Mexican War.

Joseph Coodey, Junior Warden. Methodist. Relative of John Ross. Father of William S. Coodey, Cherokee Supreme Court Judge, author of the first Cherokee Constitution in 1837. Affiliated with the Treaty Party in Georgia but moderate in the West. Slaveholder.

William Potter Ross, Secretary. Nephew of John Ross. Graduate first in class at Princeton University. Clerk of the Senate of the Cherokee National Council. Attorney. Editor-in-Chief of Cherokee Advocate.

David Carter, Treasurer. Educated at Cornwall Missionary School. Editor of Cherokee Advocate in 1849. Judge in the Tahlequah District. Chief Justice of the Supreme Court 1851.

In 1852, the Cherokee National Council donated several lots in Tahlequah to be used jointly by the Masonic Lodge and the Sons of Temperance for the construction of a building to house their respective organizations. The building was erected in 1853, and owned jointly by the two organizations; the Sons of Temperance [77] occupied the first floor and Cherokee Lodge #21 occupied the second floor. The lodge building was used for a number of community services including lodge meetings, temperance meetings, educational instruction, and church meetings; later, because of the noise, both organizations used the upper floor leaving the lower floor for church services and public meetings. [78]

Freemasonry flourished among the Native Americans in Indian Territory leading the Grand Master of Arkansas to comment upon his "red brethren" in 1855,

All over the length and breadth of our state the (Masonic) Order is flourishing, and amongst our red Brethren, in the Indian Territory, it is taking deep hold, and now embraces a goodly number of Lodges and Brethren. The members of these Lodges compare very favorably with their pale-face neighbors. In fact, it is reported of them that they exemplify practically the Masonic teachings and ritual by living in the constant discharge of those charities and moral virtues so forcibly inculcated in our lectures, thereby demonstrating to all that Masonry is not only speculative, but that it is a living practical reality; of great utility to the human race, and of eminent service to a social community. [79]

Freemasonry was indeed "taking deep hold." Fort Gibson Lodge #35 was chartered by Arkansas November 6, 1850; Choctaw Lodge #52, near Fort

Washita, was granted its charter on November 5, 1852; Flint Lodge #74 was chartered at Flint Station (Peavine) on November 9, 1853; Muskogee Lodge #93 in the Creek Nation was the last to be chartered on November 9, 1855.

That is not to say that the only "lodges" in the area could have come from Arkansas. Even a conservative estimate of the black population in the Cherokee Nation in the mid 1850's amounts to fifteen to twenty percent of the overall population; [80] it is not unreasonable to consider, that among the African American population of the Cherokee Nation, there were secret societies, including Freemasonry. In 1847, when the Prince Hall Grand Lodge was founded, there were subordinate lodges in Massachusetts, Pennsylvania, California, Maryland, Delaware, Ohio, New York, New Jersey, and Virginia. [81] There is also evidence that there were lodges east of the Mississippi. A.G. Clark in Clark's History of Prince Hall Freemasonry mentions that there were three Prince Hall lodges in St. Louis as early as 1851; the fact that Prince Hall lodges did not receive their official charters until immediately after the Civil War did not mean that there were not numerous ante-bellum lodges. [82]

Throughout the South, the African Methodist Episcopal Church and, to a lesser extent, the African Methodist Episcopal Zion Church were closely related to the Prince Hall lodges. As many of the founders of the A.M.E. church were Freemasons, as well as many of the senior officials, the spread of the church throughout the South was closely affiliated with the spread of Prince Hall Freemasonry. [83] The Free African Society, as a sister organization to the A.M.E. church, was founded to promote racial solidarity and the abolition of slavery.

Many of the members of the A.M.E. church in Charleston, South Carolina participated in the 1822 slave insurrection led by Denmark Vesey. [84] By 1860, there were at least four A.M.E. Churches in New Orleans -- three of which were led by "slave preachers;" as early as 1823 free blacks had built a church for "African Methodists" in St. Louis, Missouri. [85] If, as William Muraskin notes in his Middle Class Blacks in a White Society, there was a close affinity between the A.M.E. church and Prince Hall Freemasonry, it is safe to assume that the two coexisted.

