1999 CHEROKEE NATION CONSTITUTION CONVENTION

VOLUME IX

TRANSCRIPT OF PROCEEDINGS, taken on the 6th 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 8:30 a.m.

COURTEMANCHE REPORTING SERVICE

P.O. BOX 1196

MUSKOGEE, OKLAHOMA 74402-1196

(918) 683-3686

Court Reporter: Marla J. Cullison, CSR

THEREUPON, the following proceedings were had:

MR. HANNAH: Good morning. It is Saturday, March 6, 1999. We are assembled here in the seat of government of the Cherokee people. The Chair will call on the interpreter for the convention, Ed Jumper, to seek the blessing of the Good Creator for our work here today.

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

MR. HANNAH: Fifty-two delegates are registered this morning, and we are prepared for the day's business. What would be the pleasure of the convention?

MR. HEMBREE: Finish it.

MR. HANNAH: In anticipation that we might, in fact, finish our business today, those of you that will be seeking flight schedules, see Ed Jumper and he will work with you in coordinating your travel schedules.

So as we go to recess today or you have an opportunity at lunch or at dinner or at ten tonight after we finish, or at eleven or twelve, get with Ed and make sure that your plans for your flight schedule are there.

And if you have other travel concerns, you can see, obviously, Dr. Gourd who has been so gracious to assist via the Commission in handling the housekeeping of this convention.

Billie Masters.

MS. MASTERS: The forms that we were going to get for mileage, will they be distributed at some time today?

MR. HANNAH: Dr. Gourd, forms for mileage?

MR. GOURD: I'll make one up right quick.

MR. HANNAH: Excellent. Thank you, sir.

Okay. Step on up here, young man. Mr. Hembree, you are recognized.

 $\mbox{MR. HEMBREE: Point of clarification, Mr.} \\ \mbox{Chairman. I've had a lot of people ask me, and maybe I'll just ask would be supposed to the state of th$

 $$\operatorname{MR}.$$ HANNAH: Well, that would be a good place to start.

MR. HEMBREE: Since we have finished approving each article, is it going to be the order of the day to take up all sections that have been tabled first, before we move to approve each article from the beginning?

MR. HANNAH: The Chair believes that it would make great sense for us to finish our work by taking up those sections that had been tabled and move through those individual sections or articles so that we may, in fact, have a document in its entirety that we can then review for adoption.

MR. HEMBREE: And on information, how many tabled sections are there at this point?

 $\ensuremath{\mathsf{MR}}\xspace$. HANNAH: The Chair believes that there is one.

 $$\operatorname{MR}.$$ HEMBREE: Then I would move to bring that section from the table.

MR. HANNAH: Very well.

MR. LITTLEJOHN: Point of information.

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

MR. LITTLEJOHN: Mr. Chairman, it was my

understanding that last evening, when we retired, we had an item on the table to discuss the rescinding or reconsideration of holding everything for four months.

MR. HANNAH: But what actually happened there, Mr. Littlejohn, is that we never really got it tabled; we just had some discussion and there was a motion to recess, and so now we have reconvened.

If we would like to take up that topic as a delegation, we may certainly do so, or we may move through the business of day and then return to that topic. The Chair has -- will make no recommendation to the group. It is simply the will of the delegates as to what we would do first.

MS. MASTERS: Point of clarification.

MR. HANNAH: Yes, ma'am.

MS. MASTERS: I believe it's still on the floor.

MR. HANNAH: The Chair thanks the kind lady from

California for making that announcement. And once again, the pleasure of the delegates will rule. What say you, folks?

MR. McCREARY: Ken McCreary from Black Gum.

Since we're having a little bit of indecision on it, let's table that for right now, and we'll take it up this afternoon or as soon as we finish this part here.

 $$\operatorname{MR}.$$ HANNAH: There is a motion to table the discussion that we had last evening. Is there a second?

DELEGATE: Second.

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

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

 $$\operatorname{MR}.$$ HEMBREE: Renew my motion to bring from the table Section 4, Article X.

MR. HANNAH: Is that correct, Mr. Keen?

MR. KEEN, JR.: Yes, sir.

MR. HANNAH: All right. There is a motion to

bring from the table Section 4 of Article X. Is there a second?

DELEGATE: Second.

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

THE DELEGATES: Aye.

MR. HANNAH: Opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the section is off of the table. Mr. Keen, the younger, you are recognized.

MR. JOHN KEEN: John Keen, delegate. I want to

do something here, but before I do it, I want to apologize to Mr. Silversmith and everybody else who helped me with this. I don't --it's what I wanted and what I believe is right, but I don't believe it will work.

So in the interest of everybody, not just this body, but in the interest of giving a good recall section to our people, I would make a motion to strike this language and substitute with the Commission's language.

MR. HANNAH: There is a motion to strike and to substitute the Commission's language; is that correct, sir?

MR. JOHN KEEN: Yes, sir.

MR. HANNAH: Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. The floor is

open for debate.

MR. DOWNING: Just a request. Could we see the original language? We have been through this off and on so much, I would really like to see the good language.

MR. HANNAH: The Chair will admonish, the good delegate should remember every word of these things at all times.

MR. DOWNING: Well, I got confused yesterday

when you left the room.

 $$\operatorname{MR.}$$ HANNAH: Unfortunately, that happens when the Chair leaves the room, too.

MR. WHEELER: Point of information.

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

MR. WHEELER: As this started out as Delegate

Keen's motion, could he not simply withdraw it?

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

 $$\operatorname{MR}.$$ JOHN KEEN: Mr. Chairman, as I styled it the Silversmith amendment, I would have to ask his permission to do that.

MR. HANNAH: You may do so.

MR. JOHN KEEN: Then I would withdraw.

MR. HANNAH: Very well. The kind authors have withdrawn their proposal; therefore, the Commission's language will be reinstated, and we will continue with debate on the section. And the Chair will entertain delegates.

Kind lady from Texas is making her way.

MS. SCOTT: I was working with Mr. Keen's version last night and I -- again, I came -- after sleeping on it, I realized that what we've done is create a way to never have a recall. And I don't think that was our intent either.

So what I had kind of come up with was, let me read it to you and then let you figure out where it goes.

"A petition must be signed by Cherokee citizens registered to vote for the office in question. In the case of a national election, signatures must total a number equaling or exceeding ten percent of the total number of votes cast for the office in the previous general election.

In the case of district elections, signatures must total a number equaling or exceeding twenty-five percent of the total number of votes cast for that office."

So that would be what I would move, that we would substitute ten percent for national elections and twenty-five percent for district elections.

MR. HANNAH: You've heard the amendment. Is

there a second?

MS. MASTERS: Second.

MR. HANNAH: There is a second. The young lady will approach the scribe to enter the language. The floor will be open for debate upon its appearance on the screen.

We have a proposal, folks, and there has been a second. And the language, if introduced, and we'll all be watching here: "Cherokee citizens registered to vote for the office in question. In the case of national offices, signatures must total a number equaling or exceeding ten percent of the total number of votes cast for that office in the previous general election. In the case of district offices, signatures must total a number equaling or exceeding twenty-five percent of the total number of votes cast."

And in striking the language, "actually having for the office in question, the previous election, it must total a number equaling thirty-three percent of the total number of votes cast for the office in question."

Mr. Keen, you are recognized.

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

Ralph Keen, Jr., delegate. I rise in support of this amendment. I think it obviously addresses the situation of the different pool of voters we're dealing with in national election versus district elections. That was something that was not contemplated by the Commission when we set out earlier.

I do feel that the percentages need to be increased. I think ten percent on the national level is too low; I think twenty-five percent on the district level is too low.

And let me put out some numbers, and I got these numbers primarily from Mr. Center and speaking with other Council members. In District 8 in this last election they had a total of seven hundred votes cast. Now, twenty-five percent of that -- I'm not a mathematician, but someone could help me with that -- a hundred and seventy-five. Thank you.

That's not very many signatures to force a recall election. Let me remind you -- and this is where the danger of this entire section is -- we want the people to have the ability to recall an elected official who is not performing his job. But we also keep in mind that what happens if a Council seat is vacated and, without taking time to find it, I'll just paraphrase what we've already adopted. In the case of a vacancy on the seat of the Council, the person receiving the next highest amount of votes takes that office if they're able and willing to serve.

Now, contrast that to this recall provision. Do you see

a very high potential for abuse by the person who lost in the election to turn around and attempt to bring and mount an effort to recall the person who won, the victor in the election?

That's what we need to try to balance out and keep in mind here. We need to keep it possible to have a recall vote, so we need to raise these numbers up where it is obtainable, but not to the point that it can be abused for political purposes.

So that's my statement at this time. Thank you.

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

MR. MOORE: Steve Moore, delegate. I rise to make a friendly amendment. I wish to strike the words "votes cast" and replace with "registered voters." My logic is that if a person seeking office is running unopposed, there are no votes cast; and any percentage of zero would be zero.

 $$\operatorname{MR}.$$ HANNAH: You would be correct, sir. Even the Chair will agree with that.

MR. MOORE: So a referendum with zero signatures would be able to recall. And that would raise -- the percentages, that would raise the number of signatures required because you would be drawing -- comparing against a larger number. It's a friendly amendment, sir.

 $$\operatorname{MR}.$$ HANNAH: It's a friendly amendment, and the kind lady from Texas.

MS. SCOTT: Yes.

 $$\operatorname{MR}.$$ HANNAH: It's acceptable, so the language, strike "votes cast."

MS. SCOTT: We need to work a little bit with the language. It should be total number, I believe, of qualified voters, rather than registered voters.

MR. HANNAH: Okay.

MS. SCOTT: Scribe, please change that to "qualified voters" instead of "registered voters."

MR. HANNAH: No, do not start us down that road.

MS. SCOTT: Okay.

MR. HANNAH: You will remember the definitions; they are very clear. To qualify, if you are a citizen of the Nation, you are qualified to register and you have not registered. So if you register, you are a citizen, and you have registered to vote.

MS. SCOTT: I think it should read -- I think we can end that district, right where the cursor is. "Number of registered voters in that district, for that office." Does that make it clearer? They have to be registered in that district.

 $$\operatorname{MR}.$ SMITH: The point is, registered voters, you have registered voters for an office, and that's not the sentence that works. Strike "for that office."

 $$\operatorname{MS.}$ SCOTT: Strike "for that office," and I think we've got it.

MR. HANNAH: All right. Friendly amendments

have been added without objection by the second. Floor is open for debate. Mr. Mullon, you are recognized.

MR. MULLON: Before we are out of reach of friendly amendments, I wonder if the word "general election" is appropriate because the general election does occur every four years. That's when you'll elect -- I mean, that will be the -- I would assume would be the Chiefs race. And do you want to do it that way, or do you want to do it the previous election?

MS. SCOTT: I think for the national elections, it needs to be "general election," and in the district race it should be just "election."

MR. MULLON: Okay.

MS. SCOTT: So that's my intent.

MR. MULLON: We have to -- then that needs to be translated up there somehow. I agree with you; I think you have to be distinguishing between the two, but it's not doing that yet.

MS. SCOTT: Any help you can offer.

MR. MULLON: Well, I would just say "election."

MS. SCOTT: An election will get it.

MR. MULLON: Just previous election. And that would always, in the same way --

MS. SCOTT: Scribe, I think where we have "ten percent of the total number of registered voters in the district" doesn't belong in that section. It belongs under "twenty-five percent of the total number of registered voters in that district." Because the district counts, the twenty-five percent counts when we're voting on district.

MR. HANNAH: Mr. Baker, what say you, sir?

MR. BILL BAKER: We're sitting here toying with this thing, and we're comparing apples with oranges and really changing the meanings and all, and just let me go back to what Ralph was saying a minute ago.

In a Council race, for example, where seven hundred people vote, it's conceivable that somebody could be elected with three hundred and fifty-one votes. And then by this wording, a hundred and seventy-five people could recall him.

 $$\operatorname{MR}.\ JACK\ BAKER}\colon$ It's the total number of registered voters.

MR. BILL BAKER: Okay. All right. So total number of registered voters. I'll have to do some more math. I apologize.

MR. HANNAH: Dr. Masters, you are recognized. MS. MASTERS: I would ask the delegation to

remember the work that we did on this section yesterday where we agreed on "votes cast," as opposed to "registered voters," and the wide discrepancy between those two figures.

And when we arrived at the number of votes cast, we felt that it was giving the people a greater opportunity to enact this right. When we dealt with the number of registered voters, we felt that it was prohibitive for the people to act.

So I would really ask people to think carefully in replacing the language of "votes cast." I think it's very important for the people to retain "votes cast" as opposed to "registered voters."

MR. HANNAH: Thank you, ma'am. Mr. Mullon, do you need time there, sir?

MR. MULLON: I'm just -- I feel like, if I just may make a comment, Mr. Chairman.

MR. HANNAH: And you may, sir.

MR. MULLON: That in order to make a decision about what is the appropriate percentage here, we really need to have some numbers up here. Now, I agree that this is an improvement. I would agree with Mr. Baker that it would be a mistake to be able to recall somebody with a hundred and seventy-five signatures and that percentage is not high enough. But this, I don't know what the answer to this is.

We need to have some kind of numbers. What are the total number of registered voters? And then maybe some of the Council people that are here can talk about what are the numbers of registered voters in their district.

MR. BILL BAKER: I can speak to that, Mr. Chair. MR. HEMBREE: On point of clarification, Mr.

Chairman.

MR. HANNAH: Mr. Hembree.

 $$\operatorname{MR}.$$ HEMBREE: The figures that I have was, in the 1995 election, the registered voters were thirty thousand oh four.

MR. HANNAH: This would be correct. And you all might recall yesterday that this handout was provided showing the registration department member population by county -- and the election analysis on page two --

MR. MULLON: Mr. Chairman.

MR. HANNAH: Okay. Folks, settle down here for just a moment. Mr. Mullon, what say you, sir?

MR. MULLON: Well, I've just been informed that I think maybe I'm several links behind everybody else here, but obviously there are approximately thirty thousand registered voters. Under this scenario we would be talking about three thousand signatures on a petition would be sufficient to trigger a recall of the Chief and Deputy Chief.

The smallest, I understand from Mr. Baker, that the smallest district has approximately six thousand voters in it, or registered voters. And under this scenario, that would require fifteen hundred signatures.

I think that for the district level that fifteen hundred is probably a pretty good number. It's not easy to get fifteen hundred signatures, and it shouldn't be in a recall. And I wanted to talk about that for just a second.

