

1999 CHEROKEE NATION CONSTITUTION CONVENTION

VOLUME VII

TRANSCRIPT OF PROCEEDINGS, taken on the 4th day of March, 1999, at the Cherokee Nation Tribal Complex, Tahlequah, Oklahoma, County of Cherokee, State of Oklahoma, before Marla J. Cullison, a Certified Shorthand Reporter, in and for the State of Oklahoma, commencing at the hour of 8:00 a.m.

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THEREUPON, the following proceedings were had:

MR. HANNAH: We'll come to order this morning.
Good morning to everyone.

THE DELEGATES: Good morning.

MR. HANNAH: Welcome to the seat of government of the Cherokee Nation. It is right and fitting that this body would assemble here where the decisions of our government are made, and we are about the decisions of our government.

Before we make announcements this morning and begin to review the day, as has been the tradition to devote the blessing to the Almighty upon this gathering, I would once again call on the interpreter for the convention. Ed Jumper, would you lead us in prayer?

MR. JUMPER: (Invocation in Cherokee and English.)

MR. HANNAH: Dr. Hook, you are recognized.

MR. HOOK: Point of personal privilege. I'd ask my fellow delegates to indulge this statement. This location is very emotional for many people. Probably everyone here in various ways. For those who have been involved directly in the issues over the last few years, we sure hold very powerful feelings. For those of us not directly involved in those, it also holds strong emotion.

A hundred years ago, my great grandma was serving several terms on the Tribal Council, Tribal Senate and as judge. We think about that period of time, the crisis the Nation was going through as they planned, prepared, and thought about the future of the government. The U.S. Government was attempting to destroy us as a people and as a Nation, and fifty years later, during termination and relocation, again, trying to destroy us as a Nation. And they failed.

We're here today, a hundred years later planning for the next century, and I just ask that as with everything that we do, it begin with prayer and careful consideration, and that even though we may be tired and want to move along, that we take time to make sure everyone understands everything that we're doing.

And I'd also like to submit that as we think about what we're doing, as we look at the feather in front, that it's a symbol of our Creator's guidance, power, presence, and protection, and wisdom here today.

And just as a word of comment, it is hanging in front, although, talking with several other people, the most appropriate thing would be only to hang it from the body of a person, that for safety, that it seemed better to secure it the way it is, rather than have something accidentally laid on top it.

It's also been suggested that it be more appropriate to have it hanging from the door so that everyone that entered would come under it, and in consultation again felt that in front of us as a visible presence would be the most helpful way to do that. I just

submit these comments for you very respectfully.

MR. HANNAH: Thank you, sir. Our session is open for business. And Mr. Vice Chairman, what is the report of the Credentials Committee?

MR. KEEN, JR.: Thank you, Mr. Chairman. This morning we have fifty-five delegates registered and seated. Our quorum is thirty-nine. We are ready to conduct business.

MR. HANNAH: Thank you very much, sir. We are in order and the business of day. Ms. Sandy Long is here with us this morning. You are appointed as chief teller for the day to assist us in the taking of our balloting. Thank you very much.

You also have very graciously made arrangements for us here in the Tribal Complex. And by way of introduction of the facilities to some of us who are here for the very first time, do you have any special instructions for us as to what direction we would find the rest rooms?

MS. LONG: Yes, there's several in the building, but the two closest to us, out this door, go directly to the right.

It you go out this door, it will be to your left. The break room is in the middle here with vending machines.

Lunch today will be served in the restaurant, and it's going to be buffet only. I'll be taking a van load of people that maybe they do not want to walk that far, so I will be out front with a burgundy van to take people who want to go back and forth to the restaurant.

Smoking for you smokers, outside. There's no designated area inside. It's kind of like NSU; it'll be outside, either in the front or in the back.

Any questions or anything?

MR. HANNAH: Thank you very much, Sandy.

Now, you all will notice that there are signs in here that say "no refreshments," and the Chair will give the same instructions that he did at Northeastern. There will be no refreshments in here. And I think the delegates know what the Chairman is saying.

So let's be careful in here with that, okay. We'll obviously disregard those instructions. This after all, is a Constitutional Convention. As we have reminded ourselves all along, we are about great responsibility, answering only to the Cherokee people and the Almighty.

With that, let's talk for just a moment about the logistics of our room, okay. The Chair will from time to time crouch down, may actually lie upon the floor on occasions, so that we would be able to see his screen. I think while these chambers are certainly appropriate for us and they're very comfortable, we now have a stronger appreciation for the facility that we've been meeting in for the past few days. Obviously, it was prepared for the activity that we were about.

So our young scribe is in place and has adjusted the font of the screen. She, in fact, has the ability to take this thing up

so large on the screen that we can look at it one letter at a time if we need to, but that might somehow evoke the concept of filling the blank, so we're not going to do that.

But if at any time any delegate is having difficulty with seeing what's on the screen, you know, simply raise your hand or draw the Chair's attention and we will see to it that the language is read and that you have an opportunity to see what is exactly there.

Once again, the activity or product to date that we have been working on is in your hand and a copy is there for your review, and we would ask during the day that you would peruse it somewhat, and if we need to draw attention to any errors that may be there, please do so.

So with that, we're in place. We have the accouterments of the day assembled, and Mr. Keen, you are recognized.

MR. KEEN, JR.: Thank you, Mr. Chairman. We are now proceeding to look at the language contained in Article VIII of the Commission's revised Constitution, and a word of explanation. This is where the numbering change will take effect from the revised Constitution and the 1975 Constitution.

So the language on the screen is a comparison of the same language, even though the numbering from henceforth will be one numeral difference. So under the revised assertion, it is Article VIII; under the '75 version, it is Article IX.

And Section 1: "The Council shall enact an appropriate law not inconsistent with the provisions of this Constitution that will govern the conduct of all elections."

The Commission has struck out, and this appears on the paper in footnote 45. And we don't need to put it on the screen, I'll just read it. The language that -- from the '75 version, the following language has been omitted:

"Provided that the initial election of the Council and Deputy Principal Chief shall be conducted pursuant to rules and regulation, promulgated by the Principal Chief in the provision set forth in Article V and VI of this Constitution, notwithstanding the Principal Chief or Council may adopt rules requiring a majority vote for any elected office."

That language has been stricken as being obsolete with the admit of our Election Commission. The language we see under Section 1 has not been saved from its original language.

And my motion to this assembly would be that the language be approved.

MR. HEMBREE: Second.

MR. HANNAH: Motion on the floor. There is a second. Floor is open for debate.

MS. MASTERS: Call the question.

MR. HANNAH: Question is being called. Is there a second?

MR. HEMBREE: Second.

MR HANNAH: And there is.

MS. MASTERS: I will withdraw if there is a comment.

MR. HANNAH: You withdraw. Thank you very much. And, Mr. Center, you are recognized.

MR. CENTER: I thank the Chair. Paul Center, Delegate, Adair County. Fellow delegates, I propose an amendment to Article VIII, Section 1, to be a second paragraph to read:

"The Council shall create the Cherokee Nation Election Commission, which shall be a full-time, independent and permanent entity charged with the administration of the Cherokee Nation election in accordance with the election laws. The Cherokee Nation Election Commission shall be composed of five appointed members as provided by law."

MR. HANNAH: Is that the scope of your amendment, sir?

And is there a second?

MS. MASTERS: Second.

MR. HANNAH: There is a second. And the language will be added to the screen, and as soon as we have it there, the floor will be open for debate.

MR. ROBINSON: Mr. Chairman.

MR. HANNAH: Good morning, Rick.

MR. ROBINSON: Good morning.

MR. HANNAH: One moment here. If we're preparing for debate, I want to make sure that we have the language to take a look at.

As we're awaiting the language and preparing for the day's business, the Chair would once again remind those that are in the gallery this morning that are non-delegates, we are very, very pleased and honored to have you with us to be witness to these proceedings.

There will be a series of voting activities taking place today and debate as well, and the Chair would once again very respectfully request that you come here simply to listen to our proceedings. The chamber's discussion is reserved for the delegates, and if you are desirous of carrying on conversations of any type, please remove to the outside of the Council chambers to do so. And certainly the Chair would admonish you to be very still during all of our voting process that we have here today.

Mr. Center, the language is before us; the motion is before us. It has been seconded, and perhaps you'd like to give explanation, sir.

MR. CENTER: I thank the Chair. The rationale for this, if the delegates will go back through the previous articles that we have passed that involve the Election Commission, at the present time, we have an administrator, a good one, and two fine employees. These three people serve us. The entire Cherokee Nation.

The purpose for the permanence of it, all throughout this convention we've heard that the people want certain bodies to be the

people's body. The Election Commission, I feel, is one of the most important bodies that should be solely working for the people of the Cherokee Nation. The Council, the Chief -- or the -- let me address that as the executive and legislative bodies of the Cherokee Nation have drew up laws, I have them with me today, that govern the Commission.

The appointments to the Commission at the present time are, two by the Chief, two by the Council, and the Commission, and those four appoint the fifth person, just as did in the court of the judiciary of Section 5-A that we covered, which normally, the fifth person not being from either body, appointed by these four, is usually the Chairperson of the Commission.

And as we all know, I believe the figures shows that there's 192,600 voters or members, and I have with me the figures of every voter in the '95 election that came from the precincts.

But one of the main reasons for this is, there are election laws in place at this time, but because of the enactment of some of the previous articles, some of that will have to be redone by the commission, presented to the legislative body for approval, and we are barely getting by right now in the commission on a part-time basis.

And in order to do justice for the people of the Cherokee Nation, this should be a full-time commission, and the cost of it being full-time is not going to vary hardly at all because in the off-election years, we do not have to meet, therefore, not putting a burden on the Council for further expenses.

But, we can through the authorized teleconference meetings be called to resolve problems that come before the Election Commission in a three, four, five-hour notice without any cost to the people of the Cherokee Nation.

And by doing that, the problems of the people are solved without it having to go back through executive and legislative functions, therefore, keeping it independent to the people.

MR. HANNAH: Thank you, Mr. Center. The Chair will remind individuals that Ms. Ready, who once again joins us today as a teller, she's here -- excuse me, as a timekeeper and joins us here in the front row. She has a card showing limitation for our debate.

MR. STOPP: Point of information.

MR. HANNAH: Point of information, Mr. Stopp.

MR. STOPP: When we talk about, "shall be a full-time, independent, permanent entity," are we saying it will be seated or it will be paid full-time?

MR. HANNAH: Mr. Center.

MR. CENTER: Please redress.

MR. STOPP: When we talk about, "it shall be a full-time, independent, permanent entity," are we talking about a commission that is seated for a period of time, or are we talking about a commission that is actually forty hours a week?

MR. CENTER: No, we're talking about a

commission. At the present time, we meet once a month during the election year, or during the election period as stated by the election laws that are handed to us by the legislative body.

The compensation to the commissioners are only for that period of time, which is a stipend. During the off years, when there is no election, we do not -- there is no commission, so any problem that the people of the Cherokee Nation has cannot be addressed unless it goes before the Rules Committee.

At the present time, the way the laws are enacted, because your administrator falls back under the jurisdiction of the Rules Committee when the commission is not seated. Your Rules Committee are -- the way I understand it, are Council persons at the present time. So it goes to the Rules Committee, which is the Council or the legislative body.

If the commission was seated, the election laws could be carried out and the problems could be solved with the people of the Cherokee Nation without interfering with the legislative body, again, in a superintendency, as we might say. The election laws could remain independent as handed down by the legislature.

The cost itself, there would be -- in the off years, there would be no cost. The commission maybe might only want to meet once every six months to go over any changes and -- that are going to be brought about by the change in the Constitution.

But insofar as the cost of the commission, it would not increase by being -- any more by being full time, and if it did, it would be very minimal.

MR. HANNAH: Thank you, Mr. Center. Good lady from California is recognized.

MS. MASTERS: Delegate Billie Masters speaking.

I rise in support of this motion. We here as a body have now moved our voting procedures to every two years. Even with a part-time commission that we have now, they have to come together one year prior to an election in order to prepare and assure that we can vote in the matters that we would like to do that.

By having an election every two years, and being assured by the commission that on the off year they would be available on an as-need basis, I think that this is without a doubt what we're going to need to do in order to carry out the wishes of this body. And I rise in support of this commission becoming full time.

MR. HANNAH: Chair is appreciative for the delegates to identify themselves and to state how they rise on an issue. And is there a delegate who rises opposed to the amendment that's before us?

Mr. Hembree, that would be you.

MR. HEMBREE: Delegate Hembree, of Greasy, and rising in opposition.

In all due respect to my good friend and Delegate Paul Center, his argument of what he said is exactly the argument in my opinion not to have this in the Constitution. He spoke of the law governing the Election Commission and what those -- and the specific

duties of the Election Commission and the enormous responsibility the Election Commission has and why it should be a full-time independent.

And I don't disagree with any of that; that may very well be true. But that's legislative, ladies and gentlemen, and if we're looking for a document that is clear, we do not want to legislate in this Constitution.

Section 1: "The Council shall enact an appropriate law not inconsistent with this provision of this Constitution that will govern the conduct of elections."

They have done that. They have created the Elections Commission. And after this Constitution is revised and adopted, if it is, then the Council shall appropriate -- shall enact appropriate laws to deal with that.

Now, that's why we should not legislate in the Constitution. It's going to be -- we say we want something done; enact laws to do it. That's what has happened in the old Constitution, and that's what we're calling you all to do in this Constitution.

The amendment itself, I think, has some striking questions. Do you really want to constitute a mandate full-time, independent, permanent entity to be employed full time? I guess that's what is being inferred.

But that's the reason all of these questions need to be enacted through a legislative process. Take the problem through the committee, through the election committee. Have laws drafted and redrafted. Vote on the Council that we elect.

All we need to do, ladies and gentlemen, is just say, enact these appropriate laws. All Mr. Center's questions can and should be addressed through the legislative process, not do it right here. Thank you very much.

MR. HANNAH: How do you rise, Mr. Hoskin?

MR. HOSKIN: Mr. Chairman, Charles Hoskin, Jr., and I rise in favor of this amendment.

Mr. Chairman, these nice, clear, bright-line distinctions between what is legislative and what is constitutional at times have to give way to reality. The reality is that we have a Election Commission that is overburdened, that has been overburdened.

We have had elections that have had problems. We have to make decisions whether we want to put the integrity of our system of elections upon most of the things in our democracy because that is one of the most cherished parts of our democratic process, and we have to maintain the integrity of this system. We must do this with a constitutional amendment.

The first sentence of Section 1 is: "The Council shall enact an appropriate law." Nothing in that sentence mandates an Election Commission. It is the prerogative of the Council to do that.

Now, they have established an Election Commission, and as I've said, the result has been it's been overburdened. Now we're

placing additional burdens of a staggered term. We need a full-time entity. It does not say full-time commissioners. We don't have five people working forty hours a week. We have a full-time entity, in accordance with the election law.

The Tribal Council can write into law what a full-time entity would be, and fund that. But they can't ignore the mandate that we want an independent and permanent entity.

This is appropriate for the Constitution, because elections are so important to our system. And I would urge support for this. And be mindful that this amendment gives the Council a wide latitude as to how to set this up, but they also can't ignore the mandate of a permanent, independent entity to administrator our elections.

Thank you, Mr. Chairman.

MR. HANNAH: Mr. Keen of Iowa, how do you rise?

MR. JOHN KEEN: In favor. Young Mr. Hoskin stole my thunder, but I agree that the nice, clear lines of what should be in the Constitution and what shouldn't be in the Constitution don't apply to the reality of the situation that we have before us.

The Election Commission needs to be independent, and we need to mandate that by Constitution. The first line there would allow it, as Mr. Hoskin says, but it would be a dependent entity of the Council through legislation. But to set it aside and make it independent, we would have to do that by Constitution.

The only thing that I would suggest is that the appointments be by the Chief and confirmed by the Council. If Mr. Center would accept that as a friendly amendment.

MR. HANNAH: Mr. Center, we have a friendly amendment being proposed by Mr. Keen. Mr. Keen, would you restate it for him, please?

MR. JOHN KEEN: I'm speaking in favor of your amendment here, that I would like to see appointments made by the Chief and confirmed by the Council.

MR. CENTER: As I stated before, we might want to make that a little clearer. The present -- Delegate Keen, the present election laws and rules that's drawn up for the Election Commission at the present time, two are elected by the Chief, two are elected by the Council. The commission of four places the fifth commissioner in place, just as we did in the judiciary, in the same manner that we did in the court of the judiciary.

MR. JOHN KEEN: I would -- if you would accept it, I would like to see it kept uniform with other appointments that we have put into this Constitution, that's nominated by the Chief, appointed by the Chief and confirmed by the Council, if you would accept that.

MR. CENTER: I'll accept that.

MR. HANNAH: Friendly amendment has been made. Language will be entered, with no opposition by the second.

MS. HAVENS: I have a question.

MR. HANNAH: Point of information, good lady.
Don't want to lose the good lady from Nowata.

MS. HAVENS: Edna Havens, Delegate from Nowata County. Should we put "Principal Chief," since that is a term that we have been using?

MR. CENTER: I believe we should add the word "Principal" in front of "Chief."

MR. HANNAH: The kind lady makes an astute observation. The language is added. Floor is open for debate.

Mr. Stopp, how do you rise in this issue?

MR. STOPP: Opposed to the wording of this. I would like to offer a friendly amendment on the -- where it begins, "The Council shall create the Cherokee Nation Election Commission"; strike, "which shall be a full-time, independent, permanent," to the period of that first line. Down to laws. Striking that.

And adding from the top line, "and appropriate laws," all the way down through the top line there, to the bottom sentence. After elections. The very top sentence beginning with, "and appropriate law" down to "elections," period. So you're taking the top sentence and moving it down. Of Section 1, yes, over to an appropriate. Go to the top sentence where it says "an appropriate."

Right there. Take -- all the way down to "election." Take that down and right after the "and."

And I say that because I do believe it's a legislative responsibility, but I also feel a concern in the room that there is a constitutional issue of ensuring that we have a fair election and ensuring that we have the personnel.

I think this may hit both sides of: "The Council shall create the Cherokee Nation Election Commission and an appropriate law not inconsistent with the original constitution. It will govern the conduct of all elections." So that forces the Council into creating this commission, which young Mr. Hoskin has astutely noticed in the first section.

Going down to the very bottom, by striking the next lines, that reads in there, "The Cherokee Nation Election Commission shall be composed of five members, appointed by the Principal Chief and confirmed by the Council."

So now we have confirmation of an entity, as well as creating a commission, but put it back into the legislative body. So that's my offer of a friendly amendment.

MR. HANNAH: Friendly amendment has been offered. What say you, Mr. Center?

MR. CENTER: With respect to my fellow delegate, I would have to reject that.

MR. HANNAH: Very well. You wish to take --

MR. STOPP: I would like to make a motion.

MR. HANNAH: There's a motion to amend the language. Is there a second?

THE DELEGATES: Second.

MR. HANNAH: There's a second. The floor is open for debate. Who would rise in opposition?

MR. GOURD: Mr. Chairman, I would rise in opposition to that.

MR. HANNAH: Dr. Gourd, you are recognized.

MR. GOURD: I don't know if we can stack friendly amendments upon whatever, but as far as the question that is currently before us, the idea was that the Constitution creates the commission rather than the Council creating the commission. So we still have some problems with the language. So for present purpose, I would stand in opposition and would offer a friendly amendment. Thank you.

MR. HANNAH: Kind lady from Tahlequah you are recognized.

MS. HAMMONS: Thank you, Mr. Chairman, Diane Hammons, Tahlequah.

MR. STOPP: Point of order.

MR. HANNAH: Yes, Mr. Stopp.

MR. STOPP: Did we not do a motion on my --

MR. HANNAH: We did do a motion and there's a second, and we are at debate.

It was not accepted as a friendly amendment, and was, therefore, made as an amendment. And if we have in fact deleted that, we will bring it back. Can we do that, or do we need him to repeat it for us?

I need to repeat it? Okay. We're going to take just a moment here, folks, and make sure we know what we are doing, okay.

Mr. Stopp.

MR. STOPP: May I talk to the scribe?

MR. HANNAH: Yes, you may.

The language is before us and chambers will be in order.

The debate will be orderly, and the good lady from Tahlequah is recognized. How stand you on the issue of the amendment proposed by Mr. Stopp?

MS. HAMMONS: Diane Hammons, Tahlequah. I am tentatively in support of the amendment proposed by Mr. Stopp. I think it's about to be made better, so I'm going to shut up here in just a second, but I just want to say that I agree with what Mr. Hembree had to say.

I don't want to circumvent the urge to constitutionally amend without a legislative amendment. I don't think we need to be saying in the Constitution what is full time and what is not. That's obviously legislative.

But establishing the Cherokee Nation Election Commission in the Constitution, I think is probably a good idea. So with that real, mild opposition, I will yield. Thank you.

MR. HANNAH: Very well. Either of you gentlemen to my left wish to be recognized? You've been standing there for a while. Mr. Hoskin?

MR. HOSKIN, JR.: I rise in opposition, with all

due respect to Mr. Stopp's amendment, because I think it changes the spirit of the amendment, which was to create an independent and permanent commission which would exist prior to any legislative act.

I think the Council is capable of making legislation to effect this, but I think it needs to be constitutional because I think our election comes before the Council; it comes before the Chief, and it needs to be in the Constitution.

I rise against this, and I call for the question on his amendment.

DELEGATE: Second.

MR. HANNAH: Question has been called. There's a second.

Hearing no opposition, all of those in favor of the Stopp amendment, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: The noes have it; the language does not stand. The floor is open on debate for the remainder of the article.

Ms. Masters, you're recognized.

MS. MASTERS: Yes. Masters, delegate. After hearing the discussion, I rise in partial support of this amendment.

The two words that are bothering me are "independent" and "permanent." This is an appointed position. I think that we should be about making it a full-time appointment, but "independent" and "permanent," are the two words now that I think that we need to look at more closely in regard to appointed commissions that represent the people.

Permanent appointments is a bother and independent of the rules committee of our legislative body is a bother to me. I would like to see us have a full time entity charged with the administration of our election, as we have laid them out every two years, which is going to take a full time body.

But I'm not for the "independent and permanent," those three words there. So possibly we could look at that and what the effects of that would be on a citizen-appointed commission, as opposed to something a little bit different.

MR. HANNAH: Very well, thank you. Dr. Gourd, you are recognized.

MR. GOURD: Thank you, Mr. Chairman, Charles Gourd, delegate. I would propose a friendly amendment to this. After Section 1, it would start out with, "there is hereby created," and that places it directly in the Constitution, "there is hereby created." And then go to the Cherokee Nation Election Commission and the balance of that -- yeah, move that up for present purposes.

Yes, and in response to the question about that being a permanent entity, I don't think the intent is that the appointed people serving in these appointments would be there for life, but rather the Election Commission is permanent. And that's why it

says, "permanent entity."

And if there's problem with the word "independent," we might think about substituting the word "autonomous." The idea here is to make this commission still responsible for laws, but have the capacity in -- the capacity to serve the people. So with that, I -- it gets close I think to what we are looking at.

MR. HANNAH: Mr. Center, a friendly amendment has been offered by Mr. Gourd. Do you accept?

MR. GOURD: I accept that amendment.

MR. HANNAH: Thank you very much. Without opposition to the second, the language is entered and the floor is open for debate.

Mr. Littlejohn, you're recognized.

MR. LITTLEJOHN: Mr. Chairman, I would move that we have a division of the question. The first sentence from the second sentence, the second sentence deals with the math -- the numbers, and the first sentence deals with the establishment of it.

MR. HANNAH: There's a motion to divide the question as provided. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second, and the floor is open for debate.

DELEGATE: Call for the question.

MR. HANNAH: Call for the question. Is there a second?

MS. MASTERS: I'm unclear.

MR. HANNAH: One moment. Point of information by the good delegate from California.

MS. MASTERS: Yes. I thought we accepted the friendly amendment.

MR. HANNAH: We did, ma'am.

MS. MASTERS: Placing "autonomous" with "independent."

MS. HAVENS: We don't have "Principal Chief" in there either.

MR. HANNAH: And the good lady from Nowata County once again keeps us straight that the Chief will be known as "Principal Chief."

Let's settle in here just a moment, folks, and make sure we know where we are. We now have all of our friendly amendments. We now have the Chief being Principal, and we are at debate over whether to divide this section.

And the floor is open for debate and there is no debate. And so, therefore, is there a call for the question?

THE DELEGATES: Second.

MR. HANNAH: And there is a second. And hearing no opposition, all those in favor, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the motion stands, and the Section 1 is divided. And the floor is open for debate on the first serial. That would be the top sentence.

And you are recognized, kind lady, how do you rise in this issue?

MS. SCOTT: I would like to offer a friendly amendment. The term "full time" is what is bothering me, and I think ongoing is what Mr. Hembree was implying, that it didn't have to be a full-time position, but it had to have ongoing presence over time. And so I would offer that we replace "full time" with "ongoing."

MR. HANNAH: What say you, Mr. Center?

MR. CENTER: Would you restate your --

MS. SCOTT: Yes. I am offering that we take out the term "full time," because it implies forty hours a week, and put in the term "ongoing," that they can be on ongoing basis over time.

MR. CENTER: Would you compromise with the word "permanent" and "autonomous"?

MS. SCOTT: That's fine. I'm just concerned about that "full time."

MR. CENTER: Strike the word "full time" and insert the word "permanent."

It's already there. Oh, it is. This does not speak to the position of commissioners; this speaks to the entity of this body.

MR. HANNAH: Friendly amendment has been made without opposition to the second. It is accepted, and the floor is open for debate on the first serial of this division.

Mr. Stopp, how do you rise on the issue?

MR. STOPP: I would like to split this again.

MR. HANNAH: This will be a first for the convention.

MR. STOPP: Because I think what I'm hearing, there's no issue of creating a Cherokee Nation Election Commission. I would like to split between "Commission" and "which."

I think it's the issue of how, and does this become legislative or constitutional, and how do we do that. But I think -- at this point, I'm making an assumption that we are in agreement that the Cherokee Nation Election Commission should be created. I would like to support it to that point.

MR. HANNAH: There's a motion to divide the first serial of the first division between the phrase, "there is hereby created Cherokee Nation Election Commission," and the second serial, which would begin with the word "which shall be an autonomous and permanent entity charged with the administration of the Cherokee Nation election in accordance with the election laws."

Is there a second?

THE DELEGATES: Second.

MR. HANNAH: There's a second. Floor is open for debate.

DELEGATE: On?

MR. HANNAH: On the division -- once again, Chair will remind us where we are. We have a motion to divide, and this is the proposal for the division. And there has been a second, and we are open for debate on this division.

MR. JOHN KEEN: Delegate John Keen.

MR. HANNAH: Mr. Keen, you are recognized.

MR. JOHN KEEN: I would call the question.

MR. HANNAH: Thank you very much, sir. There we go. Is there a second?

THE DELEGATES: Second.

MR. HANNAH: And hearing no opposition, all of those in favor of division, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the phrase is divided. And debate is open on the first serial.

Mr. Keen, you are recognized.

MR. JOHN KEEN: Delegate John Keen, I would call the question.

MR. HANNAH: The question has been called on the first serial. Is there a second?

THE DELEGATES: Second.

MR. HANNAH: And hearing no debate, then what we are voting on will be the first section that allows us to stand in our deliberations, which would read: "There is hereby created a Cherokee Nation Election Commission." All those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

And the first serial stands, and debate is open on the second serial, which would in fact begin with the word, "which shall be an autonomous and permanent entity charged with the administration of the Cherokee Nation elections in accordance with the election laws."

And the floor is open for debate. And Dr. Gourd, you are recognized.

MR. GOURD: Thank you, Mr. Chairman. Charles Gourd, delegate. I hope our English lady is here.

MR. HANNAH: Yes, she is.

MR. GOURD: After the word "commission," we need a period. And then I guess we would start that sentence with, "The commission shall be autonomous and" -- yeah, "an autonomous and permanent entity." And I would make that in the form of a motion.

MR. HANNAH: There's a motion on the floor to add to the second serial the two words, "the commission."

MR. HOSKIN, JR.: Point of information.

MR. HANNAH: Yes, sir. Mr. Hoskin.

MR. HOSKIN, JR.: Could we leave that to the

Style Committee, and yet still put it on the screen for our purposes?

MR. HANNAH: I will ask. Dr. Gourd, would you wish to withdraw your motion?

MR. GOURD: Now I'm confused.

MR. HANNAH: You're confused because you made a motion, sir, to include the words, "the commission."

MR. GOURD: Yeah.

MR. HANNAH: And the young delegate next to you has raised an issue that we will leave that to the Style Committee.

And the Chair would remind us all perhaps what we should be about instead of attempting to make the language correct, is for us to return to what it is that we're attempting to do, which is to debate the second serial, okay.

The Chair believes that would be a logical process for us, instead of us getting a little bit out of kilter here on what we're doing.

What say you, Dr. Gourd?

MR. GOURD: I agree with the assigning it to a Style Committee, sir. I was just making a motion so we could start debate, and it seemed to me that nothing was on the floor. I don't know.

MR. HANNAH: I'm sorry, sir, but we were in fact in debate on the second serial.

The Chair is going to need just a little bit of help here, folks. So kind of help him out. Now, Dr. Gourd has made a motion to include the words, "the commission." Is there a second?

DELEGATE: Yes.

MR. HANNAH: There's a second, and the floor is open for debate on the motion to include the two words, "the commission."

DELEGATE: Call the question.

MR. HANNAH: Question has been called. Those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

And the language is added and debate continues on the second serial, which now begins with, "the commission shall be an autonomous."

Mr. Keen, what say you, sir?

MR. JOHN KEEN: Call the question.

MR. LITTLEJOHN: Second.

MR. HANNAH: Question's been called, and there's a second. Is there opposition?

Hearing no opposition, the language that is before us for inclusion would be, "The commission shall be an autonomous and permanent entity charged with the administration of all Cherokee Nation elections in accordance with the election laws."

All of those in favor signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no." And the language stands.

I may need to call on the Sergeant of Arms to bring forth the official delegate can of WD-40.

Mr. Hembree. We are at debate on Section 1, and you are recognized.

MR. HEMBREE: Second serial, correct, Mr. Chairman?

MR. HANNAH: Thank you, Mr. Hembree. We are once again at debate on the second serial of the original division, which would be the area that is underlined.

MR. HEMBREE: Delegate Hembree from Greasy.

MR. HANNAH: Let's wait for just a moment, until we all get seated here. Thank you.

MS. MASTERS: Point of clarification.

MR. HANNAH: The good lady from California wants to know what is squeaking over there, Charlie, and you're instructed not to answer that question.

Mr. Hembree, we are back in the room. Thank you, sir, you are recognized.

MR. HEMBREE: Thank you, Mr. Chairman, Delegate Hembree from Greasy. Ladies and gentlemen, here I am trying to keep the Constitution short and painting with broad strokes, if it is the desire of the body as it is, that the Cherokee Nation Election Commission be a constitutional mandated body, we have done that.

Now, if we're going to sit here for the rest of the day trying to point out how many members, what is the term of those members, what's going to be, ladies and gentlemen, as Mr. Center says, there's already laws on that, and that's the appropriate place for that.

How these constitutional mandates are enacted are invariably left up to legislative seat, not in the Constitution itself. So we've done our job. Let's vote down the second serial, and let's move on to the rest of it.

MR. HANNAH: Thank you, Mr. Hembree. Any other delegates rise to speak to the second serial that's before us? You, kind sir, are recognized.

MR. CARL DOWNING: Carl Downing. I rise in support. I believe that this very well could be the most important part of this Constitution. This is where we safeguard the rights of our people to vote.

I kind of waver between constitutional and Council, and I guess I come down on the side of not quite trusting the Council, although they are my elected representatives. In other words, I want to supersede their power in this particular instance, although, philosophically I disagree with that.

MR. HANNAH: Thank you very much. Mr. Lay, you are recognized.

MR. LAY: Delegate Lay. I stand essentially in support of the whole Constitution, although, I think it should have

been done legislatively. But when we get to this second part here, this is what he's talking about, I would prefer to see --

MR. HANNAH: Let's bring order to the chamber. The Chair is always interested in delegates raising good ideas by a caucus, I just ask that if you are going to do so that you would retire to the rear of the room and keep your voices low.

Mr. Lay, you will be heard, sir.

MR. LAY: Thank you. If we're going to go through this section right here, what I'm going to ask this delegation -- the delegation must realize that the first paragraph that we've gone through would have taken Council six months to go through. We've done a really good job here.

The second section would probably take Council another six months. And the reason why is because I want a delegate from my district to be on that board; you want one from your district to be on that board; the at-large folks want two to be on that board, and here we are doing proper legislative work like Mr. Hembree said. And if we're going to do it, then we're going to have to add nine plus two to that, so that's it.

MR. HANNAH: Thank you, Mr. Lay.

Good lady from Tahlequah is recognized.

MS. HAMMONS: Thank you, Mr. Chairman, Diane Hammons. I stand in opposition to the second serial. I believe that this was properly left to the legislature, and I did think they did a better job than we've done here.

We fought long and hard yesterday on appointment and election, and obviously we're not going to elect the election commissioners, but I don't like five members being appointed by the Principal Chief. I think that the way that the statute set it out is better. And I would respectfully request that we vote this serial down. Thank you.

MR. HANNAH: Ms. Silversmith, Kenwood-Salina, you are recognized.

MS. SILVERSMITH: Molly Silversmith, Salina. I am opposed to this second section. I am in total agreement with the delegate that just spoke, that it is unnecessary; it is a legislative duty. And as far as the -- how long it would take the Councilmen to go through this, I was under the understanding that this Constitution was supposed to last another hundred years, and I hope this Council isn't in Council at that time.

MR. HANNAH: Thank you, ma'am.

Mr. Keen.

MR. JOHN KEEN: John Keen, Delegate. The language, "appointed by the Principal Chief and confirmed by the Council," was mine as far as the friendly amendment, so I would like to withdraw that if the author would accept my withdrawal.

MR. HANNAH: Mr. Center, Mr. Keen has been identified and requests now to withdraw his original friendly amendment of the phrase, "appointed by the Principal Chief and confirmed by the Council." What say you?

MR. CENTER: I accept that.

MR. HANNAH: Accepted. And the language without opposition from the second was withdrawn. And the kind lady from Nowata, is it okay if we take out "Principal"?

MS. HAVENS: Yes.

MR. HANNAH: Thank you, ma'am. I wanted to let everybody remember that you were a part of that project.

Dr. Gourd, you are recognized.

MR. GOURD: Mr. Chairman, Charles Gourd, Delegate. I would propose in this sentence a friendly amendment to define the composition of the commission, and that after "composed of five members," you could put, "two of which shall be selected by the Principal Chief, two by the Council and the fifth shall be selected by the Commission."

MR. BILL BAKER: Point of clarification.

MR. HANNAH: Point of clarification, Mr. Baker.

MR. BILL BAKER: Okay. In this piece that we're talking about, it's going to say that there are five members, two appointed by the Chief, two by the Council. Is this until they die or --

DELEGATE: Yeah.

MR. BILL BAKER: Until they die?

MR. HANNAH: Mr. Center, you are recognized.

MR. CENTER: As provided by law, it's already written.

MR. HANNAH: And Mr. Center, what say you on the friendly amendment by Dr. Gourd? Do you accept, sir?

MR. CENTER: Yes.

MR. HANNAH: Mr. Center, you accept the friendly amendment, therefore, without opposition to the second, it's entered.

Mr. Hembree, you're recognized.

MR. HEMBREE: Thank you, Mr. Chairman. Ladies and gentlemen, pretty soon we're going to start arguing on how many angels can dance on the head of a pin, okay. That's why you don't legislate.

We've done our duty in creating the office, and we kept on referring back to laws that have already enacted. Good laws. That's why they're there, you know, that's why they've been -- they've gone through the process of making good laws.

So I would move previous question on the second serial, and let's take a vote on whether we want to have it or not.

DELEGATE: Second.

MR. HANNAH: Very good. The question has been called on the second serial, and there is a second. And hearing no opposition, the vote is before us.

MR. CARL DOWNING: Is there an amendment before the house?

MR. HANNAH: No, sir, there is not. There is not. We have concluded discussion and --

MR. CARL DOWNING: I napped for a couple of minutes.

MR. HANNAH: You napped for just a second. It's okay. The Chair has been doing that throughout the entire convention.

What we're about to vote on, ladies and gentlemen, is in fact the second serial of Section 1. And the language would read if approved: "The Cherokee Nation Election Commission shall be composed of five members, two of whom should be appointed by the Principal Chief --"

DELEGATE: Shall.

MR. HANNAH: "Shall," thank you very much. "Who shall be appointed by the Principal Chief, two by the Council and the fifth shall be appointed by the commissioners as provided by law."

All those in favor, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the Chair is unclear and will instruct a standing count, and Ms. Long will prepare to assist in the counting. All delegates will be in their chairs. All delegates will be in their chairs. Ms. Stroud, please take your chair, please. Thank you.