In 1851, the Grand Lodge of Ohio granted a warrant to 16 Master Masons from the Caribbean to form a Lodge in New Orleans; shortly thereafter there were three more Prince Hall lodges formed in the Crescent City. [86] Many of the vast number of slaves which came into the Indian Territory in the years between removal and the Civil War came from New Orleans. Slave traders within the Cherokee Nation, as well as wealthy Cherokee citizens would go to the slave market in New Orleans to acquire slaves. [87] Many of the slaves coming into the Cherokee Nation came through the Caribbean where Freemasonry had been organized in the early to middle eighteenth century. There is even some implication that Cherokee chiefs, as followers of the enigmatic Tory William Augustus Bowles, [88] had played a part in the slave insurrection in Haiti led by Jean-Jacques Dessalines and Toussaint L'Ouverture (both Freemasons):

...these men [Bowles and five Cherokee and Creek followers] were intended to take part, as chiefs, in the projected operations against Santo Domingo and that they would soon leave...During the month of June following I wrote from London to M. de Montmorin that the six Cheerokees had left and that the conspiracy against Santo Domingo no doubt would not be delayed in execution. [89]

French Freemasons from New Orleans, in addition to those from Haiti, not only admitted Blacks into the brotherhood but actively worked to oppose the interests of slavery and slaveholders:

As a consequence, when, before the Civil War, the Scottish Rite Masons in New Orleans, many of whom were Frenchmen, avowed abolitionists, and enemies of the Roman Church, adopted a resolution to admit free Negroes as members on terms of absolute equality and brotherhood, a number of free men of color forsook Catholicism for Freemasonry. Their descendants in some cases followed their footsteps. [90]

There is also a profound relationship that exists between Voudon as it found expression in Haiti and New Orleans and Freemasonry. The imagery of Voudon, its art and ritual, is pervaded with Freemasonic symbolism, clothing, and secret doctrine. [91] To the extent that Voudon spread from Haiti to New Orleans and among the slaves of the Southeastern United States, it is a certainty that Freemasonry spread along similar routes.

Secret societies were also a critical part of African culture which persisted within the slave community in spite of attempts at Christianization; mutual benefit societies, voluntary associations, and assorted "lodges" often rivaled the "invisible institution" of the nascent African American churches as the grounds for leadership development and social action. [92] Organizations such as the True Reformers, the Gallilean Fisherman, the Mosaic Templars of America, the Brown Fellowship Society, and the Oddfellows flourished among African Americans, especially free Blacks, in areas such as Charleston, New Orleans, and Richmond. Yet, they did not just exist in the populated areas:

Although it was unlawful for Negroes to assemble without the presence of a white man, and so unlawful to allow a congregation of slaves on a plantation without the consent of the master, these organizations existed and held these meetings on the "lots" of some of the law-makes themselves. The general plan seems to have been to select someone who could read and write and make him the secretary. The meeting-place having been selected, the members would come by ones or twos, make their payments to the secretary, and quietly withdraw. The book of the secretary was often kept covered up on the bed. In many of the societies each member was known by a number and in paying simply announced his number. The president of such a society was usually a privileged slave who had the confidence of his or her master and could go and come at will. Thus a form of communication could be kept up with all members. [93]

In 1846, twelve black men from throughout the South led by Moses Dickson, future Grandmaster of Prince Hall Grand Lodge of Missouri, [94] gathered in St. Louis and formed a secret society entitled the Twelve Knights of Tabor. They dedicated themselves to establishing an army, the "Knights of Liberty," for the sole purpose of "aiding in breaking the bonds of our slavery." [95] The members then spread out throughout the South and spent the next ten years organizing their "guerrilla force" [96] wherever they went; Reverend Moses Dickson, of the African Methodist Episcopal Church, traveled up and down the Mississippi and Ohio Rivers from New Orleans to Wisconsin spreading his militant gospel of abolition. [97] By 1856, the Knights of Liberty had enrolled nearly fifty thousand soldiers in their secret organization:

It was absolutely a secret organized body. We know of the failure of Nat Turner and the others, the Abolitionist in the North and East. The underground railroad was in good running order, and the Knights of Liberty sent many passengers over the road to freedom. We feel that we have said enough on this subject. If the War of the Rebellion had not occurred just at the time that it did, the Knights of Liberty would have made public history. [98]

By the middle of the eighteen fifties, the United States was being ripped apart by the issue of slavery: the forming of the Republican Party in 1854

incited new hopes for freedom; the Kansas-Nebraska Act opened the west to "popular sovereignty" but led to fistcuffs in the Senate; John Brown's first assault leads to the massacre of five pro-slavery men in Kansas, and the Dred Scott decision of 1857 ruled that Blacks had no rights which whites were bound to respect. In the midst of these overt political struggles, a secret campaign waged by organizations such as the Knights of Liberty and the Knights of the Golden Circle was being fought for the hearts and minds of the Southern people. As the Cherokee Nation was bound culturally and geographically to Old South, but politically and often ideologically to the North, it could not help being caught up in the impending drama.

**The Birth of the Keetoowah Society**

In 1855, the issue of slavery began to be an even more troublesome issue in the Cherokee Nation and for the first time a concern for "Southern Rights" arose among the wealthy mixed-blood element in the Cherokee Nation. John Ross tried to maintain a position of neutrality, but this became exceedingly difficult considering the location of the Cherokee Nation between the deep South and "bleeding Kansas." [99] It was especially difficult considering the power and affinities of the Cherokee aristocracy. [100] John Ross, being a slaveholder, tried to quiet the controversy over slavery by publicly distancing himself from "abolitionist" forces associated with the Northern missionaries. In the eighteen fifties, he left the Congregational Church to attend a Southern Methodist congregation so that he might be seen as less controversial.

The Ross party lost votes in the 1855 council elections to an increasingly hard-line "Southern Rights" party that believed an alliance with white Southerners in the defense of slavery would be the best course for the nation. The "Southern Rights" party was composed of the educated class and many mixed bloods, who looked with disdain upon the poorer Cherokees whom they considered "backward." They believed that the Northern missionaries, and especially the Baptists, to be taking advantage of the full bloods' ignorance to push the cause of abolition. Immediately after the elections, the new council passed a bill declaring the Cherokee to be "a slaveholding people" even though only around ten-percent of the Nation owned slaves; [101] it further sought that the churches issue a position statement regarding "the institution of slavery as a church principle." The new bill also contained several provisions to mitigate against abolitionist interests within the churches. [102]

In 1855, Chief Ross discovered the emergence of "a secret society organized in Delaware and Saline Districts" dedicated to the promotion of slavery and the removal of abolitionist interests from the Cherokee Nation. [103] According to Ross, at the core of this "sinister plot" were the so-called "Blue Lodges" that had been established in Indian Territory by officials from Arkansas. [104] Many of the pro-slavery factions in the Cherokee Nation had ties to Arkansas and it was believed by Ross and Evan Jones that these elements were using the "Blue Lodges" associated with the Arkansas Grand Lodge to "create excitement and strife among the Cherokee people." [105] The "Blue Lodges" were so closely affiliated with the Southern Methodist church that John Jones considered them to be the spiritual arm of the organization, "The [southern] Methodists take slavery by the hand, encourage it, speak in its favor, and brand all those who oppose it with opprobrious epithets. As they support slavery, of course slavery supports them." [106]

History records the "Blue Lodges" as being the seat of the pro-slavery movement, but this appears to be an inaccuracy rooted in a convenient association of the "Blue Lodges" with the pro-slavery movement. However, we can see from the membership roll of Cherokee Lodge #21 (a Blue