But for the national offices, which I would favor that they go ahead and spell out what offices we're talking about,

because aren't Councilmen really kind of like national offices? We're talking about Principal Chief and Deputy Chief.

But three thousand signatures for that, I think, is not enough. With thirty thousand registered voters out there, the potential for a recall being triggered is really high at three thousand signatures.

The point that I would want to make is that I have worked for tribal governments while there is a recall election and petition drives going on, and it is extremely disruptive. If it's a serious drive for petition of signatures, it does disrupt government.

The administration, if it's an attack on the administration, is pretty much paralyzed by it, and they end up sort of focusing on that and quit focusing on the business of serving their tribal members, in order to protect their office.

So I think it's real important that we think out the correct balance here because you can paralyze your government with petition drives if you have a low figure. There is plenty of, you know, angry Cherokee citizens out there who are willing to take a stab at it if the number is not sufficiently high.

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

MR. STOPP: Motion to split the question.

MR. HANNAH: And where do you propose to divide

this, sir?

MR. STOPP: I would like to divide it between recall referendum and A, right under "Cherokee citizens registered". And then in the case of districts, split it between "elections" and "in." I think we're getting confused to the two. We're jumping back and forth. These are totally different numbers. We need to look at one and then look at the other.

MR. HANNAH: So your motion is to divide and, for simplicity, keep us all in the same page here, we would debate, first of all, the ten percent number and, secondly, the twenty-five percent number; is that correct, sir?

MR. STOPP: That's right.

 $$\operatorname{MR.}$$ HANNAH: There's a motion on the floor to divide. Is there a second?

DELEGATES: Second.

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

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no." The question is divided. And we will debate on the first serial, which would be the ten percent piece.

"A petition must be signed by Cherokee citizens registered to vote for the office in question. In the case of national offices, signatures must total a number equaling or exceeding ten percent of the total number of registered voters in the previous general election."

Mr. Smith, do you rise on this question, sir?

MR. SMITH: Yes, sir. I think the ten percent

number is satisfactory. Three thousand people should be able to have the right, and twelve thousand members to vote to bring a petition to recall.

I also recognize the chilling effect of frivolous petitions. One other mechanism we can use is require a bond or a fee by the petitioners, which would chill frivolous petitions. Therefore, a section could be added within this section to the effect, a bond may be required upon filing a fee as prescribed by law, then the Council could determine the amount and operation of that bond.

And the purpose of the bond, it would go to defraying the cost of doing the evaluation on recall petition. Not the actual recall election, but the evaluation on recall petition.

MR. HANNAH: Mr. Baker.

MR. BILL BAKER: As I'm reading this, using the last election, of twelve thousand people actually voting, and thirty thousand registered voters, so three thousand people could effect a recall election.

Now, if there was six thousand and one want it, then half of the runner-up's supporters could call a recall election. And I guess the question is, do you want three thousand people to be able to come in and call an election that is going to cost the Tribe a hundred and eighty or some odd thousand dollars? And that's only half of what potentially could be the runner-up's supporters.

And then do we get in a situation where you just don't like the results of an election, you just pitch until you win? I just think it's a much too low number.

MR. HANNAH: Ms. Masters, you are recognized.

MS. MASTERS: Friendly amendment suggestion to Delegate Scott. I think -- I appreciate her bringing this to us. I think it's much more appropriate than what we had.

In the first sentence of your top section, you have "office in question" and you have "case of district offices." I would ask that you strike "in question" and just write in "Principal Chief and Deputy Principal Chief," so it would be really very clear right there.

MS. SCOTT: Yes, I agree.

MR. HANNAH: Very well. Without opposition by the second, the language will be changed, and we are still on debate on the first serial.

Mr. Hembree, you are recognized.

MR. HEMBREE: Mr. Chairman, would I be an in order to offer an amendment to the first serial?

MR. HANNAH: Yes, sir, you would, sir.

 $$\operatorname{MR}.$$ HEMBREE: I would offer to amend ten percent and striking out and adding fifteen percent.

 $$\operatorname{MR}.$$ HANNAH: Very well. There is a motion on the floor to strike ten percent and to substitute fifteen percent. Is there a second?

DELEGATE: I second.

 $$\operatorname{MR}.$$ HANNAH: There is a second. Floor is open for debate. Who would rise in opposition?

MR. GOURD: Call the question.

MR. HANNAH: The question is being called for.

Is there a second?

MR. HEMBREE: Second.

MR. HANNAH: There is a second. Hearing no opposition, we are voting on to strike ten percent and to include fifteen percent. Does everyone understand?

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 carries. Fifteen percent is in place, and we are still in debate on the first serial.

MR. McCREARY: Point of information.

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

MR. McCREARY: Ken McCreary from Black Gum. Did

the kind lady accept the "registered voters" as a friendly amendment?

MR. HANNAH: Yes, she did.

MR. McCREARY: Then we still have "votes cast"

up there.

MS. SCOTT: Call the question.

MR. SMITH: I would like to be recognized.

MR. HANNAH: I'm sorry, sir. Mr. Smith.

MR. SMITH: With that clarification, you're not talking about three thousand voters anymore. Fifteen percent of the registered voters, we have thirty-two thousand registered voters now, and that would be around --

MR. HANNAH: Forty-five hundred.

MR. SMITH: That's more than the Principal Chief got in the last election. There's no logic to that. It takes more to recall him than to put him in.

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

MR. McCREARY: I would like to take and move

that we accept the first serial.

 $$\operatorname{MR.}$ HANNAH: There's a motion to accept the first serial.

MR. LAY: Object.

MR. HANNAH: And there is an objection. Mr.

Lay, sir, how do you rise on the objection?

MR. LAY: Mr. Chairman, Delegate Lay. What Mr. Smith just pointed out, in fact, did happen. We have switched these numbers now and, people, we're going to call you on that when you do that kind of stuff.

I suggest to the Chairman that, due to the number switching, this vote should be declared invalid, and let's start over, and let's don't call for this question as quickly as was done, please.

MR. HANNAH: Thank you, Mr. Lay.

Folks, let's just settle down here for just a moment. Now, the mechanism of this room is to accept debate, and when motions are made and they are seconded, you are responsible for paying attention. The Chair is not going to take the responsibility of going through and asking every delegate in the room, do you know what is going on. The Chair expects you to pay attention to the activities that are taking place in these chambers.

And we are not going to entertain the fact that, oh, gee, I didn't understand that, after the vote has been taken and it didn't go the way that perhaps one of us would like.

Now, if you do not believe that sufficient debate has been had on an issue, the kind Chairman will recognize, just as he did Mr. Lay, and we'll come back and take a look at these issues because the Chair will see to it that every person understands exactly where we are. But let's not do it on a retroactive basis, okay?

Now, we are at debate on the first serial.

Mr. Lay, is it your intent, sir, to, in fact, challenge that previous vote or, I assume we would, in fact, accept motions — so we can either go through the mechanics of attempting to retro that vote or we're still open for debate. And it would be in order if someone would like to make a motion for yet another number to appear here.

MR. GOURD: Point of clarification.

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

MR. GOURD: Mr. Chairman, what you just

described was exactly the intent of the last vote. The lady had accepted the friendly amendment, and we were getting it up exactly for debate, which is where we are now. The intent of the motions and seconds was to get it open for discussion and nothing more. So it's a procedural, and your point to pay attention is right.

MR. HANNAH: The Chair is confused if Dr. Gourd was agreeing with the Chair or not. The actuality, the Chair will remind you that I believe it was Mr. Hembree -- where are you, Mr. Hembree?

MS. SCOTT: Point to him.

MR. HANNAH: One moment, ma'am. The Chair has the floor. Mr. Hembree, I recall that you made a motion to strike ten, put in fifteen; it was seconded, and we were open, and there was no debate. The question was called and we moved and we voted.

MR. HEMBREE: Correct.

MR. HANNAH: Very well. Take your seat, sir.

And so at this time, ladies and gentlemen, unless, Mr. Lay, you would like to challenge that vote and we'll go back through procedurally and unwind what has happened here, we will be at debate on the first serial, and the Chair would accept motions or debate or whatever.

And, Billie Masters, you are recognized.

MS. MASTERS: Point of clarification. When the

vote was taken, I believe that we inadvertently moved something off the screen. Behind "registered voters" was "votes cast" and it was struck through. We have not voted on that.

MR. HANNAH: That was a friendly amendment and it was accepted. And the Chair will once again admonish folks to pay attention to what is going on here, okay. I know there's been a lot of moving around this morning and a lot of talking, and the Chair believes that to be very healthy because he recognizes that we, in fact, need to think through things with other delegates.

Do not, ladies and gentlemen, here on day nine, do not require the Chair to put you all in your seats. Okay? He will do so if need be to gain the attention of the delegation.

Now, kind lady from Texas; is that correct?

MS. SCOTT: Yes, sir. Can we have five minutes? MR. HANNAH: We will recess for five minutes,

and you all will come back, and you will be in much better order than you were before. Thank you.

(recess taken)

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

MR. HANNAH: Okay, just a moment. I'm going to object here for just a second. Now, we had a vote on this, and the Chair is not going to let us, after we've voted on something, then go to a friendly amendment, because in essence it's not your call to do so. Therefore, Mr. Lay, your correct procedure would be to challenge the previous vote, which you do.

MR. LAY: Yes.

MR. HANNAH: And the Chair wants to ensure that everybody is, in fact, very clear on what's going on, and we'll simply take this vote over again. Does anyone have any objection to that?

THE DELEGATES: No.

MR. HANNAH: This is a good thing. We'll be in our seats then, and we will take a voice vote. And if the Chair is unable to determine the voice vote, then obviously we will do a show of hands, or we'll all hold up our left shoe or something. We'll try something new here for a while.

Now, the motion that was before us was placed, I believe, by Mr. Hembree, and it was to change the first number in the first serial from ten percent to fifteen percent.

So, obviously, by voting "yes" we would strike "ten" and insert "fifteen." It was appropriately seconded and we had debate, and we will move to the vote if there is no objection. And hearing none, all of those in favor signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the teller will conduct a

count, and everyone will be in their seats. We're going to do all sorts of things here. I tell you what, now, people, the Chair appreciates the delegates caucusing. He will remind you to not caucus at the microphones. All right? Just pull back to the side there a little bit.

Ms. Coon, the official, the head Sergeant at Arms, told me that she would, in fact -- what was it, Ms. Coon, that you were going to do? Knock them out?

I think Ms. Coon approached the Chair and said, if they don't stop making noise at the microphones, I'm going to knock them out. So let's not put Ms. Coon, who's obviously an east Peavine and a former -- by maiden name of Hummingbird, let's not put her in a position of having to approach you on that.

Number two, I know that these chambers are cramped sometimes and there are those of you who wish to make your way to the microphone. And the Chair's intent is not to stymie any debate; that has been the Chair's intent from day one.

And so, if you absolutely, positively need to be heard here, the Chair needs his attention drawn to you. And if you're trying to make your way through the rows or something of that nature, if it doesn't get totally out of hand but simply gain the Chair's attention, we'll speak to that.

We're doing real well here, folks. The Chair is very proud of the delegates. And so, with that, we are going to stop this paper activity for a moment, Ms. Red Eagle. Thank you very much. And you'll step back here in just a little bit.

And we'll remember that what we're voting on is whether to strike "ten" and insert "fifteen." Is everyone with me? All of those in favor will stand. The teller will count.

THE DELEGATES: (standing)

 ${\tt MS.}$ LONG: Thirty-four in favor.

MR. HANNAH: Thirty-four. Please be seated; and those in opposition, please stand. Teller will count.

THE DELEGATES: (standing)

MS. LONG: Twenty-four. Twenty-four opposed.

MR. HANNAH: Thirty-four yes; twenty-four no;

motion carries; the language is inserted, and we are open for debate on the first serial. What would be the pleasure of the delegates?

MR. HEMBREE: Let's move previous question on

the first serial.

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

DELEGATE: Second.

MR. HANNAH: And hearing no opposition.

MR. SMITH: Point of clarification.

MR. HANNAH: Clarification, Mr. Smith.

MR. SMITH: One time the word "national office" was stricken and replaced with "Principal Chief and Deputy Chief." But it appears again here in the second sentence. There's a problem with consistency.

MR. HANNAH: One moment here. We're going to

get this clear and move on. Where is my Texas Scott lady?

MS. SCOTT: Yes, that was what we decided on

earlier.

MR. HANNAH: Your intent was for --

MS. SCOTT: "National offices," which was the Principal Chief and Deputy Chief.

MR. HANNAH: Your intent is for that language; is that correct, that is on the screen currently?

MS. SCOTT: I think what we can do now is open

-- I think those are redundant, but I think it can be worded -- MR. HANNAH: We are here now, ladies and

gentlemen. We are here now.

MS. SCOTT: All right. So, "in the case of

these offices."

MR. HANNAH: All right. We've had some final tinkering here at the margin with the offer. Does anyone challenge?

MR. MULLON: Point of clarification.

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

MR. MULLON: I think that that's not a good

change there to say, "these offices." I think we should be precise and just say, "in the cases of the Principal Chief and Deputy Chief."

MS. SCOTT: I bow to Mr. Mullon.

MR. HANNAH: Thank you, ma'am.

MR. MOORE: Point of clarification.

MR. HANNAH: Mr. Moore.

MR. MOORE: We do have two more national

offices, Attorney General and Marshal.

MR. HANNAH: Appointed.

MR. MOORE: I slept again.

MS. CRAWFORD: Point of clarification.

MR. HANNAH: Point of clarification, fine lady

from Nowata.

MS. CRAWFORD: The first sentence where it says "registered for the office of Principal Chief," don't we just mean registered voters, and in the second sentence is where the Principal Chief and Deputy Chief would come in?

MS. SCOTT: Does she want to make a friendly

amendment?

MS. CRAWFORD: Yes.

MR. HANNAH: And you're just going to accept

that?

MS. SCOTT: Yes.

MR. HANNAH: Without opposition from the second.

This is good work, people. We're not voting on something until we are prepared to vote on it. Where is our author on this, folks? We're starting to drag here now.

MS. SCOTT: "A petition must be signed by Cherokee citizens registered to vote. In the case of Principal

Chief or Deputy Chief, signatures must total a number equaling or exceeding fifteen percent of the total number of registered voters in the previous general election." I think that's fine.

MR. HANNAH: Anything else?

MR. LITTLEJOHN: Point of information.

MR. HANNAH: Point of information, Mr.

Littlejohn.