Let's settle in, people, come on, now. I know we're a little unused to these facilities, but we're going to get this down. We're all in our seats.

There is no confusion here, this is a convention it is well under control, and we know exactly what we are doing at all times. And most importantly, the delegates know who they are. Is there any delegate here who doesn't know that you're a delegate? Well, Silversmith, I know. We'll work on you later today. We get you back to Kenwood, you'll be all right.

Point of clarification, Mr. Baker.

MR. BILL BAKER: When we add "by law," does "law" -- there's been some talking over here that "law" provides that they be Cherokee citizens.

MR. HANNAH: Point of clarification by Mr. Baker with regard to the word "law." Mr. Center, you are recognized.

MR. CENTER: "Law" meaning the legislative act.

I'd have to research it as far as -- to my knowledge, that does not say that in the act itself, to serve the commission, that they must be citizens of -- but I would ask that that be written.

MR. DOWTY: Point of order.

MR. HANNAH: One moment here, folks, we have point of order. And the good man formerly of West Peavine is recognized.

MR. DOWTY: Mr. Chairman, we have a vote on the floor, and I don't believe debate or even discussion is appropriate.

MR. HANNAH: Very true, sir. The Chair

entertained Mr. Baker by way of point of information simply to make sure exactly that we all know what we are doing here. The Chair was willing to allow the good man who has introduced his amendment to explain.

And Mr. Baker, are you clear now, sir?

MR. BILL BAKER: No, sir.

MR. HANNAH: You are not clear at this time.

MR. HOSKIN, JR.: Point of clarification.

MR. HANNAH: Point of clarification.

MR. HOSKIN, JR.: As I read this --

MR. HANNAH: Mr. Hoskin, you are recognized.

MR. HOSKIN, JR.: Thank you, Mr. Chairman.

Charles Hoskin, Vinita. As I read this, and I think I'm seeing the problem is that the, "as provided by law" only operates on the fifth member.

That's problematic for me. I think it's problematic for Delegate Baker. I think we have to continue with this vote unless we can do something to prevent it. I think this is not the intent that the author had in mind.

MR. HANNAH: Okay, ladies and gentlemen, the Chair will remind you that simply because we vote on this, if there's -- you know, there's further discussion and work to be done here, so we will move for the vote.

The lady from Tahlequah, I see you holding your hand. Are you not hearing, or what's the question?

MS. HAMMONS: Mr. Chairman, there's some feedback here.

MR. HANNAH: We will suspend the vote until we get this room in order.

And we have done so now, I believe. Is that correct, Mr. Keen?

MR. KEEN, JR.: Must have scared it out --

MR. HANNAH: The Chair will remind everyone that the Mr. Keen is from Adair County.

MR. LITTLEJOHN: Mr. Chairman, I want a clarification.

MR. HANNAH: Yes, sir.

MR. LITTLEJOHN: If we vote "yes" on the vote that's upcoming, we will accept the language that's on board; is that correct?

MR. HANNAH: That is correct, sir.

MR. LITTLEJOHN: If we vote "no," then that language is all gone; the law that's in effect now becomes the law.

MR. HANNAH: We would need to return via the scribe that we would then return to the original language.

MR. LITTLEJOHN: My point is, is if I understand what we're voting on, is the question is either this is going to be in the Constitution, or it's going to be provided for by law by the Council.

MR. HANNAH: What we're voting on, sir, would be

the language that is underlined before us, whether it would be included in this section.

MR. HOSKIN: Point of order.

MR. HANNAH: Point of order, sir.

MR. HOSKIN: Would it be appropriate to have a voice vote?

MR. HANNAH: If whoever -- you know, Mr. Hoskin, I think it would be. And thank you very much for that. That may save us some additional procedure.

Now, folks, what we're doing here is voting on the second serial. And once again, if you vote "yes," we would include the language, "The Cherokee Nation election commission shall be composed of five members, two of them shall be appointed by the Principal Chief, two by the Council and five shall be appointed by the commissioners as provided by law."

All those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the noes have it. The language does not stand. And the floor is open for debate on Section 1. Mr. Hoskin, you are recognized.

MR. HOSKIN, JR.: Mr. Chairman, I move to -- well, I don't need to move to do anything because it's struck, but I would make a --

MS. MASTERS: Return --

MR. HOSKIN, JR.: Yeah. Was there language there in place -- I'm sorry, on information. Was there language there in place of what was struck, or is this how it should read now?

MR. HANNAH: This is how it should read, sir.

MR. HOSKIN, JR.: Mr. Chairman, I would move the question.

MR. HANNAH: Question's been moved. Is there a second?

THE DELEGATES: Second.

MR. HANNAH: Hearing no opposition, language before us in Section 1, if you vote to approve this language will stand.

"There is hereby created a Cherokee Nation Election Commission. The commission shall be an autonomous and permanent entity charged with the administration of all Cherokee Nation elections in accordance with election law. The Council shall enact an appropriate law not inconsistent with the provisions of this Constitution that will govern the conduct of all elections."

All of those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

And Section 1 is accepted. Section 2 is open. Mr. Keen, if you would introduce it for us.

MR. KEEN, JR.: Thank you, Mr. Chairman.
Section 2, and if I could have the scribe call up the '75 version.
Section 2 is identical language to the language appearing in Section
2 of the 1975 Constitution, and it reads:

"Any citizen by blood of the Cherokee Nation at least
twenty-five years of age on the date of the election may be a
candidate for the Council. No person shall have been convicted or
has pled guilty or has pled no defense to a felony charge under the
laws of United States of America or of any state, territory or
possession thereof, shall be eligible to hold any office of
appointment of honor, profit or trust within this Nation unless such
person had received a pardon.

Any person who holds any office of honor, profit or trust
in any other tribal entities, either elective or appointed shall be
ineligible to hold simultaneously any office of honor, profit or
trust of the Cherokee Nation unless approved by the Council."

MR. HANNAH: Motion is before you. Is there a
second?

DELEGATE: Second.

MR. HANNAH: There is a second. And, Mr. Keen,
any further clarification before we open the floor for debate?

MR. KEEN, JR.: No, sir.

MR. HANNAH: Good man from Black Gum is
recognized.

MR. McCREARY: Ken McCreary, Black Gum. I would
offer a friendly amendment. Right after, "where such person has
received a pardon," to include the words, "from the appropriate
jurisdiction."

This is to clarify where the person has received a
pardon. You cannot pardon from the wrong jurisdiction.

MR. HANNAH: My apologies to Mr. McCreary. You
may need to come again; I was conferring with the good manager.
Your friendly amendment again, sir?

MR. McCREARY: My friendly amendment is to
include the wording "from the appropriate jurisdiction, that person
has received that pardon from." You can't cross pardon from across
jurisdictions, so it has to be from the appropriate jurisdiction.
We've had that problem once before.

MR. KEEN, JR.: I would accept that as a
friendly amendment. I think it helps add clarity --

MR. HANNAH: Dr. Gourd, what say you? Are you
friendly to the inclusion?

MR. GOURD: Yes.

MR. HANNAH: Ms. Coon?

MS. COON: Yes.

MR. HANNAH: And Mr. Hannah says "yes," and the
language is added without objection by the second.

Ms. Stroud, you are recognized.

MS. STROUD: Thank you. Virginia Stroud,
Tahlequah. I would like to know from an attorney, as well as some

of the other members, of what exactly is a pardon. If we did wrong, if we embezzled, if we molested or if we did a felony of some kind, and then we're forgiven, then we can still hold office; is that how this is interpreted?

MR. HANNAH: Okay, the question has been raised by point of information with regard to the definition of word "pardon." Mr. Dowty, the Chair call on you.

MR. DOWTY: Okay.

MR. HANNAH: And he does so because of your consistency of abstentions yesterday. Chair is concerned that you've not had enough voice. What would be a "pardon," sir?

MR. DOWTY: And others can help me with this, but a pardon as I understand it, wipes out the conviction completely. That is, the person stands as if they had never suffered the conviction for the offense. And that's my understanding.

MR. HANNAH: Thank you, sir. Hearing no opposition from others of legal counsel in the room, Ms. Stroud, does that answer your question?

MS. STROUD: Well, then what do I do? Because I don't want them even if they were pardoned to be one of my people here.

MR. HANNAH: So you stand in opposition to the word "pardon," and you would like to make a motion to strike the word "pardon"?

MS. STROUD: Yes.

MR. HANNAH: There is a motion to strike the word "pardon." Is there a second?

DELEGATE: Second.

MR. HANNAH: There's a second, and the floor is open for debate on the strike of the word "pardon." Would anyone rise in opposition?

MS. CHILSON: Point of clarification.

MR. HANNAH: Point of clarification, good lady.

MS. CHILSON: Would a pardon indicate that the conviction was not correct in the first place?

MR. DOWTY: No, no. May I, Mr. Chairman?

MR. HANNAH: Yes, sir, Mr. Dowty. I'm sorry.

MR. DOWTY: No, the conviction may have in fact had merit. The person may have in fact committed the crime, they may have pled guilt or have gone to a jury and been convicted. It means that they will have been shown by the process of law to have committed the offense.

Now, they may have been seventeen years old, eighteen years old when they did it, and we may be talking about that same person at the age of fifty. And so that is why we have pardons, is that a young person -- ordinarily is that a young person may have in their youth made an error that would mark them for the remainder of their life, but they may have truly rehabilitated themselves and be of great value to the society and to the community, and yet be

precluded up from holding offices such as this.

MR. HANNAH: Thank you, sir, for the clarification.

Tina, you're recognized.

MS. JORDAN: He might want to clarify the first sentences and expungements, and if that will have any affect on this particular area.

MR. HANNAH: Point of clarification has been raised by the good lady from Tahlequah with regard to the language of --

MS. JORDAN: I think we're talking about pled guilty or has pled no defense. You might want to explain to the body how a deferred sentence and an expungement process would work or that, or whether it would have an impact.

MR. HANNAH: Kind man.

MR. DOWTY: Well, in this language, as to the pardon it would not. And I suspect that this discussion has been had before by others, particularly with regard to the last election for Chief when an issue such as this arose.

But a person may plead guilty and receive what is called a deferment sentence, which is not in fact a conviction. In that case, a person might plead guilty to a felony and be placed on a period of probation to follow rules of the court and to not get in any more trouble.

And then that person, if they complete that period of time, it may be a year or two or whatever, if they complete that period of time successfully, then, as to the plea, the books are erased. It's expunged. The name and the fact of their plea of guilty is taken off the books. Now, that is done within that year or two after they suffer the plea of guilty.

But in this case, a pardon is something different. That is where they did not contest, they did not receive a deferment, they were actually convicted and received a sentence and may have served a penitentiary sentence, even, in the case of a pardon.

But after a lapse of a term of years and they have been rehabilitated, they can apply, in our case in Oklahoma, to the governor, to be pardoned. And if the governor signs that pardon, it's as if their conviction -- even though they have been in the penitentiary, it's as if it had never happened.

MR. HANNAH: The Chair would like to thank the kind gentlemen for the explanation.

Mr. Keen, you are recognized.

MR. KEEN, JR.: Thank you, Mr. Chairman. Ralph Keen, Jr., and I rise in opposition to the proposed deletion of this language for many of the reasons that Justice Dowty brought before this body.

The pardon process, whether it be state, federal or even within the Tribe, it's not easy to obtain a pardon. We need to allow enough flexibility in the qualifications of our elected official to not exclude or preclude good people who may have made

mistakes earlier in their lifetime.

And many of us through the follies of youth know what I'm talking about. You know, when you leave home, you made a mistake, and you move on correct those, you're fully rehabilitated. If we strike this language out, then we would be held convicted of those mistakes for the entirety of our lives and be precluded from ever serving the Cherokee Nation. And it's for that reason that I oppose this.

MR. HANNAH: Thank you, Mr. Keen. Ms. Silversmith, you're recognized.

MS. SILVERSMITH: Molly Silversmith, Salina. As I stated before, I am here for Salina-Kenwood people. The word "pardon," I am opposed to it being in there. I thought I knew what pardon meant, but evidently I don't.

We perceive "pardon" -- and the reason that I don't, we perceive pardon, and using the analogy of doing something when you are young, we all have. But the reason it's in there, it's not stipulating if you did it at seventeen or if you did it at twenty-seven or if you did it at fifty. There is no stipulation on age when they say "pardon."

Did you do this at seventeen; well, it's okay. If you did it at thirty, it's not okay. To me, it's either okay or it isn't okay. If you do something to spend time in the penitentiary, and you do something against the laws of the United States, your city, your county, and you're punished for it, even though you did your sentence, I don't think you should be able to hold an office where you're governing people.

I'm not saying you are an outcast and can't be a Cherokee and you can't vote anymore; I'm not saying that, all of your rights taken away from you as a Cherokee. I'm just saying that I don't think that if someone has been convicted of a felony -- and I think that's what we're talking about, felony. That if anyone has been convicted of a felony, they should not be able to hold public office. Not that they can't be a Cherokee and vote, but I'm opposed to this pardon thing to be in here.

MR. HANNAH: Dr. Hook, you are recognized.

MR. HOOK: Jonathan Hook. Thank you, Mr. Chairman. I also support striking this language. I will submit that, yes, we all have made mistakes. But as the highest elected body of the Nation, that this group should be unable to have any challenge against any question of their credibility or actions in the past of this type. And that as the highest elected body, it's essential that we have this in there.

Also, my understanding of some pardons is they can often be political as well. And someone could be pardoned regardless of whether they were in fact guilty, or that it can become a political issue as well as one of moral turpitude. So I would submit this is a reasonable striking.

MR. HANNAH: Mr. Hembree, you are recognized. How do you rise on the issue?

MR. HEMBREE: I rise in opposition to striking the language concerning pardons. Thank you, Mr. Chairman. Delegate Hembree, from Greasy.

We have concentrated on one issue as to a pardon of maybe a youthful indiscretion. But pardons are also very appropriate, and I thank God we have them in cases the conviction is just plain wrong, ladies and gentlemen.

There were many civil rights workers in Mississippi, Alabama, who were convicted of felonies when the civil rights movement was going on. Those convictions were not right convictions. And they were convicted of felonies, and they received presidential pardons. And thank God they did, because they were down there doing what's right.

And that's the power we have vested in the highest official of our land. Like you said, in Oklahoma, it's the governor; in the United States, it's the President. Sometimes the conviction is just plain wrong. Sometimes you might --

And believe you me, as an attorney, it's not farfetched that, you know, in the backwoods reaches of our Nation that someone might be wrongfully convicted of a crime they did not commit. And if they can make their case to the highest official in that land, they ought to have a right to have a pardon.

And if they, in fact, do receive that pardon, they should be given back, restored, all rights and privileges that they ever had as a citizen. So I think the language to pardon is good language to have in our Constitution. Thank you.

MR. HANNAH: The good lady is recognized.

MS. PITTS: Joni Pitts from Fort Gibson. I don't think that we should put something like that in our Constitution. I agree with him, beside his dad. I agree with him that this, even like later on down the road, if we did elect someone like this, I wouldn't want anyone saying that we had a murderer in office, I mean, our Chief was a murderer, or maybe he was found to be guilty of molesting a child or something like that. I just don't think something like that should be in there. Thank you.

MR. HANNAH: Thank you, ma'am.

MR. JOHN KEEN: Point of clarification.

MR. HANNAH: Point of clarification, Mr. Keen.

MR. JOHN KEEN: If she is referring to me, I have not spoke in opposition or favor of this.

MR. HANNAH: And thank you very much for the clarification. Mr. Keen, the senior, is recognized.

MR. KEEN, SR.: Ralph Keen, Delegate. I rise in opposition to removing this language from our Constitution. I'm not so sure -- I've never taken a poll, or I don't have any facts, but I suppose that there are many, many, many Cherokees who have at one time or another done something wrong.

We should be forgiving if they straighten up, fly right, and attempt to do good service to our Tribe. I think that we should do that, allow them to serve.

I would like to point out one other thing, too. And that is that most other civilized jurisdictions, the state of Oklahoma, our federal government, and many others civilized jurisdictions have this in effect in their constitutions. And I would oppose removing this language from ours.

MR. HANNAH: Mr. Littlejohn, you're recognized.

MR. LITTLEJOHN: I rise in opposition to striking the language. And if we had some way of knowing that a person who is convicted -- I shouldn't say convicted, we shouldn't worry about convictions. If we have some way of knowing who has done wrong, and in this room we have here, how many of us have not done wrong, besides Mr. Baker?

MR. HANNAH: Let the record show Mr. Baker raised his hand. And I don't believe I would have told that, Donn. Mr. Littlejohn.

MR. LITTLEJOHN: And the difficulty is, of course, there are some prosecutions that are in fact political or economical. Depends on how much money you have, depends on what kind of a lawyer you can afford as to whether you're convicted or not.

Many times people are arrested for a crime. Sometimes they commit it, and sometimes they did not commit it. Many times the only way they can get out of jail is by going down and pleading guilty to a felony and being put on probation. That's shameful, but it happens.

If we had some way of identifying everybody who did wrong and then exclude them from ever running for office, I would agree with you, but we don't. It's unfair. A pardon is one way that we know that somebody has heard their plea of injustice. Somebody has listened to them and found them to be worthy people and deserving of this. Maybe it's politically granted, but maybe it's granted as a sense of justice. For those reasons, I oppose the striking of this language.

MR. HANNAH: Thank you, sir. Mr. Clarke, you are recognized.

MR. CLARKE: Yes. I rise in opposition of striking this language, but I would like to say something in regards to some of the things that I've heard people say in regard to those youthful people who commit crimes and are convicted.

For the most part in this state, a person under the age of eighteen commits a felony, and if they are not certified to stand trial as an adult, then they were maybe accused as a delinquent, that would never go on any kind of record as a felonious conviction.

But I'm here to tell you, folks, you're looking at an old boy that when I was fourteen, fifteen, sixteen, years of age, I was one of those absolute hell-raisers. And by the grace of my God, I did not wind up in the penitentiary.

I've got tons of buddies in the neighborhood I grew up with; some are dead as a result of being shot and killed, committed suicide under influence of narcotics. Most of the kids I run around

with wound up in reform school and all of that.

However, like I said, by the grace of God, I was never charged with anything. But I was right in the middle of them. And had that happened, as a young person being certified as an adult, I doubt very seriously if I would be in the position that I am at today because it would be very tough to do a job in this type of work, working with kids, when you have a record of a felonious conviction for doing things.

And I agree wholeheartedly with what former Chief Justice Keen said. We've got to be forgiving. We've got to be forgiving, and we've got to understand that people can rehabilitate. It's a matter of choice.

And I thank God that I chose to self-rehabilitate with the assistance of a lot of people that provided me very appropriate guidance. So I'm very opposed to this because I know that during the course of actions that's taken place here in the last couple of years, hey, we've got some real emotional stuff going on here, or did have, and it's been a calming down some.

But any of us may -- could have done something just like Delegate Hembree was talking about the civil rights people doing some thing that they believe in was right and wound up getting a felony conviction and would be precluded if we did not have something like a pardon here. So I'm diametrically opposed to removing this language. Thank you, sir.

MR. HANNAH: Chair would recognize the delegate rising in favor of the strike.

DELEGATE: Call the question.

MR. HANNAH: Point of information, young lady?

MS. MASTERS: Do what?

MR. HANNAH: I would entertain a delegate rising in favor of the strike.

MS. MASTERS: Yes.

MR. HANNAH: Do you rise in favor of striking the language?

MS. MASTERS: Yes.

MR. HANNAH: You are recognized.

MS. MASTERS: Billie Masters, Delegate. I rise in favor of the striking of this language. There may be exceptions, but I think for the most part, we all have faith in our judicial system and the way that it works.

And if a person was convicted, I believe that we in the Cherokee Nation hold a little higher standard for our highest elected official, and I would vote that we strike this language. And that doesn't mean that we're not forgiving of those people; that just means we hold a little higher standard for our elected officials.

MR. HOOK: Point of clarification.

MR. HANNAH: Point of clarification, Dr. Hook.

MR. HOOK: What's the standard for tribal employees? What's the language --

MR. HANNAH: The Chair would call on Mr. Stopp, perhaps, or anyone else here who might -- Mr. Baker, would you rise to answer?

MR. BILL BAKER: That is definitely not the standard.

MR. HANNAH: That's not the standard.

MR. HEMBREE: It wouldn't be germane to the topic in the first place.

MR. HANNAH: I beg your pardon?

MR. HEMBREE: On order, that inquiry would not be germane to the topic.

MR. HANNAH: Thank you, Mr. Hembree. And now that we have that out of the way.

DELEGATE: Call the question.

MR. HANNAH: Okay, the question has been called. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. And hearing no opposition, we move to the question before us. If you vote in the affirmative, then the language will be stricken, "unless such person has received a pardon from the appropriate jurisdiction."

Would that be correct, Mr. Keen?

MR. KEEN, JR.: Correct, sir.

MR. HANNAH: All right. All those in favor, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the language stands. The floor is open for debate.

MR. KEEN, JR.: Mr. Chairman.

MR. HANNAH: Mr. Keen, you are recognized.

MR. KEEN, JR.: I would propose an amendment to this, and I'm doing this independent of my fellow commissioners, because I don't want to burden them down with a friendly amendment.

If we will go up to the second -- I believe it's the second sentence, where it states, "or has pled guilty or has pled no defense to," and strike that language out, please.

And the rationale behind this proposed deletion is that we all know the problems that surrounded a certain candidate at the last election for Chief, and this was the exact language that brought about that problem.

Our court -- you need to realize that the language that we have in this Constitution binds our Supreme Court. They have no flexibility. If the language is clear, they have to follow it, whether it's controversial or whether it's not. They are mandated to follow this.

The problem this language poses to me is the situation with a deferred sentence, as Justice Dowty so artfully explained to us, where under the state system you can actually plead guilty, you

can receive a deferred sentence, and as long as you don't violate the terms of that sentence, upon completion it is completely erased and expunged from your record as if -- and it is not a conviction, am I correct, Justice Dowty?

MR. DOWTY: Yes, that's correct.

MR. KEEN, JR.: So we would have a situation where you would have pled guilty for a crime, technically, you have served out the deferred sentence. It would have been dropped, there would have never been a conviction of a crime. But yet under this strict language, you would still be precluded from serving our Cherokee Nation.

I believe this is the exact situation that a previous candidate had. And so for that reason, I really see no reason to have this restriction in our Constitution. I feel we should just keep it to the felony standard and go with that.

MR. HANNAH: There's a motion to strike; is there a second?

DELEGATE: Second.

MR. HANNAH: There's a second. The floor is open for debate. Mr. Baker, you wish to be recognized.

MR. BILL BAKER: I would speak in favor, and the main reason is how things really work in Cherokee County, Adair County and all. Many times we have young people that their parents cannot or will not afford the representation. Many times our Cherokee people take the attitude that if the kids get in trouble, they're going to get out themselves.

And many times they come, and the parents agree that, hey, maybe we can get this kid off, but let's hold him to a standard. Let's let him plea and be on probation and bring him in line. And whether that's right or wrong, that's how things happen many times.

And I think if the state of Oklahoma recognized it as expunged or completely taken off and forever forgotten, that's what they tell you, is that it's forever forgotten. And under our law, it's not forever forgotten, and we're taking Cherokee kids and holding them to a different standard than what they're promised in another jurisdiction.

MR. HANNAH: Dr. Gourd, you wish to be recognized.

MR. GOURD: Thank you, Mr. Chairman.

MR. HANNAH: How do you stand on the issue?

MR. GOURD: I would rise in -- as usual, I'm on the fence on this one. I'm primarily in opposition to it because I believe that the section which we just voted on which includes the provision for a pardon would take care of the extenuating circumstances which may have surrounded the activity which occurred because, you know, it doesn't address or get to the nature of the crime. Thank you.

MR. KEEN, JR.: Point of information, sir.

MR. HANNAH: Point of information, Mr. Keen.

MR. KEEN, JR.: I'll call on Justice Dowty to help me on this. My understanding is on a deferred sentence, you cannot receive a pardon for a deferred sentence; is that correct?

MR. DOWTY: Correct.

MR. KEEN, JR.: So that creates a stonewall for this individual. He has no remedy. He cannot even seek a pardon. But yet under this code, he would still be --

MR. HANNAH: Thank you, Mr. Keen. Ms. Stroud, you're recognized.

MS. STROUD: Yes, I must agree with Dr. Masters here, that we as Cherokee people, we haven't asked for much, you know that. The Cherokee people, the ones that live here and runs that government, we haven't asked for much, except maybe we'd like to have a leader who is one-fourth Cherokee or more and has not committed a felony.

Now, why is that so hard to get passed with our delegates who are representing the faces that are not here, the voices who cannot speak on this floor? I want this language out of here. Who are we trying to get in? That's what I'd like to know. On a political move, who are we trying to get in that has a background that we do not know about? Thank you.

MR. HANNAH: Thank you, ma'am. Mr. Hembree, you are recognized.

MR. HEMBREE: Thank you, Mr. Chairman. I rise in favor of the strike. And I can tell you there's no individual that I have a hidden agenda I'm trying to get in here. But I'm trying to protect those young Cherokee individuals who are growing up here today, and maybe some of them that are not so young.

I would beg the other attorneys to help me out on this. But I see the system firsthand here in the heart of the Cherokee Nation, both in Adair and Cherokee County. One of the reasons why an individual is given a deferred sentence is that that prosecutor or that judge sees some merit in this individual and is willing to give them a second chance.

And when a person receives a deferred sentence, that is the justice, that authority that judge is saying, if you go forth from this day on, and you do what we tell you to do for this period of time, be it a year, two years, three years, whatever, you have the right to come back into this court -- let's say it's three years, you have the right to come back into the court three years later and prove to me, speaking as a judge, that you have done everything I've told you to do.

And if you do that, and if you live right, and you do not commit any crimes, I'm going to expunge your record. And I guarantee you, ladies and gentlemen, every time they tell that individual that is as though it's never happened; we are going to wipe the slate clean on you, go forth and sin no more.

And that's what that person does. He never receives a conviction in which to receive a pardon. The candidate that we are talking about was Bearpaw. And he, I think, was a very capable

person. A person that should have had the opportunity to run for Chief. But that was denied him because when he was a young man --

MS. MASTERS: I don't think we should talk about personality.

MR. HANNAH: Ma'am, the good gentleman deserves to be heard.

MR. HEMBREE: I'm in order.

MS. MASTERS: Not without the person being here. I stand in opposition to discussing a person that is not here.

MR. HANNAH: Ma'am, you will stand down and the good man will be heard.

MR. HEMBREE: Thank you, Mr. Chairman. I believe he should have had the opportunity to run for Chief because he did commit one youthful indiscretions that we talked about, and he did receive a deferred sentence. And he did follow through with what they told him to do when he left that courtroom. They wanted this is as though it never happened.

The supreme court's hands were tied. They could not do anything other than read this Constitution. Now, I think we do not need this thing in a vacuum, ladies and gentlemen. We have the ability to bring in what has happened in the past, and I think that was a constitutional wrong. And I think it would behoove us to remove that language and allow people who have done what the authorities tell them to do, the ability to hold office.

MR. HANNAH: Chair will recognize the delegate who would rise in favor of the strike. How stand you, Ms. Masters?

MS. MASTERS: I'm against striking this information.

MR. HANNAH: Very well, please proceed. And the Chair, in fact, is prepared to hear your side. Thank you.

MS. MASTERS: I stand in opposition to striking this information. There, by the way, has not been a case of a youth having this held against them. That was not a youthful issue. It wasn't a person under eighteen years of age.

This language, again, holds us to a higher standard. And the people here believe in holding a higher standard to their elected official. They do not want someone who is tainted in any way holding this highest position. And I stand in opposition of striking this wording here.

MR. HANNAH: Thank you, ma'am. Ms. Silversmith, you are recognized.

MS. SILVERSMITH: Molly Silversmith, Salina. I am in support of this language staying in here, basically for the reasons I was talking about, the pardon. Yes, we have all made mistakes in our life, and we always will because we're human. We were created that way. But we're not always going to make the right decisions.

But when it comes to governing a body, in a position of power to oversee our people, I think there should be some real high standards. If I committed a felony myself, which I have not, I

would have to abide by the people's decision not to put me in office. But that doesn't mean that I could not serve my people.

Just because I'm not Chief doesn't mean I cannot serve my people. I'm not Chief now, and I never intend to be Chief, but that is not stopping me from going out and helping my people with all of my energy, all of my thoughts, all of my love, and working until the day I can't work anymore for them.

That's not stopping me from doing that. That's just stopping me from being the Chief. So what is the big deal? That we're saying the Chief can be a felon, I don't understand that. I cannot understand that.

MR. KEEN, JR.: Point of information.

MR. HANNAH: Point of information, Mr. Keen.

MR. KEEN, JR.: And I raise this because I think there's a little misconception happening here. By striking this language, a felon still cannot hold the office. The language immediately following the strike out, it would read, "no person shall have been convicted of a felony charge under the laws."

So a felon would not be eligible to run for an office. We're just simply addressing these special situations --

MS. SILVERSMITH: Or has pled guilty?

MR. KEEN, JR.: Or has pled guilty --

MS. SILVERSMITH: Or has pled no defense?

MR. KEEN, JR.: That's right, but prior to conviction. To be a felon, you have to be convicted, and these two situations address things before that conviction takes place.

MS. SILVERSMITH: Okay, so with this with the line through it is telling me that if they have pled guilty -- "or has pled guilty to a felony"; is that what it will read?

MR. KEEN, JR.: Yes. See, but the plea and the conviction are two different things. Even if you plead guilty, you still have to be convicted.

MS. SILVERSMITH: If I plead guilty to something, I'm saying I did it, right? I mean, this lawyer stuff is really playing with my head here. I understand simple terms. Simple terms. Pleading guilty to something is saying you're guilty.

MR. KEEN, JR.: It's a plea, but it still may not be a conviction --

MS. SILVERSMITH: I don't care -- you're talking, well, the poor man has to plead guilty because he doesn't have enough money. Okay, is that what you're saying?

MR. KEEN, JR.: Well, ma'am, I'm just trying to clarify these things so we can make an informed decision.

MS. SILVERSMITH: If you have enough money, you can plead guilty and get off; if you don't have enough money, you can plead guilty and have to go to prison; is that what we're saying?

MR. KEEN, JR.: Ma'am, I'm not going to --

MR. HANNAH: Mr. Keen, stay close to your point of clarification, sir.

MR. KEEN, JR.: Thank you, sir. We're simply trying to --

MS. SILVERSMITH: Now, I'm simple folk.

MR. HANNAH: The Chair will allow this exchange so that we can in fact help the good delegate understand. This is not our usual course of action, folks. Okay, so let's begin to draw this. You have about one minute left of your time, Ms. Silversmith.

MS. SILVERSMITH: I'm a simple folk. You either did it or you didn't. That's simple. I'm a simple folk. And then when you get into all of this stuff where the lawyers can get murderers found not guilty, when fifty people saw him do the crime, and we know that has happened, then I don't trust this. I don't trust this. I want the language in there that if he's pled guilty or has pled no defense to a felony, he should not run for this office.

MR. HANNAH: Thank you, ma'am. Mr. Lay, you are recognized.

MR. LAY: Thank you, Mr. Chairman. Delegate Lay, Ochelata. I stand in opposition of the strike. I want those words to stay in there. Pretty soon the lawyers are going to tell us, let's strike the word "felony."

That's not correct, people. This is the Cherokee Nation. We're going to hold these folks to high standards when we elect them. If they don't qualify, they don't qualify. And this gentleman that they had already mentioned -- otherwise, I would not bring him up, Ms. Masters, but they already mentioned him, and I won't mention his name -- he did lead an exemplary life for, what, twenty or thirty years after his problems. But he had that twenty or thirty years to go get his pardon. He didn't do it.

I want that language left in there, and in fact -- let me calm down just a minute. You lawyers are going to strike the word "felony" here in a little bit, and it's time again for you to stand down. This language is fine just like it is. Thank you.

MR. HANNAH: Thank you, Mr. Lay.

MR. KEEN, JR.: Mr. Chairman, may --

MR. HANNAH: On point of information, Mr. Keen.

MR. KEEN, JR.: Yes, and I just want to reaffirm a previous point of information that was raised, that in Oklahoma you cannot receive a pardon for a deferred sentence. Thank you.

MR. HANNAH: Thank you, Mr. Keen. Good lady is recognized.

MS. CRAWFORD: Verna Crawford, Delegate. I'm in favor of striking this. I know from several people that I know of, young people and maybe not so young, have pled guilty or no contest to something because they were intimidated. They did not think they had any other option, and they did not do what they were accused of.

In some cases, a judge may see this and offer a deferred sentence, and in some cases, they go ahead and are penalized. But I think we need to consider that.

MR. HANNAH: Mr. Baker, you are recognized. How

do you rise on the issue? In favor of striking or opposed to striking?

MR. BILL BAKER: The point I want to make is -- I guess I'm in opposition. I don't have a dog in this hunt. And I do think that there ought to be a very high standard, but let me propose one other scenario just for the information of this body. That you have a eighteen, nineteen, twenty-year-old kid that gets hooked on drugs or alcohol; he cannot under any circumstances be forced to go into treatment. And sometimes the judge will work with the parents and the grandparents to scare this individual into getting treatment and getting his life back and can become a valued citizen of the community.

It is a disease, and it's one that is out there and prevalent among Cherokee people, as all people. But I would submit to you that there are cases where this plead is not against the State, against nature. Thank you.

MR. HANNAH: Thank you, sir. Mr. Clarke, you are recognized.

MR. CLARKE: William Clarke, Delegate from Muskogee and the proud author of eighteen, and still is the proud author of eighteen.

Folks, I've been working in providing court-related social service to children and families for twenty-nine years of my life. As I said earlier, I was a hell-raiser when I was an adolescent, and by the grace of my creator, I did not wind up being convicted of something.

But at that time, it would have been a juvenile type thing. But, nevertheless, that is what helped shape me because I know people can rehabilitate, and I know where I came from, what I was, and I know what I am today.

Based upon a fact that people care, and there are good people out there that are helpers that care. And I have seen in the Oklahoma system, juvenile system, and I will imagine every attorney in this room will have to agree with me, that there are instances when charges are brought against people, and a person is indigent and cannot afford an attorney, so the court appoints them a public defender, and that public defender may have such a high caseload, that they simply don't have time or maybe in some cases just too darn lazy to go to the jail or whatever and to sit down with that individual that they've been appointed to represent and to give them a good defense.

So the easy way out is to cop a plea. And it makes it easy because the District Attorney's office doesn't have to go through the time because their cases are backlogged and all of this kind of stuff. And so the individual is just often times advised by an attorney to plead guilty to something that they probably should not have done, should not have pled guilty to.

And I'll always encourage the young people in the families that I work with, you can ask for your day in court. And so I am in favor of removing this language, because I have seen

people get railroaded by people who are there to be their advocate.

And that's why I would like to see this stuff out of there.

Because from firsthand experience, I've seen it and I know --

MR. ROBINSON: Call for the question.

DELEGATE: Seconded.

MR. HOOK: Opposed.

MR. HANNAH: Question has been called, it's been seconded, and there's opposition. Floor will remain in debate and would hear delegates.

MR. HEMBREE: On order.

MR. HANNAH: On order, Mr. Hembree. Actually, Mr. Chairman, when a motion for previous question has been called, and there is an objection, you would go to a vote. And if two-thirds of the body wish to innovate, that would be ended.

MS. HAVENS: I would just like to ask a question.

MR. HANNAH: Thank you, Mr. Hembree. And the good lady from Nowata will ask her question.

MS. HAVENS: Okay, we've all heard of one particular case, but did anyone notice that it says "any office." That doesn't just apply to the Chief; that means these people are excluded from any office.

MR. HANNAH: And the good lady from Nowata is thanked for that point of information. We will now procedurally --

MS. STROUD: Point of information.

MR. HANNAH: Thank you, ma'am. Point of information.

MS. STROUD: Yes, I wanted to know, in the upcoming -- in the newspapers, we've got one of our tribal leaders, the head of it, who's maybe convicted or charged with wiretapping. How is this -- striking this going to be -- is it going to affect the current administration, or is it going to carry out?

MR. HANNAH: Good lady, you asked for information that would be supposition in nature of this group on actions that are real and current, rather than of an academic nature, and the Chair would rule that it will not respond.

At this point, we have a call for the question. We have a second. We have a challenge of such, with regard to the debate. Therefore, we will move to a two-thirds vote to cease debate or to continue. And so, therefore -- and how shall I phrase this? I will phrase it in this manner. That all of you in favor of continuing this debate, please signify by saying "aye".

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the Chair would rule that two-thirds have, in fact, given voice, and the question has been called, and there is a second. Without opposition, the question that is before us would be, if you vote in the affirmative, then the language, "or has pled guilty or has pled no defense" would be

stricken from this section. Would that be correct, Mr. Keen?

