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BEFORE THE CHEROKEE NATION CONSTITUTION
CONVENTION COMMISSION

THURSDAY, DECEMBER 17, 1998
LAKEPARK PRESBYTERIAN CHURCH
825 ADELIA ROAD
DALLAS, TEXAS

A P P E A R A N C E S

Chairman: Mr. Charles Gourd
Commissioner: Mr. Ralph Keen
Commissioner: Mr. Jay Hannah

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1 P R O C E E D I N G S

2 MR. GUNTER: Well, really in my question and answer,
3 I pretty much said what I -- you know, what I wanted to say.
4 That I felt perhaps the Constitution should be looked at to
5 include administrative procedures or play the role in some of
6 the problems that we've had, and their relationship to the
7 Constitution needs to be kind of examined separately.

8 On the issue that you mentioned of having a house and the
9 senate, one thing comes to mind, and that is that very often a

10 structure that works in one area may not work in another. And
11 a good example, our welfare structure in this country is state
12 supported. And when we have unemployment rate of over 10%, we
13 start loosing people, they start dying and freezing to death.
14 Mexico to the south of us lives with a 20% unemployment rate,
15 by our standards, using our measuring, and they don't have
16 that problem because their system works differently. It's not
17 a state-supported welfare system, it's a patron system where
18 people in the family are responsible for the people in the
19 family, and they go over and take care of the sick aunt or the
20 alcoholic uncle or whatever the situation is that's causing
21 the problem. And not every orginazation I would say needs to
22 have the same model as the U.S. Government. If we talk about
23 limited funds for supporting our council members, then
24 certainly we're not talking about extending to representative
25 a democracy in the sense of having two legislative houses.

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1 That would basically be my points. And there again, when
2 I say about administrative procedures, I think perhaps a
3 better definition. I'm involved in something that involves
4 some records of the Cherokee Nation involving Indian land
5 claims in Texas. And the records are not always available,
6 because the records are in the hands of other people and were
7 removed and probably shouldn't have been. At least, they're
8 not available now for the people that need them. Fortunatley,
9 I've kept most of my records, so we've got most of them. But
10 I think that something like that might need to be looked at
11 also. That's really all I have to say.

12 MR. HANNAH: We really appreciate your remarks.

13 Mr. Franklin?

14 MR. FRANKLIN: I'm here to discuss (inaudible)
15 itemized by the records and articles in the Constitution.
16 Having been in Dallas for a good number of years and still
17 have a retention of language, I feel like some of these things
18 are remarks to have a very long-range impact upon people who
19 choose to live away from the 13 or 14 counties in Oklahoma.

20 The first recommendation that I wanted to address was
21 concerning the Article 3 concerning membership. My
22 recommendation is to change the Constitutional legal reference
23 from membership to citizenship and utilize the Cherokee
24 citizens as a reference to the people. I notice that in the
25 Constitution that there were some uses of the different
1 members and/or citizens. Personally, and I think this has
2 progressed in terms of legal tribal development, we're born
3 into the Tribe, just like we're born Americans. When we go to
4 school, we have to pledge allegiance to the flag of the United
5 States and so forth. So why, then, can't we advance as a
6 progressive Tribe to the use of the citizenship as opposed to
7 membership? Because membership is like me going and joining
8 the local country club, and if I pay my fees, I'm okay.
9 However, the majority of that country club can vote me out,
10 opt to give me my money back and say you cannot be a member.

11 However, if I were born into it, there's nothing I can do
12 and/or anyone else can do to remove me. So why, then, can we
13 not make that change in our Constitution from membership to
14 citizenship? I think that would also authorize or give
15 validity to the Tribe in their Headstart programs and their
16 educational programs. Develop loyalty to the Tribe as it
17 being a part of them and they being a part of it by having
18 these classes in citizenship in the Headstart program, in the

23 whether they be tribal council or committee meetings, not be
24 compensated for the absence of those meetings; four: make
25 provisions for at least two at-large council representatives
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1 to be elected, either as a part of the existing 15 positions
2 or in addition to the 15. "At-large" meaning those who live
3 outside of the official 14-county boundry known as the
4 Cherokee Nation. And this is made in reference to I think
5 when Garland came down and Margaret came down, and I asked
6 specifically in the last few years or few elections how many
7 people have cast absentee ballots and how many of those --
8 and Margaret later gave me back a list dating back to the 1976
9 election. There was an overwhelming 65% that she gave me by
10 election who cast absentee ballots. What I did ask was how
11 many of those absentee ballots were from the non-13 counties,
12 and she couldn't give me that. So, nevertheless, I still
13 contend that many of your absentee ballots do come from out of
14 the 13 1/2 counties. So I think those of us that live on the
15 outside should have some representative and I would call those
16 at-large positions.

17 The next article is Article 6 under the Executive
18 Departments. Term limits should be imposed on the Principal
19 and Deputy Chief to be no more than two, four-year terms for
20 each position. And then I have two others that are kind of
21 generic recommendations.

22 The Constitution should make provisions for a very
23 strong, active ethic's commission composed of personnel who
24 have a strong, working knowledge of tribal governments,
25 federal Indian law and Indian law, along with all other
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1 federal, State and Tribal laws which impact Tribal governments
2 as institutions and bonafide Cherokee Nation citizens as

3 people with integrity and honor.

4 UNIDENTIFIED MAN: I couldn't hear you.

5 MR. FRANKLIN: All rightee. The Constitution
6 should make provisions for a strong, active ethic's commission
7 composed of personnel who have a strong, working knowledge of
8 tribal governments, federal Indian law and Indian tribal
9 Indian law, along with all other federal, state and Tribal
10 laws which impact Tribal governments as institutions and
11 bonafide Cherokee Nation citizens as people with integrity and
12 honor.

13 My next and last recommendation, I understand previous
14 legal provisions in the treaties between the Cherokee Nation
15 and the United States provision is made for a congressional
16 representative from the Cherokee Nation to the U.S. Congress.
17 I therefore recommend that the Cherokee Constitution address
18 this issue and specify a special provision through some type
19 of electoral process. And that concludes my testimony.

20 (The rest of the question and answer was inaudible.)

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1 C E R T I F I C A T E

2 STATE OF OKLAHOMA)
) ss.
3 COUNTY OF ADAIR)

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7 I, Paula D. Louderback, Certified Shorthand
8 Reporter in and for the State of Oklahoma, do hereby certify
9 that on Thursday, December 17, 1998, at the Lakepark
10 Presbyterian Church, 8525 Adelia Road, Dallas, Texas, the
11 following forum was held. The testimony was reduced to
12 writing by me from a tape recording only and is fully and
13 accurately set forth in the preceding 8 pages.

14 I do further certify that I am not related to
15 nor attorney for any of the said parties, nor otherwise
16 interested in the event of said action.

17 WITNESS my hand this 29th day of December, 1998.

18

19

Paula D. Louderback
Certified Shorthand Reporter