MR. LITTLEJOHN: Does it really matter about the previous general election? Don't we want a registered voter -- if I register right now, should I not be able to sign a petition to remove someone?

MS. SCOTT: You can.

MR. LITTLEJOHN: From the numbers, got you.

MR. HANNAH: Are you clear, Mr. Littlejohn?

MR. LITTLEJOHN: Thank you, sir.

MR. HANNAH: Okay. Here is what we're about to do. We're about to vote on the first serial. If approved, it would read:

"Cherokee citizens registered to vote. In the case of Principal Chief or Deputy Chief, signatures must total a number equaling or exceeding fifteen percent of the total number of registered voters in the previous general election."

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

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the motion passes, and the

language stands.

 $\,$ And we now move for debate on the second serial. The Chair would entertain delegates who would wish to speak on this.

Mr. Mullon, you are recognized.

MR. MULLON: Mr. Chairman, I would like to move to amend the language in the second series to read, right after the word "total" -- no, actually, right after that, must total five hundred -- no, excuse me, after the -- after the word "total," the greater of -- must total the greater of -- go back, right there, insert "the greater of five hundred or thirty-three and a third percent." I would do the one slash three deal there.

MR. SILVERSMITH: Mr. Chairman.

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

MR. SILVERSMITH: May I raise a point of

question?

MR. HANNAH: Yes, sir.

MR. SILVERSMITH: Had a hard time putting that into words about whatever that is that is going up there. I can't see because I have a handicap in my glasses; they're not the right prescription.

MR. HANNAH: I understand. Yes, sir.

 $$\operatorname{MR.}$ SILVERSMITH: I'm having a hard time reading it, but yet there's people out there who have a mentality with a

vocabulary that is not even equal to mine, and I can't understand what he's saying.

My point being, is he relating this so the people out there who don't understand legal terminology and/or twisted words in a sentence? But he can't -- my question is, is he doing it so that he can read it and the rest of us have got to guess what he meant? I'm having a hard time seeing that, to know what he's saying.

MR. HANNAH: Mr. Silversmith, if you're having a hard time seeing the screen, feel free to come down and sit closer. The Chair will see to it that it is, in fact, read so that we have a clear statement. And the Chair will indulge the kind man in being able to finish his amendment, and then we'll look at it and make sure that it's understandable by everybody, not only in this room, but, as we have been about throughout the entire convention, making sure that is as understandable as possible to everyone, whether they are in this room or outside of this room.

 $$\operatorname{MR.}$ SILVERSMITH: Sitting on the front row doesn't help with me.

MR. HANNAH: Doesn't help you, sir?

MR. SILVERSMITH: I'm not trying to speak with animosity; I'm trying to establish understanding. Because she just adjusted that. But I notice on the floor here there's no ramp here for a man who has a wheelchair. That's what I'm saying, sometimes or another we're overlooking the obvious.

So when I'm saying that I couldn't read that, and I thank the Chair.

MR. HANNAH: And the Chair thanks the kind man of Salina-Kenwood. And you, sir, may continue with your motion.

MR. MULLON: And I want to add, if I could, that it is not my intent to be confusing anybody. It's just what usually happens.

MR. HANNAH: Thank you, Mr. Mullon, I appreciate

that.

MR. MULLON: Going on, thirty-three and a third percent of, I guess you would strike out the words "a number equaling or exceeding twenty-five percent," strike through that. And I think that is my proposed amendment, if we can step back and see here.

MS. BERRY: Point of information.

MR. HANNAH: Point of information.

MS. BERRY: Thirty-three point one third?

MR. MULLON: No, it should be an ampersand

there.

MS. HANNAH: Kind lady is thanked.

MR. MULLON: I would put, like, an ampersand or something there. That's my motion. "In the case of district offices, signatures most total the greater of five hundred or thirty-three and one third percent of the total number of registered voters in that district in the previous election."

MR. HANNAH: Is that your motion, sir?

MR. MULLON: Yes, Mr. Chairman.

MR. HANNAH: Okay. Let's make sure that we see it. The motion before us is, "In the case of district offices, signatures must total the greater of five hundred or thirty-three and one third percent of the total number of registered voters in that district in the previous election."

Is that correct, sir? Is there a second?

MR. HEMBREE: Second.

 $$\operatorname{MR}.$$ HANNAH: There is a second. Floor is open for debate. Gentlemen.

MR. SMITH: Point of information.

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

MR. SMITH: Can anybody, including Mr. Center,

tell us in the smallest district what the actual numbers are, because this has got to be the worst case scenario for the harshness of this proposal.

MR. HANNAH: If Mr. Center can.

MR. CENTER: It would be fifteen hundred.

MR. HANNAH: Fifteen hundred in the smallest

district. And that number represents the number of registered voters in the district in the previous election; is that correct, sir, in the smallest district?

Mr. Hoskins, what say you there?

MR. HOSKIN, JR.: I rise in favor of this

amendment.

MR. SMITH: Point of information.

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

 $$\operatorname{MR.}$ SMITH: How many registered voters in the smallest district and how many voters actually voted in that

district in the last election?

MR. HOSKIN, JR.: Mr. Chairman, to answer the question, fifteen hundred voters in the smallest district. Actual votes cast was around seven hundred and fifty.

MR. HANNAH: Let's all make sure we understand what we're talking about here. In the smallest district in the Cherokee Nation, registered voters equal fifteen hundred. And in the last election, votes cast in that district were seven hundred and fifty; is that correct, sir?

MR. HOSKIN, JR.: That's my thinking.

MR. JACK BAKER: Mr. Chair.

MR. HANNAH: And the kind man from Chewey is

recognized.

 $$\operatorname{MR}.$$ HOSKIN, JR.: Mr. Chairman. I responded to Mr. Smith's question.

MR. HANNAH: And you had the floor. Mr. Baker, you will wait and talk as you are recognized. Please continue.

MR. HOSKIN, JR.: Thank you, Mr. Chairman. I'll be brief. I rise in favor of this move because I believe we need to set before the Council raises a floor. That's what this sets; it sets a floor of five hundred signatures, below which a

petition won't force a recall election.

And I think we need to make sure that we understand that some of these districts, if you don't have this floor, they could trigger a recall election with very few votes. And I think we need to be mindful of these numbers. Thank you, Mr. Chairman.

 $$\operatorname{MR}.$$ HANNAH: Thank you, Mr. Hoskin. Once again, Jack Baker from Chewey.

MR. JACK BAKER: According to our end up yesterday, in the Will Rogers district there were only four hundred and seven votes, not seven fifty in the last election.

MR. HANNAH: Thank you, Jack, and the Chair will allow Mr. Center.

MR. CENTER: Point of clarification. That thing I handed out yesterday, if you'll notice, please read the first page. Registration department, members by population. Folks, this is not votes. Go to your second page, the other two pages. That gives you the figures. Membership in the county.

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

MR. HOSKIN, JR.: The district I was referring to was the Craig Nowata district, not the Will Rogers district. There are around fifteen hundred registered voters. Votes cast in the last election were around seven hundred.

MR. HANNAH: In which district, Mr. Hoskin?

MR. HOSKIN, JR.: That would be District 9.

MR. ROBINSON: Point of clarification.

MR. HANNAH: Point of clarification, Good

doctor.

MR. ROBINSON: This last page, this is just people that voted at the precinct. It does not include absentee voters. It's just the ones that actually go up there and vote. A lot of absentee voters live in the district. I usually vote in the absentee because I'm never sure where I'm going to be at.

MR. HANNAH: Now the Chair is going to make sure that we're clear. Mr. Center, would it be correct that the good doctor informs that the numbers that were just given for that one particular district, which Mr. Hoskin was District 9, that there were fifteen hundred registered voters in that district; is that correct?

MR. CENTER: That is correct.

MR. HANNAH: And during the last election, seven hundred individuals walked into a precinct and voted.

 $$\operatorname{MR}.$ CENTER: That is correct. Seven hundred and fifty people voted.

MR. HANNAH: Seven hundred and fifty people voted, total, whether they would have done so physically or by absentee.

MR. CENTER: Within or without, whatever, in the

district.

MR. HANNAH: So, total votes cast.

MR. CENTER: Total votes cast, seven hundred and

fifty. Fifteen hundred voters in that district.

 $$\operatorname{MR}.$$ HANNAH: Okay. We have that clear now. Kind lady from Tahlequah.

MS. HAMMONS: Thank you, Mr. Chairman. Diane Hammons. With all due respect to my colleague, Mr. Mullon, I have to rise in opposition to this language. I think the floor is just too high.

If you have seven hundred and fifty people that vote for an office, we shouldn't require five hundred of them to try to recall the candidate. I like the previous language better.

MR. HANNAH: Ms. Scott.

MS. SCOTT: I stand in support of the language I submitted. I think twenty-five percent is a fair and equal number. What we're trying to do is bring back some recountability and responsibility and power to the people, and this is how we do it.

And so if we set ceilings so high that, even though it looks like we've given them something, but in reality we have just created another barrier. Now, what we are about today, is creating ways people can have a voice in their government, and I believe twenty-five percent is a fair voice.

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

MR. WHEELER: George Wheeler, delegate. We're focusing on the base; I think we need to focus on the top. One of the problems that we need to remember is, we've now created two at-large districts that are going to be large and are going to get larger.

Thirty-three and a third percent of those two at-large delegates then will make it impossible to recall those delegates if we are not careful. I have no problem with the base. We need to look at the other side of the issue as well. What we're liable to do is to set up two delegates to Council that are -- the threshold is so high that we cannot recall them.

MR. HANNAH: Mr. Poteete.

MR. POTEETE: I would like to call my good friend, Diane Hammons, said the floor is too high at five hundred, but we're talking about a third of whatever the floor is, a number of people. And I submit to you that thirty-three and a third is not too high, because what you don't want to create is a situation a lot of the smaller tribes have, and that's where a few families can get agitated, and they can have you back in the press and keep the government in turmoil.

This figure is not too high. If people are as wrong as the situations that we've seen here, that number is not too high, and you can get that many signatures. That's not an onerous number. I urge you to support this.

 $$\operatorname{MR}.$$ HANNAH: I believe the Good doctor is recognized.

MR. ROBINSON: Rick Robinson down at Tahlequah. I'm standing in favor of this five hundred or thirty-three and a third percent. One thing that we must remember, this is based on

total number of registered voters, not the ones that actually voted.

Once again, I wish everyone would vote. I really do. In the case of the smallest district, actually the base of five hundred, and one third -- thirty-three and a third percent is actually the same number as five hundred people.

I feel like if Council persons are doing that much of a wrong, there needs to be enough people think that he or she is doing wrong. And so I support this. Thank you.

MR. HANNAH: Starr-Scott.

MS. STARR-SCOTT: I rise in opposition to the thirty-three and a third, and in favor of the twenty-five percent. I think it's critically important that we not set this bar so high that our people can't attain it.

And I put a lot of faith in the Cherokee people. You've thrown out a lot of scenarios, if this one gets so much and this one gets another, then they all get together and pool their votes. Let's hope that's not going to happen. That's not the way we are.

And if you get elected and you're not doing your job, and you thumb your nose at the law and you're not accountable, and you say, to hell with John Q Public out there, I'm in this office and I'm going to do what I'm going to do, then I want those people to have a right to recall.

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

MR. SMITH: I speak in opposition to the proposal. If you look at the numbers in the worst case scenario, this officer was elected -- could be elected with three hundred and fifty votes. So you're having fifty percent more to recall him than to put him in. That shows how high this bar is.

And I agree, Ms. Scott, it's an impediment to the right, not the creation of one.

MR. CLARKE: Call the question.

MR. POTEETE: Mr. Chairman.

MR. HANNAH: The Chair will continue to entertain debate, Mr. Clarke. And as kind author of 18, thank you very much, sir. Dr. Hook, you're recognized.

MR. HOOK: I would also stand in opposition to this language. My understanding of our original amendment as prepared by the Commission, this would almost double that because they were calling for a number based on the actual number of votes. So this would dramatically increase that. And so I would also call the question.

MR. HANNAH: The question has been called. Is

there a second?

DELEGATE: Second.

 $$\operatorname{MR}.$$ Hannah: Hearing no opposition, we move to consider the language.

MR. DOWNING: Opposed.

MR. HANNAH: Opposed, and therefore, you all want to go through a vote or do we just want to continue debate here?

MR. POTEETE: I want to move that we drop the greater than, the five hundred part.

 $$\operatorname{MR}.$$ HANNAH: Wait a moment, Mr. Poteete. Wait one moment.

MR. SMITH: Mr. Chair, could I offer, whoever proposed the call, in lieu, that we limit debate on this to a certain number of persons and certain amount of time.

MR. HANNAH: Carl, thank you for standing down. And the Chair will declare that we will hear -- unless someone would wish to move -- that the Chair will declare it will hear two speakers for, two against, three minute limitation. Is there any opposition?

Then it so shall be. And how stand you, Mr. Poteete?

MR. POTEETE: I would urge the author, whoever it is of this, to drop the greater of five hundred part and leave it at just thirty-three percent. We might have a possibility of passing, sparing us the embarrassment that a lower number would surely give us over a long period of time.

MR. HANNAH: Anyone rise in support? Anyone rise in opposition?

How rise you on the issue, Mr. Mullon?

MR. MULLON: Can I speak my mind about the

amendment?

MR. HANNAH: The Chair has always allowed every delegate to speak their mind, as if the Chair would, in fact, have the ability to prevent them from doing so. Way presumptuous on his part. Speak away, sir.

MR. MULLON: The language that I moved here is certainly not to defeat the right of the people to recall anybody. It is designed to make it a job to recall somebody. It should be --should not be easy to recall.

The reason for that is that you just had an election, or you have an officer who has been elected into office; the will of the people have been spoken. Often following election, there will be great bitterness on the other side of the loser; the other candidate who lost, will be very bitter.

And if you make the threshold low enough, that person will be able to muster his horses who are still organized and very angry that they lost, and get them to sign onto a petition.

The recall election is a different election than an election for a candidate. You don't have two candidates running on a recall election. You have only one question, and that is to pull somebody from office. That is not the election that you just went through.

The people who just lost the election -- and the person who lost the election and his supporters can upset the election by -- with a recall election a lot easier than it is to get elected because the people who are angry that they lost the election, and who are a political opponents of the person who won the election, are very likely to go to the polls and vote.

Whereas, the people who are satisfied with the results of the election are less likely to go to the polls and vote against the recall.