MR. KEEN, JR.: Yes, sir.

MR. HANNAH: And all of those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

THE DELEGATES: No.

DELEGATE: Standing vote, please.

MR. HANNAH: Standing vote has been called for.

The teller will be attentive, and all delegates will be in their chairs.

Once again, so we know what we're voting on, if you vote in the affirmative, the language will be stricken. And all of those -- Dr. Gourd, you'll be in your chair, sir. Thank you. All of those in favor, please stand.

MS. LONG: Thirty.

MR. HANNAH: Everyone in their seats. All of those opposed, please stand.

MS. LONG: Eighteen.

MR. HANNAH: Thirty in favor to strike, eighteen against.

MR. STOPP: Orders of the day.

MR. HANNAH: One moment, sir. The Chair will in fact rule on orders of the day, after he declares the outcome of this vote, Mr. Stopp. Thank you very much.

And those in favor of the strike were thirty, and those opposed were eighteen. Motion carries. The language is stricken. And the order of the day is that we will recess for ten minutes and return to these chambers. Thank you.

(recess taken)

MR. HANNAH: Take your seats. We are back about the business of the debate being open on Section 2.

Dr. Hook, you are recognized.

MR. HOOK: Mr. Chairman, Jonathan Hook. I would propose two friendly amendments for the purpose of consistency in the language to Section 2, Article VIII.

The first would insert after, "or possession thereof," language found in Section 7 of Article VII stating, "or a crime under the laws of the Cherokee Nation that if committed in some other jurisdiction would be a felony."

I would also respectfully request that in the sentence, "profit or trust in any other tribe of Indians," be amended to read "any other tribe or nation of American Indians."

MR. HANNAH: What say you, Mr. Keen?

MR. KEEN, JR.: I think I would agree to that. I would like to see it up on the screen first.

MR. HANNAH: Is that the scope of your amendment, sir?

MR. HOOK: Yes.

MR. HANNAH: Mr. Keen, take a moment.

MR. KEEN, JR.: I would accept this language.

MR. HANNAH: Any opposition from a commission member?

Hearing none, without opposition by the second, the friendly amendment will be accepted and the language is entered, and the floor is open for debate. And the good lady from Tahlequah, do you wish to be recognized?

MS. HAMMONS: Yes, sir, point of order. That's in there now, or we are going to debate?

MR. HANNAH: It had been accepted as a friendly amendment and the floor is open for debate on the entirety of Section 2. And the Chair would be corrected if that's not the case.

MS. HAMMONS: Thank you, Mr. Chairman.

MR. HANNAH: He's looking for head nods. Are you all with me? Very well.

MS. HAMMONS: Thank you, Mr. Chairman. I napped there for a second also. Dr. Hook's friendly amendment is exactly what I was standing up here for. And just in way support of that particular language, "or a crime was involved in the Cherokee Nation that was committed in some other jurisdiction would be a felony," I was happy to see that this delegation added that last night while I was absent.

In the judicial part, that gives, I think, the proper respect and honor to our courts, and I might say by way of short antidote, I was involved in a case that was brought in District Court of the Cherokee Nation, that involved shooting with intent, shooting with intent to kill, which would clearly be a felony under the laws of another jurisdiction.

It was prosecuted in the District Court of the Cherokee Nation. Obviously, it wasn't a felony there, but it was prosecuted because the United States of America declined. So if it hadn't been prosecuted within the proper court, it wouldn't have been prosecuted anywhere. I would support of the passage of Section 2 as written.

MR. HEMBREE: Move previous question on Section 2.

MR. HANNAH: Question has been moved; is there a second?

DELEGATE: Second.

MR. HANNAH: Hearing no opposition from the floor, the language is before us for Section 2.

"Any citizen by blood of the Cherokee Nation at least 25 years of age on that date of the election may be a candidate for the Council.

No person who shall have been convicted of a felony charge under the laws of the United States of America or of any state, territory or possession thereof, or a crime under the laws of the Cherokee Nation that is committed in some other jurisdiction would be a felony, shall be eligible to hold any office or appointment of honor, profit or trust within this Nation, unless such person has received a pardon from the appropriate jurisdiction.

Any person who holds any office of honor, profit or trust in any other tribe or nation of American Indians, either elective or appointive shall be eligible to hold simultaneously any office of honor, profit or trust of the Cherokee Nation unless approved by the Council."

Vote in the affirmative, this section, therefore, would stand. And all of those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: Motion passes, the language is accepted. And, Mr. Keen, you are recognized.

MR. KEEN, JR.: Thank you, Mr. Chairman. Moving ahead to Section 3 of this article. This language as compared to the language appearing in the 1975 Constitution is unchanged.

The language is: "All elections shall be determined by secret balloting." And I would move for the assembly to approve this language.

MR. HANNAH: There is a motion on the floor; is there a second?

THE DELEGATES: Second.

MR. HANNAH: And the floor is open for debate.

MR. HEMBREE: Move previous question.

MR. HANNAH: Question has been called for; is there a second?

THE DELEGATES: Second.

MR. HANNAH: There has been, and hearing no opposition, the question is before you of Section 3, included of the language: "All elections shall be determined by secret balloting."

All of those in favor, please signify by saying "aye".

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

Motion passes, language stands.

Mr. Keen, you are recognized.

MR. KEEN, JR.: Thank you, Mr. Chairman. We have a delegate here that has a proposition that I would yield to at this time.

MR. HANNAH: The good man from the Three Rivers is recognized.

MR. POTEETE: I'm going to move that we amend Article III in Section 1 to add three little words. I think we'll all be in agreement on it. Section 1.

DELEGATE: Article III?

MR. POTEETE: Yes, the citizenship article. And I would move that we amend that to insert after the word "enrollees listed," insert the word, "as Cherokees by blood."

MR. HANNAH: Good delegate, the Chair will rule you out of order at this time, as we attempt to finish the section that we're on at this point.

MR. KEEN, JR.: Mr. Chairman, point of

information. We have concluded the article that we were working on.

MR. HANNAH: And we will in fact need to go back to that article, kind Manager, and to in fact accept all sections. Will you yield the floor to that, sir?

MR. POTEETE: I'll yield the floor.

MR. HANNAH: Will you hold yours, sir?

MR. POTEETE: I'll hold.

MR. HANNAH: Thank you very much. Therefore, Mr. Keen, you are recognized.

MR. KEEN, JR.: My apologies.

MR. HANNAH: That's quite all right, sir.

MR. KEEN, JR.: We have, therefore, so far approved Section 1, 2, and 3 of Article VIII, the election article, and that would be appropriate for this body to approve of this article in toto, and I so move.

MR. HANNAH: There's a motion on the floor to approve Article VIII, Sections 1, 2 and 3, as previously reviewed. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is, and hearing no opposition, all those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

And motion passes, and the article is approved.

MR. KEEN, JR.: I would now yield to Mr.

Poteete.

MR. HANNAH: Kind gentlemen from Three Rivers is recognized.

MR. POTEETE: Okay. I move then -- reconsideration.

MR. HANNAH: Motion to reconsider.

DELEGATE: Second.

MR. POTEETE: Article III, Section 1, so that we can insert is the language shown.

MR. HANNAH: Thank you. Very well. Reminding the body that a two-thirds vote will be required to reconsider.

MR. POTEETE: Is this debatable, Mr. Chairman?

MR. HANNAH: It will be as soon as we get it open. And there is a motion to reconsider the particular section, Article III, Section 1. Is there a second?

MR. HEMBREE: Second.

MR. HANNAH: There's a second, and floor is open for debate.

MR. POTEETE: I would urge you all to pull this up. Let's reconsider this. This is very important language. It's probably not controversial that we should do this at this time, and I point to the scribner, we do not need the word at the end.

DELEGATE: Call the question.

MR. HANNAH: Okay. The question has been called for the consideration of reopening this section. And seeing no

opposition, all those in favor, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those that are opposed say "no."

DELEGATE: No.

MR. HANNAH: And the section is reopened.

MR. HOOK: Point of clarification.

MR. HANNAH: Point of clarification, Dr. Hook.

MR. HOOK: I believe it was presented without the "and," the language up there should not include "and."

MR. HANNAH: Thank you very much, Dr. Hook. And the kind gentleman from Three Rivers is recognized.

MR. POTEETE: I would just say that this language is necessary in order that we not open up the membership in the Tribe to those rolls of people taken by the Dawes Commission in their wisdom who were not citizens of the Tribe, that they knew married citizens would be one of the rolls. Those people remarried have a number of descendants, and our resources are spread thin enough as it is.

MR. HANNAH: The gentleman's motion then, if the Chair understands, is to include the language "as Cherokee by blood." Is there a second?

THE DELEGATES: Second.

MR. HANNAH: There is. The floor is open for debate.

MS. MASTERS: Call the question.

MR. HANNAH: Question's been called. Is there a second?

MR. JOHN KEEN: Point of information.

MR. HANNAH: Point of information, Mr. Keen.

MR. JOHN KEEN: You know, Mr. Poteete, this is the way that it's always been.

MR. POTEETE: No, actually, this is the way that our membership is interpreted now, but it's not constitutional. It relies on statutes, which could be overturned or tinkered with by our federal courts.

If we put this in our constitution, which says, we are entitled by the clerical redwood case (sp), I think is the one to determine our own membership and this makes it plain.

MR. JOHN KEEN: We would be solidifying --

MR. POTEETE: Solidifying what we have.

MR. ROBINSON: Point of information.

MR. HANNAH: Point of information, good doctor.

MR. ROBINSON: Delegate Ricky Robinson, Tahlequah. I am in favor of this in spirit, but I also want to point out for discussion that the Dawes Roll is -- and I also agree that intermarried citizens and their citizens that are not Cherokee blood should not be included. Freedman should not be included, and you should have Cherokee blood.

But in the Dawes Rolls, I need to point out, it says, "Cherokee by blood, minor Cherokee by blood, Delaware-Cherokee by

blood," and then the Shawnees are included in the Cherokee by blood under census. So if we do this, will we be excluding the minors? I'm just bringing that out.

MR. POTEETE: I don't think anybody could fabricate that.

MR. ROBINSON: I think somebody could. It would make sense but --

MR. HANNAH: Just a moment here, folks. Chamber will be in order, and the Chair will not entertain uncontrolled debate here.

MR. ROBINSON: Forgive me, sir.

MR. HANNAH: Ricky -- the good delegate can wash the Chairman's truck, and he'll accept that as an apology. It's right out front.

MR. ROBINSON: I'm good at it.

MR. HANNAH: And that's why the Chair would raise that.

The floor is still open for debate.

MR. HEMBREE: On order.

MR. HANNAH: Mr. Hembree.

MR. HEMBREE: There was a motion to call the question, which was seconded, and interrupted by a couple of points of information.

MR. HANNAH: And the Chair did not hear the second, Mr. Hembree, and thus has allowed the debate to continue. Is there a second?

DELEGATE: Second.

MR. HANNAH: And the Chair heard the second. And hearing no other opposition, we vote on the inclusion of the words, "as Cherokee by blood." All of those in favor, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

Motion carries, the language is included.

Procedurally, ladies and gentlemen -- just a moment, folks, draw close here. We still have the section open. We have now included additional language. Is there a motion to approve Section 1 in its entirety?

DELEGATE: So moved.

MR. HANNAH: So moved. Is there a second?

DELEGATE: Second.

MR. HANNAH: Hearing no opposition, all of those in favor to --

MR. JOHN KEEN: Object. I have a motion for Article III, Section 1.

MR. HANNAH: Very well, you are recognized, Mr. Keen. What say you, sir?

MR. JOHN KEEN: John Keen, delegate. I'm sorry to do this to the body. You know I don't want to prolong things. But I have been asked by the Chairman, I believe is the title of the

Shawnee-Cherokees, to introduce a motion on their behalf, and I feel duty-bound to do so.

What the proposed language is, is to say that:

"Nothing in this Constitution shall be construed to prohibit the right of the Cherokee-Shawnee or Delaware from pursuing their inherent right to govern themselves, politically, economically, and culturally.

That the Cherokee Nation recognizes the basic premise retained by all distinct tribal people and groups affiliated with the Cherokee Nation or not of their rights retained from time in memorial to remain a separate and distinct tribe.

That this Constitution will not prohibit the Cherokee-Shawnee or Delaware-Cherokee from pursuing economic development to oversee the general welfare of the Shawnee people and to protect and preserve their cultural identity and language."

MR. HANNAH: You heard the language, is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. Kind sir, approach the scribe and have the language entered.

MR. JOHN KEEN: May I continue, Mr. Chairman, by way of explanation?

MR. HANNAH: As it's being entered. Thank you, Mr. Keen, continue.

MR. JOHN KEEN: What I believe, the intention of this motion is to pave the way for the Shawnee and Delaware in their efforts to be federally recognized. I am not well versed in this subject and invite debate or comments from scholars on the subject.

I do have information here about the roll of Shawnee, not necessarily about the Delaware. But one thing that I am concerned about is -- and I would hope some of the body would be able to help me clarify this. I am concerned that we have Shawnee and Delaware people as members of our tribe, but as we have written this Constitution, we have excluded them from holding office.

They are members by agreement. And as I understand, they are not eligible to hold office, and they are a politically and culturally distinct people seeking federal recognition.

The reason I did agree to introduce this is, I believe in some form or another, we are basically oppressing a people that could be exercising their inherent rights, and we need to pave the way for those people to become recognized, as the Cherokee Nation and other tribes are, which should not hold them back in any way, shape or form from getting federal recognition and exercising their inherent rights.

MR. HANNAH: Thank you, Mr. Keen. Floor is open for debate. Mr. Hembree, you are recognized.

MR. HEMBREE: I move previous question.

MR. HANNAH: Question is before us.

MS. MASTERS: Challenged. I want to see this language.

MR. HANNAH: Kind lady from California is recognized.

MS. MASTERS: Yes. I want to see this language.

MR. HANNAH: Yes, ma'am.

Mr. Keen, is that the scope of your amendment, sir?

MR. JOHN KEEN: I have faith in the scribe as written.

MR. HANNAH: Very well.

MR. JOHN KEEN: As long as she inserts "Delaware," I believe that's --

Point of order. Is calling the question debatable?

MR. KEEN, JR.: Point of order, sir.

MR. HANNAH: Mr. Keen.

MR. KEEN, JR.: I don't recall hearing a second to that.

MR. HANNAH: And that's correct, sir. A second has not been heard by the Chair. The floor is open for debate, and the kind lady from California has been recognized.

MS. MASTERS: I would move to divide this question after the word "culturally" in the fifth sentence.

MR. HANNAH: One moment. The Chair will guide the proceedings, not the delegates.

MS. MASTERS: Strike "and," just before culturally, and insert "and" after culturally, and then drop down to "oversee the general welfare of the Shawnee and Delaware people and to protect and preserve their culture identity and language."

MR. HANNAH: Would the good delegate make that as a friendly amendment to the change of language, and, Mr. Keen, would you accept that?

MR. JOHN KEEN: It should be Shawnee-Cherokee, not Cherokee-Shawnee.

MR. GOURD: (inaudible)

MR. JOHN KEEN: Mr. Gourd, this is my amendment.

MR. HANNAH: Now, folks, just a minute here. Okay. Just one moment. The Chair is very proud of all of you. You're doing a wonderful job. And the closeness of the chambers allows us all to be able to converse with one another in a much more interpersonal way than we have on previous occasions, and we're going to keep this thing under control in here just a little bit.

Mr. Keen, the Chair will clarify that the good lady has already made her intentions clear to ask for a division of the question. She has also asked for an arrangement of the language.

And the Chair would ask the good lady from California, is it in your intent to offer the arrangement of the language as a friendly amendment to Mr. Keen; would that be correct, ma'am?

MS. MASTERS: Yes.

MR. HANNAH: Okay, Mr. Keen, what say you?

MR. JOHN KEEN: I would --

MR. HANNAH: Yes sir.

One moment. One moment. I want to hear from this

gentleman. He was about to speak. What say you, Mr. Keen?

MR. JOHN KEEN: I would accept this as a friendly amendment.

MR. HANNAH: The language just as it was proposed, and it is on the screen. Just a moment. Just a moment. Just a moment. My good friend from Iowa -- you're doing fine, John, settle down. Just a moment.

MR. JOHN KEEN: Can I get my original language from the scribe?

MR. HANNAH: Step on up here. We're going to do this where we all know what we're doing.

MR. HOOK: Mr. Chairman.

MR. HANNAH: Dr. Hook, thank you.

MR. HOOK: Just a point of privilege. Could we have a font enlarged a little bit? I'm sorry, my eyes are not that good.

MR. HANNAH: We will very carefully explore that in just a moment.

MR. HOOK: That's fine.

MR. HANNAH: You all want to try another one? We can try -- what say the delegates? This size or smaller?

DELEGATE: Another size.

MR. HANNAH: We will operate from here. Mr. Keen.

MR. JOHN KEEN: I will accept.

MR. HANNAH: Okay. Now we have a friendly amendment, and the language has been accepted, and the good lady has a motion to divide. Is there a second?

MR. STOPP: Point of information.

MR. HANNAH: Point of information, Mr. Stopp.

MR. STOPP: Can we have a historical understanding of the Delaware-Shawnee issue, either from historian and learned, Dr. Gourd or Mr. Poteete?

MR. JOHN KEEN: I have an explanation here provided by the author.

MR. HANNAH: We would hear from the author if it adheres to history.

MR. JOHN KEEN: John Keen, Delegate. Not to question the credentials involved, but I would tend to think that they would be in way of debate rather than explanation, so I would have objected to that.

The roll of Shawnees are the descendants of the main body of the once popular Shawnee Tribe, which is now split into three separate bands. The Shawnee were moved from Ohio in 1831 to Kansas. The band now known as Absentee Shawnee moved down to New Mexico and settled on Potawatomi lands near the present city of Shawnee, Oklahoma.

The eastern Shawnee migrated to Cape Girardeau, Missouri area, where they still live on the border of Oklahoma/Missouri. I'm going to try to -- if you'll give me a moment, I'll get to the most

relevant parts.

Gradually, the Shawnee began to reestablish other responsibilities of government. The Department of Interior assisted the Shawnee to form a business council with a chairman and officers in order to distribute judgment payments.

The Interior Department provided a signed document, which gave the Loyal Shawnees the right to oversee businesses of the Tribe. Tribal members under the leadership of Chairman Don Greenfeather felt that they should build a tribal building in White Oak. Two small businesses were established. When the big cabins were closed -- I'm sorry. I'm not staying very clean here. I'm going to have to take a moment to --

MR. HANNAH: Mr. Keen.

MR. JOHN KEEN: I would like to introduce a motion to table.

MR. LITTLEJOHN: Second.

MR. HANNAH: You cannot, sir. You would be out of order. Is there another delegate that would rise?

Littlejohn, you're recognized.

MR. LITTLEJOHN: I move to table the --

MR. HANNAH: There's a motion to table --

MR. HEMBREE: You withdraw that, and entertain my motion --

MR. LITTLEJOHN: I would amend my motion to postpone indefinitely.

MR. HEMBREE: Second.

MR. HANNAH: One moment, folks. One moment. Procedurally, we have a motion on the floor to divide. What would say you, kind lady?

MS. MASTERS: I don't withdraw.

MR. HANNAH: Very well. The motion stands.

There has in fact been a point of information to clarify exactly who these Shawnees and Delawares would be. Mr. Keen has attempted to give us a historical prospective of two small bands of Native Americans that were brought to us by the United States government in the 1860s, and ask, because of lack of harmony in their existing home lands, if we as a Cherokee Nation would accept those two particular bands among our people and give them citizenship status among our people.

And by treaty, we did so in 1867, the Chair believes, and those individuals have in fact resided among the Cherokees since that day within the historic boundaries of the Cherokee Nation. And the Chair says that just by way of clarification.

And during this process, Mr. Keen has become concerned that he was unable to give us an accurate historic accounting of those two groups of Native Americans coming among our Cherokees.

And now we have a fusillade of motions that are being made. We are going to deal with the good lady's motion first to divide. Is there a second to divide?

DELEGATE: Second.

MR. HANNAH: And there's a second to divide, and the floor would be open to vote. All of those in favor of dividing this question, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the noes have it, and the question is not divided. What would be the pleasure of the delegation?

MR. HEMBREE: I move previous question.

MR. HANNAH: And the previous question --

MR. LITTLEJOHN: Objection.

MR. HANNAH: Objection has been raised, and the floor is open for debate.

MR. HEMBREE: No, sir, you would call for a second.

MR. HANNAH: Beg your pardon?

MR. HEMBREE: On order.

MR. HANNAH: Thank you. There you go.

MR. HEMBREE: On order. Mr. Chairman, the previous question has been raised. The Chair would entertain if there is a second.

MR. HANNAH: And there's a second, Mr. Hembree. Thank you, sir.

MR. JOHN KEEN: Challenge has been made.

MR. HANNAH: Challenge has been made. Now, folks, just a moment, here. Now, let's be very careful here, folks, or we're going to get ourselves back into another one of these procedural canutchee balls that Mr. Hembree raised for us here just a few days ago.

MR. DOWNING: Point of information.

MR. HANNAH: Point of information.

MR. DOWNING: Carl Downing. If the treaties specify that these two center groups have citizenship within the Cherokee Nation, then it seems to me that we would not be following the treaty if we did anything less than that. There is a long precedent for not following Indian treaties.

MR. JOHN KEEN: Point of information.

MR. HANNAH: You are recognized, Mr. Keen.

MR. JOHN KEEN: I would just like to clarify, and I hope between you and I and the body, that I proposed an amendment to this Article III, Section 1, for the purpose of having it debated fairly. And now we have come -- I'm not sure what -- the string of motions, we have come to an immediate vote.

MR. HANNAH: Now, Mr. Keen, the Chair will remind you that there was in fact a motion to call the question, and it was seconded, and out of that, there was a challenge, and we will be -- if that challenge stands, we will in a moment take a vote of whether to end debate or not.

And so what will happen is if the Chair can finish taking

points of information and making sure that we're all on the same score card, then the Chair will be asking the delegates if you in fact wish to continue debate or not.

And hearing no opposition, all of those in favor of continuing debate, please signify by saying "aye".

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And it requires two-thirds to end debate, and so, therefore, the debate continues. And the good lady from California is recognized.

MS. MASTERS: I rise in support of this amendment, as I suggested it be divided, because I feel that the first half of this amendment actually does deal with the situation as it exists.

And the reason that I rise in support of this is because the Shawnee and the Delaware both do have officers; they do have their own Chief, and they do have their own entity in management of their band, even though they do have a relationship with our tribe, and those relationships are well established.

However, at present time, through their own organizations, and through their own identity, and their own treaty rights, which they are recalling now to the federal government, they are seeking autonomy within the State of Oklahoma from the Cherokee, and they're moving in that way and have been for the last fifteen years or so.

I believe that the first half of this amendment just clearly says that we would do nothing to stand in their way and that we do support them and their own tribal band organizations, and that we support their right to protect and to preserve their cultural identity and language and pursue their inherent right. And I just really don't know how we can deny anyone that.

MR. HANNAH: Thank you, ma'am. Mr. Hoskin, you are recognized.

MR. HOSKIN, JR.: Thank you, Mr. Chairman, Charles Hoskin, Junior, from Vinita. Mr. Chairman, I rise on point of information.

MR. HANNAH: Yes, sir.

MR. HOSKIN: Forgive me if I try the Chair's patience, because I know this has been brought up before.

MR. HANNAH: You are not trying the Chair's patience, kind sir, not at all. Please continue.

MR. HOSKIN: Would it be appropriate -- and I wasn't clear awhile ago -- now you can entertain a motion to table indefinitely? The reason is because there's much about this amendment that deserves debate and deserves consideration, but there needs to be much more detailed discussion, not only on the floor but perhaps between individuals at a recess or later in the day. I would put forth a motion to table indefinitely.

MR. HANNAH: That would be in order. And

there's a motion to table.

MR. JOHN KEEN: Point of information.

MR. HANNAH: Point of information, Mr. Keen.

MR. JOHN KEEN: Clarify "indefinitely." I

believe that --

MR. HANNAH: I'm so sorry. Once again, restate your motion to the Chair and say exactly what it is you're moving. You're moving to table, period, or moving to table --

MR. HOSKIN: Moving to table.

MR. HANNAH: Moving to table. That's what the Chair thought that he heard. We have a motion to table. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. Hearing no opposition, all of those in favor, signify by the saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

And the item is laid upon the table. And Mr. Keen, the intermediate -- Sergeant at Arms will haul the Vice-Chairman into the chambers, if need be.

Ms. Stroud, you are recognized.

MS. STROUD: Point of information.

MR. HANNAH: Yes, ma'am.

MS. STROUD: Is this now a good time to -- are we finished with this now?

MR. HANNAH: Yes, ma'am, it is on the table.

MS. STROUD: And I can --

MR. HANNAH: And you can approach the microphone, and what would you care to do?

MS. STROUD: I would motion to reconsider Article V, Section 12. I withdrew it from the table yesterday. I want to create a new section, please. I guess. I don't know. So help me.

MR. HANNAH: The Chair would assist.

MS. STROUD: Thank you.

MR. HANNAH: The good lady moves to reconsider Article V, Section 12.

MS. STROUD: Moving in addition to Section 12.

MR. HANNAH: Very well. Is there a second?

MR. HOOK: Second.

MR. HANNAH: And the young lady will share with us her rationale for wishing to reopen the section.

MS. STROUD: There's been much talk about import and export, and I think that the Cherokee people need to have a plan to establish an ambassador position and to have it clarified on the length of term, how they are to be representing us and what laws that they will be following, and how they can be held accountable to reporting back to the people. That's what I would want to present.

MR. HANNAH: So, therefore, there is a motion to reconsider this article and section. You have heard the intent.

There has been a second. All of those in favor of revisiting, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the motion does not carry. Mr. Keen, you are recognized.

MR. KEEN, JR.: Thank you, Mr. Chairman. We are to the point of beginning a new article, which would be the fiscal article. And if I might suggest to the Chair --

MR. HANNAH: The Chair is mindful of the time.

As a matter of fact, ladies and gentlemen -- let's be in order here in the chamber. Dr. Gourd has kindly made arrangements for us to take lunch at the Cherokee Nation Restaurant, which is just to the east of this facility, beginning at 11:45.

The Chair believes with it being twenty-two minutes of the hour of twelve, that it would be appropriate for us to call in the order of day and for us to recess for lunch, so that we could in fact make it to that facility in time to perhaps avoid the rush. So therefore, hearing no opposition --

MR. GOURD: The Chair reaches another milestone.

MR. HANNAH: Yes, the Chair reaches yet another milestone. Very pleased to once again mark our success, that we will stand in recess until one p.m.

(recess taken)

MR. HANNAH: Let's settle down here a little bit, folks, and we will reconvene from the lunch recess. A few announcements before we return to the business of the day.

Those of you who have been commuting here to this particular location, we know at the very beginning of our convention, there was speculation that obviously this would focus on a few days, and we are now seven days into our deliberations with one another, and we know that many of you have driven from a number of areas.

So if you are in fact leaving your home and driving here to the convention and returning to your home, the Commission would authorize the payment of your miles. Now, we need to do something just by way of pure administration for this. We would need your name; we would need your address; we would need the round trip miles.

So if I were to be leaving from my home in Moseley's Prairie in northern Adair County and driving here to Tahlequah and returning, what would be that total number of miles. Now, that's the only three pieces of information that we need. Your name, your address --

DELEGATE: Social Security.

MR. HANNAH: Oh, well, and the Chair will seek directions. Total round trip miles and your Social Security number.

What will happen is, we'll simply circulate a list. We will do that, and Ms. Long, you'll assist us with that?

MS. LONG: Yes.

MR. KEEN, JR.: Is that mileage for each day or

--

MR. HANNAH: The Chair will go on to explain that if we have your name, your address, your Social Security number, and your round trip miles for one day, that the accounting office will calculate all seven days for you. So for those of you that would be doing some heavy goes-into deciphering out there, you need not worry about it.

So that round trip, and let's say that it were, obviously, ten miles from here to Moseley's Prairie, which it's not, but if it were a ten-mile round trip, then seven times ten, being the good banker that I am, seventy miles would be claimed, and that would be paid against the rate of mileage as established by the Internal Revenue Service as designated in this fiscal year and beginning in January 1, which would be thirty-one -- thirty-two-and-a-half cents.

Now, at that calculation, checks will be prepared. They are drawn on a local financial institution, hopefully, thank you. And you would be able to go to those institutions and have them converted to cash.

Yes, ma'am.

MS. MASTERS: Point of information. If you just drive in one time and then you stay, is that still the same procedure?

MR. HANNAH: If you just drive in one time and you stay? I believe the intent was for those who are commuting on a daily basis, but would stand corrected.

DELEGATE: For me just to drive down from Vinita for this convention, then when it's over then drive back, is what I understood, isn't it?

MR. HANNAH: Okay.

MR. ROBINSON: Could I give you some information?

MR. HANNAH: Ricky, could you help us here?

MR. ROBINSON: That's not what was intended. I think for those who just drove here one time and then drive back, the intention is to turn that in at the end of the convention. But these individuals who have to drive every day like from Stilwell, especially if you're on a fixed income, you're going to cause some gas money, and that's what we're trying to work out.

MR. HANNAH: So today what we're looking for would be those individuals that have been making a daily commute to the convention, and that we would deal with mileage of other delegates and the proverbial one-time drive, we would do that at a later date; is that correct, Mr. Keen?

MR. KEEN, JR.: Yes, sir.

MR. HANNAH: Any clarification needed, folks?
Yes, Mr. Scott.

MR. SCOTT: I am a one-time driver from Tulsa,

and every day I'm a commuter from Proctor over here and back.

MR. HANNAH: You've been commuting daily, then.

MR. SCOTT: From Proctor, not from home.

MR. HANNAH: Well, we would --

MR. ROBINSON: Mr. Chairman.

MR. HANNAH: Yes, sir.

MR. ROBINSON: I think on that what you could do is you could turn that in from these days, but at the end of the conference, you would turn in for the drive from Tulsa to here and back here to Tulsa. This is just to give you all some pocket change to pay for the gas that you're using every day.

MR. SCOTT: Fair.

MR. HANNAH: Fair enough and it's fifteen miles from here to Proctor.

DELEGATE: Fifteen-and-a-half to Proctor mall.

MR. HANNAH: Well, depends on if you're going to the old railroad station or not, to sell ties.

Okay. Are we all clear on what we're going to do with that?

Now, the Chair would also remind everyone here in the room, as well as the visitors, that we have secured the area immediately adjacent to these chambers, outside area, as for delegates only. And the Chair would remind everyone that that area is designated for delegates only.

So as we have breaks and things of that nature, we know that it's often times an exhausting process for us to go through our deliberation and our debate, and we should have an area where we can recess and where we can be assured that we're not approached by those outside of our delegation to pose us with a number of questions or items of concern.

So the Chair would ask that everyone would respectfully keep that area reserved for the delegates, as is designated.

We made it to a meal; we've returned; we've had announcements, and Mr. Keen you're recognized.

MR. JOHN KEEN: I make a motion that we untable the amendment that I placed on the table before we recessed.

MR. HANNAH: Oh, just one moment. I am so sorry, Mr. Keen, and I apologize, and if you would be seated. Sometimes the Chair just flies off here and doesn't look all the way about the room.

MR. ROBINSON: Well, even Moseley's Prairie --

MR. HANNAH: That would answer for us, wouldn't it, sir? Moseley's with a possessive "S" the Chair would remind you sign.

You are recognized, good doctor.

MR. ROBINSON: Delegate Ricky Robinson. We have a young lady here that has really I think given us great service. She is here for several reasons, but she is not receiving any payment whatsoever.

We have finally worked out a way that -- she stayed with

me one night, and I guess my wife and I didn't treat her good enough, so she went to a motel.

But anyway, I think if we did not have her here, we would probably be a half day or more behind what we are. So I am asking Tina Roensberg to come here. The generosity of the Commission -- I went around and begged for money and was offered money, and I think I hit most everybody. And it went way beyond my expectations. I was only trying to get enough to go to the Cherokee Casino, but I had enough to go to Las Vegas.

Then I decided, well, I won't do that because I am hoping she'll put me up in Berlin when I come to Germany -- when I come to Germany and Czechoslovakia and Poland. But she's going to try to live in the United States.

But, anyway, we were able to get three real nice gifts for her. This first one, I'm going to hand to her and she can look at it. And it is a Cherokee seal watch, ladies version. And I actually put it on the right time. I put it on Oklahoma time. I should have made it Deutschland.

Anyway, a lot of young ladies wear baseball caps. My wife has never worn one in her life. But we got her a baseball cap with the seal on it, too. And because of the generosity of the Commission, we were able to get her a jacket. I picked this one because it is medium, and I think it will fit her better, but she just looked more like a denim person than a leather person, too.

We can go to work now.

MR. HANNAH: Thank you, Ricky. The scribe will state your name for the record.

MS. Roensberg: Tina Roensberg. I just want to thank you all for having me. It's been a whole lot better than I ever expected. I don't know what else to say.

MR. HANNAH: Great pride.

MS. Roensberg: I do wish that I was going to be on the record, also.

(German dialogue)

MR. HANNAH: Scribe will take her chair. And the delegates will go to absolutely no end of gifts to keep you here, young lady. The Chair will remind the delegation that it's the pleasure of this group to continue this process much longer, that another round of donations will be asked for to keep this kind lady with us.

We are about the business of the day, and, Mr. Keen, you are once again recognized.

MR. JOHN KEEN: I make a motion to take from the table the amendment to Article III, Section 1, that I placed on the table before lunch.

MR. HANNAH: Motion to untable Article III, Section 1. Is there a second?

DELEGATE: Second.

MR. HANNAH: And hearing no opposition, all those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And all those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And it is off the table. Mr.

Hoskin, you are recognized.

MR. HOSKIN, JR.: Charles Hoskin, Junior, from Vinita. I rise to offer a friendly amendment to Mr. Keen. I will give that first to the scribe, and then I will read it.

MR. HANNAH: Very well, thank you, sir.

MR. HOSKIN: Friendly amendment reads as follows: "The Cherokee Nation recognizes the basic premise retained by all distinct people of the groups affiliated with the Cherokee Nation or not of their rights retained from time in memorial to remain separate and distinct people."

Should be, "remain a separate and distinct people," I believe.

"Nothing in this Constitution shall be construed to prohibit the right of the Cherokee-Shawnee or the Delaware from pursuing their inherent right to govern themselves, provided that it does not diminish the historical boundary or jurisdiction of the Cherokee Nation or conflict with Cherokee Nation law."

I offer that as a friendly amendment.

MR. HANNAH: What say you, Mr. Keen?

MR. JOHN KEEN: I would accept.

MR. HANNAH: Very well, let the language be entered, and the floor is open for debate.

Mr. Cornsilk, you're recognized.

MR. CORNSILK: Mr. Chairman, I would like you to take note that I took the chair right next to the microphone.

MR. HANNAH: The Chair would remind the good delegate that he is not surprised.

MR. CORNSILK: Thank you. Delegate Cornsilk. I would offer a friendly amendment to try to simplify some of the language that Mr. Keen has been amendable to.

I would offer that, "The Cherokee Nation recognizes the basic right retained by all distinct people and groups affiliated with the Cherokee Nation," period.

MR. HANNAH: What say you, Mr. Keen? There's a friendly amendment that you'll need to be mindful of, sir.

MR. JOHN KEEN: Yes, sir.

MR. HANNAH: Mr. Cornsilk, would you assist the kind delegate once again?

MR. JOHN KEEN: I would accept.

MR. HANNAH: Friendly amendment has been presented and has been accepted, and without opposition from the second is added.

MR. CORNSILK: Mr. Chairman, I'm not finished yet, if you don't mind.

MR. HANNAH: Okay.

MR. CORNSILK: I also would like to offer a

friendly amendment in the sentence that is third from the bottom, where they have, "prohibit the right of the Cherokee-Shawnee or Delaware." I would change "Delaware" to "Delaware-Cherokee."

Striking the first sentence all the way to the comma after, "or not," and replacing it with: "The Cherokee Nation recognizes the basic rights retained by all distinct people and groups affiliated with the Cherokee Nation," period. And then striking after that the rest of that sentence.

John, did you understand that to be --

MR. JOHN KEEN: I didn't understand that to be

--

MR. CORNSILK: Okay. We're going to have to figure out how to word that back in there then because if you want, "retain from time in memorial."

Then after "Cherokee Nation," comma, "retain from time and memorial to remain separate and distinct people."

And then my second friendly amendment is to add the word, "dash, Cherokee after Delaware." Not slash but dash -- Mrs. Dash. Thank you very much.

MR. HANNAH: What say you, Mr. Keen?

MR. JOHN KEEN: I would accept.

MR. HANNAH: Friendly amendment has been accepted and the language is added. The floor is open for debate.

MR. GOURD: Mr. Chairman.