So I think we've got to be very careful and understand the dynamics of a recall election and what that is all about. It is not just another general election. It's going to be an election that will be designed to get the angry people who have lost to their political opposition, who want to see somebody driven from office and have them pulled out. Whereas, in fact, the majority of people who had voted in the election would -- you may pull somebody out of office with a far smaller vote than the people who got into office.

So that is the purpose of this. The five hundred, it was suggested, it was a number that we discussed. I'm not that concerned about the number five hundred. But I do feel like we have to remember that a recall election is not just another general election where you get a second shot at it.

A recall election could mean, you can get somebody recalled where only maybe ten percent of the people who were involved in the regular election go to the polls. And those are likely to be the people who want to see him out of office.

MR. HANNAH: Thank you, sir. Mr. Downing, do you rise in opposition?

MR. DOWNING: I rise in opposition to this amendment, and I would like to say that I agree with everything Mr. Mullon said this last time. And it seems to me that what we are doing, we have two issues before us. One issue is what the percentage of voters should be. And it is my belief that thirty-three and a third percent is too high, and that twenty-five percent is about right. And that is a legitimate disagreement for all of us to entertain.

The other is the idea of establishing a minimal level, as the five hundred does here. And philosophically, I agree with that, that that would be a very good idea. Again, the five hundred is too high for some counties. And in most of the counties, however, the twenty-five or thirty-three and a third percent would be higher than the twenty -- than the five hundred.

So as it stands, I would oppose it.

MR. HANNAH: The Chair will entertain a speaker rising in support. Hearing none, the debate is closed.

And before us, ladies and gentlemen, is the language. If you vote in favor, obviously this language will be inserted into the serial for consideration of this section. And it would read:

"In the case of district offices, signatures must total the greater of five hundred or thirty-three and one third percent of the total number of registered voters in that district in the previous election."

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

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the teller will prepare for a standing count. Delegates will be in their seats.

MR. CLARKE: Roll call.

MR. HEMBREE: No, no, standing.

 $$\operatorname{MR}.$$ HANNAH: The Chair hears the roll call, will see hands of five individuals. One, two, three -- does not carry. Will move for the standing vote.

All of those in favor will stand, and the teller will count.

THE DELEGATES: (standing)

MS. LONG: Twenty-six.

MR. HANNAH: Be seated. Those opposed, please

stand.

THE DELEGATES: (standing)

MS. LONG: Thirty-one.

MR. HANNAH: Twenty-six for; thirty-one against; motion does not carry; language is not added, and the floor is open for debate.

Mr. Keen, you are recognized.

MR. KEEN, JR.: Before the scribe deletes that language, I would like to propose an amendment with this identical language, but reducing the percentage to twenty-five percent.

MR. HANNAH: There's a motion to strike thirty-three and a third percent, and to include twenty-five. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. Floor is open

for debate.

DELEGATE: Call for a second.

MR. HANNAH: Question has been called for a

second.

MS. SCOTT: Opposed.

difference in that floor; is that correct?

MR. HANNAH: One moment.

MS. SCOTT: I think we need to understand that we're still voting for a minimum of five hundred. Am I understanding that correctly? We still have the floor at five hundred, so dropping the percentage didn't really make a big

MR. HANNAH: Mr. Keen, clarification.

MR. KEEN, JR.: That would be correct.

Absolute minimum number would still be five hundred. The greater of those two figures, whichever is greater.

MS. SCOTT: So we're really not -- we just changed half of it, but not the other half. You changed half of the equation, but we haven't changed the meaning of this motion; is that correct?

MR. KEEN, JR.: That is correct, and the reason I reduced the percentage was in consideration of the at-large districts that have a much larger pool of registered voters. So it would help to balance this thing out some more.

 $$\operatorname{MR.}$ HANNAH: Where are we, people? I thought I heard someone call for the question.

MR. RIDER: Calling for the second.

DELEGATE: Second.

MR. HANNAH: And with no opposition, we will move to consider the language, striking thirty-three and a third percent, and inserting twenty-five; is that correct, Mr. Keen?

MR. KEEN, JR.: Actually, Mr. Chairman, I just renewed the previous motion, the previous language. I adopted the previous language; I changed the percentage.

MR. HANNAH: So, therefore, the motion is -- or consideration that we have is: "In the case of district offices, signatures must total the greater of five hundred or twenty-five percent"; is that correct, sir?

MR. KEEN, JR.: Yes, sir.

MR. HANNAH: Those in favor, please signify by

saying "aye".

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the teller will conduct a standing vote. And the delegates will be in their seats. And all of those in favor -- does everyone understand what we're voting on? All of those in favor, please stand. The count will be taken.

THE DELEGATES: (standing)

MS. LONG: Thirty-four.

MR. HANNAH: Thirty-four. Please be seated.

Those opposed, please stand.

THE DELEGATES: (standing)

MS. LONG: Twenty-one.

MR. HANNAH: Thirty-four for; twenty-one

against. Motion carries; language stands. Dr. Gourd.

MR. GOURD: Just a quick note. The list of names and addresses of delegates and alternate delegates have been handed only to delegates who are here. The intent, as far as I'm concerned, is that is the possession of these delegates only.

I've been asked to give other copies outside; I've been called by the media. I have refused. We have submitted the names, but no addresses. Now, if that list of names and addresses gets out by any other delegate, I will not be held personally responsible for them receiving any sort of communication or mail.

I've provided that at the request of the delegates, and I fully expect that, in my interest, I do not want my name and address given out to other people for any other purpose. Thank you.

MR. HANNAH: Thank you, Dr. Gourd. Yes, Dr.

Hook.

 $\mbox{MR. HOOK:} \quad \mbox{In relation to Dr. Gourd's comments,} \\ \mbox{I notice my name is misspelled on there.} \quad \mbox{I would like for people to} \\ \mbox{verify addresses and names, as well as inform us of those who are.} \\ \mbox{}$

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

MR. MULLON: I wanted to point out that the wrong address does appear below my name. I don't know whether we want to make those corrections. Could we stand and let everybody mark through it or what?

MR. GOURD: Get a note to me and I'll redo it.

MR. MULLON: Thank you, Mr. Chairman. MR. HANNAH: What say you, Mr. Hembree?

MR. HEMBREE: I would move previous question on

the section.

DELEGATE: Second.

MR. HANNAH: The question has been called, and it's been seconded. We're going to get all of this together here.

MS. HAMMONS: Point of clarification. Second

serial or the entire section?

MR. HANNAH: The motion was for the entire section. I didn't clarify to everyone that the kind gentleman from Greasy, his motion was to undivide, to bring all of these serials back together and to consider the section; is that correct, sir?

MR. HEMBREE: That is my intent, Mr. Chairman.

MR. SMITH: Point of information.

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

MR. SMITH: There is inconsistency between

paragraph one and two. In the first paragraph it says fifteen percent in the previous general election.

MR. HANNAH: Fifteen percent of the total number of registered voters in the previous general election.

MR. SMITH: Then you come down, twenty-five percent of the total number of registered voters in that district in the previous election. Shouldn't that be consistent, general election in each instance?

Off-term elections is still a general election. And what you have is a possibility for runoff within a district.

MS. LINNENKOHL: Point of information.

MR. HANNAH: Point of information.

MS. LINNENKOHL: Did not Mr. Center indicate yesterday that every two years would be considered a general election?

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

MR. CENTER: That is correct. We don't have --

MR. HANNAH: Good doctor, what say you?

MR. ROBINSON: Just a suggestion. I'm trying to find it. It just says "general election." Maybe to clear it up we could say the previous nationwide election or something to that effect.

MR. CENTER: "General" is fine.

MR. ROBINSON: Okay.

MR. HANNAH: Okay.

MR. MULLON: I move to amend it to include the word "general" right there.

MR. HANNAH: Thank you very much, sir.

MR. HEMBREE: Consent.

MR. HANNAH: Consent. Thank you. Any objections? All right, ladies and gentlemen, we're about to consider this section, so let's all focus here. If adopted, the section would read:

"Separate from the Council's removal powers, the people of the Cherokee Nation reserve unto themselves the exclusive power to recall any elected official through petition and recall referendum. A petition must be signed by Cherokee citizens registered to vote.

In the case of Principal Chief or Deputy Chief, signatures must total a number equaling or exceeding fifteen percent of the total numbers of registered voters in the previous general election. In the case of district offices, signatures must total the greater of five hundred or twenty-five percent of the total number of registered voters in that district in the previous general election.

The signed petition shall be presented to the Council and filed with the Secretary of State for verification within thirty days. Upon verification of the requisite number of signatures, the Secretary of State shall clarify the petition as valid and notify the Council. Upon notification of a valid certified petition, the Council shall immediately call for and approve a special recall election for the office in question within sixty days.

The special recall election shall be limited in scope to the voting populous for the elected office in question. Votes cast shall be tabulated and the results certified in the same manner as in the general election. A majority vote to affirm the official shall retain the official in office. A majority vote to recall shall immediately remove the official from office.

In the event of a tie vote, the Council shall call a special meeting to conduct a tie-breaking vote. Elected offices vacated under this section shall be filled as otherwise provided in this Constitution."

All of those in favor, please signify --

MR. STOPP: Point of information.

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

MR. STOPP: I don't know how to do this. Back

up in the section, I guess I missed it somewhere, was the Secretary of State. This is a question to you, that I would have liked to have struck that and put the Election Commission versus Secretary of State because that's an appointed position under the Chief. I don't know how to do this procedurally; that's what I'm asking. I have missed it, so I don't know how to do it procedurally.

 $$\operatorname{MR}.$$ HEMBREE: On order. You were right about to take a vote.

MR. HANNAH: Yes, sir. Be seated, Mr. Stopp.

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

THE DELEGATES: Aye.

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

THE DELEGATES: No.

 $$\operatorname{MR}.$$ HANNAH: And the "ayes" have it, and the section is approved.

MR. CORNSILK: Mr. Chairman.

MR. HANNAH: Mr. Cornsilk, good morning, sir.

MR. CORNSILK: I would ask for the record that I

just arrived and that I abstain.

 $$\operatorname{MR}.$$ HANNAH: Very well. Mr. Cornsilk just arrived and he abstained.

Mr. Keen.

MR. KEEN, JR.: Yes, sir.

MR. HANNAH: Where would we be at this time?

MR. STOPP: Point of information.

MR. HANNAH: Point of information.

MR. STOPP: To reconsider what I was asking the Chair, how would I do that? What is the procedure in doing that?

DELEGATE: Motion for reconsideration.

MR. STOPP: Motion to reconsider.

MR. HANNAH: You would move to reconsider. It would require -- you would have to explain to the Chair exactly what you would like to reconsider, and it would require a two-thirds vote of this body.

MR. STOPP: I would like to make a motion to reconsider the statement of "Secretary of State," striking that and putting "Election Commission" in its place throughout the article or section.

MR. SMITH: Point of information.

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

MR. SMITH: If he would explain his proposition,

please, why.

MR. STOPP: When I look at this, we're looking for an independent body out there, because we may be looking at a Deputy or Principal Chief. When you look at the Secretary of State, that is a cabinet level, which is a counsel and advisor to the Chief.

When you look at the Election Commission, it is a body that stands away from the politics and the government and is independent. And if they are going to verify the requisition number of signatures, the only people that can verify that is actually the Election Commission.

It keeps it out of the house and moves it back to the people who would normally verify it. And I meant to do this, and I apologize to the delegation, before we got through it, and I did not catch it.

MR. HANNAH: Quite all right, Mr. Stopp. Is

there second?

DELEGATE: Second.

MR. HANNAH: There is a second.

MR. ROBINSON: I was calling for acclamation.

MR. HANNAH: Chair will take the vote. We have

a motion on the floor to reconsider the section that was previously approved. It has been seconded.

MR. KEEN, JR.: Point of inquiry.

MR. HANNAH: Chair recognizes Mr. Keen for point

of information.

MR. KEEN, JR.: Thank you, Mr. Chairman. I appreciate the fine delegate bringing this point to our attention. When the Commission drafted this language, we did not contemplate creating an Election Commission through the Constitution. Therefore, we fell back on the next most applicable office, which would have been Secretary of State, which is created by the Constitution.

So now that we've made that, mandated that body be created, I think it would be more appropriate, and I would be in favor of this amendment.

MR. HANNAH: Motion is before us to reconsider.

Those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no." And the Chair declares that we are open for consideration on this section.

What say you, Mr. Stopp?

MR. STOPP: Friendly amendment.

 $$\operatorname{MR}.$$ HANNAH: Friendly amendment. Therefore, we would change this from "Secretary of State" to "Election Commission."

MR. STOPP: And, Mr. Chairman, anyplace that its

reads.

MR. HANNAH: And anyplace else. Very well. So, "Upon verification of the requisite number of signatures the Election Commission shall certify."

And also, "The signed petition shall be presented to the Council and filed with the Election Commission."

 $\hbox{ Is there any opposition? Mr. Cornsilk, what say you, } \\$

MR. CORNSILK: I think that we need to have something circular going on between the branches of government here. And, of course, any petition is going to be reviewed by the Tribunal or the Supreme Court if it gets challenged, so that will bring them in.

And you have the Council involved here. I do think we need the Principal Chief involved in some way, and I would suggest a friendly amendment to say that this record will be filed with the Secretary/Treasurer, as well as validated by the Election Commission.

 $$\operatorname{MR}.$$ HANNAH: So, filed with the Election Commission and the Secretary of State.

 $$\operatorname{MR.}$ CORNSILK: I'm not suggesting that the Principal Chief have any power to validate.

MR. HANNAH: Simply that it is filed, correct,

MR. CORNSILK: Simply that it is filed.

MR. HANNAH: So that takes care of filing. The other part is the verification. And Mr. Cornsilk raises that as a friendly amendment. Does this body wish to contest? Dr. Gourd.

MR. GOURD: I think Mr. Cornsilk's intent is to file it with the Secretary of State and then verify it through the Election Commission. It just seems that they should be reversed. The Secretary of State should come first to file it there, and then verify it by the Election Commission.

MR. CORNSILK: That's true.

MR. HANNAH: Here we are, tinkering with this. Anyone wish to object? Filed with the Secretary of State and verified by the Election Commission.

So now it reads: "And filed with the Secretary of State and verified by the Election Commission within thirty days."

MR. SMITH: The problem with that language, there's no mandate the Secretary of Interior has to forward it to the Election Commission. He can sit on it. If you're going to get that tight with the language, it needs to be broader.

MR. MULLON: Mr. Chairman.

MR. HANNAH: Mr. Mullon.

MR. MULLON: I discussed this with Mr. Cornsilk, and I think that there does need to be a process in very few words, include a process so that it doesn't get arrested in the Secretary's office and not sent over to the Election Commission.

You might follow, if I could suggest some language, right after "Secretary of State," "who shall deliver the petition to the Election Commission within" -- it's just a matter of opinion here, but you could say within ten days, five days, for verification.
"For verification" would go after "within five days." And I want to be clear, "within thirty days after delivery of same."

MR. HANNAH: Before we accept this language, I see a kind delegate, and how do you rise in this issue.

MS. CHAPMAN-PLUMB: I rise in opposition. The Principal Chief wields a tremendous amount of power under this Constitution. Why does he need to be involved in a recall? Let's let him read about it in the newspaper and then wield his power as he can after he knows what is going on.

MR. HANNAH: Anyone else wish to speak, because now what we have is, we've gone beyond the realm of friendly amendments. The Chair would take that the kind lady would take opposition to this language, and we will have to have a motion, we'll have a second, we'll have debate, and we'll have a vote. Mr. Poteete.

 $$\operatorname{MR}.\ \operatorname{POTEETE}\colon$\ I$$ want to speak against it. I think we had it right the first time.

MR. HANNAH: Why don't we take a seat then and let's get back to our procedure, okay? So, therefore, Mr. Mullon, is it your intent that this language be your amendment? That, "The

Secretary of State, who shall deliver the petition to the Election Commission within five days for verification, within thirty days after delivery of same."

MR. MULLON: It was just pointed out to me that the language -- well, to clarify the point for Mr. Cornsilk, I think that he had wanted there to be a place where someone in the administration is keeping track of the petitions. He has had maybe some difficult experience with that in the past.

I think that although he's an appointed official, the Constitution would mandate that this official do a certain thing, notwithstanding what the Principal Chief may be telling him not to do this, and he would be basically telling his own Secretary to violate the Constitution, which, as we all know, would be grounds for removal probably of both of them.

But it was pointed out there may be some problematic language in there by having it worded "for verification." Could this be interpreted to mandate that the Commission has got to verify it rather than not verify it? If I could have just a moment to speak with --

 $$\operatorname{MR}.$$ HANNAH: You may. Mr. Keen, do you have something to add to this, sir?

MR. KEEN, JR.: No, sir, I'll caucus.

MR. HANNAH: And what about you, kind sir?

MR. DOWNING: It seems to me that we could

accomplish what I hear going on both sides, that we want to have the Secretary of State have this to file to maintain records. We want the Commission to make the decisions.

If we change the order of the Commission and the Secretary and some language after the Commission, who shall deliver to the Secretary of State -- I'm not sure of the language, but the concept there is, you could change it.

MR. HANNAH: Your concept -- and these kind gentlemen in the back will hear this idea, your concept that to reverse the notification process, going first of the Election Commission and then secondly to the Secretary of State.

If you gentlemen will continue to caucus with that thought now being added in.

Mr. Cornsilk.

MR. CORNSILK: Mr. Chairman, if I might offer to the body. My reasoning in trying to find some process in which a petition is filed, we filed a petition with the Secretary/Treasurer as directed by the 1975 Constitution, and it languished on her desk for months. There was no clear channel through which verification would take place, and eventually she just simply made a decision on her own that it was invalid.

So I'm trying to accomplish some way that this thing will be constitutionally channeled to the Election Commission.

MR. HANNAH: Very well, Mr. Cornsilk. Thank you.

Mr. Stopp, what say you, sir? You have helped us to get

to this point.

MR. STOPP: I apologize.

MR. HANNAH: No apologizes taken, sir, or

needed, I should say.

MR. STOPP: Just a mention of concern when we look at this, is the one that we hope we would never get into a situation where we have to recall one of our elected officials. However, if we do have to get to that point and make that decision as a Nation, I think it needs to be as expedient as possible.

When you look at this right now, you've got ninety-five days from the time that you put the petition in, to the time that you actually call for a vote.

I do not know if that is appropriate or unappropriate, but I do know that's almost a full fiscal quarter in one year and that person is in office being challenged of their ability.

I would recommend, not in a motion form, but as a comment here, that we remove the verification period down to ten working days, which is two weeks. That puts a tremendous burden on the Election Commission, I understand, but in such a serious nature that we can be in and out of this quickly. And that we would call for an election within thirty days.

That cuts it down tremendously. And please understand as well, those are very short time periods to notify the general population. However, if you're out gathering names on a petition, it may take you a month, two months or three months. And I'm sure, as we've learned this week, the things that we do at eight o'clock at night are reported the next morning.

So people in this Nation will know very quickly that there is an election coming up for their highest level.

But I think I guess I look at it, ninety-five days in this business, it changes completely. And if we are at that point, that concern with one of our leaders in one of our highest offices, do we want to give them that much more time?

 $$\operatorname{MR.}$$ HANNAH: Thank you, Mr. Stopp. Good man from Greasy.

MR. HEMBREE: In all due respect to my friend Delegate Stopp's comments, there is a difference between expediency and impossibility. If you're going to be given an Election Commission, any body of people of that size, a mandate to verify possibly five thousand signatures within ten working days, that will be an impossibility.

I mean, it's fine to be expedient, and that's a good goal, but don't put unrealistic pressures on a body to verify something because it won't get done. I mean, you would want it to be done within a day, but it can't.

And I would say ten days is just as unrealistic as one. I think thirty days is going to press the limit of these people, but I think that thirty days is good. I think they should have to work hard on it. But ten days, I would believe -- I would perceive that as an impossibility.

MR. HANNAH: Mr. Keen, the younger.

 $$\operatorname{MR}.$$ JOHN KEEN: We're debating on the language that's in bold right now?

MR. HANNAH: That's correct, sir, "the Secretary of State, who shall deliver the petition to the Election Commission within five days for verification within thirty days after delivery of same," is what we are debating on.

MR. JOHN KEEN: Well, I think we had it right the first time with just presenting it to the -- "signed petition shall be presented to the Council and filed with the Election Commission." That our Election Commission is our independent entity that we have set up, and I think all of this is just unnecessary and we're all talking about time periods here. It's just an unnecessary burden on people. I think we had it right the first time.

So I speak against this, and I would like to see it go back to "filed with the Election Commission," and that's it.

 $$\operatorname{MR}.$$ HANNAH: Thank you, sir. Mr. Keen, the intermediate.

MR. KEEN, JR.: I would raise a point of personal privilege and call for perhaps a five-minute recess so we can work out some language and get this resolved.

MR. HANNAH: And the Chair would enjoy a five-minute recess, as well. And we are at recess, five minutes.

(recess taken)

MR. HANNAH: We are called back from recess. And we are still at debate over "the Secretary of State, who shall deliver the petition to the Election Commission within five days for verification within thirty days after delivery of same." $\frac{1}{2} \left(\frac{1}{2} \right) \left(\frac{1$

And we're going to take just a few seconds here.

MR. McDANIEL: Mr. Chairman, could I have a couple of minutes, sir?

MR. HANNAH: Yeah, Calvin, while we're waiting here, what can we do for you?

MR. McDANIEL: Just a general comment.

MR. HANNAH: Okay.

MR. McDANIEL: I understand it's too late along in this convention to bring up any new motions to be included in this Constitution; is that right?

MR. HANNAH: Well, if we're talking about the creation of new articles, I think that that might be correct, sir. What are you interested in talking about, Calvin?

MR. McDANIEL: Well, we've got these lawyers, there is a clique of lawyers here. A clique. I'd like to see some -- if we have another convention in twenty years, I would like to see something --

MR. HANNAH: To prevent lawyers from attending? I think I might be able to entertain that.

 $$\operatorname{MR}.$$ McDANIEL: Maybe have about two lawyers, two or three or something like that.

MR. HANNAH: I tell you what, Calvin, just by

the fact of what you just spoke -- and let's all just remember where we are for a moment. Calvin has raised an issue, and he means nothing personally offensive to any of those who are practicing before the courts of this state or any other -- and, Calvin, you have entered that language into the official record.

That means that that statement is there, and twenty years from now when those who look through these proceedings, they will see your words, and I'm sure they'll take into strong consideration who they select to be a part of the convention.

MR. McDANIEL: Well, I've been sitting back there, and I take medication, I get drowsy, go to sleep. And every time I wake up, there's a lawyer at one of these microphones.

MR. BILL BAKER: Mr. Chair, point of personal privilege.

 $$\operatorname{MR}.$$ HANNAH: Wait a minute, wait a minute. Just a moment. Mr. Baker.

MR. BILL BAKER: I need to sit with him because every time I go to sleep, one of them is talking.

MR. HANNAH: Thank you, Calvin, the good delegate of Muskogee. In keeping in fine tradition, Mr. Mullon, you are recognized.

MR. MULLON: I have to say, I would not be able to top that. That was pretty good. But my skin is thick enough to take that. Lawyers get that all the time.

But the Cherokee people have always had very good lawyers, and they have sometimes served them well and sometimes not. We don't want to comment on who falls into what category.

MR. HANNAH: What say you, sir?

MR. DOWNING: I have some language that has been discussed between a clique of lawyers and one or two non-lawyers, and I would like to suggest it to everyone here, lawyers and non-lawyers. And it would read, the amendment would begin right after the word "shall be." Yes, after that. "Filed with the Election Commission to determine whether it should be verified," period.

The way it was worded before, an objection was made, that you could read it to mandate verification even if it is not verifiable. So they have to make a determination.

And going on after that, "said determination shall be made within thirty days after the filing of same," period.

And then going down to the next line -- or have you already made that change? You've added "Election Commission," and you've added the very end of it, and "Secretary of State."

The very end of that sentence, after "notify the Council," down below. Add the words, "and the Secretary of State," delete that period after "Council." I would eliminate the punctuation after the word "Council." And delete the rest.

MR. CORNSILK: Point of information.

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

MR. CORNSILK: Is our cliquish attorney

suggesting that we are allowing the Election Commission to decide in the broadest possible interpretation of this language, a pile of papers with signatures in front of them is to be verified or not? Or are we directing them to verify each signature?

I just don't want to walk in an office and dump this box of signatures on their desk and then them say, "take them back."

MR. MULLON: I think the word "can be verified" is a better word choice. Whether it can be verified, yeah.

MS. MASTERS: Point of clarification.

MR. HANNAH: Yes, ma'am.

MS. MASTERS: Right there where it said, "can be verified," are we talking about is it verifiable there?

MR. MULLON: Well, let me just say what the point of the language is, and then maybe there's better language out in the world. I'm sure there is.

The point was made that, as worded before, it looked like the Commission had no choice but to verify it. If you put it on the Commission's table, even though the signatures are patently void, they are mandated to verify it. That contention was made and that would be one reading of that language.

And I tried to come up with language that showed that they are supposed to make that choice. They are supposed to make a determination rather than being forced to come to a conclusion.

MR. HOOK: Point of clarification here.

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

MR. HOOK: Could you please define for me

exactly what "verified" entails?

MR. HANNAH: Mr. Center, since there seems to be no one answering this, I assume that if a list of voters' names were brought to your office, that by way of verification you would verify that they are, in fact, citizens and registered to vote in the Cherokee Nation.

MR. CENTER: That is correct.

MR. HANNAH: Does that help you, Dr. Hook?

MR. MULLON: Mr. Chairman.

MR. HANNAH: Mr. Mullon.

MR. MULLON: Mr. Keen, in a moment of lucidity, came up with some better words. He suggested that they change the language to determine whether it can be verified, would be to determine whether the signatures are valid.

 $$\operatorname{MR}.$$ HANNAH: We have a motion before us for strike and substitution.

MR. JACK BAKER: Delegate Jack Baker.

MR. HANNAH: Just a moment, gentlemen. The Chair sees you, and we're going to get to you, I assure you. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. The floor is open for debate. Mr. Stopp, you are recognized.

MR. STOPP: Would the author accept a friendly

amendment of ten days, excluding holidays and weekends?

MR. MULLON: I guess that I would. If ten

working days is enough time.

MR. CENTER: Ten working days to verify the

list?

MR. HANNAH: It says, determination shall be

made within --

MR. MULLON: If that's not physically possible, what you're going to do is, you're going to have them rushing through names.

 $$\operatorname{MR}.\ \operatorname{STOPP}\colon$ It's the same situation with thirty days. We don't if it is or isn't.

 $$\operatorname{MR.}$$ MULLON: We talked about thirty days already.

MR. CENTER: Ten days, depending on the signatures that's required from the different districts or whether it's a general petition, the number would determine that the time element, that with three employees, with all the other business that's going on, would determine whether or not we could do it or not. Thirty days is more realistic.

MR. MULLON: Mr. Chair, point of information.

MR. HANNAH: Point of information, gentlemen. Let's do something novel here. Let's focus on an example. So earlier, Mr. Center, please correct the Chair if this statement is incorrect, we looked at numbers earlier on an election of the Principal Chief. Therefore, under the previously approved language, forty-five hundred signatures was the example that we used earlier, would be needed to be brought before your office.

And so I guess our question that Mr. Stopp raises for us to consider is, would the Election Commission be able to verify forty-five hundred signatures, ten days, fifteen, thirty as it stands now. Does that help to clarify?

MR. STOPP: Point of information.

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

MR. STOPP: On that verification, are we talking about a hundred percent, each name has to be verified, or are we talking about pooling or sampling, or how are we talking about? That again goes back to the forty-five hundred. How do we determine verification?

MR. HANNAH: Whether these signatures are valid.

 $$\operatorname{MR.}$ STOPP: That's what I'm asking the Election Commission, how they will do that.

 $$\tt MR.CENTER:$$ The signatures -- we have, at the precincts, we have a precinct book. They sign it. We're going by registered voters, correct?

MR. STOPP: We could scroll up.

MR. CENTER: Then we could check their name against the registration on the computer. But yet this would take, if it were between four thousand and five thousand, with the compliment we have over there of employees, it would take probably

one calendar month or twenty working days.

MR. HANNAH: Thank you, Mr. Center. Mr. Baker -- Mr. Stopp, do you yield the floor, sir?

MR. STOPP: I don't know where we're at. Is this my motion and he's making a friendly amendment?

MR. HANNAH: I can help you. What we are doing here is, we are looking at the language that appears; a motion has been made; it's been seconded. We are at debate over the language that is underlined, "filed with the Election Commission to determine whether the signatures are valid. Said determination shall be made within thirty days after filing of same," and then the striking of the following language. Are you clear, sir? Very well.