MR. HANNAH: Mr. Gourd, you are recognized.

MR. GOURD: Is the right word the motion to split the question?

MR. HANNAH: Beg your pardon?

MR. GOURD: Motion to split -- divide.

MR. HANNAH: You move to divide, sir, and where would you do so?

MR. GOURD: I would recommend that, "the Cherokee Nation recognizes the basic rights of indigenous peoples," and I thought about just after the word "groups," and make that a period. But it's "the basic rights of indigenous peoples," period.

And there is about a four-year explanation on that, as I've been involved with the State Department on the rights of indigenous peoples --

MR. JOHN KEEN: Point of order.

MR. HANNAH: One moment, sir. Point of order, Mr. Keen.

MR. JOHN KEEN: What does Dr. Gourd base this on? A motion to divide or --

MR. HANNAH: We're going to help Dr. Gourd here in just a moment. He's asked for a motion to divide, and the Chair is attempting to ascertain what it is that he's going to ask to divide. We're going to be kind enough to let him show us what that is. I just want to make sure that you're getting ready to either divide this paragraph or you're going to strike and --

MR. GOURD: Leave it as it was and divide it at

the word "all distinct people and groups," period. Split it right there.

MR. HANNAH: There's a motion to divide. Is there a second?

DELEGATE: Second.

MR. HANNAH: And all of those in favor, signify by saying "aye".

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And it is not divided, and the floor is open for debate.

MR. GOURD: Is it a debate on the whole question now?

MR. HANNAH: Debate on the whole question.

MR. GOURD: The whole thing, okay. Here we go.

First of all, this language would unnecessarily overburden the Constitution because unless I totally misread it, there is nothing in there now which would tend to keep that from -- I mean, what have we done either in this Constitution or the actions of the Cherokee Nation that this would be a necessary function?

Second of all, as it now stands, they are included as citizens with rights and privileges, which gives them political and legal status as Indians. So their separation must be affirmative and individual at this point in time because they merge through treaty and an act of the United States congress.

If in fact, and I think we are moving toward a presidential or his designee and, therefore, Bureau of Indian Affairs approval of this Constitution, over which we have now labored for going on seven days, and this language is inserted, it will probably require an act of congress to get approval because we would be attempting to undo not only a treaty, but an act of the United States congress.

Fourthly, there are some very lengthy, long-term definitions of people and peoples when we start inserting those not specifically in reference to ourselves as a people. We spent one time at State Department three days arguing the relative merits of people or peoples with an "S" in international law. And I assure you, this is very dangerous language.

MR. HANNAH: Thank you, Dr. Gourd.

MR. HOOK: Point of clarification.

MR. HANNAH: Point of clarification, Dr. Hook.

MR. HOOK: Are you proposing this language be offered --

MR. GOURD: I'm proposing this language -- I'm standing in complete opposition to everything that's there, which should not be in our Constitution.

MR. HANNAH: Starr-Scott is recognized.

MS. STARR-SCOTT: Mr. Chair, I rise in favor of this. I totally disagree with everything that Mr. Gourd said. I

have worked on this for a number of years, been involved with it directly since 1983 when I was on the Tribal Council.

I am fully aware, as most of us are, of the Delaware and the Shawnee's desire to separate. What we're giving them with this language is nothing that they don't already have. They can already do this. But what we're simply doing with this, by the Cherokee people voting on this, we're saying we do not want to give up our jurisdictional boundaries.

Now, whether we like it or not, the Delawares are getting close to separating. It's not a matter of when we are going to give it to them, it's how much. So one thing we can do by this, we can say we support you one hundred percent, but we're not giving up any of our historical boundaries. And that's what this language does, is reaffirm this.

MR. HANNAH: Dr. Masters, you are recognized. How do you rise on the issue?

MS. MASTERS: I rise in support of this as stated. This does not tread on any treaty rights. It simply states that the people of the Cherokee Nation support another tribe in retaining their identity, their distinction as a people. And I believe that there is nothing here to be construed in the fact that we have made this statement. I think it is recognition of the people's position on something that is inherently within the discussions that go on within this area every day.

MR. HANNAH: How do you rise, Mr. Cornsilk?

MR. CORNSILK: Mr. Chairman, I rise in favor of this amendment. I would like to address one point that I think Mr. Gourd has brought up, and that is that his belief that this is a delegation of rights from the Cherokee Nation to the Shawnee and Delaware to promote their rights.

And what this actually is, is a recognition by the Cherokee people of rights that already exist. The rights will be defined by the courts. They'll be defined by proclamation of the President and by acts of congress, not by the Cherokee people putting into their Constitution that they simply do what we will ask anyone to do for us, and that is recognize our basic rights.

MR. HOSKIN, SR.: Point of information.

MR. HANNAH: Point of information.

MR. HOSKIN, SR.: Mr. Chair, I'm sure where it says Cherokee-Shawnee, the Shawnee Tribe that is connected with the Cherokee of the Loyal Shawnee, the official language should read Loyal Shawnee or should it be read the way as it is in our Registration Department, because it is the Loyal Shawnee, I believe.

MR. CORNSILK: Mr. Chairman, if I might address that.

MR. HANNAH: You may, Mr. Cornsilk.

MR. CORNSILK: Delegate Cornsilk. Having worked in the Cherokee Nation Registration for several years, it is the common practice of the registration office, as directed by the Bureau of Indian Affairs that the Shawnee shall be recognized as

Cherokee-Shawnees and the Delawares as Delaware-Cherokee. Whether or not they have their own name will be up to them to define when they implement their own constitution.

MR. GOURD: Point of clarification.

MR. HANNAH: Point of clarification, Dr. Gourd.

MR. GOURD: Thank you, Mr. Chairman. I sincerely hope that nobody in here further misunderstands my position. As a people with a former separate identity, I believe that if in their process, as is in their manners, can reestablish that, they have my full support. That's not the point.

The point is that this is the Constitution of the Cherokee Nation. To insert language which deals with, in any manner, whether or not another people have retained rights, inherent rights, from time in memorial or any other time or in any other manner, is dangerous to the Cherokee Nation.

So I just want to make that clear. If at any point in time it can be established that they have some retained powers -- and I have talked to these people; I have worked with them before. I'm in full support of that.

But it should not be a part of the Constitution of the Cherokee Nation because it inserts into this Constitution an implication that could be used in another context that we would be willing to negotiate our territorial integrity.

MR. HANNAH: Mr. Stopp, you are recognized.

MR. STOPP: Gary Stopp from Cherokee County, delegate. I rise in support of this language. I think the last sentence, where it says, "provided that it does not diminish the historical boundaries of the jurisdiction of the Cherokee Nation or conflict of Cherokee laws," is very important. I probably would not support this without that wording in there.

But over the last year-and-a-half of working with the Nation, I know that we have put through a legislative act, I believe -- and someone correct me if I'm wrong -- in 1996, which Council supported basically this type of language in that legislative act.

However, over the last three years, there has been very little to no movement on that legislative act. I do not know if this belongs in the Constitution, Dr. Gourd, but I do know that accountability of that legislative act and the willingness to move forward with the Cherokee-Shawnee and the Delaware-Cherokee has to be done somewhere. There has to be a stand somewhere.

I am not in favor, and I'll repeat, not in favor, of giving up any historical boundaries or jurisdictions conflicting with any laws of the Cherokee Nation. However, if these individuals want to separate, become their own, then we should allow that, and we should support that. And that means from the highest office in this Nation to the highest Council in office, as well. Thank you.

MR. HANNAH: Mr. Hoskin, you are recognized.

MR. HOSKIN, JR.: Thank you, Mr. Chairman, Chuck Hoskin, Jr. I'll rise briefly, because I've spoken before on this issue. I believe this is well within our power to put this in the

Constitution. What we basically say as a people, we want to put the government on notice that this right exists, that we acknowledge this right.

But we do that in a qualifying way, and this is something that Mr. Stopp recognizes, and that is in this last sentence where we essentially safeguard our historic boundaries. Not necessarily historic boundaries, but we give -- we essentially give teeth to this by saying "our jurisdiction."

This is critical language. It is language that really ensures that the integrity of the Cherokee be preserved, in any event, and I think we should support the event that these sovereign people can exercise their inherent right. Thank you, Mr. Chairman.

MR. HANNAH: Chapman-Plumb, you are recognized.

MS. CHAPMAN-PLUMB: I certainly respect and would defer in ignorance with regard to the specifics of the struggle that these peoples are having in their seeking to be recognized.

But I think, if I'm not mistaken, that a constitution is a document that establishes the rights that the people grant to the government. In other words, we're the Cherokee people, and we are setting up by this document the right that we, the people, grant to the government. And this has nothing to do with the rights that we as Cherokee people would be granting to the government.

So I think while we may see legislative in action, the place to cure that is not a constitution. The place to cure that is for the legislators to get together and do something about this situation. I just don't think it belongs in the constitution. I agree with Mr. Gourd.

MR. HANNAH: Mr. Cornsilk.

MR. CORNSILK: Mr. Chairman, Delegate Cornsilk.

I'll be brief, as I've spoken already. I rise in diametric opposition to Mrs. Plumb. And that is that what the Cherokee people will be saying with this provision is that we delegate to our government the power to recognize the rights of these people who are now a part of our Tribe.

MR. HANNAH: Kind lady from Nowata is identified.

MS. CRAWFORD: Delegate Crawford. As a member of the Delaware Tribe, I appreciate what we're doing here. I don't know the law, and I don't know the impact. I would not want us to put anything in here that would hinder or block anything, any of our forgoing negotiations.

I don't know what is right, and I appreciate the sentiment. I feel I would probably vote against this, only because I have been, too, on the fringes of all the negotiations, and would wonder if some of the language, whether we mean it or not, would not affect the treaties of the past and the way that the federal government and others would look at us.

It's very difficult to me to even voice anything in opposition to doing this. I just do not want to in any way hinder

what our ancestors have already done. Even though I know there's a lot of deliberation on deciding what they have done, but, too, I would like us to move on with the important business of the Cherokee Nation and would not like this issue to hold us up any longer.

MR. HANNAH: Dr. Hook, you are recognized.

MR. HOOK: I'll defer to Dr. Gourd. Still gathering thoughts.

MR. HANNAH: Dr. Gourd.

MR. GOURD: Thank you, Mr. Chairman. My additional concern after other comments, there is in place as we speak an act of congress which has instructed the Bureau of Indian Affairs to begin the process to negotiate carving out part of the jurisdictional territory of the Cherokee Nation and has instructed that negotiations begin.

So my concern is, even if we put -- provided that this does not diminish -- where we stand in reference to this act of congress or the process that's been in place, already put in place within the Bureau of Indian Affairs. This is dangerous. It has to be handled outside the scope of this Constitution. Thank you.

MR. HANNAH: Mr. Stopp, you are recognized.

MR. STOPP: Gary Stopp, from Cherokee County, delegate. A couple of things. Going back to two items. Dr. Gourd has mentioned, Chairman, that the congress is looking at potential acts and laws that could definitely change the way we look at our jurisdictions with other Indian Nations within our own Nation.

However, I think what this statement does, it sets out a firm stance from the Cherokee Nation in its Constitution saying that we will not diminish our historical boundaries, that we have made that part of our Constitution.

In addition, when you read the first sentence, it says, "the basic rights retained by all distinct people and groups." Maybe this does belong in the Constitution based on the basic rights retained. Is that not what the Constitution is, our basic rights? So I think I'm moving toward it being in the Constitution because of those words. Thank you.

MR. HANNAH: Thank you, Mr. Stopp.

Mr. Hoskin, you are identified.

MR. HOSKIN, SR.: Mr. Chairman, move to limit debate, one speaker each side, three minutes each.

MR. HANNAH: There's a motion to limit debate, one speaker each side, yes and no for three minutes; is that correct, sir?

MR. HOSKIN, SR.: Yes.

MR. HANNAH: Is there a second?

THE DELEGATES: Second.

MR. HANNAH: There is a second. All of those in favor, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And we are at limited debate. And how rise you, Mr. Hoskin?

MR. HOSKIN, SR.: I defer to Ms. Scott.

MR. HANNAH: You defer to Ms. Scott.

MS. SCOTT: Go ahead, I've already spoken.

MR. HOSKIN, SR.: Okay.

MR. HANNAH: And so you rise in --

MR. HOSKIN, SR.: Delegate Hoskin, I rise in support. I agree with Mr. Stopp and recognize the basic rights, because that's what we are after here as a government. I feel like I deserve to be recognized as a Cherokee, the same as a Shawnee is recognized as a Shawnee, a Delaware as a Delaware, an Apache as an Apache, and so on.

I also feel like rather than to remain silent, these words do not diminish the historic boundaries; I feel they give added strength and letting the government know that although we do recognize these people, as well we should, we also recognize our historical boundaries and have attempted to keep those boundaries. Thank you.

MR. HANNAH: Thank you, sir. Who would rise in opposition? The kind lady from Texas.

MS. SCOTT: Deborah Scott, and I also share the belief that everyone has an inherent right, but I also think this is the Cherokee Constitution, and it hasn't been included -- I don't believe it should be included now. This is not the place to address it.

If in fact we can open up a can of worms or the proverbial log or trough or whatever we were talking about earlier, I think this is the perfect opportunity to do it. The government has not been known to read every nuance in our Constitution and follow that. Just because we have it written, they may look at the first half of it and go, we have acknowledged this, and therefore, they may use that in leverage against us.

I think this is a time when we should take a silent voice on this and be about the business of doing the Cherokee Constitution, allow the people who already have these rights to continue their pursuit with this. We're in no way stopping that; we are in support of it.

I mean, you can tell by the conversation that's happened today that we are in support of this. But this is not what the Cherokee Constitution is about, and that's what we're here to do. So I think we should keep our focus and our energies on the Constitution and be about that business.

MR. HANNAH: Debate is closed, and we will be about the vote. If you vote in the affirmative, the language that you see and that I will read will be included in the section. And if approved the language would read:

"The Cherokee Nation recognizes the basic rights retained by all distinct people and groups affiliated with the Cherokee Nation retained from time and in memorial to remain a separate and distinct people. Nothing in this Constitution shall be construed to prohibit the rights of the Cherokee-Shawnee or Delaware-Cherokee

from pursuing their inherent right to govern themselves, provided it does not diminish the historical boundaries of jurisdiction of the Cherokee Nation or conflict with Cherokee law."

All of those in favor --

MR. STOPP: Roll call.

MR. HANNAH: We will, under established rules the other day, the Chair will need to see the hands of an additional four individuals who would ask for the roll call vote. One, two, three, four, five, there's enough to do so, and we will be about the roll call.

MR. ROBINSON: Mr. Chairman, point of personal privilege.

MR. HANNAH: Delegates will be in their chairs.

And those that are here as guests in the gallery will remain silent, and the teller will call the roll.

MR. ROBINSON: Point of clarification, please. State one more time.

MR. HANNAH: Thank you, good doctor. I got sidetracked for a brief moment, and would be back once again. I would ask the scribe to bring the language back on the screen once again.

Ladies and gentlemen, what we're about to vote on is, if you vote in the affirmative, the language that I read will be included in the section; if you vote no, the language will not be included in the section. Is that correct, Mr. Keen?

MR. KEEN, JR.: Yes, sir.

MR. HANNAH: Very well. The teller will read the roll.

MS. LONG: Adair. Alberty. Baker, Bill. Baker, Donn. Baker, Jack. Berry.

MS. BERRY: No.

MS. LONG: Birmingham. Burnett.

MS. BURNETT: Yes.

MS. LONG: Center.

MR. CENTER: Yes.

MS. LONG: Chilson.

MS. CHILSON: Yes.

MS. LONG: Clarke.

MR. CLARKE: No.

MS. LONG: Colson.

MS. COLSON: No.

MS. LONG: Coon.

MS. COON: No.

MS. LONG: Cornsilk.

MR. CORNSILK: Yes.

MS. LONG: Crawford.

MS. CRAWFORD: No.

MS. LONG: Crittenden, D.

MR. DON CRITTENDEN: No.

MS. LONG: H. Crittenden.

MR. H. CRITTENDEN: Yes.
MS. LONG: Crouch. Davis, Bill. Davis, Earl.
Downing, B. Downing, Carl.
MR. CARL DOWNING: No.
MS. LONG: Dowty.
MR. DOWTY: No.
MS. LONG: Foster.
MS. FOSTER: No.
MS. LONG: Gourd.
MR. GOURD: No.
MS. LONG: Gunter.
MR. GUNTER: No.
MS. LONG: Hagerstrand.
MS. HAGERSTRAND: Yes.
MS. LONG: Hammons.
MS. HAMMONS: Yes.
MS. LONG: Hannah.
MR. HANNAH: Abstain.
MS. LONG: Herod. Hathaway. Havens.
MS. HAVENS: No.
MS. LONG: Hembree. Hook.
MR. HOOK: Yes.
MS. LONG: Hoskin, Jr.
MR. HOSKIN, JR.: Yes.
MS. LONG: Hoskin, Sr.
MR. HOSKIN, SR.: Yes.
MS. LONG: Johnson. Jordan. Keen, J.
MR. JOHN KEEN: Yes.
MS. LONG: Keen R., Jr.
MR. KEEN, JR.: Yes.
MR. GUNTER: Mr. Herod's name was not called.
MS. LONG: I pronounced it wrong. I'm sorry.
We'll go back up. Herod.
MR. HEROD: Yes.
MS. LONG: Keen R., Sr. Lay.
MR. LAY: No.
MS. LONG: Littlejohn.
MR. LITTLEJOHN: No.
MS. LONG: Linnenkohl.
MS. LINNENKOHL: No.
MS. LONG: Masters.
MS. MASTERS: Yes.
MS. LONG: McDaniel.
MR. McDANIEL: Yes.
MS. LONG: McIntosh.
MS. McINTOSH: No.
MS. LONG: McCreary.
MR. McCREARY: Yes.
MS. LONG: MacLemore. Melton. Meredith.
MS. MEREDITH: No.

MS. LONG: Miller.
MS. MILLER: Yes.
MS. LONG: Moore.
MR. MOORE: Yes.
MS. LONG: Mullon. Phillips.
MR. PHILLIPS: No.
MS. LONG: Pitts.
MS. PITTS: Yes.
MS. LONG: Plumb.
MS. CHAPMAN-PLUMB: No.
MS. LONG: Poteete. Raper. Rider. Robinson.
MR. ROBINSON: No.
MS. LONG: Rutledge. Sanders. Scott, Barbara.
MS. STARR-SCOTT: Yes.
MS. LONG: Scott, D.
MS. SCOTT: No.
MS. LONG: Scott, Owen.
MR. SCOTT: No.
MS. LONG: Silversmith, M.
MS. SILVERSMITH: Yes.
MS. LONG: Silversmith, R.
MR. SILVERSMITH: Yes.
MS. LONG: Smith. Center.
MR. CENTER: Yes.
MS. LONG: Starr. Stopp.
MR. STOPP: Yes.
MS. LONG: Stroud.
MS. STROUD: Yes.
MS. LONG: Twining.
MS. TWINING: No.
MS. LONG: Underwood. Viles. Wheeler.
MR. WHEELER: No.
MS. LONG: Whitfield.
MR. WHITFIELD: Yes.
MS. LONG: Wilson.
MR. WILSON: Yes.
DELEGATE: What about Peacock?

MS. LONG: Peacock, R.
MR. HANNAH: The results of the election have been reconciled. Twenty-seven in favor, twenty-four no. Motion carries and the language stands.

Dr. Gourd, you are recognized -- wait a minute. I'm sorry, sir, we are still working in this section. We have now approved this language; we would now need to approve the entire section, correct?

MR. CORNSILK: Mr. Chairman.

MR. HANNAH: Mr. Cornsilk.

MR. CORNSILK: It's my understanding that an amendment was made to this section this morning that I would like just a short opportunity to address before we approve this entire

section, if you would please indulge me.

MR. HANNAH: I've not called for the vote, and, therefore, the floor is open for debate and you are recognized. And the section is open.

MR. CORNSILK: It's my understanding that this section was amended to include the words "by blood" in the enrollment of Cherokee citizens. If I might offer to the delegates a word of caution. The term "by blood" has a very specific legal meaning. It means persons who are Cherokee Indians.

And throughout the history of enrollment of tribes, there have been persons adopted in the tribes over the course of time that have been incorporated as part of our tribe, as we just got through discussing the Delawares and the Shawnees, who have no Cherokee blood, for the most part, and are citizens of the Nation.

I have a great concern for the possibility, the very real possibility, that the Freedman, who were previously members of the Tribe are now being invited by the words "by blood" to vote on this Constitution. They voted on the 1975 Constitution. They were members of tribe at that time, received voting rights, and voted on it, and believe themselves to be members of the Tribe.

The federal government has held in many instances, both by opinions of the Attorney General and by court opinions, that in order to exclude a people who are already incorporated, you must give them the opportunity to vote.

By putting the word "by blood" in this Constitution, we are in fact inviting the Freedman to vote on this Constitution. And if we don't give them the right to vote, we are then inviting them to file suit against the Cherokee Nation because they are not having their equal rights protected under the 14th Amendment of the United States Constitution.

So what we're doing, if we are talking about opening a proverbial can of worms, that is a big can of worms, and it's going to cost the Cherokee Nation millions of dollars in litigation.

There are some people here who will argue that the Nero decision was final in its determination of citizenship rights of the Freedman; it was not. That court case was referred to the 10th Circuit Court, only adjudicated whether or not the Freedman had their rights determined by the Cherokee Nation itself, and remanded that question back to the Cherokee Nation.

There is a case pending before the Cherokee Nation Supreme Court right now, before the Judicial Appeals Tribunal, as to the rights of the Freedman. And I believe that if we put these words in there, "by blood," we have done two things: Invited them to vote on this Constitution, and then, of course, we will turn around and deny them that right to vote, and then they will sue the Cherokee Nation, and we will be involved in litigation that will cost millions of dollars and last for years and years, and possibly jeopardize this Constitution.

I would move that we take those words out of this section.

MR. HOOK: Point of clarification.

MR. HANNAH: Point of clarification, Dr. Hook.

MR. HOOK: Did Mr. Cornsilk -- I'm sorry, I need some more elaboration. The connection between by blood and the Freedman.

MR. CORNSILK: The Freedman are not by blood for the most part. Many of them possess Cherokee blood because their fathers were their masters, but they were placed on the Cherokee roll with no degree of any blood next to their name because the Cherokees practiced a matrilineal form of discrimination against them.

If they possess Cherokee blood from their father, they were put on the Freedman Roll, no Cherokee blood, which meant that the land they received was diminished. If they had Cherokee blood from their mother, then they were placed on the Cherokee by blood section of the roll. So there are persons of African descent on the Cherokee by blood section of the roll, and there are persons of Cherokee descent on the Freedman section of roll.

"By blood," in relation to them simply means that we are excluding any person who's not on the Dawes roll with a degree of Indian blood next to their name. The Delawares have a separate roll on that roll, and they are not by blood. The Shawnees can be segregated out from that roll; they are not Cherokees by blood, and so we might even be excluding them.

But my main argument here is simply that we are just inviting opening up a big can of worms with this case.

MR. HANNAH: Mr. Stopp, you are recognized.

MR. KEEN, JR.: Point of order.

MR. HANNAH: Point of order, Mr. Keen.

MR. KEEN, JR.: This section has already been debated and voted upon once this morning, so if Mr. Cornsilk wants to reconsider it, if he would so move.

MR. CORNSILK: I would so move.

DELEGATE: Second.

MR. HANNAH: Just a moment. And the Chair is going to figure out what -- and the best way for the Chair to do that is just right here in front of everyone with parliamentarian. We have had this section reopened. It's already been reconsidered.

We have in fact added additional language to the second paragraph, and we have yet, the Chair is aware of, to reapprove of this section with the addition of the new language.

And so, therefore, a motion to reconsider would not be in order because the section is still open; would that be correct?

MR. KEEN, JR.: Point of order.

MR. HANNAH: Okay, Mr. Keen.

MR. KEEN, JR.: We took a separate vote on this language by itself, so this language has already been approved through the voting process once.

MR. HANNAH: That's true. But it has been the understanding of the Chair, that if in fact a section is reopened

and language of the section is changed, that the section would need to be reapproved in its entirety.

MR. CORNSILK: Mr. Chairman, in light of that, I would offer an amendment to strike the words "by blood."

MR. HANNAH: Motion on the floor to strike, and there is a second. The floor is open for debate. And you are recognized, good lady.

MS. STROUD: Virginia Stroud. I have a question, so that, David, maybe you can help me with.

MR. CORNSILK: I'll try.

MS. STROUD: That if the Freedman were given a number and they were on the Dawes roll, the original rolls, and they come up, and they're one over two hundred and fifty-second Cherokee, they are Cherokee.

And some of you people have that much blood in you, and you want recognition as Cherokee, if it's fair for you, I think it should be fair for the original Freedmans.

MR. HANNAH: Mr. Stopp, you are recognized.

MR. STOPP: Point of information. I would really like to have some learned individuals, and David, you've got a good point and you've persuaded me some on that. You've actually brought a flag up that I think is appropriate. But the "by blood" is a real issue to me. I don't understand it well enough to feel like I can vote on it, and so I would like to have someone else come in. Dr. Gourd, historically, tell me what does that do?

MR. HANNAH: Chair would entertain any good delegate in the chambers that would be able to shed additional light upon this question that we have before us with regard to the debate on the two words "by blood." Starr-Scott, would you be able to help us?

MS. STARR-SCOTT: I'm not sure I can shed any light on it, other than I agree with David. I think it is going to open it up. But I would pose a question to the Commission is, why did you change it from our old Constitution, because the '75 did not include that language?

MR. HANNAH: Mr. Keen will respond.

MS. STARR-SCOTT: Troy did it this morning.

MR. HANNAH: Thank you, Mr. Keen. And the good doctor is recognized.

MR. ROBINSON: I cannot answer the question as far as what "by blood" means, but I opt to respond to Ms. Stroud, Delegate Stroud's comment, in her comment really has no valid means of meaning because if a person is down as Freedman, if I understand this right -- correct me if I'm wrong, David.

MR. CORNSILK: I will.

MR. ROBINSON: I know you will. They did not have a blood degree listed. They are just Freedman. If their mother was Cherokee and their father was black, they were put in the Cherokee by blood, and you do have a blood degree. So Freedmans do not have blood degrees just like intermarried whites do not have

blood degrees. So, you know, what Ms. Stroud was saying, really would not take into effect.

Although, Mr. Cornsilk pointed out that we probably do have citizens -- or not citizens but people that actually have Cherokee blood. But we have that among Asian people, Hispanic people and white people who have Cherokee blood and cannot prove it.

MR. CORNSILK: Mr. Chairman.

MR. HANNAH: Mr. Cornsilk.

MR. CORNSILK: Delegate Cornsilk. If I might elaborate a little bit on what I think the point Rick is making and draw in the point that I believe our good delegate over here was making. And that is that the Dawes Commission Roll, and I think we all can agree, was an unfair and dilatory process for the Cherokee people.

It was a difficult time for us. And the persons whose names appear on that roll were citizens of the Cherokee Nation. Period. They are intermarried whites, who are adopted citizens, adopted Cherokees. We had Freedman who are adopted Cherokees; we had Delawares who are adopted Cherokees; Shawnees who are adopted Cherokees.

I want to give you an example that I have found in the research that I've done on the Dawes Commission Roll, and that is of a man named -- well, a woman named Mary Elliot. Mary Elliot was a Cherokee Indian. She was recognized as such in her community, which was Fort Gibson. She looked like an Indian; she spoke the language, and yet she's listed on the Dawes Commission roll as a Freedman.

Her husband was John Kill French, who was the owner of French home, which is right over here downtown, beautiful Cherokee mansion. And she bore Cherokee children who are listed on both the Freedman and the by blood roll, even though they possessed Cherokee blood from their father and their mother.

The reason I'm making this example is not that I'm fighting for the rights of the Freedman to be citizens of the Cherokee Nation, but that what we are doing by putting "by blood" in this section, we're saying that all of the history of our people is null and void, that we are only concerned with what we are right now here today. And that's not really who we are. We are more than that.

As Mrs. Stroud said, we are people who are one over two hundred and fifty-six, and we're up to full blood. We are the Freedman; we are the Shawnee; we are the Delawares; and we're everybody that we have incorporated. And if we strike the word "by blood," we will recognize that.

But even all of that aside. All of that seems a bit romantic; I know it does. All of that aside, if we leave the words "by blood" in there, we are opening up ourselves to a litigation that will last for years and years to come.

The Freedman are a powerful group of people. If you multiply thirty, which is the number of descendants, times the number of people who are enrolled, we have one hundred and one

thousand Freedman. That's a lot of people. That's a lot of power.

There are attorneys among those people. There's money among those people. There's power among them. And I fear that these two words are going to just drag this Constitution down, drag the Cherokee Nation down. If we just leave it out, leave it the way it is, the question still remains, and it remains for our court to decide, not for some other court, the federal courts to decide.

MR. HANNAH: Thank you, Mr. Cornsilk. What would be the pleasure of the delegates?

THE DELEGATES: Call the question.

MR. HANNAH: The question has been called for. Is there a second?

DELEGATE: Second.

MR. HANNAH: And hearing no opposition, we will vote to strike the words "by blood." If you vote in the affirmative, the two words "by blood" will be stricken; if you vote no, they will remain; is that correct, Mr. Keen?

MR. KEEN, JR.: That's correct.

MR. HANNAH: Very well. All those in favor of striking the language, signify by saying "aye."

MR. SILVERSMITH: Point of information.

MR. HANNAH: Oh, one moment. Yes, sir, Mr. Silversmith.

MR. SILVERSMITH: When you say "affirmative," is that to be understood --

MR. HANNAH: "Aye." If you vote "aye" on this vote, we're going to strike -- and obviously that -- let me say this right. By voting "aye," you are in agreement to strike the language.

MR. SILVERSMITH: Yes, thank you.

MR. HOSKIN, SR.: Point of information. Does a motion to table take precedence over the vote?

MR. HANNAH: Yes, it does.

MR. HOSKIN: I'd like to make a motion to table.

MR. HANNAH: There's a motion to table. Is there a second?

MR. GOURD: Second.

MR. CORNSILK: Mr. Chairman.

MR. HANNAH: Mr. Cornsilk.

MR. CORNSILK: Delegate Cornsilk. I would rise in opposition to that motion to table. I don't think that there's going to be a whole lot more information that we're going to find about these two words.

It was not in there for the last twenty-four years, and the Freedman have not become citizens of the Cherokee Nation in that length of time, and I really think that we can probably take care of it right now and I would suggest that we not table this.

MR. HOSKIN, SR.: Point of personal privilege.

MR. HANNAH: Yes, sir.

MR. HOSKIN, SR.: I've been afforded some

information from our registration department that makes me decide to have this tabled to try to achieve some more information about it.

MR. HANNAH: And in checking with the parliamentarian, it is in order to accept your motion to table, and it has been seconded. And all those in favor will signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed will say "no."

THE DELEGATES: No.

MR. CORNSILK: Standing vote.

MR. HANNAH: Standing vote has been asked for and the delegates will be in their chairs.

MS. HAMMONS: Point of order.

MR. HANNAH: Point of order.

MS. HAMMONS: If we can just clarify, perhaps, reinstruct the Sergeant of Arms not to let anybody in and out during the vote. This is a large facility. I'm back here, every time the door opens, I hear what is going on.

MR. HANNAH: Thank you very much. If the Chair might, for just a moment -- and thank you, kind lady, for raising that issue. Sergeant at Arms there, which I assume this gentleman is helping us today, at the time of our vote, the doors of these chambers will be closed, and no one will be entering or leaving during that period of time.

Also, any of you that may in fact be conducting any type of business or conferencing with any individuals that would be entering through these doors over here, then, "A," I would instruct the Sergeant at Arms to not allow individuals who are not delegates through those doors. That area is reserved for the delegates. That door from this moment forward will be designated as for delegates only.

If you are a visitor here, if you are here in the gallery, you will please use the exit that I am pointing to, which is to the southwest. And if that's difficult for you, come see the Chair, he will show you where the door is there.

Let's just make sure that we keep these chambers under control. Everyone is in their chairs at this point and -- Ms. Masters.

MS. MASTERS: Point of personal privilege.

MR. HANNAH: Yes, ma'am.

MS. MASTERS: I believe that this process is getting contaminated by staff going in and out and interacting with some delegates, and I would ask that the body consider that.

MR. HANNAH: I assume when you ask that the body consider that, that you do so in a rhetorical fashion?

MS. MASTERS: Ethical.

MR. HANNAH: Ethical. Thank you. And now that all of that has been said and the doors are sealed and everyone is in their chair, now we're going to come back to what it is that we're going to vote on, which is the motion to table.

And if you vote in favor of tabling, then our discussion with regard to the two words, "by blood," will be laid upon the table. Everyone clear? Very good. All the --

MR. DOWNING: Point of information. I'm sorry. I am assuming that I will vote "yes" with the understanding that there will be more information for us when it comes off the table.

MR. HANNAH: That is an erroneous assumption, sir. Once again, you would be asking the Chair to, as this body has done on many occasions, asking him to be clairvoyant, and he is not.

What we are doing is laying the question upon the table, and if it steeps there for awhile, the Chair does not know. But we will consider it as a body whether we are in fact going to lay this debate aside and lay this on the table. And we are going to do that right now. The teller will draw close, and all of those in favor of tabling will stand.

THE TELLER: Sixteen.

MR. HANNAH: Please be seated. And all of those opposed to tabling, please stand.

THE TELLER: Thirty-five.

MR. HANNAH: Sixteen in favor of tabling; thirty-five say no. The question is not laid upon the table, and the floor is open for debate. What would be the pleasure of the delegation?

DELEGATE: Call the question.

MS. FOSTER: Point of information.

MR. HANNAH: The good lady from the west is recognized.

MS. FOSTER: Thank you, Julia Foster from Albuquerque. This morning when the language was added, four words were added, "as Cherokees by blood." And if we take out "by blood" only, then it reads, "listed as Cherokees on the Dawes Commission Rolls, including the Delaware-Cherokees." I'm just wondering if that makes any difference, do you think?

MR. CORNSILK: Mr. Chairman.

MR. HANNAH: Thank you, kind lady. Mr. Cornsilk.

MR. CORNSILK: To clarify my motion, it is to strike the language that was added this morning.

MR. HANNAH: That is correct, sir.

And so the question has been called, and the Chair heard a second. And without opposition, we would move to the vote.

And to clarify exactly what we're about to vote on, if you vote in favor, this language would be stricken. If you vote no, it will remain. Would that be correct, Mr. Keen?

MR. KEEN, JR.: Yes, sir.

MR. HANNAH: All of those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: The ayes have it and the language is stricken. And we now move to the consideration of the second.

MR. JOHN KEEN: Mr. Chairman.

MR. HANNAH: Mr. Keen, you're recognized.

MR. JOHN KEEN: I move we approve Section 1 in toto.

MR. CORNSILK: Second.

MR. HANNAH: Motion to approve Section 1 in toto; there is a second. And hearing no opposition, the language would read, if approved:

"Section 1. All citizens of the Cherokee Nation must be original enrollees or descendants of original enrollees listed on the Dawes Commission Rolls, including the Delaware-Cherokees of Article II of the Delaware agreement dated the 8th day of May, 1867.

And the Shawnee-Cherokees as of Article III of the Shawnee agreement, dated the 9th day of June, 1869, and/or their descendants.

The Cherokee Nation recognizes the basic rights retained by all distinct people and groups affiliated with the Cherokee Nation retained from time in memorial to remain a separate and distinct people. Nothing in this Constitution shall be construed to prohibit the rights of the Cherokee-Shawnee or Delaware-Cherokee from pursuing their inherent right to govern themselves, provided that it does not diminish the historical boundaries or jurisdiction of the Cherokee Nation or conflict with the Cherokee law."

All of those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the motion carries, and the language stands.

Mr. Gourd, you are recognized.

MR. GOURD: Thank you, Mr. Chairman. We are now to Article IX, Fiscal. Mr. Chairman, I make a motion that we approve the language contained in Section 1 of Article IX. "The fiscal year shall commence on the 1st day of October in each year, unless otherwise provided by law."

By a brief way of explanation, Mr. Chairman, Article IX has been renumbered, and that the replacement of the month of June from the original language to October is for current practice.

MS. MASTERS: Call the question.

MR. HANNAH: First of all, the Chair would remind us that we have a motion on the floor, and he will hear a second.

DELEGATE: Second.

MR. HANNAH: And he has heard a second. And the floor is open for debate.

DELEGATE: Call the question.

MR. HANNAH: Question has been called for. Is there a second?

DELEGATE: Second.

MR. HANNAH: And hearing no opposition, if approved, the language would read:

"The fiscal year shall commence on the 1st day of October in each year, unless otherwise prohibited by law."

All of those in favor, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

The language is accepted. And the Chair will allow such outburst of optimism from the delegates. This is true, only from the delegates. Dr. Gourd, you are recognized.