Mr. Baker?

MR. JACK BAKER: And the additional language.

MR. HANNAH: That's true. And the addition of the, "and the Secretary of State." Mr. Baker of Chewey.

MR. STOPP: Point of order. Did you ask me if I was finished, would I yield?

MR. HANNAH: No, sir. Basically, I wanted to know if you're finished. We'll make it simple. Are you finished?

MR. STOPP: No. The only concern that I have on this language -- and this is germane to the bottom portion of it as

well -- is to assuring, again going back to assuring that we have an accurate process of verification and an expedient process.

Two items. One, if we get to this point in the Nation where there is a recall for both parties, the people who would like

where there is a recall for both parties, the people who would like to have a recall executed and the people who are being accused, we can't hold this process out months and months. It's not fair to the person being accused, nor the Nation as a whole.

And I think when you start looking down through these numbers, you're in thirty, plus sixty, plus some other verification times, we need to have an idea of time frame here of how long it really will take if something comes through.

My biggest fear is, if this individual is warranted to be recalled, how long is that person in office with power at that point. If that person is not, how quickly can we -- not expose, but to alleviate this issue. That's my concern there, is looking at the Nation in its operation and its movement.

MR. HANNAH: Thank you, sir. Mr. Baker of Chewey.

MR. JACK BAKER: I think, in addition to determining whether signatures are valid, we have to determine if there's a proper number of signatures. So I would like to make a friendly motion that we say that they determine whether the required number of signatures are valid. They determine that the signatures are valid, but nothing is said about determining the number of signatures.

 $$\operatorname{MR}.$$ MULLON: The next sentence does, but I think you can say both of those there within that sentence.

MR. SMITH: Point of information.

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

 $$\operatorname{MR.}$ SMITH: "Upon verification of the requisite number of signatures" does that.

MR. MULLON: It's picked up in the next sentence

there.

MR. HANNAH: Okay. I believe Mr. Littlejohn has

been standing.

MR. LITTLEJOHN: Point of information. I believe that -- I don't believe the Election Commission is capable of determining whether the signatures are valid. Whether my signature has been signed by me or someone else is something I would suggest is above and beyond the capability of the Election Board to determine.

And the only thing they should be certifying is whether the requisite number of signatures are proper.

MR. HANNAH: Mr. Baker.

MR. DONN BAKER: Donn Baker, delegate, Park Hill. Point of clarification. The answer to Mr. Stopp's question and hopefully Mr. Littlejohn's, generally speaking, on any election dispute it's going to end up in court, and the court has those special writs that we're talking about.

One side or the other is going to say that they didn't verify them properly and they'll contest it. And to answer your question, how long is this going to take, I think the court will move quickly, but there isn't any way in the world that we are going to be able to say that within thirty days or forty-five days that there's going to be this election because I think it's going to end up in court, one way or the other, whether they were properly verified or not.

MR. HANNAH: Mr. Downing.

MR. DOWNING: Again, I stand at the mike not knowing which side I represent. It seems to me that what we are saying is that the Election Commission will certify the results of the petition. If we do that, it cuts out a lot of verbiage, and we need for them to do both, to tell us whether the petition has sufficient signatures to call an election or whether it does not, and "certify" will take care of both of those.

MR. HANNAH: Thank you, sir. Mr. Cornsilk.

MR. CORNSILK: Mr. Chairman, I once again --

Delegate Cornsilk -- I rise to offer some insight from my long experience in working in, through, and around the Cherokee Nation.

And having worked with the registration office, I can tell you that the process for verifying a signature on a petition is quite lengthy. It requires that you be able to read the signature, first, and that you know who you are looking for in the membership list, and then you must cross reference to the voter registration and the tribal membership application.

Because if I'm an astute petition carrier, I'm going to sign for someone on six different pages, knowing that the time that it takes to verify the signature is so limited that you're not going

to catch it. And I'm going to get the number of signatures reduced by at least half or more.

And so the process for verifying is each signature. And each signature must be identified and be recognized as the same signature on the membership application.

And so if we limit it to less than thirty days, we are making it so extremely tight, process-wise for these people, as to risk calling an election when we don't have the proper number of signatures.

And I would also offer to you that, from the other side, if I am an elected official and I'm fighting for my job, I want to know that I'm out there fighting for something that is valid, that you're not just willy-nilly throwing me into an electoral process, and I have the time to go out there and tell the electorate, I didn't do what they are accusing me of, and campaign, which is a part of the political process, and justify yourself.

And so I don't think we need to be shrinking this time. We need to be increasing it a little bit, even though I realize we're leaving them in office for a little bit longer than we should. But the process needs to be fair to the person who's getting ready to be booted out of office.

MR. HANNAH: Mr. Stopp.

MR. STOPP: I don't disagree with the fairness of it, but again we're talking pre and verification. So once it's verified and the Council has approved an election, at that point, the campaign begins. This is all prior to that.

The question is, is the prior to this, sixty, ninety, a hundred and twenty days before you get to this point, is the question I have. But I do think that, in fairness, they do need an opportunity to go out and talk with the community.

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

MR. MULLON: I guess I would just like to -- I endorse Mr. Cornsilk's comments there. We don't want to create constitutionally a situation that cannot be done, that cannot be accomplished. And if we're talking about a recall of the Chief, there's going to be thousands of signatures that are going to have to be verified. And if they're running up against the end of thirty days, they're going to have only one thing to do, and that is to rush through the list and assume that a lot of them are valid and cut short the time that they are examining the documents.

But otherwise, if they came out with a verification on day thirty-one, someone is going to challenge the validity of the whole thing. So as much as we might want to hurry the thing along and get a recall election going, I think that we don't want to create an impossible thing to where the Electorate Commission or whoever it is that's reviewing the signatures, is forced to do a bad job.

 $\mbox{MR. STOPP:} \ \mbox{Call for the question.}$

MR. HANNAH: The question is being called. Is

there a second?

DELEGATE: Second.

MR. HANNAH: Hearing no opposition, what we are in consideration of is the inclusion of the language on this section which would read, "filed with the Election Commission to determine whether the signatures are valid. Said determination shall be made within thirty days after the filing of same."

Striking of the language, "presented to the Council and filed with the Secretary of State who shall deliver the petition to the Election Commission within five days of verification, and within thirty days after delivery of the same, the Election Commission for verification within thirty days." That section would be stricken.

And the inclusion of the phrase, "and the Secretary of State." Is everyone clear on what we're doing?

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

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: The motion passes; language is

amended.

Mr. Keen, you are recognized.

MR. KEEN, JR.: Thank you, Mr. Chairman. If there are no other amendments to this section, I would move that this section be approved in total.

 $$\operatorname{MR}.$$ HANNAH: Motion to approve the section in total. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. And how do you rise, Mr. Stopp?

MR. STOPP: Point of information. Please go down to the bottom paragraph, just to clarify something for me. Please go down a little farther. Right there.

"Upon notification of a valid" -- keep going -- "shall immediately call for and approve a special recall election for the office in question within sixty days."

Am I reading that right, that as soon as they verify it, within sixty days there will be an election called for; is that right?

MR. HANNAH: "Upon notification of a valid certified petition." So, in other words, and help the Chair to make it clear for this good man, "upon notification of a valid certified petition," which would be coming from that verification of lists from the Election Commission; is that correct, Mr. Keen?

MR. KEEN, JR.: Yes.

MR. HANNAH: "The Council shall immediately call for and approve a special recall election for the office in question within sixty days." Are you clarified, Mr. Stopp?

MR. STOPP: Okay. So, yeah.

MR. HANNAH: So, once it's verified, immediately the Council will call for the election, and their order will be to the Election Commission to conduct that election within sixty days.

Are you clear?

MR. STOPP: Yes, sir.

MR. HANNAH: And we're all clear? And all of those are clear on exactly what we're saying, right?

MR. SILVERSMITH: Mr. Chairman.

MR. HANNAH: Mr. Silversmith.

MR. SILVERSMITH: I'm not going to say I'm afraid to ask this, because then I'd be kind of looked at like I might be ignorant or something or I can't read as fast as everybody else, there's something wrong with me.

But I got to tell you, I can't read that thing again. I can't read that because when you read, you read real fast, and I don't have time to process that. My brain, I was dropped on the floor when I was born. When I look at that, I can't read it.

MR. HANNAH: Chair understands. Chair was dropped on his head, too, as a small child. And the delegates will not take such joy in that exchange. The Chair's sister still to this day is paying for that.

Section 4. Now, Mr. Silversmith, would you like for us to read through this again at a pace where you can sort of grasp this?

MR. SILVERSMITH: No, I can see it.

MR. HANNAH: And you're all right with it now?

MR. SILVERSMITH: Yes, sir.

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

MR. KEEN, JR.: Mr. Chairman, I move that this body approve Section 4 in its totality.

MR. HANNAH: There is a motion to approve Section 4 in its totality. Is there a second?

DELEGATE: Second.

MR. HANNAH: And hearing no opposition, all

those in favor signify by saying "aye."

THE DELEGATES: "Aye."

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the motion passes, and the

section is approved. And, Mr. Keen, what say you?

 $$\operatorname{MR}.$$ KEEN, JR.: Thank you, Mr. Chairman. I now move that this body approve Article X, Removal From Office, in its totality.

 $$\operatorname{MR}.$$ HANNAH: Motion to approve Article X in its totality. Is there a second?

DELEGATE: Second.

 $$\operatorname{MR}.$$ HANNAH: There is a second. Would you all like to hear Article X?

THE DELEGATES: No.

MR. HANNAH: Billie, do you have a question?

MS. MASTERS: Yes. Have we accepted Section 1

yet?

MR. HANNAH: I believe we have. Yes, ma'am, it

was approved. Any other questions? All of those in favor of accepting the language in Article X, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the motion passes, and the

article is approved.

Mr. Keen.

MR. KEEN, JR.: Mr. Chairman, at this time we have gone through and approved verbiage relating to every article of this Constitution. I would turn it over to the pleasure of the delegates as to how we should proceed.

MR. STOPP: Point of --

(applause)

MR. HANNAH: Mr. Stopp.

MR. STOPP: Just a point of information, as I request from the Chair. Do we now have the opportunity to go back and look at all the articles this afternoon and make amendments, or is that -- I guess I'm just understanding the process here.

MR. HANNAH: The process would be this, folks. Let's all see where we are here. We have now moved through the entire Constitution. We have now approved in seriatim all of the sections and articles. And, of course, there have been a few inclusions along the way, creations, and it's all been approved at this point.

Now, if there are motions to revisit -- to reconsider certain sections or articles, then that will be entertained. But the Chair will tell you that you will need to move for reconsideration. You'll need to tell us specifically the section and the article that you wish to have reconsidered, and the Chair will hear your rationale for doing so.

And the Chair will also instruct you that we will not, by way of looking at one particular section, one particular article, and if we were to vote on a two-thirds vote to reconsider and we make it back to that section, that that is the only section that we're going to visit at that point in time.

Once action is taken, we will come back out of that section. If you would wish to revisit again, then we will once again put it before the body.

MR. SMITH: Mr. Chair.

MR. HANNAH: Mr. Smith.

MR. SMITH: Point of information. Can you tell me what the anticipated process is after we revisit and reconsider those particular sections? We're talking logistics. We have a resolution in front of the Commission; it would be a four-month public inspection period. We've had some suggestion we come back after a period of time and perhaps put a final cut or final review of this before us. I would think that would help us tremendously in reopening and reconsidering.

MR. HANNAH: If I may, there was considerable

debate last evening, sir, with regard to the motion that was passed by this body earlier in the week. And this morning the group did not elect to take that up again, but to finish our seriatim process.

If we were to move through a series of reconsiderations of various sections, or whatnot, ultimately it comes back to the delegation. If we are satisfied with the document, then it would be appropriate for us to obviously adopt the document. It depends entirely upon what the decision of the delegation is.

The Chair could go on for hours with various iterations of that process. But the Chair will remind us, we have technically -- we have not decided what we're going to do.

 $\mbox{\rm Mr.}$ Cornsilk -- excuse me, $\mbox{\rm Mr.}$ Poteete, you are recognized.

MR. POTEETE: Yes. I know we're all exhausted, and I know that nobody is interested in debating again anything that we have already thoroughly discussed, but I want to ask you to draw close and listen to what I say. I think that none of us have really thought through, or very few of us, what we are about to do.

I call your attention to the section on the Executive, which requires that the Chief be elected by a majority vote.

And then I call your attention to Article V on Legislative. There is no such provision in that section, Council members can be elected, have been elected, are sitting in office now, without -- on a minority vote. They did not get a majority of votes in their districts.

Now, if we choose to leave things the way they are, and if we look at this and say, we're going to leave the conduct of those elections, we're going to leave that to the legislative body, to the Council to correct itself, you are leaving to people who have been elected under those rules, the task of changing them.

In other words, if you leave it to the Council, my question would be, what incentive does the Council have to change this? That's what got them there to start with.

MS. CHAPMAN-PLUMB: On order.

MR. HANNAH: On order. One moment, sir.

Chapman-plumb.

MS. CHAPMAN-PLUMB: Are we debating a motion? MR. HANNAH: You will need to bring your

comments to a close, sir.

MR. POTEETE: So what I will move and urge you to support is that we reopen Section 5 and consider arranging that Council people have to have a majority of votes in their district to be elected.

MR. CORNSILK: Mr. Chairman, point of

information.

MR. HANNAH: Point of information.

MR. CORNSILK: Delegate Cornsilk. Just from my own capabilities to digest what we have done, I don't think that the seriatim process has assisted me in being able to look at this Constitution that we are going to propose from point A to point B.

And if Troy would entertain a break for us to receive a copy from -MR. HANNAH: Copies were handed out last
evening, sir.

MR. CORNSILK: Not from what we have done today.

MR. HANNAH: I understand. You're talking about a final, final copy. I just want to clarify that.

MR. CORNSILK: To where we've gotten today, and then we can take a break for a couple of hours, sit down with it, munch on it, and then come back with our proposed amendments. I really think that we need to take the time to see the relationship of one article to another, one section to another, and how this whole Constitution functions. And I can't do that in this seriatim process. I apologize for that.

MR. HANNAH: Quite all right, sir. What say you, Mr. Poteete?

MR. POTEETE: If I could be allowed to bring this motion when we come back or as soon as we consider what David gets, I think that's a healthy process.

MR. HANNAH: So you withdraw your motion?

MR. POTEETE: I would withdraw it at this time.

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

MR. MULLON: I wanted to get it clear in my head anyway of what this reconsideration process, how you are proposing to eliminate it. Did I understand you correctly that when a person decides that they want to go into a particular section, in some article, and have it reconsidered, that before they go in, they must identify exactly what language they want to be or what provision they want to be reconsidered, and that the reconsideration vote would -- assuming that it gets the requisite two-thirds, once they are inside the section, that you will be limited to dealing with the matter that was identified prior to the motion?

MR. HANNAH: Yes, sir. That would be the intent of Chair. And we would identify that by section and by article and then rationale for returning to reopen that particular section.

And everyone would have an opportunity to see exactly what it is we're going to talk about when we go back, and requiring a two-thirds vote.

MR. MULLON: Thank you, Mr. Chairman.

MR. SMITH: Mr. Chairman.

MR. HANNAH: Mr. Smith.

MR. SMITH: I would make a motion that all changes we have made so far be adopted as amendments to the current Constitution, as opposed -- and as -- let the record reflect Mr. Keen's chuckle -- as opposed to adopting a new Constitution.

And there's a lot of consideration for that. I know we started the seriatim process with the desire of the Commission that we enact or propose a new Constitution, but there's a lot of policy differences in taking the changes that we've come up with and proposing those amendments.

And I say it, and if I can just do my rationale now, then

MR. HANNAH: Please do so, sir.

MR. SMITH: None of us are elected except some of the Councilmen. We are appointed delegates to the convention. We've had a Constitution for twenty years. And the thing that we have almost uniformly agreed on is, the Cherokee people must have a voice. We must be considered. Their thoughts and opinions and ideas should be taken into consideration. They must have a choice.

And I think most and overwhelmingly, the stuff that we have agreed on and come to a consensus with, will be embraced by the Cherokee people. But what is foremost is to allow them to have the choice.

And that is best served by proposing amendments to the existing Constitution through a red line and letting them check, as suggested in our 1975 Constitution, that each proposition be considered separately.

And I think the work of this Commission will be applauded by the Cherokee people if it's presented that way. If not, we have missed an opportunity for almost a rebirth out of the discord that we have had for the last year.

Our people are quite suspicious of what goes on in Tahlequah. They question what the motive is, why there's such an urgency. And if we present to them one document with all these changes, the question is, what is the hurry, and why are they so anxious to change an old Constitution.

But if they are given the opportunity, amendment by amendment, I think the Cherokee people, by an overwhelming vote, would embrace and approve those changes.

So there is a philosophical difference here between Mr. Keen and myself. We need to give the Cherokee people the option to choose and pick every one of the options, that we not strike that. We need the Cherokee people to accept or reject what we believe is best. We must yield to what they think is best.

The procedure to do that is amendment, proposing these changes as an amendment to the current Constitution, as opposed to giving them one document we have to accept in total or reject in total.

Because what I fear is, any provisions -- you give them one document that they must accept or reject, it will be rejected because of points -- one or two points that they just don't agree with.

As opposed to, if we give it to them as amendments to the current Constitution, one provision will not defeat the work we have put together in the last ten days. Thank you.

 $$\operatorname{MR}.$$ HANNAH: Mr. Smith, before you leave the microphone, sir, Mr. Smith, the Chair would like to understand exactly your motion.

 $$\operatorname{MR}.$ SMITH: My motion is to accept all changes recommended in the seriatim process as amendments to the current Constitution.

MR. STOPP: Point of information.

MR. HANNAH: One moment. Would the teller provide an amendment sheet so the Chair may see the exact words of the good delegate? Because earlier he said "adopted," then he said "accepted." I want to make sure I understand.

If you would, sir, write your motion.

MR. SMITH: I will.

MR. HANNAH: Thank you, sir. Is there a second? DELEGATE: Second.

 $$\operatorname{MR}.$$ HANNAH: There is a second. And the floor will be open for debate.

MR. JOHN KEEN: I have a point of order.

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

MR. JOHN KEEN: This is essentially the same motion Mr. Smith made last night, in different words. He made this motion essentially at the end of last night; we debated it and voted it down, in his language of this being an extension of the 1839 and 1975 Constitution.

So I believe this is an effort on the same grounds as that, and I would ask the Chair to rule this a dilatory motion.

MR. HANNAH: The Chair will need to see the written motion. And, Mr. Keen, once again, the Chair wants to understand, your opposition is that you believe that the motion that was just made was, in fact, a rewording of the discussion that was held last evening, which the Chair understood, as -- and you just said the 1839 Constitution.

So what the kind man was arguing last night is that he would want to see the supersession language dropped to the side and, in actuality, the '39 Constitution and '75 Constitution would be used as an amendment to this particular Constitution.

MR. JOHN KEEN: No, I believe what -- it was my understanding last night that these were just -- what we have done here, this 1999 convention, would just be amendments and extensions of the 1839 and 1975, and I believe we debated that and voted that down last night. So I believe this is just a reworded motion.

MR. HANNAH: Thank you, sir. One moment.

(off the record discussion)

Okay, ladies and gentlemen. Thank you. We will be in our seats.

Mr. Smith, your motion is, you move to accept changes proposed by seriatim process during this convention, to be proposed as amendments to the 1975 Constitution, to be voted on by the people, article by article; is that correct, sir?

MR. SMITH: It is.

MR. HANNAH: Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. And the floor is open for debate. Mr. Keen, obviously the Chair's ruling is not a dilatory motion, and we are open for debate.

Ms. Chapman-Plumb, you are recognized.

MS. CHAPMAN-PLUMB: I just would like for somebody from the Commission to speak to what their proposal was. I wonder what the alternative is, what we're set to do if we don't approve Mr. Smith's motion.

MR. HANNAH: Now, folks -- and the kind delegate from Tahlequah, thank you. You have always brought us to an important point, oftentimes in sort of a different way, but let's see if we can get there.

We are at debate on this particular motion, and the Chair will not enter into the debate. So therefore, Manager Keen, I guess the question would be for this young lady, if not this process, what?

And once again, Mr. Smith has asked us to accept the changes proposed by seriatim process during this convention. He's asked that they be proposed as amendments to the 1975 Constitution. In other words, amendment for amendment, article by article, and to be voted on by the people.

In other words, he's suggesting to us in this motion that, instead of a document in the whole, that article by article would be presented. So here would be the article that this convention has written, and here is the article, obviously, of the '75 Constitution.

If the people do not accept Article II presented by this convention, then the article that is in force would stand. And that's by way of the Chair's explanation. Mr. Keen, would you add to it?

MR. KEEN, JR.: I would agree with that explanation. I certainly rise in opposition to his motion. Just simply -- maybe this will be helpful. The Commission at some point of the -- and I would dare say approximately halfway through the public hearing process, as we were taking all of these comments and suggestions in, we began to develop a list. And that list ultimately became part of our progress report, which I'm sure many of you have read. And we began to hear the same thing, the same comments being repeated.

And we, as a Commission, at one point in time, we had to make a decision, the same decision that this body is facing right now. Are there enough changes being called for that we can present these as possible amendments to the existing 1975 Constitution, or are there, both in number and the scope of those changes, so large that that document would not operate with simple amendment. That is, would it actually cause more confusion; is that document compatible enough to accept the number of changes that the people are asking for.

The response that the Commission came up with was "no." That there are so many changes being suggested and many, many good ideas, that the '75 document, even though it had some very good language in it, would cause more confusion and problems. And this is the reason.

And this is the same reason why we presented a revised

Constitution to this body for consideration. Because whenever you get into making these various changes, you start affecting different parts of the Constitution; one section affects another. And this Constitution is a working document. It has to be. It has to be.

And if we get into so many changes and we present those to the people, as we would be required to in our Constitution -- let me point out, it says in Section 7, "If two or more amendments are proposed, they shall be submitted in such manner that electors may vote for or against them separately."

Section 8 of article -- whatever it is -- XV, Section 8 says, "No proposal for the amendment of this Constitution" -- let's see -- "shall embrace more than one general subject, and the voters shall vote separately for or against said proposals submitted; provided, however, that in the submission of proposals for the amendment of this Constitution by articles, which embrace a general subject, such proposed article shall be deemed a single proposal or proposition."

So under our current Constitution, we've only got two or three options here. We can present all of these different ideas in the form of separate questions or amendments; that's option one.

Option two, we can present articles as separate questions to replace an entire article in the old Constitution.

Or the third option is to present a new Constitution to the people that would completely replace the '75.

Now, ladies and gentlemen, we have been here for nine days, or we are on our ninth day. The document I am holding is no longer the recommendations of the Commission. Those recommendations are gone. This is the document that this body has created.

Now, you've incorporated a lot of our recommendations in one form or another, but this is the document of this convention. Now, we want the record to clearly reflect that.

One thing that can be said about this convention, you will never be accused of rubber stamping anything. But that is a good thing. Because this convention has gone through the same debate process the Commission did. And now this convention must make the same decision that the Commission did.

Is it practical to try to present -- and dare I say, we have -- the revised version has seventeen articles, and I don't think that we could even present every one of those as articles. Some of those may have to be broken down into separate questions. But we would have a minimum of seventeen questions on the ballot, and I feel like that would be so confusing to the Cherokee voters.

And I'm not saying that they can't sort through this, given the time. But what I'm saying is that they may not understand that a lot of these articles depend on one another. There's an interrelation; there's a working relationship among this document. It is a comprehensive document now.

And I feel like if we presented it in separate questions, that they may approve of one article or section, for whatever reason, they may disapprove of another. And what might we wind up

with? We might wind up with a document that is nonfunctional, that cannot function.

So for that reason, that's the rationale behind the Commission and why we presented a revised document, so we could go through the entire thing, make sure everything was compatible, and that everything would function and flow with continuity.

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

MR. HOSKIN, JR.: Thank you, Mr. Chairman. Charles Hoskin, Jr., Vinita.

I rise in opposition to Delegate Smith's amendment. Delegate Keen points out some, among other things, some great practical considerations. And that is, if we put this on the ballot as a series of sections, then there's a possibility of rejection of some sections. And that would cost, probably, because we have done so much to this Constitution, not only individually, but all of these changes we've made are interrelated. We need to be mindful that we have come up with a new document.

I also want to go further and say that I believe, it's my belief, that the voters, that the people of the Cherokee Nation, consented to this process. They gave their consent when they voted to call a convention, they gave their content, I believe, through the hearing process, through the extensive hearing process.

And there is an air of legitimacy about this convention. People are proud of what we're doing, that's my belief. And I think they've put a burden on us to come up with a new document. I think they've entrusted us to do that. They didn't ask us to put a bunch of things up for them to pick and choose.

They asked, I believe, this convention to come up with a document for them to vote up or vote down. And I would urge the body to reject this amendment. Thank you, Chair.

MR. HANNAH: Kind lady from Tahlequah is recognized.

 $\label{eq:MS. HAMMONS: Thank you, Mr. Chairman. Diane \\ \mbox{{\sc Hammons.}}$

I agree wholeheartedly, Mr. Keen, with what you said. Mr. Hoskin, my relative and colleague, I oppose his amendment. But I don't think, Commission, that you've answered Ms. Chapman-Plumb's question, and I would reiterate that.

And I would just, by way of explanation, tell you that my concern, and I think from caucusing, a lot of our concern is that we not say, do you approve the 1999 Constitution, yes or no.

I want the Cherokee citizenry to be able to see what we have done, to see what it was that we've changed. Now, if you can tell us -- I also want to know, and I am proud of this document; I'm ready to approve it, but I want to know what the process is.

If we have a four-month or whatever period that we dispense this out, are we going to come back? Or does it go to the election then? I need to know those things before I vote to approve it. And I think that's the sort of information that maybe Ms.

Chapman-Plumb wanted. That's what I want.

 $$\operatorname{MR}.$$ HANNAH: Kind lady, and, Mr. Keen, would it be all right if the Chair were to --

MR. KEEN, JR.: Please do.

MR. HANNAH: Folks, what we have here is the proverbial dilemma of decision, because what we're in many ways talking about are two separate items. We're talking about how this document will be presented to the people, (A,) will it be presented to them amendment by amendment or as a revised Constitution. That's one question that we have before us, and that's what the debate is about, and that's the heart of Mr. Smith's motion.

Kind lady from Tahlequah raises the question of, what happens between now and whatever we decide that decision is going to be? And this body has not made that decision yet. And the Chair could sit here and say, a wide variety of things could happen, folks.

We could, in fact, adopt this document today. We could then -- remember, we know the things that are certain before us, is that we must approach the President of the United States or his designee to review whatever it is that we are about before our people, in whatever form, for their approval.

So we know one thing is for certain. Some type of delegation or some process will need to put what this convention adopts before the United States government.

Now, at that point, if the United States government were to go through and say there is a problem with a particular section or a particular article, then this body, by the Chair's understanding, would need to still be intact. Not to adjourn, but to remain intact.

And we would need to make some decision about how we would address those issues that might be viewed in conflict by the United States government and the document that we've generated.

Now, we also know, and I don't think that there is a person in this room that is opposed or would speak against the fact that this document needs to be communicated as quickly as possible to every citizen of the Cherokee Nation for their consideration.

Now, the format that that takes, well, obviously we have a current Constitution, the 1975 Constitution, and we need to take every care for them to be able to take the document that you have written, the document that we are under at this current time, and for them to see exactly what changes it is that we are proposing.

Now, it could be carried out in a variety of ways, and this body will need to decide who's going to take on that responsibility. Is it something that this group would challenge the Commission to carry out? Do we want to see to it that every delegate returns to their home areas with copies of this document and you take all the responsibility of holding a series of public meetings and discussions in your area, in Houston, in Nowata, in Norman, Oklahoma, and in greater Greasy?

Do we want to mandate to the Commission that the

Commission hold a series of hearings once again for the people to consider? The Chair would raise one other question for this delegation to consider. Chair is not lobbying; the Chair simply explores possibilities.

If we, in fact, put the decision before the people outside of the electoral process, in other words, if we were to take this document, we were not to adopt the document, but simply take it to the people for their consideration, then that would somehow create a structure of, well, then we would have to go out and see if they like it or not, and then come back together again and perhaps make those changes, which might create greater conflict in continuity of what we're doing.

You will decide. The Chair simply gives by which of example what the possibilities are. Manager Keen points out that this document is a document that belongs to this constitutional convention. What we do from this point forward is a very interesting little period of time that we have here.