MR. GOURD: Thank you, Mr. Chairman. I make a motion to approve the language contained in Section 2, which shall read as follows:

"The Council shall provide by law for annual expenditure of funds, and the source from which funds are to be derived to defray the estimated expenses of the executive, legislative, judicial, and departments of government of the Cherokee Nation for each fiscal year. The budget shall not exceed estimated revenues."

DELEGATE: Second.

MR. HANNAH: Motion on the floor, it has been seconded. The floor is open for debate. And the good lady from the west is recognized. What say you, ma'am?

MS. MASTERS: I rise in opposition to this as it exists, and suggest that we have some additional information on this section. I believe that we need a lot more detail here. And those of you that have a blue sheet, Article IX, Section 2, the wording is there before you.

I would like to replace these words with the words: "The Council shall provide by law the estimated expenses based on the actual data furnished by the public records, and for the annual expenditures of funds together with the resources from which said funds are to be derived to defray those estimated expenses of the executive, legislative and judicial branches of government for the fiscal year. The budget shall not exceed actual revenues."

I believe that Section 2 --

MR. HANNAH: Easy in the chambers, now, easy. Remember, we're in close proximity, and the least bit of noise often times can be restrictive, and the good lady deserves to be heard. You may continue, ma'am.

MS. MASTERS: I believe that it does not state here that this process will be done in assurance that we do not exceed our actual revenues. The way I have stated in here is designed that the Council will have closer oversight to assure that we do not have a budget that exceeds our actual revenues. As it is stated here, it says, "the budget shall not exceed estimated revenues," which can drive our Nation into debt. And I believe that we should be in close part of that.

MR. HANNAH: The good lady wishes to strike current language?

MS. MASTERS: Right.

MR. HANNAH: And to substitute as presented?

MS. MASTERS: Right.

MR. HANNAH: Is there a second?

Hearing no second, no action is taken. What is the pleasure of the delegates?

DELEGATE: Call the question.

MR. HANNAH: Question has been called for; is there a second?

THE DELEGATES: Second.

MR. HANNAH: And the vote that we're about to take, if the language is approved, it would read:

"The Council shall provide by law for annual expenditure of funds, and the source from which funds are to be derived to defray the estimated expenses of the executive, legislative, judicial, and departments of government of the Cherokee Nation for each fiscal year. The budget shall not exceed estimated revenues."

All of those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

And the language is accepted.

MR. DOWNING: My point of information is still pertinent. How are the estimated received? How is that determined, the estimated revenues?

MR. HANNAH: How are the estimated revenues determined? Would there be a delegate that would wish to rise to supply the information? Good doctor, you sir, or Mr. Stopp.

MR. ROBINSON: I don't think I can answer your question completely, but the good Dr. Masters did get seconded, so I didn't have to come down. But the problem with that is sometimes it has to be estimated, such as my division is around forty million dollars, but I have ten closing months, ten months of the year, I have fiscal year closing.

Many times, when we have to get the budget in, we have to estimate because we still have grants that we haven't received, especially since my division is so wide, we have not received. So if we did not put an estimate in the budget, we couldn't have a budget. Then later we change it as per what we get in.

MR. HANNAH: Good doctor, thank you, I want to make sure this gentleman's question is answered, and I don't believe that it was. And I would come back to the Chair to clarify this question. Good doctor. Ricky. No, step back here, Ricky.

MR. ROBINSON: Oh, I'm sorry.

MR. HANNAH: Step back here. The Chair is not finished with you.

Mr. Center, you will not bother the delegate.

MR. ROBINSON: Okay, I'm at attention now.

MR. HANNAH: I believe, and the Chair will be so bold as to clarify his question. He wants to know how you come up with those estimates.

MR. ROBINSON: Well, some of them, we submit the grants, and let's say we apply for \$140,000 to teach people how to pluck chickens. We're not going to find out about that until, say, middle of December.

So what will happen is, we have to put the 150,000 into the budget process, but then the government, sometimes you have to negotiate, and they'll give you a -- the federal rep will call and say, hey, I'll give you one hundred ten to pluck chickens, and if you want forty more you've got to send another grant to be able to cook them up.

So that's one instance where you have to have estimated budgets in there. But as much as possible, you clean it up later with everything.

I sign budget revisions every week, you know, because we have monies come in that we don't expect. Sometimes in donations, we have to be able to estimate what we think is going to be donated for the Higher Education Scholarship. I think Mr. Stopp can give a higher level interpretation of this, instead of just -- I'm down in the grungy area.

MR. HANNAH: And rather than going immediately to Mr. Stopp, the Chair would ask the delegate, do you have an understanding now of --

MR. DOWNING: I have an understanding how individual departments work. My question was more general than that.

MR. ROBINSON: That's Mr. Stopp --

MR. HANNAH: Have you been satisfied, good delegate?

MR. DOWNING: No, I'd like to have --

MR. HANNAH: Mr. Stopp's interpretation?

MR. DOWNING: Yes.

MR. ROBINSON: Mr. Chairman, can I sit down?

MR. HANNAH: Yes. The delegate may be at rest.

Mr. Stopp, you are recognized.

MR. STOPP: Okay, what Dr. Robinson mentioned was, when you look at Dr. Robinson's division, which is education, because that's one leg of the government. There are eight divisions inside the Cherokee Nation, government offices.

Dr. Robinson mentioned a division; he mentioned a program. Now, when we look at the Nation as a whole and estimate our revenues and expenses, we look at each program, each department, and each division, rolling that up to an overall budget.

Now, within that you will have federal grants, which is about ninety to ninety-five percent of our dollars that are budgeted through annual funding agreements by different entities within the government. And you will apply for grants and get those throughout the year.

For example, IHS is not a grant; it's an annual funding agreement -- it is an agreement between department of DHHS and IHS and us. So we know what that will be every year. We get that in

the middle of the summer. We know when that's coming. Dr. Robinson is talking about particular grants of programs, things that we do specifically for a grant.

Now, within the Cherokee Nation, there's also four profit organizations. Our Cherokee Nation Enterprises internally, such as our landfill, our golf courses, and things of that nature. We get that from estimate sales from the previous year and roll up into the revenues for the next year. So those are estimates.

And to give you an example, here's -- you can't do -- a budget is an estimate. That's what it is. It's an estimate of expenses versus revenues that come in. "The budget shall not exceed the estimated revenues," that's where you tie it into the actual because if you have one hundred fifty million dollar estimate revenue, you can't come in with a hundred seventy million dollar's worth of expenses. That's where you tie that in. The accountability comes back to the operations and ensure that it's balanced.

MR. DOWNING: That's exactly what I wanted.

Thank you.

MR. HANNAH: The good delegate leaves a bit more clarified.

MR. STOPP: Mr. Chairman.

MR. HANNAH: Mr. Stopp.

MR. STOPP: I make a motion to reconsider

Section 2.

MR. HANNAH: For what purpose would you wish to go back there, sir?

MR. STOPP: When we look at -- we talked about, "the Council shall provide by law for annual expenditure of funds and resources from which funds are to be derived to defray the estimated expenses of the executive, legislative, judicial and departments of the government of the Cherokee Nation."

And, clearly, we have not talked about our enterprises outside the Cherokee Nation. I think also there should be something in there going back to Council, that Cherokee Nation Enterprises should also submit a budget to Council. That is not part of this. And we need to get that entity in there.

If we remember back in one of the other articles, we talked about Cherokee Nation entities as part of the whole. So we've excluded CNE and CNI from this. I believe that would be Council's responsibility as well. They're the Board of Directors to ensure accountability.

MR. HANNAH: Mr. Keen, do you rise for --

MR. KEEN, JR.: I'll wait for a second first.

MR. HANNAH: Let's make sure, folks, that we know exactly what the motion is. And the good delegate would move to reconsider Section 2 for the purposes that have been stated. Is that correct, sir?

MR. STOPP: Yes.

MR. BILL BAKER: Friendly amendment.

MR. HANNAH: Just a moment here. You guys are doing so well, and I'm very proud of you, okay. We would need a second to --

DELEGATE: Second.

MR. HANNAH: And there is a second. And the floor -- no, actually we need to move for the vote. And it will require --

MR. KEEN, JR.: Point of order.

MR. HANNAH: Mr. Keen.

MR. KEEN, JR.: I believe it is in order that debate can be had on whether or not the question can be reconsidered.

MR. HANNAH: Very well. Floor is open for debate. Kind, Mr. Baker, you are recognized.

MR. BILL BAKER: When Gary was sitting there saying that we've already opened it up and discussed executive, legislative and judicial, after looking at it, we didn't say judicial. And that probably needs to be a part of that as well.

MR. STOPP: It is.

MR. BILL BAKER: Oh, sorry.

MR. HANNAH: Right there, Mr. Baker. Mr. Keen, you are recognized.

MR. KEEN, JR.: Yes, I rise in opposition to reconsidering this section for the reason that Mr. Stopp raised. You know, we want to, once again, going back to this concept that we want to keep this instrument a skeletal framework for the fundamental law of our land. I don't see any reason to include the tribal enterprises in our Constitution, if that can be done through legislation, which I feel it can.

And Secondly, we would need only two separate enterprises here. We're dealing with one, which is a Tribal Charter Corporation, which is Cherokee Nation Enterprises, and CNI, which is an Oklahoma Charter Corporation.

Now, the tribe is a sole owner. If you want to think in terms of a stockholder, the Tribe owns all the stock in CNI, but CNI is not a tribal entity beyond that simple ownership.

So I'm afraid we might be infringing on Oklahoma Corporate Law if we attempt to somehow mandate that this corporation somehow submit a budget for approval to this governing body. So I would be in opposition based -- I simply think that these issues that we've raised can be taken care of through legislation very easily.

MR. HANNAH: Any delegate rise in support of the motion by Mr. Stopp to reconsider?

MR. STOPP: Point of information.

MR. HANNAH: Yes, sir.

MR. STOPP: To the Constitutional Convention Committee itself, when we say executive, legislative, judicial and departments of the government, all of the departments of government are within the executive branch. So we've broken off the parliament

government.

I'm going to go back to your comment. I'm not understanding, is that a legislative or -- or actually, is the question. A department would be education, child welfare. That would be a department of the government.

MR. HANNAH: Very well.

MR. KEEN, JR.: You raise a germane point there.

The original language read even worse than that. It left out the judicial branch altogether. So we were seeking to improve that. But we also need to keep in mind that we have now created independent bodies that do not fall under the executive branch, such as our election commission, and perhaps even our board of -- court of judicial review. And so we say we don't need to write it so narrowly that these independent entities can receive that funding.

MR. GOURD: The '75 Constitution also, as we moved the cabinet under the executive, the way it was listed out in the fiscal and in its own separate definition, could have been construed to have created a fourth branch of government. So it was even funded separate and administered separate, so we tried to pull those in.

MR. HANNAH: Thank you, gentlemen from the Commission. The good lady from California is recognized.

MS. MASTERS: Point of clarification from the maker of the motion. If we put Cherokee Nation and its entities, that would allow us to include CNE but not CNI, right? And it would avoid the conflict with corporation through the State of Oklahoma, as opposed to an entity of the Cherokee Nation, and it would allow us to bring CNE in under our accountability umbrella.

So if we just added the two words -- or three words, "and its entities," that would accomplish what we want without naming them, and it wouldn't be a conflict.

MR. STOPP: Sure.

MS. BERRY: Point of order.

MR. HANNAH: Point of order, ma'am.

MS. BERRY: What are we exactly discussing here? We're not even discussing this yet, are we?

MR. HANNAH: That's correct.

MS. BERRY: We're not even discussing this yet, are we?

MR. HANNAH: That's correct.

MR. McCREARY: Call the question.

MR. HANNAH: We are about debate of whether to reconsider this issue.

MR. McCREARY: Call the question.

MR. HANNAH: Question has been called. Thank you, the good man from Black Gum. Is there a second?

THE DELEGATES: Second.

MR. HOOK: Second.

MR. HANNAH: Mr. Stopp, be about your seat, sir. Hearing no further opposition, all those in favor to reconsider,

please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And it's not reconsidered, and we are about the business of the day.

Dr. Gourd you are recognized.

MR. GOURD: Thank you, Mr. Chairman. I make a motion that we approve the language contained in Section 3:

"At least thirty days prior to the convening of each regular session of Council, the treasurer shall make and present to the Council an itemized estimate of revenue to be received by the Cherokee Nation, together with a statement of the sources from which revenues are to be received under the laws, grants, judgments, interests, and other sources in effect at the time such estimate is made for the next ensuing fiscal year.

The treasurer shall prepare annual financial statements, reflecting the results of operations of all tribal activities and shall prepare a consolidated balance sheet in conformity with Generally Accepted Accounting Principles within sixty days after the end of the fiscal year."

MR. HANNAH: Motion has been made; is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. Dr. Gourd, any additional explanation for us, sir?

MR. GOURD: Just by way of clarification and consistency, the word is used singular, "treasurer," rather than "secretary-treasurer" because we have separated that in the cabinet.

MR. HANNAH: Very well. The floor is open for debate.

MS. SCOTT: Point of information.

MR. HANNAH: Yes, ma'am.

MS. SCOTT: Can we see the old language from the original?

MR. HANNAH: From the original, yes, ma'am. If the scribe would bring us the original language from the '75 Constitution of Section 3.

MR. GOURD: Mr. Chairman, just to help there, the only thing I think we changed was the word "treasurer" from "secretary-treasurer."

MR. HANNAH: Is the good lady clear?

Excellent. We will return to the proposal. The floor is open for debate, and, Mr. Baker, you are recognized.

MR. BILL BAKER: Mr. Chair, as Charlie said, they have essentially changed nothing from the old Constitution, and it is outdated, outmolded, it's not anywhere close to what the Tribe has been operating under or could possibly operate under. So I would ask that we strike all of that language, and I have a proposal for new language.

MR. HANNAH: Very well. Step forward.

MR. BILL BAKER: What the new language is going to be is: "At least 90 days prior to the beginning of each fiscal year, the administration," not the secretary-treasurer, "shall make and present to the Council an itemized estimate of revenues and expenditures for the ensuing fiscal year."

Give it to the Council. It's a very large document. It takes more than thirty days in advance to get through it, let alone comprehend it. And the secretary-treasurer, if they were going to do all the things that this thing says, they would be a full-time sixty-hour a week employee, and that is not what we've been having, and I just don't think that's possible.

I don't think this language anticipated all the federal programs and the audit by a major accounting firm and those kinds of issues, and so I think changing the time period and changing to this language would take care of our concerns, as well as match what we're presently doing.

MR. HANNAH: Mr. Baker moves to strike and to substitute the language that is before you. Is there a second?

THE DELEGATES: Second.

MR. HANNAH: There's a second; the floor is open for debate. Mr. Stopp, you are recognized.

MR. STOPP: I would like to offer a friendly amendment to change that from ninety to sixty. I say that because with that over, that puts us back to July at ninety days, meaning going back, if I'm thinking right, August 1st we would have to have a budget in, which would be August, September, October 1. I'm trying to back out of that.

MR. HANNAH: What say you, Mr. Baker?

MR. BILL BAKER: It's ninety days prior to. In other words, we're backing back, so it actually gives us more time this way. Prior to the ending of the fiscal year. I really think this is better.

MR. STOPP: Okay.

MR. HANNAH: Do you withdraw, Mr. Stopp?

MR. STOPP: I withdraw.

MR. HANNAH: Thank you. The floor is open for debate. The kind lady from California is recognized.

MS. MASTERS: I would ask Delegate Baker, we had a clause stating that using Generally Accepted Accounting Principles, I thought that was very important to use that, the Generally Accepted Accounting Principals, which by the way should be capitalized there, because that is a program and that is a program that is acceptable and widely understood and widely used.

MR. BILL BAKER: Would that be a friendly amendment?

MS. MASTERS: Yes.

MR. BILL BAKER: I would accept.

MR. HANNAH: If we may have the language to the friendly amendment.

MR. GUNTER: Mr. Chairman.

MR. HANNAH: One moment. Mr. Gunter, you --

MR. GUNTER: Point of information.

MR. HANNAH: Point of information by Mr. Gunter.

MR. GUNTER: I noticed in the revised Constitution, we've got it's the responsibility of the treasurer to submit this report.

MR. HANNAH: Yes, sir.

MR. GUNTER: And under this, it's the responsibility of the administration. Whose administration?

MR. HANNAH: Perhaps Mr. Baker would be able to clarify that question.

MR. BILL BAKER: It's usually a composite of the accounting department, the comptroller. Barbara was just sitting here talking about, you know, having one single person to hold accountable for this. Chief of Staff has taken that upon himself, although we do not have one now. Listen to the friendly amendment from my colleague.

MR. HANNAH: Very well. Thank you, Mr. Gunter.

MS. STARR-SCOTT: Starr-Scott, Delegate. I would make a friendly amendment to this. And where it says "administration," I would insert "secretary-treasurer," for this reason. The Tribal Council must have someone that they can hold accountable for our monies. And when it says "administration," you should walk a few miles with me.

Last week, I wanted to know who wrote an eighty-eight thousand dollar check. The comptroller was there, and I said, "Do you know"? He said, "I don't know." Asked the next man down, he didn't know; went down to the third man, he didn't know. So I said, "Go get the check, go get a copy of it." Come back. All three of them knew. The second man down had signed the check.

We must have somebody that we can hold accountable. It's true, we haven't had a full-time secretary-treasurer here in the past four years. We have off and on, but up until this administration, we had, the Cherokee Nation had a secretary-treasurer in the name of Tom Thompson, and he was here full time.

MR. HANNAH: Manager Keen, you are recognized.

MS. STARR-SCOTT: That was a real friendly amendment.

MR. HANNAH: And Mr. Baker, before you accept that and enter it into the record, in the spirit of clairvoyancy, Manager Keen, your comment.

MR. KEEN, JR.: I was going to offer to, if he would accept yet another friendly amendment, to strike out the word "secretary" and just go with the term "treasurer" since we've already covered this, but we split those two jobs out.

MR. HANNAH: Thank you, Mr. Keen, and the good lady now recalls. And Mr. Baker, what say you?

MR. BILL BAKER: In the interest of speeding

this thing up, I believe "treasurer" would be just fine.

MR. HANNAH: Very well, thank you, sir. And the friendly amendment is added. And the good lady from Oklahoma City is recognized.

MS. MEREDITH: I would like to propose an amendment, friendly or otherwise. If I read this, and sometimes I don't read these correctly, but the first half of this section seems to be dealing with a budget. And what I'm talking about now is the proposed language in the proposed Constitution we're working from.

And the second section seems to deal with financial statements at the end of the year. And it seems to me that what you've got up there leaves out the financial statement part of it.

So I would suggest that the language, "The treasurer shall prepare annual financial statements reflecting the results of operations of all tribal activities and shall prepare a consolidated balance sheet in conformity with General Accepted Accounting Principles within sixty days after the end of the fiscal year," be reintroduced.

MR. BILL BAKER: We get that with the annual audit. I mean, they do all of that.

MS. MEREDITH: Okay. But is there anything wrong with -- since things in this Tribe seems to sometimes get done, and sometimes not get done, and it gets very mysterious. I mean, I was under the impression that you had not yet received, or you had just received the 1997 audit; is that true or not?

MR. BILL BAKER: That is true.

MS. MEREDITH: It seems to me we need language in the Constitution that says you need something within sixty days after close of business.

MR. BILL BAKER: I think it's a little further. I did not prepare all of this. This was done at the -- by the accounting department that is trying to match the way business is done.

The next paragraph is going to speak to certified public accountants and within six months of the fiscal year, but I realize that's getting ahead.

MS. MEREDITH: Well, as I understand it, and I could be very wrong, but Jack Baker had attended a Council meeting, and he was very upset over the fact that there were Councilors who were asking for financial statements, and the controller was telling them that he could not give them to him because they hadn't been audited yet.

And Jack, being an accountant, he has called me three times every day since to make sure I mentioned this. So I'm mentioning this. And I think it's important. I think it's very important. You can't run a tribe if you don't have the financial information.

MR. HANNAH: Mr. Baker.

MR. BILL BAKER: I would not accept. I believe that's going to be discussed in Section 4.

MR. HANNAH: What say you, kind lady from Oklahoma City?

MS. MEREDITH: Unless somebody can show me where, I do not see that that same issue is addressed in Section 4. So I would like to go ahead and make that a motion -- or motion to amend.

DELEGATE: Second.

MR. HANNAH: And the motion is made; there's a second. And if you would step forward to enter the language with the scribe.

MR. GOURD: Point of personal confusion.

MR. HANNAH: Mr. Gourd.

MR. GOURD: Can we make that something in Robert's Rules? I'm sorry, I'm lost. I think it's possible at this point in time that the issues need to be separated. The first order of business for the treasurer should be to present the Council with something for the year that's coming up.

And then in a succeeding section, or at least another sentence, should be the time frame for which the treasurer or somebody needs to come back and make some accounting for the prior year's operation. And what this does is like a run-on sentence. So when we can see the screen again, I'll make a run at it.

MR. HANNAH: Very well, sir. Mr. Stopp.

MR. STOPP: Would this be a good time for a break?

MR. HANNAH: Mr. Stopp brings a very important point here. And the Chair will declare a ten-minute recess. And those of you who have interest in this section, would strongly recommend that you spend some time being close to one another.

(recess taken)

MR. HANNAH: Ladies and gentlemen, we are reconvened, and the Sergeant at Arms will call for whatever delegates are out there to enter the chambers, and the doors will be locked. We're back in our seats. We're called back from the recess. Mr. Baker, you are recognized.

MR. BILL BAKER: Yes, sir, at the break, there was some discussion that -- well, before the break there was discussion that some of what we're talking about back and forth is going to be proposed in new language in the section. So I'm having caused printed like fifty copies of the proposed entire changes to this section.

And if we could have -- I would beg on this body to have a unanimous consent to suspend the rules long enough for the acting controller of the Cherokee Nation to come forth, who lives with these rules and regulations, and how we function with the federal government and with these programs.

And I just think he could answer each and everybody's question so much more thorough and bring us all to the same page and understand what we're really trying to do here. And so I would ask that we have a unanimous consent on that.

MR. HANNAH: Mr. Baker has asked for unanimous consent to suspend the rules for a designated period of time to allow an official of the Cherokee Nation Accounting Department to step forward and give an explanation; is that correct, sir?

MR. BILL BAKER: Yes, sir.

MR. HANNAH: Is there a second?

DELEGATE: Second.

MR. HANNAH: And there is a second.

MS. MASTERS: I object.

MR. HANNAH: And you are recognized, and what would be your objection?

MS. MASTERS: If we are going to go back and reconsider every section and bring in the staff person that works on that section and give us history on it, then I think we should do that on one section.

If we are not going to do that on every section, I don't think we should do it on any section. We're looking here toward the future. We're looking here to future governing documents, and we're not looking at history.

MR. CORNSILK: Mr. Chairman.

MR. HANNAH: Thank you, ma'am. Mr. Cornsilk, you are recognized.

MR. CORNSILK: Delegate Cornsilk. I rise in opposition. I believe that the people who are in this room appointed as delegates to this Constitution Convention are capable of making decisions, and if Mr. Baker can go out and bring in an expert, I think I should be able to, and that's going to complicate matters.

You know, I don't have any less faith in the controller than he has, but I think that if we're going to start bringing in a bunch of people, it could get really sticky if something gets controversial, and people will start claiming, "I want to bring in my expert if you bring in yours."

MR. HANNAH: Mr. Keen, you are recognized.

MR. KEEN, JR.: Thank you, Mr. Chairman. Ralph Keen, Jr. I'm rising in favor of this proposal to suspend the rules; let me explain why.

Up until this point of time, we have had among our own body a learned scholar in the different areas that we've been dealing with, whether it be legal or otherwise. Now we're getting into principles of accounting that I certainly don't know that much about, and I've got cause to believe that there are distinct differences in the different methods of accounting that I would like to hear some more information on before I feel qualified to make an informed decision. So I would vote that we make an exception to the rules in this case. Thank you.

MR. HANNAH: Thank you, Mr. Keen. Dr. Hook, you are recognized.

MR. HOOK: Mr. Chair, I also support this proposition. Not having a background in accounting, I would welcome

any additional information to help us clarify this.

MR. HANNAH: Thank you, good doctor. Good lady from Oklahoma City, you are recognized.

MS. MEREDITH: I think that since Jack Baker is an expert in this area and has been around enough that he could explain this to us very well, but he isn't here, and I think just as in any organization, if you were a stockholder in an organization and you had questions, you would want to hear from the controller or the treasurer of that organization.

I think there is no other place in this Constitution that we are as in need of expert advice, so if I could, I think I would like to say that I would like to hear from Mr. Vaughan, but with a time limit of fifteen minutes.

MR. HANNAH: Ms. Linnenkohl, you are recognized.

MS. LINNENKOHL: Delegate Linnenkohl from Houston. I rise in opposition to this amendment. I don't necessarily think that we are here to discuss the way it's currently being done; we are here to discuss the way it should be done.

MR. HANNAH: Thank you, ma'am. Good lady is recognized.

MS. PITTS: Joni Pitts, Fort Gibson. I think if Mr. Baker can bring someone in to speak for him at the time that me and the lady up here presented our amendment, or whatever you call it, we should have been able to produce some native persons that were full-blood to stand behind us at that time. And I don't believe that would be right for him to do that.

MR. HANNAH: Thank you, good lady from Fort Gibson.

Starr-Scott you are recognized.

MS. STARR-SCOTT: Starr-Scott, delegate. I rise in opposition to this. I believe that the people, the Council has empowered this body to look at these things and make these decisions. I think if we allow him to come in, then I have someone I would like to come in because he's one of the men who told me he didn't know who wrote the check.

And we haven't had an audit in four years. So I would like to have it from a real expert, someone that I have full faith and confidence in that can guide me. And I don't believe at this time that he's the one to do that.

MR. HANNAH: Thank you, ma'am.

Dr. Gourd.

MR. GOURD: Thank you, Mr. Chairman. I would rise in support of this. As Mr. Keen pointed out, until today we had the services available and maybe should have taken out of time of Mr. Underwood's, who's both a CPA and an attorney who could have assisted. And our plan was that this section was his presentation.

So the problem as it now stands is that the Commission is also left without access to someone to answer.

MR. HANNAH: Mr. Clarke, you are recognized.

MR. CLARKE: Thank you. I'm pushed between.

Okay. And the reason I feel pushed between is because I do not want us to get divided again like we almost did yesterday afternoon, and it's sounds like that potentially could happen.

As a result of it, I guess I'll just have to stand against it because I don't want us to be divided. Because we've done so much good stuff here these past seven days with the spirit of cooperation. Folks, we're entering the gate. Let's don't do anything to hang us up and get us to be oppositional. Okay.

MR. HANNAH: Thank you, Mr. Clarke. Mr. Silversmith, you are recognized.

MR. SILVERSMITH: I'm Silversmith from Kenwood-Salina. I'm speaking in opposition to this because I heard a question a while ago that I interpreted as, it was a question of a person advised whether or not if I sit in room here could make a decision or not make a decision being a delegate here.

And I find that uncalled for, since if I had somebody to come in here and speak up for me or to come in telling me what it is that they know, I don't think that they would actually be speaking for me and for the people I represent.

Because the people where I'm at down there, I think they're down there eating crawdads and having cornbread and stuff and having good fellowship, talking Cherokee, stuff like that. And if need be, I'd like to have a Cherokee person come in here and ask this stuff in Cherokee, so in case I don't forget that I was speaking for them.

I don't like that being in the dark when somebody starts talking and I don't understand exactly what they meant. Some Cherokee words don't mean the same thing in English. See, and I'm -- I've been humbled in that area. Not to say that I know what people mean, when I don't. Even though I may be fluent in one language to the other, like you were talking to me.

I don't know what you said, I like all black people or what, when you were talking Cherokee when you said they have a place and a voice, and we shouldn't vote them out. I don't know what you said in Cherokee when you were talking to me, you might have said "cornbread is beautiful." Thank you.

MS. CHILSON: Mr. Chairman.

MR. HANNAH: (Cherokee dialogue) The good lady is recognized.

MS. CHILSON: Chilson, Tahlequah. Yes, I'm against this for the same reasons that I was against coming to this chamber in the first place, the perceived -- what our people are looking at and the perceived undue influence from the employees to this body.

This body has gotten along quite well, although we're not on the same level intellectually; I realize that. I don't have the education that most of you have. But I do have common sense. And I think we all do, and I think we can all balance our own checkbooks.

We haven't bounced any checks, and I wonder maybe as the Cherokee Nation. So I'm against it.

MR. HANNAH: Very well. Dr. Hook, what say you, sir?

MR. HOOK: Mr. Chairman, I apologetically reserve the right to change my mind.

MR. HANNAH: That fortunately has always been with us, good doctor.

MR. HOOK: And having come from out of the immediately area and not being sensitive perhaps to all of the political issues, I've tried to weigh things on their merits rather than the political issues involved. But sensing that this a very sensitive and probably politicized issue, I would rise in opposition now and suggest that we defer to the expertise of the Commission as it was originally stated.

MS. STARR-SCOTT: Point of information.

MR. HANNAH: Point of information by Starr-Scott.

MS. STARR-SCOTT: Why is Mr. Underwood not present today?

MR. HANNAH: And the Chair will answer. Mr. Underwood gave his apologies to the body last evening. Due to the nature of his business, as stated before, Mr. Underwood is a practicing certified public accountant, this of course grows close to the tax season, and he has already dedicated the balance of personal days that he could allow to do so. He returned to his business to take care of his practice.

MS. STARR-SCOTT: So he will not be back?

MR. HANNAH: Yes, ma'am, he will not.

MS. STARR-SCOTT: What I was thinking maybe we could table this until he could come and help us with it.

MR. HANNAH: I am fearful that he will not be here.

MS. STARR-SCOTT: He is one of the body members.

MR. HANNAH: Yes, ma'am.

MR. HOOK: Point of clarification.

MR. HANNAH: Point of clarification, Dr. Hook.

MR. HOOK: Is there perhaps a CPA or someone who's a resource available who would be perceived as neutral by everyone that could help?

MR. HANNAH: I think the answer within these chambers, the answer would be no. And outside of the chambers, the Chair would be uncertain.

MR. McCREARY: Point of information.

MR. HANNAH: Point of information from Black Gum.

MR. McCREARY: Our good lady from Oklahoma City made reference to Jack Baker being in that area. Is he coming back, or does he have that expertise?

MS. MEREDITH: As many of you know, Jack had to leave because his boss was flying into Oklahoma City for his annual evaluation. But Jack tells me that his boss is going to -- since

he's getting the flu, is going to be catching a plane tomorrow morning at eleven, and Jack is very hopeful that as soon as he puts his boss on the plane, he can head back up this way.

MR. HANNAH: That would be somewhere around three o'clock.

Mr. Gunter, you are recognized.

MR. GUNTER: Jerry Gunter, Delegate. I worked for about ten years with the Dallas County Community College District as the head of the district department as one of educational institution. We had an annual payroll of about one hundred twenty million dollars, so I'm not talking about budget; I'm just talking about payroll.

Our budgeting process was very cumbersome and a lot of trouble because you dealt with very big figures. And we were mandated by the Board of Directors to produce reports, but then it was left up to the policy and procedures manual as to when those reports should be submitted.

And my question would be, is the Constitution a place for us to tell the Council the timing of the report they need to facilitate budgeting and to receive the report of previous budget actions? It seems more of an administrative matter to me than a constitutional matter.

MR. HANNAH: Very well, Mr. Gunter. Do any other delegates rise to bring debate with regard to the motion that is before us, which is by Mr. Baker, asking for consent of this group, unanimous I might add, consent, to bring Mr. Vaughan to the chambers?

MR. STOPP: Call for the question.

MR. HANNAH: Question's been called. Is there a second?

MS. MASTERS: Point of clarification.

MR. HANNAH: Point of clarification.

MS. MASTERS: He asked for unanimous consent.

It's already non.

MR. HANNAH: The Chair will rule. And young lady, your point.

MS. MEREDITH: My point was going to be that I thought -- when Mr. Baker suggested this, I thought it would be a good idea just as a resource for information. I certainly did not want to divide this group. I think we have worked very well together, and I would respectfully ask Mr. Baker if he would withdraw his motion.

MR. BILL BAKER: So done.

MR. HANNAH: Thank you very much. Therefore, language will be corrected.

The floor is open for debate, and Mr. Stopp, you are recognized.

MR. STOPP: Gary Stopp, Cherokee County, delegate. I would like to make a motion that we strike "ninety days" and say "sixty days prior to beginning of each fiscal year."

MS. MEREDITH: What are you trying to do?

MR. STOPP: On Baker's proposal, at least ninety days.

MR. HANNAH: One moment, folks. One moment. One moment, now. Let's all get back together here. What we have are two proposals here, and the last one that we had was one that was initiated by Delegate Meredith.

So let's return to the discussion on the Meredith proposal. Let's return to that one first. And the floor is open for debate. And the good lady from Texas is recognized.

MS. SCOTT: I would like to make a motion that we table this whole section until we have Mr. Baker back in our presence and move on to the next section. Jack Baker.

MR. HANNAH: The Chair is always interested in giving information.

MS. SCOTT: Would it be appropriate to ask --

MR. HANNAH: Chair is always interested in giving information. And once again, he would remind the good Delegate that you have certain disability, but simply --

MS. SCOTT: Lead me in the right direction.

MR. HANNAH: I always lead you in the right direction. Thank you for a good delegate that saw to it that the good man had an opportunity to find his way out of Houston, so thank you very much.

But the young lady from Oklahoma City reminds Mr. Baker is unavailable to depart from Oklahoma City until eleven a.m. tomorrow morning; is that correct, ma'am:

MS. MEREDITH: That's what I understand.

MR. HANNAH: The Chair lives in Norman, Oklahoma, and will tell you it is three hours to Tahlequah from most likely that particular location. That would be tomorrow, and just beware of that information.

MS. SCOTT: Perhaps, I should say we should just move on to the next section and come back to this one after we have proceeded through the rest of the sections.

MR. HANNAH: The good delegate has arisen to move to table this section.

MS. SCOTT: Yes, I have. Thank you.

MR. STOPP: Point of information.

MR. HANNAH: Yes, sir.

MR. STOPP: Just to clarify. We have eighteen articles, right, that we are going to look at?

MR. HANNAH: Yes, sir.

MR. STOPP: And this is Article IX?

MR. HANNAH: The good delegate by way of his questioning is leading where, sir?

MR. STOPP: That we have eight articles to go through, so more than likely, we are not going to get through all articles today.

MR. HANNAH: The good delegate is about

supposition, and the Chair would remind some of the delegates that some of our articles consist of one sentence or one paragraph.

And so there's a motion before us to table this particular section.

DELEGATE: Second.

MR. HANNAH: There is a second.

And hearing no opposition, all of those in favor --

MR. WHEELER: Point of information.

MR. HANNAH: Point of information, Mr. Wheeler.

MR. WHEELER: Was the motion to table this section?

MR. HANNAH: Section.

MR. WHEELER: Not the article?

MR. HANNAH: Not the article. Table the section.

MS. SCOTT: I wanted to table this article?

Section. Section.

MR. HANNAH: Young lady said "section"; Chair said "section"; we all said "section." All of those in favor of tabling Section 3, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And it goes to the table. Thank you very much. Dr. Gourd, you're recognized.

MR. GOURD: Thank you, Mr. Chairman. I make a motion to approve the language contained in Section 4. "The Council shall require that records be maintained of all funds, monies, accounts, and indebtedness."

MR. CORNSILK: Mr. Chairman, point of order.

MR. HANNAH: Point of order, Mr. Cornsilk.

MR. CORNSILK: We've been handed a piece of information here that I believe has come from outside of this body. It's information from Don Vaughan, and I would suggest that we gather it up.

MR. HANNAH: The Chair is unaware. Tell you what, folks. Just a minute here.

MR. BILL BAKER: Mr. Chairman.

MR. HANNAH: Mr. Baker.

MR. BILL BAKER: This was what this language was coming from. I asked it be prepared, and I asked it be assimilated to the body so that they could study the whole thing and take everything into context.

MR. HANNAH: All right, delegates. Delegates, everyone will be attentive. Everyone will be attentive. Now, folks, we've come a long way to get to this point in time.

And we have in fact had a great deal of papers being disseminated and things throughout the convention by delegates, and we are here in close proximity to one another, and the paper, as the Chair reviews it, is in fact the same document, I believe, that was

introduced as a motion earlier; is that correct, Mr. Baker?

MR. BILL BAKER: That is correct.

MR. HANNAH: And so this is not information that has not been seen by this body.

(outburst of cheering)

Jack, you don't even know why this is going on.

MR. JACK BAKER: I have a feeling I should walk back out.

MR. HANNAH: I have a feeling you should run out the door.

The Chair would like to point out that a man from Chewey has never been greeted in that fashion, and most likely will never again. But you should take your seat, Mr. Baker, and we're glad to see you here.

MR. CORNSILK: Mr. Chairman.

MR. HANNAH: Mr. Cornsilk.

MR. CORNSILK: Delegate Cornsilk would like to apologize to Mr. Baker and this body.

MR. HANNAH: Delegates, and we're going to get back to business because that's what we're about, but the Chair would take a few seconds to say that this is exactly what keeps this delegation moving forward for our people. There's an opportunity for us to come together. Passion, as the Chair said the other day is exactly what every delegate must possess to be the best delegate possible. Keeping it in check and keeping it directed toward the work of the day is exactly what we are all about. Thank you so much, gentlemen.

So with that, the Chair would remind us that we are about the introduction of Section 4.

MS. LINNENKOHL: Point of order.

MR. HANNAH: Point of order, Ms. Linnenkohl.

MS. LINNENKOHL: It's okay for this section to get that handout, too?

MR. HANNAH: No, we're going to discriminate against you. Yes, ma'am, you may.

MS. LINNENKOHL: I'm not going to get slapped on the hand?

MR. HANNAH: No, ma'am. The Chair would point out and remind all the delegates that not a hand has been slapped during the entirety, nor faces.

The delegates will be notified that if there is any delegate here that wishes to provide information for other delegates, and you feel that you are in need of copy services, the Commission will see to it at Commission's expense that that is taken care of.

There is no delegate in the room that should have a feeling that I do not have the ability to be able to share with my fellow delegates my thoughts before this Commission because I don't have the ability to make a copy. That can in fact be done. You simply bring it to the Chair, and we will assist you in doing so, by

way of information.

Dr. Gourd, you are recognized.

MR. GOURD: Mr. Chairman, I would make first a motion to bring from the table Section 3, now that our missing delegate has returned.

MR. HANNAH: There's a motion to reintroduce Section 3, bring it from the table, I should say. Is there a second?

THE DELEGATES: Second.

MR. HANNAH: And hearing no opposition, all of those in favor, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And all of those opposed said "no."

And Section 3 has been brought from the table. No pressure, Jack.

MR. STOPP: Point of information.

MR. HANNAH: Point of information.

MR. STOPP: Which proposal are we working on, or are we working all in its entirety?

MR. HANNAH: We, sir, are working at this current time, remember, in reverse order. We have two proposals before us at this time. The Meredith proposal at the bottom of the screen, which is a strike and substitution, is at debate at this time. And the good lady from the west is recognized.

MS. MASTERS: I certainly don't want to lose our ability to have a special person with us and our delegate here, but I would like to suggest that maybe the maker of the motion would want to withdraw it until our colleague can get caught up a little bit and not go right back to it at this point. If we could give him a little time.

MR. HANNAH: That would be you, Mary Ellen.

MS. MEREDITH: Yes, I would move to table. Chewey people are a little slow.

MR. JOHN KEEN: Point of information.

MR. HANNAH: Just a second here, I want to make sure that they understand what went on, and then we'll help you, sir. That lady over there was making remarks that it would actually be withdrawn, your motion would be withdrawn, your proposal would be withdrawn, and you were about to make a motion to table.

MS. MASTERS: Mr. Gourd is the one that made a motion to bring it off the table.

MR. HANNAH: That's true, he did, and we voted on it, and it's off the table.

MR. JOHN KEEN: Motion to lay it on the table.

MR. HANNAH: Pardon? There's a motion to put Section 3 on the table. Is there a second?

THE DELEGATES: Second.

MS. MASTERS: Call the question.

MR. HANNAH: Now, folks, I'll tell you what, just hang on a second, okay. If you'll stay with the Chair, we'll

make it through this. We've already had the question called, and the Chair is listening for a second. Is there a second?

DELEGATE: Second.

MR. HANNAH: Thank you very much. And hearing no opposition, all of those in favor of tabling Section 3, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no".

THE DELEGATES: No.

MR. HANNAH: And, therefore, it lays upon the table.

MR. CLARKE: Abstain.

MR. HANNAH: And Mr. Clarke abstains,

respectfully.

That would put us back to recognition of Dr. Gourd and Section 4.

MR. GOURD: Thank you, Mr. Chairman. I would make a motion that the language contained in Section 4 be approved as follows:

"The Council shall require that records be maintained of all funds, monies, accounts, and indebtedness, and all other accounts bearing upon the fiscal interest of the Cherokee Nation by the use of a Uniform System of Accounting, which records and financial statements shall be audited by a certified public accountant or as otherwise may be prescribed by the Council prior to the submission of said accounts to the Council."

MR. HANNAH: Motion is before you; is there a second?

DELEGATE: Second.

MR. HANNAH: There's a second. The floor is open for debate, and the good lady from California is the recognized.

MS. MASTERS: Request to consider a friendly amendment there in the section that's before, we have used the words "Generally Accounting Principles," and in this one we used "Uniform System of Accounting." I would like us to bring that together, and use the language that is in the Section 3, "Generally Accepted Accounting Principles."

MR. HANNAH: Kind lady, this language comes from the 1975 Constitution without change from the Commission; therefore, a friendly amendment would not be in order. You would have, of course, have made that statement being an amendment, correct? Since that would not be the case, we'll just kind of move along here with -- okay, so now you've made an amendment. Is there a second?

DELEGATE: Second.

MR. HANNAH: There's a second. Floor is open for debate.

MR. GOURD: Just point of clarification. I believe she also mentioned in reference to the language in Section 3, but there is no Section 3 yet because it's on the table.

MR. KEEN, JR.: Is this language correct?

MS. MASTERS: Yes.

MR. HANNAH: Very well. The language is on the screen. And, Mr. Baker, you are recognized. How do you rise on the issue?

MR. JACK BAKER: Yes, I would second that we add the term "Generally Accepted Accounting Principles."

MR. HANNAH: You speak in favor, thank you. Does anyone in rise in opposition?

MR. LITTLEJOHN: Point of information.

MR. HANNAH: Point of information, Mr.

Littlejohn.

MR. LITTLEJOHN: Is that the proper term, or is there not another Generally Accepted Government Accounting Principles? Do we not inquire of our fellow delegate here, the CPA to help us?

MR. JACK BAKER: I would say that Generally Accepted Accounting Principles is fine.

MR. HANNAH: Thank you. Mr. Baker, are you about -- Mr. Scott, you are recognized.

MR. SCOTT: Mr. Chairman, Scott, delegate. I have read this and Section 2 up there several times before I could figure out whether we're talking about the same authority or something different. And I finally figured out that what I believe this Section 4 is talking about is a Uniform System of Accounting, and so forth, should be used rather than that the Council shall require that records be maintained.

And I make a -- I think there's been a suggestion that we rearrange the paragraph so that it begins with the use of a Uniform System of Accounting. The rest of it there. But somebody would need to work on the English, the style. I think something to that effect would be helpful in understanding what we're talking about, rather than what we dealt with up in Section 2 that keep the records.

MR. HANNAH: Delegate Scott, would you indulge us by allowing us to continue debate on the amendment that is before us at this time and see how that plays, unless your amendment would directly affect that piece, I would ask that you allow the debate to continue without initiating yet another amendment at this time. Would that be all right, sir?

MR. SCOTT: Yes, that would be good at this time, but whatever we come up with, just make sure you can tell what you are dealing with.

MR. HANNAH: Very well, and we will take that admonition here today.

Mr. Stopp, you are recognized.

MR. STOPP: I'm lost; where are we?

MR. HANNAH: Mr. Stopp, the Chair helps you to your place again, and we are on Section 4, and we are debating the motion that was brought by the good lady from the west to strike the

phrase, "Uniform System of Accounting," and to include the language of, "Generally Accepted Accounting Principles," parenthesis, "GAAP," closed parenthesis. How do you stand on the issue?

MR. STOPP: Against the wording of it. I think we're talking about a Uniform System of Accounting. We're talking about a system versus the practice -- the principles of the accounting, GAAP, so we're getting confused here.

It needs to be there, but let me offer an amendment to this. It says, by the use and of an, where it says "use of," an accounting system adhering to -- striking "general accounting practices," period after practices. After "GAAP," period.

That would be the friendly amendment, the first one, and then I now need to go on. Bill John, are you following that?

MR. BILL BAKER: I am.

MR. STOPP: And then I would add striking which -- can you give me some bottom screen?

MR. HANNAH: Mr. Stopp.

MR. STOPP: Yes, sir.

MR. HANNAH: I'm very sorry, sir. The Chair is not here to squelch this line, but folks, we've got to be very careful about how many of these amendments that we get up on the screen at the same time, or we're going to get in some big trouble here.

So right now, if you would, sir, if you would indulge the Chair, and you do not have to if you do not wish, and the body will rule, but if you would withdraw this motion for just a moment, we'll return to the debate on the strike and the addition that has been generated by the good lady from California.

MR. STOPP: Okay. I'm lost, but if the Chair would indulge me for a second. What we passed out a few minutes ago --

MR. HANNAH: We have come very close to passing out.

MR. STOPP: What we passed out a few minutes ago.

MR. HANNAH: Yes.

MR. STOPP: If you'll look at Section 4 on that sheet --

MS. MASTERS: We don't have that sheet --

MR. STOPP: It was passed out up here --

MS. MASTERS: Well, all of us don't have it, so that's why we're --

MR. STOPP: That's where we're getting to on this amendment, is to come back and say -- Mr. Chairman, I think --

MS. STROUD: A point of clarity.

MR. HANNAH: Point of clarity, yes, ma'am.

MS. STROUD: We're confused down here in the peanut gallery.

MR. HANNAH: The Chair would remind that there are no peanut galleries here in these the tribal chambers. We are

all seated as equal delegates.

MS. STROUD: Are we trying to get to an accounting system where you can't comingle, each office has to be listed? Is that what we're trying to do with this section?

MR. HANNAH: The Chair does not know what we're trying to do with this section. The Chair is only trying to control -- the Chair is attempting to control the debate that we have, and right now what we are considering is a motion to strike out the language, "Uniform System of Accounting," and we're going -- if we move along, we would replace that with "Generally Accepted Accounting Principles" or "GAAP." That's what we're debating at this time.

MS. MILLER: Call the question.

MR. HANNAH: The question has been called. Is there a second?

DELEGATE: Second.

MR. HANNAH: And there is, and hearing no opposition --

MR. KEEN, JR.: Objection.

MR. HANNAH: And there is an objection. Mr. Keen.

MR. KEEN, JR.: Maybe I can raise this by way of point of information.

MS. MASTERS: We're in the middle of a vote.

MR. CORNSILK: Point of information is privilege. You can do that.

MR. HANNAH: Ladies and gentlemen, the Chair recognized the gentleman, and the Chair will be supported in his decision by the parliamentarian, not by the audience. Manager Keen, you're recognized.

MR. KEEN, JR.: Thank you, Mr. Chairman. Ralph Keen, Jr. delegate, and I am still unclear in my mind whether there is any difference between Uniform System of Accounting or Generally Accepted Accounting Principles.

I would like to have just a little bit of expertise to help me clarify this in my mind, so I could know what I'm voting on. And so if there are any members of this body that can help clarify that question, I would appreciate it.

MS. MASTERS: As the maker of the motion, I can answer that.

MR. BILL BAKER: Go right ahead.

MR. KEEN, JR.: Unless she is a certified public accountant, I would prefer that we hear from someone who's truly an expert in the field.

MR. HANNAH: Delegate will be seated. Mr. Baker.

MR. JACK BAKER: The generally accepted term, is Generally Accepted Accounting Principles. But I really see no big difference between Uniform System of Accounting and Generally Accepted Accounting Principles. I would have no problem with either

wording.

MR. KEEN, JR.: Thank you, sir.

MR. HOOK: Point of clarification.

MR. HANNAH: Point of clarification, Dr. Hook.

MR. HOOK: In the original Constitution, the 1975 Constitution, the language as presented by the Commission does not change that, correct?

MR. HANNAH: That's correct, sir.

MR. HOOK: I would like to know if there are any specific problems that have arisen in the last twenty years with this section that we're addressing.

MR. KEEN, JR.: I cannot address that.

MR. HANNAH: I was going to say, Mr. Keen, you will not go there.

MR. BILL BAKER: If it's in order, I can answer that.

MR. HANNAH: And we are sharing information.

Mr. Baker, you are recognized.

MR. BILL BAKER: In Section 4, it ends up saying that the financial statements shall be audited by a certified public accountant or otherwise may be prescribed by Council prior to submission of said accountants to Council. That has been a problem.

You know, everybody I think has heard that the Council wants to see it, and this that and the other before it's audited and all. So if you read through this, that has presented a problem.

I'll lend to Delegate Jack Baker, that one of those words might be the same as the other, but in the federal audits and stuff, normally they use the other phrase.

And so we're just trying to get it to where the federal auditors and everybody is calling everything the same thing. And there's no hidden agenda here or anything, other than just to make it work the way it needs to work.

DELEGATE: Call the question.

DELEGATE: Second.

MR. HANNAH: We are, therefore, with no further calls for clarification, we are now back to our vote. Question has been called, and the Chair has heard a second, and the Chair hears no opposition.

And if you vote in the affirmative, then the phrase, "Uniform System of Accounting" will be stricken, and the language, "Generally Accepted Accounting Principles," or "GAAP," will be included. Does everyone understand? The Chair will look for nods.

Very well. All those in favor, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And it carries, and the language is stricken, and the language is added. Mr. Baker, you are recognized.

MR. BILL BAKER: I stepped up too late awhile ago. I would like to offer a strike everything up there and use the

wording that is on this handout. And I think it clarifies everything and takes care of all the problems and would serve us well in this Constitution.

MR. HANNAH: Mr. Baker moves to strike Section 4 and to substitute, and the language will appear on the screen if there's a second. Is there a second?

DELEGATE: I'll second.

MR. HANNAH: And the Chair was being presumptuous that most of you are reading this, or have read it, or we've in fact heard it before. Go ahead, Bill, and read it for us, would you please?

MR. BILL BAKER: "The Council shall require the records be maintained of all funds, monies, accounts, and indebtedness, and all other accounts bearing upon the fiscal interest of the Cherokee Nation by the use of an accounting system adhering to Generally Accepted Accounting Principles. The annual financial statement shall be audited by a certified public accountant and presented to the Tribal Council within six months following the end of each year."

MR. HANNAH: And that is the motion. The Chair hears a second, and the floor is open for debate. And, Mr. Lay, you are recognized.

And the kind lady from Tahlequah is recognized.

MS. HAMMONS: Thank you, Mr. Chairman. The only opposition I have to this is that we reference in the final sentence, "and the financial statement shall be audited by a certified public accountant," et cetera. That refers back to Section 3, which we haven't addressed yet, so we don't have any financial statements yet. As to the first sentence, I don't have any objection and I stand in support.

MR. HANNAH: Thank you very much. Mr. Stopp, you are recognized.

MR. CORNSILK: Point of information.

MR. HANNAH: Yes, sir, Mr. Cornsilk, point of information.

MR. CORNSILK: I'm not trying to be contrary or nit-picky, but I was wondering why the "the" was taken out or added in. Says here in the proposed amendment by the Commission, "The Council shall require that records be maintained," and in Section 4 of their proposal, it says, "the Council shall require that the records be maintained." And I don't understand the difference and the significance of "the" missing or being in there.

MR. HANNAH: Okay. Your question, if the Chair understands, and please stay with him, is with regard to "the" and "that" between the '75 Constitution and the proposal by the Commission?

MR. CORNSILK: Are you asking me something?

MR. HANNAH: Yeah, I'm getting ready to ask you something.

MR. CORNSILK: Ask away.

MR. HANNAH: Is your question, your point of clarification with regard to -- Mr. Keen, you draw close here -- with regard to language between the '75 Constitution and the proposal by the Commission?

MR. CORNSILK: And the proposal by Mr. Baker. There is a "the" missing or added. It sounds like in Section 4 of Mr. Baker's proposal, it says, "that the records be maintained." And that sounds like if I write something down, I'm going to maintain that.

Whereas in the proposal by the Commission and in the Constitution in 1975, it says "that records be maintained," which sound like a greater directive. And I'm not an English major, so Diane might be able to help us here, but that sounds like there's a difference in those two.

MR. HANNAH: The Chair would state that the section in the '75 Constitution reads, "that the Council shall require that records be maintained," and the proposal by the Commission stated that "the Council shall require that records be maintained." The language was not changed, and so your question would be between the language that is before us and Mr. Baker?

MR. CORNSILK: That is correct.

MR. HANNAH: So Mr. Baker?

MR. BILL BAKER: Typo, I guess. I had the original as being, the apparently when they typed it up, my copy got wrong.

MR. CORNSILK: It just sounds to me like the "the" changes the intent.

MR. HANNAH: Once again, the Chair would read from the '75 Constitution. "The Council shall require that records be maintained of all funds, monies, accounts, and indebtedness," and so on.

MR. CORNSILK: Mr. Baker has asked for a friendly amendment, and I would make such.

MR. BILL BAKER: And I would accept that.

MR. CORNSILK: To strike the word "the."

MR. HANNAH: We're not going to strike the '75 Constitution. We're not going to do that.

MR. CORNSILK: That's not where we're going.

MR. HANNAH: We're going to work with the one on the top here. Okay. The Chair sees where we are, and he will help us all get back. As the language is being presented at this time, it reads, "The Council shall require that records," which is identical to the proposal by the Commission, and it is identical to the 1975 Constitution.

And the Chair is still uncertain about where the word "the" is. What we're working with, ladies and gentlemen, is on the screen. And we have Mr. Baker's proposal; it has been seconded. We're open for debate. And Mr. Stopp -- Mr. Baker, you are recognized.

MR. CORNSILK: Now -- point of order.

MR. HANNAH: Point of order, Mr. Cornsilk.

MR. CORNSILK: Is Section 4 on this sheet of paper that was handed out by Mr. Baker before us?

MR. HANNAH: The Chair will see the piece of paper. And he will tell you the answer is no. This piece of paper reads, "the Council shall require that the records," and what is on the screen states, "the Council shall require that" -- don't put the up there -- that records, which is identical to the '75 Constitution and identical to the presentation by the managers of the Commission.

MR. CORNSILK: Thank you.

MR. HANNAH: Mr. Baker, do you wish to have the word "the"?

MR. BILL BAKER: No.

MR. HANNAH: So in a novel approach, we will deal with what we're dealing with. And Mr. Baker, you are still recognized.

MR. JACK BAKER: Thank you. Delegate Jack Baker from Chewey. I speak in favor of this amendment because it seems quite clear to me. The problem I had with the old one was what the other Delegate Baker said, was that they had to be audited prior to the submission of said accounts to the Council.

And I want to be sure that the Council has access to all the records at any time and can receive monthly unaudited statements. And that's why I wanted to strike. That was the only real problem I had, was striking the last part, prior to submission of said accounts to the Council, it had to be audited.

MR. HANNAH: Very well, thank you, sir. Mr. Stopp, you are recognized.

MR. STOPP: Gary Stopp, delegate, Cherokee County. As practiced today, they are getting monthly financial statements that are unaudited, because they audit at the end of the year. I rise in support of this amendment. I believe it's fair. It gets into, "the annual financial statements shall be audited by a certified public accountant." That goes into having CPAs look at it.

Above that, where we were talking earlier on the use of an accounting system inherent to GAAP principles. That's where we were trying to get to earlier, gets that in there. I think this is a very strong section.

I would recommend -- Diane, I think brought it up, Section 3 needs to be modified to include some of this language up in there as well. So I do support Section 4.

MR. HANNAH: Thank you, sir. How do you rise on the issue, Delegate Scott?

MR. SCOTT: I rise in support of the issue here, but I have what I hope is a friendly amendment to make it more readable. Strike the word "many."

MR. HANNAH: One moment, Mr. Scott. Before you start that friendly amendment, perhaps the author would be in the room.

DELEGATE: He's here.

MR. HANNAH: Okay. Thank you. Mr. Baker, you're about to receive a friendly amendment. Mr. Scott, please proceed.

MR. SCOTT: I would start the sentence with the words, "records shall be" -- well, the records of all funds and monies, and so forth, on down to, "the financial interest of the Cherokee Nation shall be maintained by a" --

MR. BILL BAKER: Point of personal privilege just a second, please.

MR. HANNAH: Mr. Baker.

MR. BILL BAKER: Could we call this the Baker and Baker, and let Jack stand up to this, please?

MR. HANNAH: We will call this the Baker and Baker Show. And Mr. Scott, you are proposing still your friendly amendment. We just have an extra set of ears to hear you, sir.

MR. SCOTT: How much did you hear?

MR. BILL BAKER: Jack didn't hear any of it.

MR. JACK BAKER: No, I didn't.

MR. SCOTT: Okay, I'll start off again. In the Section 4, delete "the Council shall require that the" -- and again, with the capital "R," records, delete "shall be maintained." So it reads, "Record of all funds, monies, accounts and indebtedness and all other accounts varying upon the financial interest of the Cherokee Nation shall be maintained by a Uniform" -- or whatever we come up with here.

And that's the extent of it. Because down at the end, we say, "it's prescribed by the Council," so I don't think -- I think the Constitution would prescribe that the record be maintained.

MR. HANNAH: What say you, gentlemen?

MR. JACK BAKER: I would say no. Because we've given the Council authority for taking care of the records, and it's their responsibility, so they should have the authority here to be sure that they're maintained.

MR. HANNAH: Very well. Mr. Scott, do you withdraw or do you wish to amend?

MR. SCOTT: Okay, I withdraw.

MR. HANNAH: Thank you, sir. Does anyone rise in opposition?

MR. DOWNING: Point of information, I think.

MR. HANNAH: Okay. Point of information, Mr. Downing.

MR. DOWNING: I have read this one half a dozen times and that one and the one before. I wonder if the Baker boys --

MR. BILL BAKER: Could you add "fabulous"?

MR. DOWNING: Could briefly explain the differences between -- I know two of them. But explain the difference between this proposal and the one that we had on the floor.

MR. HANNAH: Okay. The original. And by way of original, you're speaking to the one submitted by the Committee.

MR. DOWNING: The ones that we passed. The one we passed.

MR. HANNAH: The one we passed?

MR. DOWNING: We didn't pass it?

MR. HANNAH: No.

MR. DOWNING: Sorry about that.

MR. HANNAH: That's okay. The one we started with.

MR. DOWNING: Well, maybe I can clarify this. The one that had "GAAP" in it.

MR. KEEN, JR.: We did not vote on it.

MR. HANNAH: Yeah, we didn't pass it, we had voted on it, and we voted --

MR. BILL BAKER: And then I -- this is to strike it and add this language.

MR. DOWNING: The one before this amendment.

MR. HANNAH: Just a moment. I want to make sure this kind gentleman is here. The language was in fact accepted and it's there on the screen, but of course, the motion they're dealing with is to strike.

MR. STOPP: Friendly amendment, Mr. Chairman.

MR. HANNAH: I think I want to make sure that this kind man who has raised -- he has raised for point of information and asked these gentlemen to explain the differences between two those, and I will allow them to do that first before we hear your amendment.

MR. BILL BAKER: Basically, the original language had -- as amended, had a proposal of changing from Generally Accepting Accounting Principal, and before Jack said that, you know, the other language meant the same.

So in essence, the only difference in that other language and this is that we dropped the requirements that it be audited prior to submission to the Council. In other words, the Council can get it ongoing and before.

And other than that, I don't know that we changed it dramatically, but rather than piecemeal it, changing Generally Accepted Accounting, striking this line, striking this, it just almost seemed advantageous for us to strike everything and add this language, and that way we might end up with one vote and get on down the road. And that's how I understand it. Jack might understand it a little bit differently.

MR. JACK BAKER: Right, I agree.

MR. HANNAH: Very well. Mr. Stopp, you are recognized.

MR. STOPP: Gary Stopp, Cherokee County, delegate. If we can go down to the fourth line down from the right where it says, "Generally."

MR. HANNAH: "Generally Accepted," sir?

MR. STOPP: Right.

MR. HANNAH: "Adhering to Generally Accepted."

MR. STOPP: Right. Capitalize "Generally Accepted Accounting Principles," parenthesis, "GAAP."

MR. HANNAH: That's actually what they're proposing to strike, sir.

MR. STOPP: I'm sorry, I thought we were up on the top line.

MR. HANNAH: Well, what we have is -- and the Bakers will attend to the Chair for a moment, is that this gentleman is proposing to reintroduce the language that you are suggesting that we strike. And is in fact, the Chair correct, and it is your proposal that the bottom language be stricken and that this language be added; is that correct?

MR. BILL BAKER: That is correct.

MR. HANNAH: And so, Mr. Stopp, by doing so, we would be --

MR. STOPP: It would be a friendly amendment.

MR. HANNAH: That's true, if in fact they're willing to give way on striking what they have presented to strike.

MS. MASTERS: There at the end of the first sentence, they are the words at the end of the first sentence.

MR. HANNAH: Okay, Just a moment here. And so you're simply wanting to capitalize?

MR. STOPP: Right.

MR. HANNAH: And to put in parenthesis.

MR. STOPP: And parenthesize --

MR. HANNAH: And they'll accept, and that shall be done. Thank you.

MR. LAY: Mr. Chairman.

MR. HANNAH: Mr. Lay, you are recognized.

MR. LAY: Delegate Lay. I would like to propose an amendment to this. After the word "maintained," place, "can be provided to Council."

MS. SILVERSMITH: Point of personal information. Point of personal information. Someone brought up, does the Council get to see these records before they're audited?

MR. STOPP: Clarification -- help.

MR. HANNAH: Yes.

MR. STOPP: The current practice is that they are. They get those on a monthly basis as of October of '98.

MS. SILVERSMITH: I guess I'm asking, they get to see these records before they're submitted to the accountant?

MR. HANNAH: Mr. Stopp, can you answer "yes" or "no?"

MR. STOPP: Yes.

MS. SILVERSMITH: They do.

MS. STARR-SCOTT: They do now.

MR. HANNAH: And we are back to Mr. Lay's friendly amendment to the Bakers.

MR. LAY: Actually, it's a proposed amendment, whether it's friendly or not.

MR. HANNAH: Let's see if they'll take it that way.

MR. LAY: "Will maintain and be provided to Council."

MR. JACK BAKER: Mr. Chair.

MR. HANNAH: Yes, sir.

MR. JACK BAKER: Could I ask Delegate Lay to please hold off on his motion until we hear the other motion here. It may clarify and take care or the same thing.

MR. LAY: Well, I'm trying to clarify myself, sir, so I'd like to propose that.

MR. HANNAH: Thank you, Jack. You will be seated, and Mr. Lay you will continue.

MR. LAY: After the words "fiscal interests," "including, but not limited to any and all outside business interest of the Tribe." Thank you.

MR. HANNAH: All right. Mr. Lay, is that the scope of your proposal?

MR. LAY: Yes, sir. But I'd like to speak in favor, if I may.

MR. HANNAH: Let's see first of all if this would make its way as a friendly amendment. If not, then you would move on the floor for this. We would see if it would have a second.

At that point, I will allow you to give rationale for it and we would open the floor for debate. Okay. Are we all clear on this? What say you, Bakers?

MR. JACK BAKER: The older Baker says no.

MR. HANNAH: You make this as a motion. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. The floor is open for debate, and prior to, Mr. Lay, you may explain the rationale for your proposal.

MR. LAY: Thank you. We struck out the language there that allows the Council the power to see this material. Right now sometimes they're not able to see it -- put back in. We're also allowing them an access to see the outside business interest that somebody brought up a while ago CNE, CNI. They're not always able to see some of this material. This takes care of that. Thank you.

MR. HANNAH: Thank you, Mr. Lay. Does anyone rise in opposition to the Lay proposal?

Young lady from Oklahoma City.

MS. MEREDITH: I rise to amend that we recess for ten minutes and let these people talk together.

DELEGATE: Second.

MR. HANNAH: There's a motion to recess for ten minutes and a second.

Hearing no objection, all of those in favor, signify by

saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no." And we are at recess for ten minutes.

(recess taken)

MR. HANNAH: And we still have some good work to progress through here, so we're going to be about the process of working. When we get things underway, folks, the Chair is going to direct that this door, after we are all in and seated, will be locked. And so if any delegate would wish to exit the chambers, they'll need to do so through the back door.

MR. JOHN KEEN: Point of order.

MR. HANNAH: Point of order, Mr. Keen.

MR. JOHN KEEN: That's a long way to go to get my pop.

MR. HANNAH: The Chair would suggest that Mr. Keen would burn a few calories on the way to get that pop. And, therefore, it would be a good high caloric --

And where we are is Mr. Lay has introduced the language that you see in bold that says, "and be provided to Council and including" -- not "and," but "including, but not limited to any and all outside business interest." Mr. Lay, that is in fact your --

MR. LAY: Almost. Put an "S" on interest.

MR. HANNAH: And we had a second and it was in fact placed on the screen.

MR. BILL BAKER: Mr. Chairman, during the break, we decided that that was friendly.

MR. JACK BAKER: And the Bakers agree to accept it as a friendly.

MR. HANNAH: You know, that's what I love about this delegation, the ability to change our mind like this.

MR. JACK BAKER: We had to think about it. Chewey people think slowly.

MR. HANNAH: Mr. Lay, you were much friendlier than we originally thought. Therefore, hearing no objection from the second of the Bakers, the language is added. And the floor is open for debate, and the good man from Dallas is recognized.

MR. GUNTER: Gunter, delegate. This section deals with the audited annual report, and I think that by adding the additional sentence at the end of the language that's been added, to the affect that unaudited reports will be submitted as required by the Council, will give them clear authority to receive reports as they need to conduct business.

MR. BILL BAKER: Have you noticed how friendly they are in Dallas?

MR. HANNAH: And the Chewey contingency, as it shall be known, accepts the language, and it will be entered, and without opposition from the second. And hearing none, it will be added.

And the Chair would entertain any other delegates. Mr.

Smith, you are recognized.

MR. SMITH: I'm proposing we examine the language of Mr. Lay, where it says, "all outside business interests." The Tribe also has a non-profit corporation that is set up, and I think we would want to include -- business interests, suggests limit to a profit mode of business. And I would suggest that we would include language that would also encompass non-profits, where the non-profit takes money in the name of the Cherokee Nation.

MR. HANNAH: You think --

MR. BILL BAKER: That would be fine, but by point of information, their bylaws and everything require them, since they're Cherokee Nation's non-profits and they don't report to IRS or anything, that they have to report to the Council. But if want to put that in, that's fine. If you'll give the right word, sir.

MR. HANNAH: Mr. Smith.

MR. SMITH: I would submit instead of "business" we use "financial interests." Is that too restrictive?

MR. JACK BAKER: How about "all outside business and/or non-profit"?

MR. SMITH: Okay.

MR. JACK BAKER: Or "both for and not for profit." "All outside business interests both for and not for profit." Strike the "and/or non-profit." And all outside, after interest, both for -- what did I say?

MR. HANNAH: And not for profit, and not for profit.

MR. GOURD: Point of information.

MR. HANNAH: Dr. Gourd.

MR. GOURD: Thank you. I would just have a question for those who know, what about in the case for example of CNI or some other for profit enterprise, how would this affect proprietary information? That's my only concern there, is if we're moving to more of a market based economy or -- you know, what's going to happen when we --

I think the intent is to separate public finance and public economy from private sector. And that's my only question. Does this take care of that, or are we going to have a problem in either bidding for or getting other people to do business in the Cherokee Nation?

MR. HANNAH: What say you, Mr. Baker?

MS. HAMMONS: Point of order.

MR. HANNAH: Point of order.

MS. HAMMONS: Mr. Chairman, I don't mean to insult anyone, but we once again allowed somebody to walk in the door that doesn't have a delegate badge.

MR. HANNAH: I tell you what, and the kind lady will have a seat, and the Chair will apologize to her because the Chair gave instructions. And if the Chair has to go up and do it

himself, he will do so.

But that door will be locked, and there will be not another individual walk through that door, delegate or other -- there will be no living human being will walk there through that -- no critter will come through that door. Okay. And you will do that for me, sir? The Sergeant there?

SERGEANT: Yes.

MR. HANNAH: Very well, it is done. Thank you.

Now, Mr. Baker.

MR. BILL BAKER: I forgot.

MR. HANNAH: The Chair apologizes to you. I thought instructions had been given.

MR. BILL BAKER: I remember.

MR. HANNAH: Thank you, Mr. Baker.

MR. BILL BAKER: Those enterprises as they are now, enterprises, entities, non-profits, for profits, every one of those has a duty, responsibility to report to the Council. And we get those on a monthly basis.

And so I really don't see anything in this language that is going to be different than what we're presently getting. And I really, I mean, there might be something in the future that they may have to, you know, come to the Council and ask that it be privileged information or something.

MR. HANNAH: Mr. Stopp, you are recognized.

MR. STOPP: Gary Stopp, delegate, Cherokee County. When we go down to this one line here that says, "including but not limited to any and all outside business interests," I guess it's a point of information. Does that mean proposals?

There's some proprietary information we need to deal with certain things out there, that when we look at proposals before they go to the Council, do you mean every proposal we get inside the Nation would go to the Council, even if we would accept it or not accept it?

That says, "limited to any and all." That's everything that we touch. And that's a question. I'm not objecting; it's a question, I guess. Because that's a huge amount of things that we need.

MR. HANNAH: Mr. Baker.

MR. BILL BAKER: As I understand, we're talking about maintaining of the records of all funds, and I would assume as long as it's a proposal and we're not receiving funds or monies or anything, then those financial records, until the Council approves taking that in as an entity would not pertain, as I read this, or as I understand it.

MR. HANNAH: Mr. Stopp, are you clear?

MR. STOPP: That's the way I understand it. But I want the delegates, is that the way it's being intended?

MR. BILL BAKER: Yes.

MR. STOPP: Okay.

MR. JOHN KEEN: Call for the question.

MR. HANNAH: Question has been called.

DELEGATE: Second.

MR. HANNAH: And has been seconded. And what we are about to vote on will be the language that isn't underlined, it will be read, as well as the striking of the language, and if accepted, the language would read:

"The Council shall require that records be maintained and be provided to Council of all funds, monies, accounts and indebtedness, and all other accounts bearing upon the fiscal interests, including but not limited to any and all outside business interests, both for profit and not for profit of the Cherokee Nation by the use of an accounting system adhering to Generally Accepted Accounting Principals, GAAP.

The annual financial statements shall be audited by a certified public accountant and presented to the Tribal Council within six months following the end of each fiscal year. Unaudited reports will be submitted as required by the Council."

And the language that would be stricken is: "A Generally Accepted Accounting Principals, GAAP, which records the financial statements shall be audited by certified public accountant or as otherwise may be prescribed by the Council prior to the submission of said accounts to the Council."

In the reading of the line, would the author, with regards to the phrase "Tribal Council" or simply "Council"?

MR. BILL BAKER: "Tribal" would be fine.

MR. GOURD: Mr. Chairman, earlier on we defined the legislative body as the Council.

MR. HANNAH: I think that's what the Chair is recommending, that we drop the words.

Delegate Hammons, do you have a problem with this door?

MS. HAMMONS: As long as they're delegates, Mr. Chairman, it's not a problem.

MR. HANNAH: And neither does the Chair. Take your seats, delegates.

Does everyone understand what we're about to vote on? All in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."
Motion passes. The language is accepted. And Mr. Cornsilk.

MR. CORNSILK: Mr. Chairman, Delegate Cornsilk.

I rise to offer a motion to reconsider Article V, Section 4.

MS. MASTERS: Point of information. It was my understanding that when we were going through these things seriatim that we would go all the way through these things and then at the end of these things, we would go back and revisit the things we wanted to visit once we had gotten all the way through.

But we keep going back before we get through, and I fear we're never going to get through unless we do what we said we were going to do, which was go through them and then go back. And I'm just concerned that -- I'm confused that we're not doing that.

MR. CORNSILK: Mr. Chairman, I would offer that's six of one and half dozen of the other. Do it now or do it later; same difference.

MR. HANNAH: There is a motion on the floor to reconsider, Article V, Section 4.

MR. CORNSILK: That's correct.

MR. GOURD: Mr. Chairman.

MR. HANNAH: Mr. Gourd.

MR. GOURD: We have not adopted to go through this yet, sir. All we've done is approved the amended language. My next statement was a motion to approve this, and then it would bring this.

MR. CORNSILK: I will withdraw.

DELEGATE: Second.

MR. HANNAH: The Chair would remind everyone that what we have been about is obviously the process of striking and including language in Section 4, and by no means is this the finality of Section 4. There may be additional additions or things of that nature. We would need to come back and approve Section 4 in toto. And so, Mr. Cornsilk, you are recognized.

MR. CORNSILK: Mr. Chairman, I would just ask that you rule on whether a motion to consider is appropriate at this time.

MR. HANNAH: We cannot reconsider something that hasn't been closed, so, therefore, that would be out of order.

MR. CORNSILK: Thank you.

MR. JOHN KEEN: I would appeal the ruling of the Chair.

MR. HANNAH: Now, people, people, people. You just wait just one moment. You all are not going to start this, okay. Now, the deal is this. And the Chair will restate, and it will be very clear as to where we are.

We have amended the language in 4, by striking and adding language, and we approved the strikes and the additions to 4 and 4 is still open. And the kind gentleman -- just a moment, Mr. Keen, you'll take your seat. The kind gentleman rose to ask to reconsider something that has not in fact been closed at this time.

MR. JOHN KEEN: Point of order.

MR. HANNAH: Yes, sir.

MR. JOHN KEEN: Ask you to reconsider a previous article.

MR. HANNAH: Then I am so sorry. Are we not talking about this particular section?

MR. CORNSILK: No, sir.

MR. HANNAH: The Chair was lost. And you can see why the Chair was vehement. The Chair thought these people were wanting us to open something that was already open. And the Chair was becoming frustrated. The Chair feels better now.

So, Mr. Cornsilk, you have a motion to reconsider Article

--

MR. CORNSILK: 5, Section 4.

MR. HOOK: Point of information.

MR. HANNAH: Okay. Point of information, Dr.

Hook.

MR. HOOK: Is it appropriate to reconsider a previous article when a section is still open and has not yet been approved?

MR. HANNAH: Our normal procedure has been not to allow a reconsideration until we have in fact moved through the particular article, and certainly with the fact that we have this section still open.

MS. CHILSON: Point of order.

MR. HANNAH: Point of order.

MS. CHILSON: Is that door locked or not locked?

MR. HANNAH: Everybody in their seats. All right. It's almost five o'clock, and we have been here for a number of days, and the Chair will take care of this, all right. That's what he's here for. Just have a seat.

Now, delegates, this door up here is a problem for us, okay, and it's not going to be anymore. What we're going to do is we'll come in and go out of that door during a recess, and when we all get in here and we feel like business is going, that door is going to be closed and it's going to be locked.

And I don't want any of you delegates, and you're in here and I'm talking to you, knocking on that door wanting us to let you in. You will come into this chamber, hopefully, from another door so as not to scare the Chairman, Delegate Starr-Scott, Delegate Chapman-Plumb.

MS. CHAPMAN-PLUMB: I was just following her.

MR. HANNAH: I know, and she'll get you in trouble sometimes. So what we're going to do is, we'll enter through that back over there, okay. That door in the back of the room.

Now, meanwhile back at the ranch. Delegate Cornsilk, we will understand, sir, that you would like to reconsider, and the Chair would appeal to your sense of decency that we should at least close this section. And it would in fact keep it clear in the minds of the delegates if we could move through this particular article before you rise to reconsider. Would you do that, sir?

MR. CORNSILK: Mr. Chairman, would not a vote on the motion to reconsider answer that question?

MR. JOHN KEEN: Call the question.

MR. HANNAH: Question has been called. And once again, Mr. Cornsilk, you bring a real point of common sense about it. The Chair will entertain, and has entertained a motion to reconsider. The question has been called, and does the Chair hear a second?

MS. MASTERS: Second.

MR. HANNAH: And hears a second. And hearing no objections, all of those in favor of reconsidering Article V,

Section 4, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the section will not be reconsidered, and we are back in the debate regarding Section 4.

MR. CORNSILK: Thank you, Mr. Chairman.

MR. GOURD: Mr. Chairman.

MR. HANNAH: Dr. Gourd.

MR. GOURD: I make a motion that the language as amended for Article -- down to and including -- I'm sorry -- language including Section 4 as amended be approved.

MR. HOOK: Second.

MR. HANNAH: And there is a second, unless the delegates would request that this be read again. And seeing no one to do that, all of those in favor, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

DELEGATE: No.

MR. HANNAH: And the language is entered, and the section is approved. Dr. Gourd, you are recognized.

MR. GOURD: Thank you, Mr. Chairman.

MR. HANNAH: Question has been asked for the order of the day. It is now high of five, so, therefore, in compliance with the order of the day, we will recess to the dinner hour. Dr. Gourd, where will we wish to recess to?

MR. GOURD: To the restaurant where we had lunch, sir.

MR. HANNAH: To the restaurant where we had lunch, and we will return at six. We are at recess.

(recess taken)

MR. HANNAH: We are recalled from our recess, ladies and gentlemen. Thank you very much for being prompt. We'll continue in our presentation on the article on fiscal matters of the Tribe. And Mr. Keen, you are recognized.

MR. KEEN, JR.: Thank you, Mr. Chairman. We're moving ahead to Section 5 for the fiscal article, and this language is unchanged from the 1975 Constitution.

It reads: "The treasurer shall be authorized to accept all grants, donations and money, interest of funds of the Cherokee Nation, judgments in any and all other sources of monies available to the Cherokee Nation for uses and purposes and upon the conditions and limitations for which the same are granted or donated. In the faith of the Cherokee Nation is hereby pledged to preserve such grants and donations as a secret trust and to keep the same for the use and purposes for which they were granted or donated."

My motion is this body approve this language.

MR. BILL BAKER: Second.

MR. HANNAH: Motion is before you and there is a second. And the floor is open for debate. Mr. Stopp, you rise to

speak, sir?

MR. STOPP: Point of information, I guess.

MR. HANNAH: Yes, sir.

MR. STOPP: Could I go back to Section 2 that was tabled to follow through this in order. I think some of these sections tie together, is the question for the Chair.

MR. HANNAH: Sir, procedurally it would take precedence for you to make a motion that we would untable Section 2, if you would care to do so.

MR. STOPP: I would like to make a motion that we untable Section 2, in order to stay in order of the sections.

MR. HANNAH: There's a motion to bring Section 2 off the table. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. Is it Section 3 has been tabled -- Section 3 has been tabled, Mr. Stopp. Does that help you?

MR. STOPP: Yes.

MR. HANNAH: Very well. Have a motion to untable Section 3 of the fiscal article, and it has been seconded. Hearing no opposition, all those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

And it is untabled, and the floor is open for debate.

MR. STOPP: I would like to make a friendly amendment to Baker's proposal. At least ninety days to thirty days to the previous Constitution that require thirty days prior convening each regular session.

And I make that to explain, thirty days prior would be September 1 because we've changed the date to October 1, which is at the -- when we go back and look at the budget and put the budgets together, it's usually started sixty days prior to the date that it's introduced to Council, which is ninety days from October 1. That brings us back to the end of the third quarter. We'll have three-quarters of financials to look at to prepare the budget. Council will have thirty days in this effect to review the budget prior to the fiscal year.

If we go with the ninety, that pushes it back to almost 120 -- 120 to 150 days, which is six months into the previous fiscal year. So you're already looking at six months of actual data. And that's why I adjust it back to thirty. You'll get better financials at that point, more accurate financials.

MR. BILL BAKER: Before I answer that, can I ask him a question or two?

MR. HANNAH: Sure. The Chair will allow this.

MR. BILL BAKER: Gary, what I'm looking at is, it takes a long time for the Council to schedule the meetings to go through the entire budget. And if we just do it thirty days -- in other words, I would rather the Council get the information three

months out and then schedule their meetings and work toward that fiscal year start, instead of trying to narrow everything into a thirty day --

In other words, if we change it, they're not really going to get the proposal and all the information until a window of thirty days before the end of the fiscal year, and I really thought that the ninety would work better, just from the logistics of going through the entire, you know, line item by line item and budget by budget and that kind of thing. And so, do you really think we can do it in thirty days?

MR. STOPP: I think we can. And I look at that, Delegate Baker, from the standpoint of this. For the Council standpoint it would definitely benefit the Council to have it ninety days prior to adjust for review. The problem is for the operation.

When you do that, it takes about sixty days to put a budget together. You only have from the previous fiscal year six months of actual data, and then you begin to put a budget together and then present it, so you're only seeing half of the year before.

So when you look at the actual budget for the following year, you're really only looking at six month's worth. And so I'm trying to push at least three-quarters through. And where we were going this next year was to hopefully have everything available.

We did two things here that's really important to understand. We moved it from July to October, which is the new fiscal year in which the fiscal year for federal system is. By doing this, I feel that the operation could have a full budget with about three-quarters of actual numbers against that budget presented to Council by September 1, in its entirety. And that has been our goal for the last years to get on that cycle.

But the last thirty days, it is the dedication of the legislative branch to hold back two to three weeks of really going through that budget. So I think you get better financial data by pushing it further out for the operation to reducing the time for the legislative branch. It just doesn't make sense having six months of unknowns out there.

MR. BILL BAKER: Would sixty days be friendly enough? Split the difference? I mean --

MR. STOPP: Can we split it to forty-five? Would that, Bill John? That would truly be a split, forty-five. I'm saying again, yes, it puts the legislative branch in a bind, I understand, but it sure puts the operation in the same situation, and you're not really comparing apples to apples. The closer you can get it to that October date, the better you can start comparing it apples to apples. And that's where I guess I'm --

MR. BILL BAKER: I'd accept forty-five.

MR. STOPP: Thank you.

MR. HANNAH: Deliberation had all the intrigue of a pocket knife swapping.

MR. STOPP: The Cherokees are working together.

MR. HANNAH: And, Mr. Stopp, that's why the

Gentlechair would allow this exchange to happen, and, Mr. Baker, I hope you didn't get a knife that doesn't have a blade in it.

MR. BILL BAKER: Really.

MR. HANNAH: Floor is open for debate.

MR. GOURD: Mr. Chairman.

MR. HANNAH: Dr. Gourd.

MR. GOURD: As a question.

MR. HANNAH: Point of information.

MR. GOURD: I think a lot of these budget numbers on estimates of revenues and expenditures, would it be appropriate, either -- this may be a legislative thing, so I don't know. The majority of the funds which passes through the Cherokee Nation are not appropriated by the Council, but rather are federal program dollars.

There are restrictions by the funding source for opening and closing the books and auditing and reports back and financials, this, that and the other. Would it be possible that the type of budget that is being estimated on revenues and expenditures, would it help if that part of the budget was strictly what was subject to these relatively short time constraints?

I know we have to take appropriated monies that matches on federal program. We don't know what is happening there. But still, this is just a thought, because if you're dealing with the broad expanse of all of the different funding sources, all of their different fiscal years, and all of their different program requirements, it may be that since those are under contract or obligation to meet these requirements anyway, that those be considered as a separate part of the budget more for review than anything else.

But that the crucial thing we're talking about are the national dollars, the income from taxes and dividends and what other -- you know, the motor fuels agreement, the tobacco tax agreement, but that the conditioning of all of this deal with the national money that the treasurer can control. But other than that, it's just a --

MR. BILL BAKER: Mr. Chairman.

MR. HANNAH: Mr. Baker.

MR. BILL BAKER: These are minimum numbers. In other words, they'd have to meet this deadline. But that wouldn't preclude the administrative from bringing us other figures and doing pre things before this date. In other words, it's not a time certain that they can't bring other things to us. So I think that argument is probably -- the forty-five days will work.

During the break, Mr. Baker and I were discussing, and I told him that we had chosen the word "treasurer," and as it states up here now, "shall make." And we thought being logistic and one man is not going to go out and make all of these budgets and produce all of this stuff, so we thought maybe if we put, "shall cause to be made" in there and "present to the Council," rather than "shall make."

MR. HANNAH: Without opposition, the language would be added. Hearing none, we are still at debate at this point.

MR. HEMBREE: Move previous question.

MR. HANNAH: Question has been moved, but let's make sure we understand where we are on this. Chair having come back from dinner would have, by way of procedure, would have directed us toward the Meredith proposal, but we have been talking about the Baker proposal.

So what we're going to vote on, now that we have the question called and it has been seconded, will be only the Baker proposal. And with that, the language would read: "At least 45 days prior to the beginning of each fiscal year, the treasurer shall cause to be made and presented to the Council an itemized estimate of revenues and expenditures for the ensuing fiscal year with Generally Accepted Accounting Principles, GAAP."

All of those in favor, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no." And that language is added into the section, and we are now about the question of -- let's go back and do --

MR. BILL BAKER: That proposal also struck all the previous language.

MR. HANNAH: Okay. Did everybody understand that?

MS. SILVERSMITH: No.

MR. HANNAH: Then we'll bring it right back again. Chair declares that that vote was invalid. And so, Mr. Baker, your proposal that you have, including this language would also strike the previous language?

MR. BILL BAKER: That is correct. Everything up there.

MR. HANNAH: Okay. Let's make sure that we know what we're doing. And so, by voting yes, we will strike the language. And does the delegation need for the Chair to read the strike language?

In that case it will be read.

"At least thirty days prior to the convening of each regular session of the Council, the treasurer shall make and present to the Council an itemized estimate of revenue to be received by the Cherokee Nation together with a statement of the sources from which revenues are to be received under the laws, grants, judgments, interests and any other sources in effect at the time such estimate is made for the next ensuing fiscal year. The treasurer shall prepare annual financial statements reflecting the rules of operations of all tribal activities and shall prepare a consolidated balance sheet in conformity with Generally Accepted Accounting Principles within sixty days after the end of the fiscal year."

That language is presented to be struck, and to replace it would be the language: At least "forty-five days prior to the beginning of each fiscal year, the treasurer shall cause to be made

and presented to the Council an itemized estimate of revenues and expenditures for the ensuing fiscal year with Generally Accepted Accounting Principles, GAAP."

Does everyone understand what we're about to vote on?

All of those in favor of the strike and the substitution of language, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

DELEGATE: No.

MR. HANNAH: And the motion is approved and the language stands. Now, we will consider -- the Meredith proposal is still before us for debate at this time. And the Chair would entertain delegates.

MR. JOHN KEEN: Call the question.

MR. HANNAH: The question has been called. Is there a second?

MR. ROBINSON: Second.

MR. HANNAH: And hearing no opposition, the Meredith proposal --

MS. MEREDITH: Mr. Chairman.

MR. HANNAH: Yes, ma'am.

MS. MEREDITH: May I withdraw that?

MR. HANNAH: Yes, ma'am, you may. Meredith proposal is withdrawn. No action is required, and we return now to Section 3.

And Section 3 in its total would in fact read if approved: "At least 45 days prior to the beginning of each fiscal year, the treasurer shall cause to be made and presented to the Council an itemized estimate of revenues and expenditures for the ensuing fiscal year with Generally Accepted Accounting Principles, GAAP."

All of those in favor, please signify by saying "aye"

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

And the language is accepted and Section 3 is added. And we have already moved to Section 4, and so, therefore, Dr. Gourd, you are recognized with regard to Section 5.

MR. GOURD: Thank you, Mr. Chairman. I make a motion to approve the language contained in Section 5, which will read as follows: "The treasurer shall be authorized to accept all grants, donations of money and interest of funds for the Cherokee Nation, judgments and any and all other sources of money available to the Cherokee Nation for uses and purposes and upon the conditions and limitations for which the same are granted or donated, and the faith of the Cherokee Nation is hereby pledged to preserve such grants and donations as a separate trust and to keep the same for the use and purposes for which they were granted or donated."

MR. HANNAH: That piece has already been introduced and seconded, and as you all recall we were at debate at the time that we considered the untabling of the other section, so

the Chair would entertain those delegates that would wish to rise in debate of this section. Mr. Baker.

MR. BILL BAKER: Call for the question.

MR. HANNAH: Question's been called for; is there a second?

MS. MASTERS: Point of clarification.

MR. HANNAH: Point of clarification.

MS. MASTERS: The last three words.

MR. HANNAH: "Granted or donated."

MS. MASTERS: "And to keep the same for uses and purposes for which they were granted and donated."

MR. HANNAH: "Or donated."

MS. MASTERS: Yes. That doesn't include our for profit. Granted or donated is just two categories, right? We have three categories of money. Sources of our money is three, not two.

MR. HANNAH: Anyone wish to help clarify for the good lady? Mr. Baker, you are recognized.

MR. JACK BAKER: Thank you. I believe that this section only deals with money that is being given by grant or donations, and not to the other items.

MS. MASTERS: Very good. Thank you.

MR. HANNAH: Good lady is satisfied. The Chair recalled -- Mr. Gunter, you are recognized.

MR. GUNTER: Excuse me. That first line says, "grants, donations and interests of funds." I think if you were to add the term "income," where you say, "such income, grants and donations as a sacred trust," that would satisfy that.

MR. HANNAH: Help us, Mr. Gunter.

MR. JACK BAKER: Second line up after such grants -- he's saying to add that word from the top, "of interest of funds," before "grants and donations."

MR. STOPP: Point of information.

MR. HANNAH: Point of information, Mr. Stopp.

MR. STOPP: Section 5, if I can clarify, is really talking about donations and grants. When it says "interest of funds," it's interest off of those grants and donations, to tie that in for you. So Section 4 and Section 5, you're absolutely right, Section 4, it should have not for profit or for profit, but in this, it is really talking about a donation or grants that are given in that fashion and the interest income off of those. I think we're mixing apples and oranges, Section 4 and 5.

MR. HEMBREE: I move previous question, Mr. Chairman.

MR. HANNAH: Just a moment, folks. And I understand, sir, and you will hold for just a moment, because we're all going to know what we're doing here, okay.

Dr. Gourd, point of information?

MR. GOURD: Yes, sir.

MR. HANNAH: What would that be, sir?

MR. GOURD: The last three words could be

replaced with the word "received." Would that take care of -- that way it doesn't make any difference how you received it, and you're just going to take care of it, no matter which it was given and you received it.

MR. JACK BAKER: How about "instead"?

MR. HANNAH: Jack.

MR. JACK BAKER: Excuse me.

MR. HANNAH: Yes, sir. You're doing fine.

MR. JACK BAKER: Where it says, "the treasurer shall be authorized to accept all grants, donations of money and interest of funds from such grants and donations." Because we're talking about the interest on those funds. Is that right, Gary?

MR. HANNAH: Gary.

MR. STOPP: Going back to the comment for what they receive. Sometimes we'll receive a donation for ten thousand dollars to be used for any purpose, so there's not really a tie to it. It's for any purpose. It may be education --

MR. GOURD: For purpose for whatever you said to

--

MR. STOPP: Point is when if we say for purpose?

MR. JACK BAKER: Right.

MR. STOPP: There may not be a purpose for it.

They may just give it to you and you have to decide what to do.

MR. HANNAH: Carl, you are recognized.

MR. DOWNING: It is seems to me that this particular section was designed to deal with grants and donations, and that the inclusion of language -- well, it does say interest, though. Forget it. I'm sorry I took your time.

MR. HANNAH: Not a problem. Mr. Scott, you are recognized.

MR. SCOTT: I would just add one word in there, and I think it might clear it up. "Interest of such funds." We're talking about the grants and donations. Does that clear it up?

MR. BILL BAKER: Mr. Chair.

MR. HANNAH: Yes, Mr. Baker.

MR. BILL BAKER: If you go down to the end of the second line, it addresses, "and any and all other sources of monies available to the Cherokee Nation," at that point. So, I mean, it has everything in its entirety.

MR. HANNAH: Billie, you are recognized.

MS. MASTERS: Thank you. My question is, that it may be nominal at this point, but someone could give us a million dollars. The interest off of a million dollars is sizable. That could be dealt with in this body right here. And then it says, "and keep the same for the use and purpose for which it's granted." The interest off of a million dollars is not allocated there.

My position would be that funds other than those designated would be addressed by the Council. The interest off of a million dollars or whatever would be greater. And I think that we don't have anything they are saying what we will use that monies

for. And it could become more or it could become less, but still there is a pot of money undesignated, and I feel the Council should make a decision and be aware of what that resource is. So I would like the Bakers --

MR. STOPP: Point of information.

MR. HANNAH: Point of information, Mr. Stopp.

MR. STOPP: I need to find a -- (unaudible) --

but Council would appropriate these dollars; they're not free dollars. It needs to go back to Council for appropriation. That's what I have to find.

Dr. Gourd was talking earlier about the federal grants; they must review those, but they don't -- what we're saying here is that the treasurer shall be authorized to accept it, accept all grants. To appropriate them out, you've got to go back to Council because they handle the appropriations of these said monies. So we would go back to the legislative branch and say, we want to use this donation for this.

MR. HANNAH: Starr-Scott is recognized.

MS. STARR-SCOTT: What I have was, I guess, kind of a friendly amendment to try this on for size. Behind "judgment and any and all other revenues available to the Cherokee Nation." That will include your interest and any revenues that comes in for the Tribe.

MR. HANNAH: What say you, Bakers?

MR. BILL BAKER: I would remind that on this particular deal, that all I did was move the question, and it is your proposal that we are --

MR. HANNAH: The Chair has no proposal, Mr. Baker, and he will remind the delegate of that.

MR. BILL BAKER: The Committee's, I'm sorry.

MR. HANNAH: The Commission, sir.

MR. BILL BAKER: The Commission, pardon.

MR. HANNAH: And the Commission, I think -- thank you, Delegate Baker, for helping to remind us that in fact this was the Commission's original document. Somehow we had somehow lost that. I can't imagine how we would have done that.

MR. BILL BAKER: I didn't want to take credit for such a fine piece.

MR. HANNAH: Thank you very much. The straw poll vote of the Commission is inclined not to accept the change of language, and so, therefore, the floor is open for debate. And, Dr. Hook, you are recognized.

MR. HOOK: Thank you, Mr. Chairman. Delegate Hook. I would also like to propose a friendly amendment perhaps for clarification purposes. The second to the last line, the clause, "such grants and donations of sacred trust, and if designated to keep the same for the use and purposes for which they were granted or donated." Or how about "if or when"?

MR. HANNAH: Straw poll of the Commission says they would accept that language, sir, it's without opposition by

whomever may have seconded this back hours ago. Not hearing any opposition, then it stands.

Floor is still open for debate. Mr. Hembree, you are recognized.

MR. HEMBREE: Mr. Chairman, I move previous question on Section 5.

MR. HANNAH: Question's been called; is there a second?

DELEGATE: Second.

MR. HANNAH: And if approved the language would read: "The treasurer shall be authorized to accept all grants, donations of money, interest of funds of the Cherokee Nation, judgments, and any and all other sources of money available to the Cherokee Nation for uses and purposes and upon the conditions and limitations for which the same are granted or donated, and the faith of the Cherokee Nation is hereby pledged to preserve such grants and donations as a sacred trust, and if or when designated to keep the same for the use and purposes for which they were granted or donated."

All of those in favor, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

And the motion passes, the language stands. And, Dr. Gourd, you are recognized.

MR. GOURD: Thank you, Mr. Chairman. I make a motion for the approval of the language contained in Section 6, which shall read as follows: "The Council shall have the ability to invest funds or money of the Cherokee Nation and the preference be given to the security for such investments. The manner of selecting the securities, prescribing the rules, regulations, restrictions, and conditions upon which the funds shall be loaned or invested, provided that no investment shall be in mortgages, other than first mortgages only, and do all things necessary for the safety of the funds and permanence of the investments. If required by law, such investments would be subject to the approval of the Secretary of the Interior."

MR. HANNAH: Motion is before you, is there a second?

DELEGATE: Second.

MR. HANNAH: Floor is open for debate. Mr. Baker, you are recognized.

MR. JACK BAKER: I would like to make a motion that we change "Council" to "treasurer." Because the treasurer can invest the funds at a rapid rate and get a lot greater return on investments than waiting for the Council's approval, because sometimes you have to switch monies back and forth regularly, or daily, even.

MR. HANNAH: Is that a motion, Mr. Baker?

MR. JACK BAKER: Yes.

MR. HANNAH: Be prepared. The Chair is getting

to a point where he can tell when it is brewing. There is a motion to strike the word, "Council," and to substitute the word, "treasurer," and there has been a second. The floor is open for debate. Mr. Stopp, you are recognized. You yield to the good lady.

MS. STARR-SCOTT: Starr-Scott, delegate. I hate to disagree with my good friend, Jack Baker because I was so relieved that he got here today. But I would not want to see the Council removed from this responsibility. We have had a secretary-treasurer who has embezzled from our housing authority. We could not get rid of her. Do you want this person with no one to account to out there investing our money?

We delegate that responsibility to her with some checks and balances. So I would really hate to see this taken out because I feel like the fifteen people are elected for a reason, and we have two main functions as Council members, and that's legislative and funding.

MR. HANNAH: Would the kind delegate like to rescind her joy of seeing Mr. Baker back in the room?

MS. STARR-SCOTT: We'll see how he reacts.

MR. JACK BAKER: How about this amendment?

MR. HANNAH: Hold it. Hold it. Hold it. Jack, would you like to withdraw your amendment?

MR. JACK BAKER: Yes.

MR. HANNAH: It's withdrawn and the word, "Council," is still in place, and Mr. Baker.

MR. JACK BAKER: May I make another motion?

MR. HANNAH: Well, sure you can.

MR. JACK BAKER: That we change it to, "the Council shall authorize the treasurer."

MS. STARR-SCOTT: That's fine, as long as the check and balances is with those fifteen people.

MR. HANNAH: There's a motion to strike the word "authority" -- or "have the authority," and inclusion of the language, "the Council shall authorize the treasurer." Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second, the floor is open for debate.

DELEGATE: Call the question.

MR. HANNAH: Question's been called; is there a second?

DELEGATE: Second.

MR. HANNAH: There is, and hearing no objection, the language would read if approved: "The Council shall authorize the treasurer to invest funds or money of the Cherokee Nation," and it would strike the phrase, "have the authority."

All of those in favor, please signify by saying "aye".

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no". And

motion passes, the language is deleted and added, and the floor is open for debate on the section.

MR. GOURD: Call for the question.

MR. HANNAH: Question has been called for.

MR. JOHN KEEN: Objection.

MR. HANNAH: Mr. Keen.

MR. JOHN KEEN: Oh, wrong place. I'm sorry.

MR. HANNAH: Mr. Keen, have a seat. Mr. Gunter.

MR. GUNTER: I wasn't going to suggest any

additions to the Constitution, but as the members of Council, they might be able to facilitate this by forming an investment committee, perhaps three members of the Council who the treasurer would consult with before investing money, and what way it would relieve the one hundred percent of the burden upon the treasurer and you would share it with the Council, but without having a cumbersome fifteen people or seventeen people to have to approve it.

MR. HANNAH: Interesting suggestion, sir. Thank you. Starr-Scott, how rise you?

MS. STARR-SCOTT: I rise in explanation.

MR. HANNAH: If it is to the comment that the good man made, the Chair will entertain it for sixty seconds only.

MS. STARR-SCOTT: Basically, if we do that, we consider the chair and the co-chair of the finance committee.

MR. HANNAH: Does the good lady waive the balance of her time?

The section that is before us, Section 6, and if approved the language would read: "The Council shall authorize the treasurer to invest funds or money in the Cherokee Nation and the preference to be given to the security for such investments, the manner of selecting the securities prescribing the rules, regulations, restrictions and conditions upon which the funds shall be loaned or invested, provided that no investment shall be in mortgages, other than first mortgages only, and do all things necessary for the safety of the funds and permanence of the investment. If required by law, such investments would be subject to the approval of the Secretary of the Interior."

All of those in favor, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

Motion passes, language stands. Dr. Gourd, you are recognized.

MR. GOURD: Thank you, Mr. Chairman. Chairman, I make a motion to approve the language contained in Section 7, which shall read as follows: "The credit of the Cherokee Nation shall not be given, pledged or loaned to any individual, firm, company, corporation, or association without the approval of the Council. The Cherokee Nation shall not make any donations by gift or otherwise to any individual, firm, company, corporation or association without the approval of the Council."

MR. HANNAH: A motion is before you; is there a

second?

THE DELEGATES: Second.

MR. HANNAH: There is, and the floor is open for debate.

DELEGATE: Call for the question.

MR. HANNAH: Question has been called. Mr. Keen, you are recognized.

MR. JOHN KEEN: I have a motion for amendment. Section 7, second sentence, "The Cherokee Nation shall not make any bonus or donations" -- I'm trying to address bonuses -- bonuses to employees or contract people.

MR. HANNAH: Or contract people?

MR. JOHN KEEN: For lack of better words. Contract people. That's my amendment.

MR. HANNAH: Chair just wanted to make sure that you were clear.

There is a motion on the floor, ladies and gentlemen, to amend to include the language, "bonuses to employees or contract people or." Is there a second?

DELEGATE: Second.

MR. HANNAH: There's a second; floor is open for debate. Mr. Stopp.

MR. ROBINSON: Mr. Chairman.

MR. HANNAH: Oh, so sorry. The good doctor is recognized.

MR. ROBINSON: Rick Robinson, delegate, Tahlequah. I really don't have a problem with this, but I want you all to know, there's a common practice in the Cherokee Nation. Sometimes we have funds, a lot of funds that have to be utilized for the end of the year or we will lose such funds.

And it's a common practice among a lot of departments to give performance award type bonuses. It's usually in the area of five percent, three to five percent, like at Headstart. There's even a funding the Headstart gets that is specifically slotted for this.

And you don't know how much it's going to be until toward the end of the fiscal year and during the fiscal year is the end of October. And that only money can only be used for bonuses. I'm afraid that this section would disallow that.

Sometimes when you have money left in your budget from the federal grant, you're very conservative maybe during the year, and then towards the end, you realize that some of your employees should work this way, but it's easier to give them a five percent bonus than it is to go through the system of getting JAQ. And what happens, if you up the salary and then there's problems come along during the year, you've run out of money.

That's just explanation more than anything else.

MR. HANNAH: Thank you, good Doctor. Mr. Stopp, you are recognized.

MR. STOPP: I'm against this motion, and let me

explain why. Dr. Robinson has a good point. In the fiscal year -- well -- when we talk about bonuses, I think what we're talking about here, there's probably ten or twenty people within an organization that they hit the media, they got bonuses, and they said no more.

But you probably have out of two thousand employees, you may have four or five hundred employees, especially in Dr. Robinson's area, in Headstart and places of that nature, where we have a certain amount of money set aside for administration of salaries, and we don't fulfill that total obligation by the end of the year. And we pay these people six to six-and-a-half an hour, and if we have an extra fifty thousand, then we'll spread it across two or three hundred people at the end of the year.

Now, if you put this in, that eliminates that type of payment to them. But, also, it will eliminate what you heard of last year to the top fifteen or twenty managers who got bonuses as well. So we need to be very cautious in the way we work this.

In addition, when you're crossing over to -- we talked about this really becomes the legislative body appropriating funds to any entity as a salary line item, and that entity managing that dollar. As long as they do not go over that expenditure or that salary line item, if they choose to pay you fifty percent of your wages for twelve months and then give you fifty percent at the end, then that would be considered a bonus.

It is a management tool, so we need to be real cautious of how we use this term because it's not -- I know what you're thinking. I know where you're going with it, but also understood, it doesn't affect -- I mean, it affects your higher level employee salary, but it also affects a tremendous amount of lower employees, tremendous amount. So just be real cautious with this, please.

MR. HANNAH: Mr. Keen, you're recognized.

MR. JOHN KEEN: I believe I am being very, very cautious here. If you have a surplus, as the good doctor said, I believe you would be able to foresee that surplus and go before the Council. Have the Council approve it. That's not that much of a problem. It's really not.

And as far as the scenario of -- well, I've never had anybody offer me fifty percent of my salary at the end of the year.

I don't know if that's a common business practice or not, but I don't believe it is. I don't see any problem with foreseeing, you know, the need for a bonus for a good employee before the end of the year and going before the Council. And in light of what has happened, I think this is just a necessary step we're going to have to take.

MR. HANNAH: Mr. Baker, you are recognized.

MR. STOPP: Point of information.

MR. HANNAH: Point of information, Mr. Stopp.

MR. STOPP: His comment on without the approval of Council, well, that's what's placed inside that paragraph. It says, "the Cherokee Nation shall not make any." If it was moved up to the next line, that will in fact give Council the approval to

give those out. So I guess it's a friendly amendment to move it up.

MR. HANNAH: Thank you, Mr. Stopp. We're not at a point for a friendly amendment. Mr. Baker, you are recognized.

MR. BILL BAKER: Thank you, sir. Now, what Dr. Robinson and Gary were both referring to were not tribal dollars. They were not dollars that could have been used for eyeglasses or medicine or anything. They are federal fund dollars that are very specific into that program.

And our federal funds -- and it is a hard thing for me to comprehend -- but if you don't use it, you lose it, and if you lose it, it goes back to the federal government, but so does the indirect cost, and you get less funding the next year.

So even though it's a bonus at the end of the year in the context that Gary was just using on the lower level employees and all. So there's two different issues here, I guess is what I'm trying to tell you.

On this, the proposal that I was going to do was to cut the second half of the thing off and so that it would just read down to "the credit" -- let's see -- "The credit of the Cherokee Nation shall not be given, pledged or loaned to any individual, firm, company, corporation or association without the approval of the Council."

Administration, Chief, cannot do anything that you're talking about without the approval of the Council with this reading like it does. And then, you know, they went ahead and got more specific in saying that they can't give donations by gift or otherwise or any individual, firm, corporation without the approval of the Council.

I'm just saying that if we just cut it to that first approval of the Council, that I think that we would have a good piece for that. I would ask that to be a friendly amendment.

MR. JOHN KEEN: I would not accept.

MR. HANNAH: Ms. Silversmith, you are recognized, and we are still in debate over the proposal that is before us, to include the language, "bonuses to employees or contract people or." Ms. Silversmith, what say you?

MS. SILVERSMITH: If you read it "to any individual without the approval of the Council," so other than the bonuses -- put the bonuses up there to the employees or independent people in words, if the -- what if the Council didn't approve it? Or what if the Council did approve it? Would they get their bonuses if the Council did approve it?

So if you just take all of the other words that are clouding the individual, to any individual without the approval of the Council. So that means they can approve it or disapprove it. When we read without or with the approval of the Council, we forget there's another side. They can say no or they can say yes.

So if they stand with the approval of the Council, then the Council could approve to any individual for a bonus. It's right there. So we do not need that up there. The individual would be

the employee.

MS. STARR-SCOTT: You would probably have a court case to define that.

MS. SILVERSMITH: You will have a "otherwise," "or otherwise." Would "otherwise" include bonus? What does "otherwise" mean? What does "otherwise" mean? What does it include? Why is it there if we do not know what it means? What does it include? What does "or otherwise" include? Can anybody tell me?

MS. STARR-SCOTT: Unforeseen.

MS. SILVERSMITH: Bonuses are unforeseen. You don't if you're going to have the money or not at the end of the -- it's unforeseen, you don't know if you're going to have any left over or not. "Or otherwise."

I disagree and I agree. Here again, it depends on wording on how we interpret this. We have to be careful about the wording on how we're going to interpret something. So "or otherwise" is otherwise, to any individual, the employees, without the approval of the Council. They can approve or they can disapprove it. It's all right there. Thank you.

MR. HANNAH: Thank you, Ms. Silversmith. Starr-Scott, you are recognized.

MS. STARR-SCOTT: I rise in favor of this. And let me explain just a little bit. What happened this last time the bonuses were given out, the Council didn't know about it until probably about the time they read it in the paper. Some employees got as much as seventeen thousand dollars bonus, and their salary is around seventy thousand.

And it's true, if you don't use the money, you lose it. But there's another little catch to that. We might have been able to hire one more dental assistant to fill some teeth, or we might have been able to hire one more person to take care of the elderly.

So just because there's money left over, we don't have to pay it to these high-dollar people that are already, some of them overpaid.

At this very time that we gave out hundreds of thousands of dollars in bonuses, our little rank-in-file Cherokee that works for minimum wage didn't even get a ham for Christmas because they told them they couldn't afford it. Now, how do you think that affected all of these employees? The moral was terrible.

But I can tell you one thing, if this had come before the Council, it would have been handled a whole lot different because you have husbands and wives that got bonuses. So you take seventeen thousand and another five or ten thousand on that, when they're making seventy and fifty thousand dollars.

I think we need to take care of the assets we have and spread them as far as we can to take care of the rank-and-file Cherokee that's out there doing without wood, doing without water, and all of the other things. I'm not for taking care of these people when they do not need to be taken care of. They're well paid for what they do.

And we could have used that. It may be that we would lose that money. There are some bonuses that are necessary. Headstart, under their grant can only pay so much, and it's not very much. So to compensate, because she can't give them a raise, she gives them a small bonus, but it's not a ten or fifteen thousand dollar bonus, I can assure you, and that's well deserved.

The Council would not say no to all bonuses in instances like that, but I can tell you, they would probably say no to a seventeen thousand dollar bonus for someone that makes about seventy thousand.

MR. HANNAH: Mr. Clarke, you're recognized.

MR. CLARKE: Yes, thank you, Mr. Chair. I kind of agree and disagree. Again, I'm in one of those -- caught in one of those betwixt and between type situations, because I know that -- in a lot of the programs and a lot of the logs that I manage, just as she said, there are some programs that we have received through the Department of Health and Human Services that the people tell us, don't send that money back to us, it just screws us up to try to figure out what to do with it once you send it back. And if, you know, we designate it like for salaries and whatever.

And there are ways often times that we can use that in other purposes with the funding agency's source. On a, I guess, a lighter note, I sure wish I was one of those fifteen top executives because I could of enjoyed it. That would have been a good gift for number eighteen author's birthday.

But I do think that there are situations where I do think that the Council, it would be more prudent if the Council had some oversight of some of these. Because my opinion is that I think that there is a better way of managing and utilizing the money that we have.

MR. STOPP: Point of personal privilege.

MR. HANNAH: Mr. Stopp.

MR. STOPP: I didn't -- earlier when I said it needed to go on the second line, Mr. Keen pointed out it was actually in the bottom half, "without the approval of Council." I am in total agreement with this as it reads now. But I do believe the appropriations come from Council, and they should have been made aware. I did not see that "without approval of Council." It will cover the Headstart people that way.

MR. HANNAH: Thank you very much, sir. Mr. Smith, you are recognized.

MR. SMITH: I share the objection to excessive bonuses. We need to remind ourselves, what is this; it's a Constitution. And a Constitution has to have flexibility for five, ten, fifteen, twenty years from now. And what this really is, is excellent legislation. We are not here as legislators or Councilmen. We should be outraged that our Council didn't pass this law a year ago, two years ago when it became a problem.

The problem is, is that we have -- we're back to Jim Crouch's deal; we got a hammer and we're going to hit everything as

a nail. The more detailed you get, the more restriction you have, the more you hamstring yourself.

So the next thing is that you still haven't fixed the problem. If you prohibit somebody from giving a bonus without Council approval, the next thing you need to do is expand it and say, we need to approve all employment and all independent contracts, because they're going to sneak by somebody who's getting paid seventy thousand dollars, he's only worth fifty-five.

There's other ways to pay employees other than bonuses, and you're not going to be able to hammer each of those nails. The way to hammer those nails is through legislation or adoption of accounting or employment policies that are not violated.

So even though I share your sentiment, we don't have to nickel and dime every constitutional amendment. We need to get legislators that will address the problems.

MR. HANNAH: Good lady from California, what say you?

MS. MASTERS: I rise in support of this. I feel the topic of bonuses needs to be addressed because that is a topic that we have had difficulty with. I think it is an actual charge of this group to be aware of where the problems have existed and make that a criteria for how we look at these issues so that we can alleviate some of the problems that we've faced in the last twenty years under the existing Constitution, and that we can assure that this Nation will not only be more equitable but that we will have greater checks and balances for the people and for the people's funds, that that may go to the right places. And I believe that with approval, that "bonuses" has to be in this section and that "without approval of the Council," also has to be in this section.

MR. HANNAH: Thank you, ma'am. Mr. Baker, you are recognized.

MR. JACK BAKER: Delegate Jack Baker from Chewey. I agree with the motion, but I would like to offer a friendly motion. That instead of the terminology as it's inserted now, back where it says, "donations by gift, bonuses," comma.

MR. HANNAH: What say you, Mr. Keen?

MR. JOHN KEEN: Mr. Baker, would we still have the independent contractors covered in that? I guess we would.

MR. JACK BAKER: Right, because they don't have bonuses. You said to employees or independent contractors. This other would include all bonuses.

MR. JOHN KEEN: Let's look at how that reads. I believe I would accept that, Mr. Baker.

MR. HANNAH: Without objection from the second, the language stands. Mr. Gunter, you are recognized.

MR. GUNTER: I would also like to submit a friendly amendment, Mr. Keen. That you change the word "credit" to "assets." You might have mineral rights or --

MR. HANNAH: Sorry, Mr. Gunter, that is not a part of the Keen amendment. It simply deals with bonuses. That's a

part of the other proposed language. We need to take that up after this issue. Good doctor, you're recognized.

MR. ROBINSON: Rick Robinson, delegate, Tahlequah. I just want to emphasize once again, I really understand the feeling on this. But I have one hundred sixty-five Headstart employees, of which about one hundred fifty of them are used to getting this bonus. That money -- excuse me, I went to the rest room, did I miss something? I'm so sorry. Explain what I missed and I'll try to hold my bladder longer next time.

MR. HANNAH: One moment here. Do we need to clarify something for you, Rick?

MR. ROBINSON: How is it different? I don't get it.

MR. JACK BAKER: They left in -- the bonuses is there, but it follows up "without approval of the Council." So as long as you as a director --

MR. ROBINSON: I know this is coming up.

MR. JACK BAKER: But you're going to have to know it in time to come to them.

MR. HANNAH: Mr. Keen, you're recognized, the intermediate.

MR. KEEN, JR.: Call the question, please.

MR. HANNAH: Question's been called, is there a

--

MR. HOOK: Point of personal privilege.

MR. HANNAH: Point of personal privilege. Dr. Hook.

MR. HOOK: Yes, sir. delegate from Muskogee has been waiting there a long time.

MR. HANNAH: Oh, I'm so sorry, I didn't see Calvin over there. Calvin, sorry.

MR. McDANIEL: I've got a couple of other things to say about this bonus situation. Sometime last year I went over here into the complex and talked to somebody in the office there. I mean -- I can't remember his name.

I had some need of some medical something, I can't remember that. But he said -- he told me, he said, "Why didn't you go back home and get some help from Medicaid"? That's absolutely what he told me. If he would have told me, well, we can rake up a ten thousand dollar bonus, I would have accepted it. But he damn sure wouldn't tell me. He didn't say a word about a bonus.

MR. HANNAH: Calvin, thank you so much. Most unique point raised by the kind delegate from Muskogee. And worth every word.

MR. McDANIEL: He said "Medicaid"; that's a state agency.

MR. HANNAH: I understand, Calvin, thank you, sir. The question's been called; is there a second?

DELEGATE: Second.

MR. HANNAH: There's a second. And now what we

will be voting on would be the word "bonus"; would that be correct, Mr. Keen?

MR. KEEN, JR.: Yes, sir.

MR. HANNAH: And if you vote in the affirmative, the word will be added. And all those in favor signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no." And the motion passes and the language is added, and the floor is open for debate. Mr. Gunter, you are recognized.

MR. GUNTER: I would like to make a motion to change the term "credit" to "assets."

MR. HANNAH: Move to strike and add from "credit" to "assets." Is there a second?

DELEGATE: Second.

MR. HANNAH: There's a second, and the floor is open for debate. How do you rise, Mr. Baker?

MR. JACK BAKER: Jack Baker, delegate from Chewey. I rise in opposition.

MR. HANNAH: Why so?

MR. JACK BAKER: Because it says, "the credit of the Cherokee Nation," which means they can -- the Cherokee Nation can sign as collateral for a loan is what this section refers to, and the second sentence says, "The Cherokee Nation will not make any donations," and a donation would have to be an asset.

So we're covering two different items there, and if you change that to assets, you're making it the same item, and allowing the Cherokee Nation to pledge their assets as collateral.

MR. HANNAH: Someone rise support of the amendment?

MR. GUNTER: I'll speak in support of it since I made it. It's just that I never had a credit bonus, I prefer cash bonuses. It just seems to me there that someone -- the Chief or whomever should decide to pledge the mineral rights in the Cherokee Nation to someone that wouldn't be covered under the credit of the Cherokee Nation. That's why I submit the amendment.

MR. HANNAH: Good lady from Tahlequah is recognized.

MS. CHAPMAN-PLUMB: I believe "credit" is referring to the ability of the Tribe to borrow money. It needs to be "credit."

MR. GUNTER: Let me ask how that applies to cash bonuses to employees?

MS. CHAPMAN-PLUMB: It doesn't.

MR. GUNTER: Okay.

MR. HANNAH: So how stand you, Mr. Gunter? Do you wish to --

MR. GUNTER: I withdraw the motion.

MR. HANNAH: Okay. The motion is withdrawn.

Thank you very much.

MR. HOOK: Call the question.

MR. HANNAH: What is the pleasure of the delegation?

MR. HOOK: Call the question.

MR. HANNAH: Is there a second?

DELEGATE: Second.

MR. HANNAH: There is, and without opposition if accepted the language would read in Section 7: "The credit of the Cherokee Nation shall not be given, pledged or loaned to any individual, firm, company, corporation or association without the approval of the Council. The Cherokee Nation shall not make any donations by gift, bonus or otherwise to any individual, firm, company, corporation or association without the approval of the Council."

All of those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no." Motion passes, language stands. And Dr. Gourd you are recognized.

MR. GOURD: Thank you, Mr. Chairman. I make a motion for approval of the language in Section 8, which shall read as follows: "All laws authorizing the expenditures of money by and on behalf of the Cherokee Nation shall specify the purpose for which the money is to be used, and the money so designated shall be used for no other purpose. Annual expenditures shall not exceed the available funds."

MR. HANNAH: Motion is before you; is there a second?

THE DELEGATES: Second.

MR. HANNAH: There is, and the floor is open for debate. The good lady from Tahlequah is recognized.

MS. HAMMONS: Thank you, Mr. Chairman. Diane Hammons, Tahlequah. I would make a motion to amend Section 8, after the period following the word "purpose" on the bottom line. The motion would read as follows: "No monies or resources of the Cherokee Nation or any of its entities shall be used to pay for representation of a defendant in a criminal matter, comma, except in situations where a public defender is warranted under Cherokee Nation law."

Shall I approach the scribe?

MR. HANNAH: Yes, ma'am. Motion has been read; is there a second?

DELEGATE: Second.

MR. HANNAH: There's a second. And as soon as the language is on the screen, we'll open for debate.

MR. JOHN KEEN: Point of information.

MR. HANNAH: Point of information, Mr. Keen.

MR. JOHN KEEN: Ms. Hammons will concur with me on this; I believe that this is the Hammons-Calvin McDaniel amendment.

MS. HAMMONS: Yes, it certainly is, Mr.

Chairman. Mr. McDaniel asked me to make it.

MR. HANNAH: Excellent, if the scribe will enter that on the screen, it will be so noted during the debate. And the floor is open for debate. Mr. Stopp, you are recognized.

MR. STOPP: Gary Stopp, Cherokee Nation -- or Cherokee County delegate. I understand the spirit of this amendment. In light of where we are and where we have been over the last four years, but also I can tell you that coming from the last fifteen years working with corporate entities at an executive level, you're in a position where you are questioned daily on your actions, management action, employees actions, things of that nature.

When it says "no monies or resources," that even means their insurance company that we handle would not cover a management decision, if I became sued for it. You know, we will have to carry our own personal liability insurance and things of that nature, much like doctors and things of that nature, which drives salaries up to cover that.

I know where we're going with this, and I agree with the spirit of this, but I don't know how to implement it in the day-to-day operation. And again, it goes back -- this is something that is not constitutional, but it is legislative that the Council should be involved in versus the Constitution.

But I do understand where you're coming from, but I tell you it will not work in today's world with as many attorneys, as many people we have suing, that everyone is at risk. And as that, there is no protection for your management personnel or even your employees, in this atmosphere.

I guess I look at this from the standpoint, that would even cover the employee, so our insurance that we have to cover for malpractice of our child case workers would not be in effect. We could not use it. That's where I guess I'm going.

It's too broad, but I understand the spirit. It's too broad. I don't know how to take it and get it into operation, is the thing. But I don't believe it needs to be in the Constitution.

The more I look at how it is in operation, the more it tells me that doesn't need to be in the Constitution, that needs to be handled by the Council on how to determine it.

MR. HANNAH: Thank you, Mr. Stopp. Mr. Hoskin, you are recognized.

MR. HOSKIN, JR.: Thank you, Mr. Chairman. Charles Hoskin. Point of clarification with directive of the author. I see it up there, but this may or may not address something, Mr. Stopp. This is for criminal defense matters only.

Now, I have yet to make my mind up on whether I'm in favor or opposed of this, but I do want to make sure that's clear, and if that would change any of the problems that you have with this language. But I will address that to the author.

MR. HANNAH: Good lady from Tahlequah. Is this the intent of your language, that, "no monies or resources of the Cherokee Nation or any of its entities shall be used to pay for

representation of a defendant in a criminal matter"?

MR. HAMMONS: A criminal matter. That would be the State of Oklahoma versus Diane Hammons or the Cherokee Nation versus Diane Hammons, or the United States versus Choctaws, the criminal matters.

MR. HANNAH: Mr. Smith, you are recognized.

MR. SMITH: To respond to Mr. Stopp's reservation, an insurance company is not going to cover defense of criminal matters, period. As an attorney, you would style the misdeed as a negligence, and then, so that wouldn't apply.

But I would like to renew the admonition that every time we put another word in this Constitution, it means that the chance that it's going to be passed is less. The Cherokee peoples don't like change. We've had this Constitution; you're going to have to convince them of their overwhelming need to that this change is necessary. So every time -- we need to remember, every new word you put in reduces the chance of it getting passed.

And I would think once you get a functional criminal prosecution system in, what you really have if somebody is using tribal monies for defense of a defendant in a criminal case, is misappropriation of funds. And we have prohibitions on that. It would be either embezzlement or misappropriations. So there is a remedy available.

MR. HANNAH: Mr. Keen, you wish to be recognized?

MR. JOHN KEEN: Yes, I do, John Keen, delegate.

I would agree with all testimony so far about the purposes and the intent of this, and that this is very specific on criminal matters.

And just in rebuttal of Mr. Smith's debate, I believe right now what we are doing is addressing the fears of the Cherokee people, and every word we put in there about these matters that they have been so angered over in recent years, increases our chances of getting it passed.

MR. HANNAH: Mr. Stopp.

MR. STOPP: Gary Stopp, Cherokee County delegate. Well, change of heart here.

MR. HANNAH: It would not be the first time, Mr. Stopp.

MR. STOPP: And not the last. You know, my parents came from a good social work background, and they have a son that's an attorney and one that's an MBA. And I'm an MBA; when I stepped up to the top, I got hit by three attorneys. And they told me that the insurance company would cover a particular case, so I stand corrected.

If that is the case, then I have no issue with it because that goes back again to our case work and things of that nature that I was concerned with. And again, I believe it's legislative versus constitutional, though. I still believe that.

MR. HANNAH: Any other delegate rise to be heard this evening with regard to this issue? Mr. Clarke, you are

recognized.

MR. CLARKE: Yes, thank you, sir. I agree with what Mr. Smith said in regards to the insurance and the negligence because, Mr. Stopp, if the social workers that works in court-related services, the only way this would affect them, the only way that they would come under this would be if they were charged with a criminal act. The other would be the negligence type stuff.

Like Mr. Smith said, I don't think the insurance would pay for that anyhow. I really would hate to see us bogged down to this thing where we may not get this passed, and I'm in support of defeating this language and make it a legislative act.

MR. HANNAH: Thank you, sir. Mr. Baker.

MR. BILL BAKER: I stand in support of this amendment. I think we've taken care of the lawyers already.

MR. HOOK: Call the question.

MR. HANNAH: Question's been called; is there a second?

MR. ROBINSON: Second.

MR. HANNAH: And there is, and hearing no opposition, we would take up the matter of the McDaniel proposal, which would include the language: "No monies or resources of the Cherokee Nation or any of its entities shall be used to pay for representation of a defendant in a criminal matter, except where a public defender is authorized under Cherokee Nation law."

All of those in favor, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: Motion passes, the language stands, and the floor is open for debate.

MR. BILL BAKER: And Brother Baker abstained.

MR. HANNAH: And the good man from Chewey abstained.

MR. DOWNING: Call the question.

MR. HANNAH: Question's been called for Section 8. Is there a second?

MR. ROBINSON: Second.

MR. HANNAH: And hearing no opposition, total language in Section 8 would read: "All laws authorizing the expenditures of money by and on behalf of the Cherokee Nation shall specify the purpose for which the money is to be used, and the money so designated shall be used for no other purpose.

No monies or resources of the Cherokee Nation or any of its entities shall be used to pay for representation of a defendant in a criminal matter, except where a public defender is authorized under Cherokee Nation law. Annual expenditures shall not exceed the available funds."

All of those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."

And the motion passes, and the language is added, and Section 8 is approved, and we move to Section 9. And Dr. Gourd, you are recognized.

MR. GOURD: Thank you, Mr. Chairman. I make a motion that the language contained in Section 9 shall read as follows: "General laws shall be enacted by the Council providing for the deposit of funds of the Cherokee Nation and the depository thereof, and such funds shall be under the control of the treasurer under such terms and conditions as shall be designated by said Council and under such laws which shall provide for the protection of said funds."

MR. HANNAH: Motion is before you; is there a second?

THE DELEGATES: Second.

MR. HANNAH: There is a second. The floor is open for debate.

MR. ROBINSON: Call for the question.

MR. HANNAH: Question's been called for; is there a second? Is there a second?

THE DELEGATES: Second.

MR. HANNAH: Thank you very much. And hearing no opposition, if approved the language would read in Section 9: "General laws shall be enacted by the Council providing for the deposit of funds into the Cherokee Nation and the depository thereof, and such funds shall be under the control of the treasurer. Under such terms and conditions as shall be designated by said Council and under such laws, which shall provide for the protection of said funds."

All those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: Motion passes, and the language stands, and Section 9 is approved.

Dr. Gourd, you're recognized.

MR. GOURD: Thank you, Mr. Chairman. While we're on the otter slide, let's go to Section 10, which shall read as follows: "No official member or officer of the Council, cabinet member, employee of any official, Council, cabinet or subdivisions thereof, or any person employed in any capacity by the Cherokee Nation shall receive from any individual, partnership, corporation, or entity doing business with the Cherokee Nation directly or indirectly, any interest, profit, benefits or gratuities, other than wages, salary, per diem or expenses specifically provided by law."

MR. HANNAH: Motion's before you; is there a second?

THE DELEGATES: Second.

MR. HANNAH: There is, and the floor is open for debate.

DELEGATE: Call for the question.

MR. HANNAH: Question's been called for; is there a second?

THE DELEGATES: Second.

MR. HANNAH: There is a second. Mr. Baker, are you stretching your legs, sir, or what are you doing?

MR. BILL BAKER: I'm waiting for this vote.

MR. HANNAH: Excellent. Thank you very much. Hearing no opposition, if approved, Section 10 would read: "No official member or officer of the Council, cabinet member, employee of any official Council, cabinet or subdivision thereof, or any person employed in any capacity by the Cherokee Nation shall receive from any individual partnership, corporation or entity doing business with the Cherokee Nation directly or indirectly, any interest, profit, benefit or gratuity, other than wages, salary, per diem or expenses specifically provided by the law."

MR. BILL BAKER: Mr. Chairman.

MR. HANNAH: In the middle of a vote?

MR. BILL BAKER: Uh-huh.

MR. HANNAH: What say you, and how do you rise, what -- under what pretense would you rise?

MR. BILL BAKER: You're just moving way too fast. I missed that one. The last sentence, I've got an amendment that would make it read a little bit better, I think. But whatever.

MR. HANNAH: We are at consideration, ladies and gentlemen, of this section, and the question has been called, and there was a second, and the Chair has read the section to be voted on, and all of those in favor will signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed will say "no." And the motion passes; the language is accepted.

MR. BILL BAKER: And one abstention.

MR. HOOK: Point of personal privilege.

MR. HANNAH: And one abstention. Mr. Baker, I assume, that would be --

MR. BILL BAKER: The younger.

MR. HANNAH: The younger, of Tahlequah. And the good doctor is recognized.

MR. HOOK: I would just like to state for the record that we said that we would carry these proceedings at a good pace, but at a pace which would allow all necessary discussions. And just for the record, I feel like that if someone for some reason missed something, in the past few days we've always made accommodation for that. And I make no statement of agreement or disagreement, but just policy that we should at least afford the same privilege.

MR. HANNAH: The Chair would be so bold as to say that that in fact has been our process, and if the kind delegate believes that the Chair has extended an offense to Mr. Baker by not allowing him to speak, then, Mr. Baker, the Chair apologizes to you,

sir, and you certainly have an opportunity at this time if you'd like to stand and be recognized and we would hear your comment.

MR. BILL BAKER: Not necessarily. Thank you, sir.

MR. HANNAH: Are you sure, Mr. Baker?

MR. BILL BAKER: I am positive.

MR. HANNAH: I will ask for a third time because that is traditional. Are you sure, sir? Good man. Dr. Gourd, you are recognized.

MR. GOURD: Thank you, Mr. Chairman. I make a motion to approve the language of part of Section 11 to read as follows: "All officers, elected or appointed, who are authorized by this Constitution or any subsequent legislation to a position of trust over any land, property, accounts, or monies, shall execute an official surety bond in the amount as may be required by the Council.

And such surety bonds shall endure to the benefit of and paid for by the Cherokee Nation for whose protection or surety the same shall be required. And in no event shall said surety bonds be other than by a licensed insurance company authorized to do business in the State of Oklahoma."

MR. HANNAH: Motion is before you; is there a second?

THE DELEGATES: Second.

MR. HANNAH: And the floor is open for debate.

MR. CLARKE: Call the question.

MR. HANNAH: Question has been called.

DELEGATE: Second.

MR. HANNAH: And there is a second. And if approved, Section 11 would read: "All officers elected or appointed who are authorized by this Constitution or any subsequent legislation to a position of trust over any land, property, account, or money, shall execute an official surety bond in the amount as may be required by the Council.

And such surety bonds shall in order to the benefit and be paid for by the Cherokee Nation for whose protection or surety the same shall be required, and in no event shall said surety bond be other than by a licensed insurance company authorized to do business in the state of Oklahoma."

All of those in favor of the language, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no."
Motion passes, language is accepted, and Section 11 is added.

Mr. Hoskin, you are recognized.

MR. HOSKIN: Thank you, Mr. Chairman. Charles Hoskin, Jr., Vinita. I would like to see a motion to reconsider for Section 10, and I think this may have been what Mr. Baker was concerned about. It's certainly something that jumped out at me, but it didn't jump out at me until after we were in the middle of a

vote.

MR. HANNAH: And the Chair would remind the good gentlemen that once again, we have not approved this article, so, therefore, no need for moving for consideration. And we will hear you, sir.

MR. HOSKIN JR.: Okay. I thought we would have to go back to it. But in any case, what we approved, or what we attentively approved, rather, was that no official -- moving on down -- "shall receive from any individual --" moving on down -- "any interest profit specifically provided by law."

So basically what we have done here is said that if the Council passes a law saying that they can do it, they can't do it because we just said they couldn't. What needs to be put in there is, "unless otherwise provided by law." At least that's how I read it, and if my fellow delegates would help me out and point me in the right direction, that's fine. But I would like to offer that out as a way we can change this.

MR. HANNAH: Thank you, sir.

MR. BILL BAKER: And I would second that.

MR. HANNAH: If we get the language up here -- Mr. Hoskin, is that the scope of your amendment, sir?

MR. HOSKIN: I would say -- I'm looking off the copy that Mr. Baker supplied to us. I would say replace "specifically provided by law" with, "unless otherwise provided by law."

MR. HANNAH: Strike and substitute?

MR. HOSKIN: Yes, sir.

MR. HANNAH: So there's a motion before us to strike "specifically" and to substitute "unless otherwise."

MR. LITTLEJOHN: Point of information.

MR. HANNAH: Point of information, Mr.

Littlejohn.

MR. LITTLEJOHN: Would the word "other" on the second line toward the end not take care of that?

MR. HOSKIN JR.: I may stand corrected.

MR. LITTLEJOHN: I'm asking the question. It appears to me that it would.

MR. HOSKIN JR.: No, I don't believe it would. I think that that is just taking off the table wages, salary, per diem, expenses, and then the other -- then "specifically provided by law" operates on the rest. That's how I read it.

MR. HANNAH: Motion is made; it's been seconded; the floor is open for debate. Doctor, you're recognized.

MR. ROBINSON: Delegate Rick Robinson. I had noticed this the other day, but had forgotten about it, my embarrassment on missing out on information. The problem I have now with this specifically is in opposition. .

If you read this strictly, especially in my division, we tend to have people that are on boards, like Mr. Clarke is on the National Child Care Board, and Mr. Ketcher is on a national board,

and this period of donated foods, ya-da-ya-da-ya, on and on.

What happens is, we allow them to go and represent the interests of the Cherokee and Indian people, but the entity pays for the per diem, their hotel, you know, all of that. So I would be afraid that if we did not change this to "unless," that we would have a problem with technically not being able to accept that money.

And I would estimate it probably saves my division thirty, forty thousand dollars a year. Thank you.

MR. HANNAH: Thank you, good doctor. Floor is open for debate.

MS. MASTERS: Call question.

MR. HANNAH: Question's been called.

DELEGATE: Second.

MR. HANNAH: And it has been seconded. And hearing no opposition, what is before us is the striking of the word "specifically," and the inclusion of the phrase "unless otherwise."

If you vote in the affirmative, then the word will be stricken and the other two words will be included.

Mr. Keen.

MR. JOHN KEEN: Point of clarification, I suppose.

MR. HANNAH: Okay.

MR. JOHN KEEN: Excuse me, Mr. Chairman, I've been trying to read this, and I think I've read it too many times. Would the kind delegates explain it one more time for me exactly what --

MR. HANNAH: Point of information by Mr. Keen. Mr. Hoskin, would you help the kind delegate?

MR. HOSKIN, JR.: Yes, Mr. Chairman. As I read this, what we attentively approved was that "no official member --" moving on down -- "shall receive from any individual, partnership or corporation --" moving on down -- "any interest, profit, benefits or gratuities, other than wages, salary or per diem or expenses."

And then it says "specifically provided by law." As I read that, it should say "unless otherwise provided by law." However, Delegate Littlejohn pointed out that perhaps specifically "provided by law" should stay in there and that the "other than wages" part of that sentence takes care of it.

I began to get a little more confused as I kept reading it, too. I'd like to ask any members of the Commission who, I think, came up with the original language to maybe comment on this before we get down to the vote.

MR. HANNAH: Manager Keen, you're recognized.

MR. SCOTT: Point of privilege.

MR. HANNAH: Privilege is asked for by Mr. Scott.

MR. SCOTT: I would ask if we might have a little larger strip again. My eyes seem to be getting worse as the day goes on.

MR. HANNAH: Scribe will be so instructed. How

is that, Mr. Scott?

MR. SCOTT: That's better.

MR. HANNAH: Excellent.

MR. KEEN, JR.: Thank you, Mr. Chairman.

Delegate Keen, Jr., and this language was not changed from the original language; I just verified that through the best source that I know of, our printed code, that contains our Constitution.

And what creates this ambiguity appears to be a comma that appeared after "expenses" because that separates that last clause off into a different thought. And that's probably what is creating the confusion in the sentence. But with that explanation, I think that the amendment would help clarify the meaning of the paragraph.

MR. HANNAH: Dr. Hook, you are recognized.

MR. HOOK: Thank you, Mr. Chair. After rereading this, I also believe that the way that we approved it is most correctly stated because essentially what we're just saying that nobody shall receive anything other than the wages that are specifically provided by law for them.

MR. KEEN, JR.: If you take the common out.

MR. HOOK: Right, without the comma. But I do urge us to keep the language as approved, without the comma.

MR. HANNAH: Mr. Baker, you are recognized.

MR. BILL BAKER: Mr. Chair, I don't know what's right, you know, or what's wrong. This was brought to us. If I'm not mistaken, it was something that was brought up in an audit and needed clarification, and if a comma does it, then that just tickles me to death.

MR. HANNAH: Starr-Scott, you are recognized.

MS. STARR-SCOTT: I'm indifferent to the comma, but I'm sure confused by this language. It made it confusing for me. I think I understood before. And I said "think."

But does this mean that if we provide by law these cabinet members and people can get all of this money, or whatever, from corporations or however? Tell me it doesn't mean that. And have we been breaking the law all of this time by people taking per diem and stuff? I like the old language. I'm resistant to change maybe.

MR. HANNAH: Mr. Hoskin, how do you rise?

MR. HOSKIN JR.: Mr. Chair, I rise to -- and I'm reasonably sure of this -- to withdraw my motion.

MR. HANNAH: I thought you would be, sir. Thank you. Mr. Baker.

MR. JACK BAKER: Since his is withdrawn, may I make a motion to delete the comma? Because if we look at this, with the comma in there, that is what it says, "no official," et cetera, et cetera --

MS. MASTERS: Chair.

MR. JACK BAKER: "No official" -- okay, let me read here, okay. "No official shall receive from any individual,"

then it tells what it can receive, unless -- if we change it to "otherwise," it would read, "unless otherwise provided by law."

But what we are trying to say, or what I think it's trying to say is that we cannot get any interest, profit, benefits, gratuity other than wages, salary -- other than wages, salary, per diem, or any expenses specifically provided by law. I think the "specific provided by law" is only referring to that last clause. Then the comma should be removed, and then we'll be clear.

MR. HANNAH: The good English major is recognized.

MS. HAMMONS: I have just consulted with an English professor who happens to be in the room. The omission of the comma, I believe, seconding Mr. Baker's motion, cures our problem.

MR. HOOK: Call the question.

MR. HANNAH: There's a motion to strike the comma.

DELEGATE: Second.

MR. HANNAH: Which is the first time in this convention that we have waged war on punctuation. There's a second, and the floor is open for debate.

THE DELEGATES: Call the question.

MR. HANNAH: Question's been called. However, the good delegate who represents numbers raises his hand. Mr. Clarke you are recognized.

MR. CLARKE: I'm confused. I don't want to be confused when I vote. I serve on three national boards, and they usually pay all expenses for me to get there, per diem, hotel, and all of that kind of stuff.

I also am from time to time called upon by the Department of Health and Human Services to come to Washington D.C., and to assist in planning conferences and whatever for Indian tribes to deal with certain types of issues. And so they usually sometimes have me to sign like a contract like thing, and they pay a little stipend for that, which I never accepted myself because I'm going to turn the check over when I come into accounting.

Does that mean that I've been violating the law by doing that, and if I continue to do it, does that mean I'll be violating the law?

MR. HOOK: Point of information.

MR. HANNAH: Point of information, Dr. Hook.

MR. HOOK: No, sir, it does not mean that at all. It simply says you cannot receive anything other than those wages, salary and expenses that are specifically provided. You can't receive anything on top of that.

MR. CLARKE: As provided by what law? Cherokee Nation law or what?

DELEGATE: Cherokee Nation law.

MR. HANNAH: Good delegate is clear?

MR. CLARKE: I'm ready to vote.

MR. HANNAH: And the good delegate is not going to jail, at least on this comma. The question is before us; it has been seconded. There has been debate on the striking of the comma. And if you vote in the affirmative, the comma will be stricken.

And all of those in favor, please signify --

MR. SILVERSMITH: Mr. Chairman, would I be out of order if I asked to chair that -- to table that I mean?

MR. HANNAH: I beg your pardon?

MR. SILVERSMITH: Can I chair the Chair and table the comma?

MR. HANNAH: Chair the Chair and table the comma.

MR. GOURD: We have a standing rule; the Chair is not permitted to sit.

MR. HANNAH: You will be kind to the Chair. He has been here with you standing for seven days at a clip of about sixteen hours, plus, and we are still about the work of the Cherokee people, ladies and gentlemen, whether we're striking commas, whether we are filling blanks, whether we're talking fast, allowing lawyers to speak or for layman to speak. We are all Cherokees, one and all, and we will continue to be about the business of this Tribe until all commas are dealt with appropriately.

All of those in favor of striking the comma, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed?

MR. SILVERSMITH: Abstain.

MR. HANNAH: Motion passes, the comma is stricken. And the language stands.

The Chair would be so presumption as to be believe that the entire article may well be before us at this time.

MS. LINNENKOHL: Point of order.

MR. HANNAH: Point of order.

MS. LINNENKOHL: Don't we have to reprove the Section 10 now?

MR. HANNAH: You know, actually, the good lady is correct. And the Chair asked the parliamentary of such and got no answer, and the Chair thought, well, maybe we will just let that slide. But now that it's been brought up and entered into the record, we will return to Section 10.

MR. HOOK: Call the question.

MR. HANNAH: And the question's been called. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is, and hearing no opposition, and without the Chair rereading Section 10, all of those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no." Section 10 is approved and added to the serial, and we are back to

the review of the article.

MR. GOURD: Mr. Chairman.

MR. HANNAH: Dr. Gourd.

MR. GOURD: I make a motion that the language contained in Article 9, Fiscal, Sections 1 through 11 be approved.

DELEGATE: Second.

MR. HANNAH: Motion is before you; it's been seconded. And without opposition, all those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no." Congratulate yourselves; it's been approved.

MS. STROUD: Order of the day.

MR. McCREARY: Personal privilege.

MR. HANNAH: Orders of the day, but personal privilege by the man from Black Gum.

MR. McCREARY: Since we have concluded a good day's work, ladies and gentlemen, and we're in such a jovial mood --

MR. HANNAH: Why risk it?

MR. McCREARY: I move that we recess and return in the morning at eight-thirty.

MR. HANNAH: This is a motion on the floor to recess this body and to reconvene in these chambers at eight a.m. in the morning. Is there a second?

THE DELEGATES: Eight-thirty.

MR. HANNAH: I tried. I tried. At eight-thirty; is that correct, Mr. Black Gum?

MR. McCREARY: That's the one I made, but if the delegate wants to come back at eight o'clock, that's fine with me.

MR. ROBINSON: Mr. Chairman.

MR. HANNAH: Wait a minute here. Good doctor.

MR. ROBINSON: Point of personal privilege. Will take two minutes.

MR. HANNAH: Let's find out if we're coming back tomorrow, okay.

MR. ROBINSON: Okay.

MR. HANNAH: Now, was it eight or eight-thirty, folks?

DELEGATE: Fill the blank.

MR. HANNAH: I hope someone wasn't making a motion to fill the blank.

Now, folks, we have still some work before us, and in a nice, low and even voice, what, eight or eight-thirty; what was it?

MR. LITTLEJOHN: I would suggest that we start at eight-thirty. We can come at eight if we want to.

MR. HANNAH: This is very true. We can in fact come at seven-thirty if we wanted to. Mr. Gunter.

MR. GUNTER: I believe the employees of the Cherokee Nation Tribal Complex come in at eight o'clock. It would probably be best if we --

MR. HANNAH: Mr. Gunter, in a moment of absolute common sense reminds us that it will be to recess this evening and to open our business at eight-thirty in the morning in these chambers.

MS. TWINING: Nancy Twining from Sacramento, and will the bus pick us up at our regular time at seven-thirty or eight?

MR. HANNAH: Dr. Gourd?

MR. GOURD: We've got to decide if you're going to get here at eight or eight-thirty.

MR. HANNAH: If those of you riding the bus will coordinate with Dr. Gourd, we will see to it that the bus arrives at the appropriate moment.

I have a motion for us to adjourn -- recess, and, good doctor, we're going to get to you in just a moment. I am going to make sure that this vote is down, and then I will gavel us out of here.

And there's a second. And all of those in favor, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no." And the good doctor is recognized.

MR. ROBINSON: Two minutes. I just want to give us some good information. You know, we've had a Job Corps Center for twenty-one years, and the majority of that time, throughout the twenty-one years, we have not performed very well.

There has been time where we've been in the middle, but for five or six years, starting in '92 or so, we were at the bottom.

We have done a lot of work. The Council, Ms. Scott, all the Council people, the administration, we brought in an excellent director, and we are above standard on all sixteen standards in our region.

We are the highest in the Nation in one standard, and on the top in several. But I just got a letter four days ago, that I saw today, that we have been nominated by our regional director as a Respect Center for the Respect Award. There are only twelve of these given each year, one from each region.

The only higher honor in Job Corps is one of those twelve will be the center of the year. This doesn't mean we're the top on the standings, but we've went way down quite a bit, so I think we need to give everybody that talked to the Job Corps a big hand for that.

(applause)

Another thing. Also, we have a problem with one hundred forty-one entities in America using the word "Cherokee." And I got some information from a friend at the university in Topeka that a group out west was using the name as the Western Federation Church and Tribal Cherokee Indians.

They're a diploma deal. You can get a diploma for a Ph.D. in divinity studies in one day if you submit enough

information. Myself and Ms. Daniels, and a couple of other people worked. We did get a concession from that group; they have dropped the name "Cherokee" from their title. So that's good. Also, pick up trash.

MR. HANNAH: Mr. Center.

MR. CENTER: Request permission to unlock the door.

MR. HANNAH: Permission to unlock the chamber, and we are at recess.

(PROCEEDINGS ADJOURNED)

C E R T I F I C A T E

STATE OF OKLAHOMA)
) ss
COUNTY OF MUSKOGEE)

I, Marla J. Cullison, a Certified Shorthand Reporter, in and for the State of Oklahoma, DO HEREBY CERTIFY that the said Transcript of Proceedings was taken by me in stenograph on the 4th day of March, 1999, in the Cherokee Nation Tribal Complex, Tahlequah, Oklahoma, and that the foregoing Proceedings was later reduced to computer-aided transcription form under my supervision, and that the same is a full, true, correct, and complete transcript of said Proceedings.

I FURTHER CERTIFY, that I am not an attorney for, nor relative of any of the parties involved in this action or otherwise interested in the event of same.

WITNESS MY HAND AND SEAL this _____ day of July, 1999.