Right now, as it stands, you have decided that we will wait four months and, if I remember the language, it used the phrase -- well, we'll read it -- that, "The Commission shall provide a period of time no less than four months for public comment on Constitution revisions or amendments completed by the convention before submission to vote by the people."

So as it stands currently, something will need to happen. If we were to recess today or tomorrow or Monday or Tuesday, whenever we recess, and between whatever that period of time is, as it currently stands, we need to decide exactly what is going to happen. Who is going to take this document to Washington, D.C., what this body is going to do to address any concerns that would be raised by the United States government. How that would, in fact, be taken into consideration. And if, in fact, this body is willing to put before the Cherokee people to allow them once again to say, oh, this is okay, before we come back and put it before the Cherokee people.

 $\,$ The Chair simply draws examples of what could happen within the next section of time.

Manager Keen, you are recognized.

MR. KEEN, JR.: Thank you, Mr. Chairman. I agree with everything our Chairman said. And the question that was posed to me, and I'm paraphrasing here, but is, what are the Commission's plans from this convention forward.

I want to turn that question around. The Commission has no plan; we serve at the pleasure of this convention that we were created to bring about. So this body needs to tell us how you think that the best manner in which to proceed is, and we will do everything to carry that out.

We took a certain amount of criticism in the manner in which we held public hearings and different things like that. And, ladies and gentlemen, I personally do not want that responsibility. You're the delegates of the people. You have given this Commission

your instructions, and we will carry them out. That's my feeling. My fellow Commissioners may have a different feeling.

MR. HANNAH: And I will speak not as the Chair, but as a Commissioner, I will tell you that if we were to ask Dr. Gourd to review the financial structure of the Commission, obviously we were given a set amount of money to conduct a series of public hearings and to take that process to the Cherokee people.

The Commission came to these chambers before our Tribal Council and sought additional funds, with only a speculation of how long this process would take. And as you know, we presented an agenda that says, well, we'll take, you know, maybe three days.

Well, we are now nine days. And I assure you are that our expenditures will once again cut deeply into the amount of money that we had set aside from the Commission's budget to do the things that we knew we would have to do. And that is if, in fact -- and we had to look ahead, that if we were to bring amendments, changes, on down the list, or a new Constitution before the people, that we would have to extend money from our budget to the Election Commission to be able to generate that ballot.

And so now we're into that expenditure. And so I echo Manager Keen's, Commissioner Keen's statement that this process needs to be turned around. The Commission has been charged, we believe, with the responsibility of getting us to this point in time. And the delegation of this convention needs to take the responsibility of deciding that if, in fact, this document is to be adopted and taken before the voters of the Cherokee Nation to decide, what is going to happen, how is it going to happen, and who's going to do it.

Dr. Hook -- well, first of all, Mr. Keen, is there anything else we should add, or would you take issue with anything I have said, sir?

MR. KEEN, JR.: No, sir.

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

MR. HOOK: Thank you, Mr. Chairman. I would

like to ask for point of information and point of clairvoyance.

MR. HANNAH: The Chair is prepared.

MR. HOOK: First of all, just for clarification, was the Commission officially dissolved at the beginning of this convention or does it still exist intact, officially?

MR. HANNAH: It would be the Chair's contention that this Commission was not dissolved. And as a matter of fact, the Commission has been in regular session in parallel with this convention, should there have been business to come before it, and went into recess. It opened and went into recess on the first day.

And our mandate of service, the kind Commission worked diligently to prepare and work with tribal officials in structuring their empowering legislation. And it, in fact, had a sunset law attachment to it. This is not a commission that will suddenly just go on forever.

And the Chair recalls, sir, Mr. Keen, that that was six

months after the changes, amendments, or new Constitution would be placed before the voters of the Cherokee Nation.

So once this document is, in fact, in whatever form that you all decide is put before the voters, exactly six months after that, this Commission will dissolve. The reason for six months, obviously, as stated before, and as custodian of records, we have a lot of information that we've compiled here, and we felt that six months would give us adequate time to be able to wind down the business of the Commission.

MR. HOOK: And a second question, dealing with the possible sequence of events. We've discussed throughout this process the creation of a Style Committee. Can you give any clairvoyant opinion on how long that process might take, and would it be concurrent with that four months to present a document at the end of that time, or would it need to be completed before the presentation of the document?

MR. HANNAH: The Chair would be so bold as to say that thought has been given to the Style Committee because obviously appeared on our agenda, as you all will recall. The Commission realized that we would, in fact, need to go back and tidy up verb and noun agreement and punctuation and things of that nature. That is the scope of the Style Committee.

The Chair is also pleased to remind the delegation that we have had many learned delegates here. You are all learned delegates. And all the way from the kind lady from Nowata who brought us into conformancy and corrected one of the cliquish attorneys, all the way to the kind English major, all the way to the stamping out of comma.

And so the Chair is under the impression that the Style Committee would, in fact, need a very short period of time. And if we were to seek that Style Committee, if we were to, in fact, set a course of action, it would be the intention of the Chair to convene them as soon as possible, possibly even this weekend, to move through, clean up the style, because remember we're talking about grammar, punctuation, things of that nature.

Now, we have not yet -- and thank you, sir, for introducing your question by asking for the clairvoyance of the Chair, because we've not yet given full instructions to the Style Committee. And we would very clearly delineate that.

Mr. Keen, the younger.

 $$\operatorname{MR}.$$ JOHN KEEN: John Keen. Dr. Hook raised an issue that, with your answer, it just confused me more.

MR. HANNAH: And the Chair is entirely capable of confusing the kind delegate at a much higher level than he is now.

MR. JOHN KEEN: I was under the impression, and maybe just because -- I don't know why, but I was under the impression that when we convened at eight a.m. this Friday past, however you want to say it, that you evolved into delegates and not commissioners.

MR. HANNAH: We are, in fact -- and forgive me

MR. JOHN KEEN: I'm not done, Mr. Chairman.

MS. CHAPMAN-PLUMB: Point of order, Mr.

Chairman.

MR. HANNAH: Okay. One moment here.

MS. CHAPMAN-PLUMB: I think we're debating Mr.

Smith's motion here.

MR. HANNAH: That is very true. That is very true. Thank you for raising that.

MR. JOHN KEEN: I rise on a point of

information.

MR. HANNAH: And your point of information is,

sir?

MR. JOHN KEEN: If you are to hold dual roles, what is your rationale or what is your basis for saying, so you'd have created -- we are two separate things, a convention and a commission.

Are we just saying, trust me, we will be bound by your decisions in here? I don't understand.

MR. HANNAH: Mr. Keen, the Chair will remind you to be very careful with your language, sir. No one is asking anyone to trust anyone, because we all have trust at this time. And the Chair does not wish to take offense that you would implicate that the Commission --

MR. JOHN KEEN: Just an analogy. But my point is, Mr. Chairman --

MR. HANNAH: Please make your point, sir.

MR. JOHN KEEN: We keep hearing the statement of, we are bound, or you have said we are bound. But I took it as the Commission would be bound by the decision of the delegates. And if, in fact, the Commission has not dissolved and your roles have evolved into delegates, how -- I don't understand where the will of the delegates is there.

MR. KEEN, JR.: May I respond to that?

MR. HANNAH: I wish you would, sir. Thank you.

I'm not sure if I can.

MS. CHAPMAN-PLUMB: Point of order, Mr.

Chairman.

MR. HANNAH: The kind lady will be heard. And she is correct that we are at debate about this motion that is before us. We will come back to order and we will continue in this area.

You will stand down, Mr. Keen.

Mr. Mullon, do you rise to speak on the amendment that's before this body?

MR. MULLON: I certainly do.

 $$\operatorname{MR}.$$ HANNAH: Out of order, Mr. Keen. Mr. Keen, have your seat, sir. Thank you very much.

The kind lady will indulge the Chairman for one moment.

This delegation is in charge of this convention; the Commission is not. I stand here as Chairman of this Constitutional convention. I also serve a role as Commissioner, as does Manager Keen, as does Ms. Coon, as does Dr. Gourd. And I see no conflict with that whatsoever because our deliberations and our actions here have been, in fact, as delegates.

And I will give you thirty seconds, sir.

MR. BILL BAKER: Order of the day.

 $$\operatorname{MR}.$$ JOHN KEEN: I'm not questioning this; I'm not questioning the dual role so much.

MR. HANNAH: Get to your question, Mr. Keen.

MR. JOHN KEEN: How does the will of the

delegates carry over to the Commission after the convention?

MR. HANNAH: The Chair can answer. And thank you for getting to your question.

By the order of the delegates, sir. By the order of the delegates. Mr. Keen, the intermediate, would that be your interpretation, sir?

MR. KEEN, JR.: Yes, it would be. I'm not sure -- our statute is not that clear. We do know the people in 1975 called for this convention. This is a convention of the people. This Commission that we serve on is a creation of the Council, brought into existence to facilitate this convention.

My personal view, even though it's not written down in our statute, my personal view is that the role of this Commission is to facilitate this convention, to carry out the work of this convention. And it's that simple.

So if this convention gives a directive to the Commission, I feel we should honor that directive.

 $$\operatorname{MR}.$$ HANNAH: And that is also the opinion of the Chair and of Commissioner Hannah, as well. For the Commission to go against this body -- well --

MS. MEREDITH: Mr. Chairman.

MR. HANNAH: One moment, young lady. It is the opinion of Mr. Hannah, as a Commissioner, that he would feel bound to carry out the instructions of this convention because Mr. Hannah will remind you, the Chairman will remind you, sir, that we have said throughout the entirety of this, and it is the belief of the Chair, it was not for rhetoric, it was for truth, that there are only two entities that this convention answers to: the Almighty and the Cherokee people. Not to a commission, not to this Tribal Council, not to the Executive or to the Judicial. It answers to the Almighty and the Cherokee people.

That is the opinion of the Chair, and it is the opinion of Commissioner Hannah.

Now, we will return to the debate that is before us, unless someone would object.

MS. MEREDITH: Mr. Chairman.

MR. HANNAH: Young lady, this gentleman has been standing for a while. Would you yield, or would you yield to the

kind lady from Oklahoma City?

MR. MULLON: I'll yield.

MR. HANNAH: You're a good man.

MS. MEREDITH: Well, the kind lady from Oklahoma City's mother always taught me that a hungry man is an angry man. So I would move that we recess and eat and hold some of these conversations in private. I think taking everybody's time with questions that can easily be answered in private is not a good idea. And I also think that all of us should have a chance to digest and think about where we're going before we start talking about it again.

MR. HANNAH: There is a motion on the floor to

recess for lunch.

MS. MASTERS: Point of personal privilege.

MR. HANNAH: Yes, ma'am.

MS. MASTERS: I supported Mr. Cornsilk's,

Delegate Cornsilk's request that we have a little bit longer time and that we have this document in our hand during this break.

MR. HANNAH: In that case, Chair will review and entertain that as a motion from Mr. Cornsilk. Because I'll remind you people what we're going to do here. We'll all stay here in this room until we have printed this out and made a copy and it is distributed, if that is, in fact, your will. We will remain here until that is done.

MR. CORNSILK: Mr. Chairman, it is not my desire to overburden those persons who are assisting us, and I see a couple of heads shaking up there, going, that is not possible. I would simply join in a motion to go eat, come back, and if we need a couple of hours to sit down and chit-chat over it, we will do that then.

MR. HANNAH: You are a good man.

MR. MULLON: Mr. Chairman.

MR. HANNAH: Mr. Mullon, I would recognize you.

MR. MULLON: I would only put in a request that when we do reconvene, that I have been standing here for an hour and I would like to -- and quietly, for a change, as well.

MR. HANNAH: And the Chair thanks the kind

attorney.

MR. MULLON: Thank you.

MR. HANNAH: And will, by way of statement. Mr. Mullon, you are granted from the Chair first in queue upon our reconvene, if that would please the delegation and there's no objection.

Now, we are about to go to lunch. Where is Dr. Gourd? He is already at lunch. So, therefore, you are instructed to make your way to the restaurant, under usual conditions.

And let's talk about when we're coming back, folks. The hour is now seventeen minutes after the hour of twelve. Chair would entertain a suggestion.

THE DELEGATES: One-thirty.

 $$\operatorname{MR}.$$ HANNAH: One-thirty has been stated, and we are in recess until one-thirty.

(lunch recess taken)

MR. HANNAH: We are called back from recess; we are back in session, and we are at debate on the Smith proposal. And as promised, Mr. Mullon, you are first in the queue and recognized.

And the kind lady from Oklahoma City was correct. We are now well from lunch, and we're prepared to be about our deliberations.

Mr. Mullon, you are recognized.

MR. MULLON: Thank you, Mr. Chairman. I was going to speak on Mr. Smith's proposed amendment or his motion, anyway, which was to, as I understand it, in a nutshell, to present the provisions that we have -- or that we will eventually have approved, to the people in the form of article by article choices of voting on each article separately. I think that's basically what he said.

And I have to say that initially I was of a mind that that was the right thing to do because my own concern about voting on the document as a whole has been that I think everyone here has gotten something into this proposed Constitution, these amendments or whatever you want to call it, and there's a fair amount of consensus in this body that it is a pretty good document, that we've come to things that a lot of people do agree on, and that we would like to see these amendments passed by the Cherokee people.

I'm assuming that that's what we're coming here for. We're not proposing amendments that we don't want to be passed.

And the concern I have with it being presented as a document, I think it's just something to think about, is that if it is presented as a whole, there may be many Cherokees out there that have strong feelings about one provision here and one provision there, and different people might identify things in the proposed Constitution, isolated things that are so important to them that they will vote against the entire Constitution.

And collectively, those people, although they're not targeting the same provisions, might defeat the proposed Constitution. There's a greater danger that that would happen if you were to present it as a single document.

But the way that we have gone about adopting or approving these amendments is that they are interwoven. The document is indeed cross-referenced in many places. And if we wanted to have each article encapsulated as a freestanding article which would not affect the rest of the Constitution if it were turned down, it would take a lot of rewriting.

You would have to go in and rewrite each article with that in mind, to be careful how you make reference to other articles and avoid reference to other articles as much as you possibly can, and contain the entire operation of that article in one article.

So removal might have to be contained in each one of the

different articles, dealing with the different branches of government, so if they knocked out the removal section in its entirety, you're not left with a Constitution that authorizes the election of officials who can't be removed.

So we have drafted it in such a way that there is an interweaving of an interdependence of the sections and the articles, that it would be almost impossible, to me, we would have to go back in and spend a considerable amount of time of redrafting it to make each article freestanding.

But the other thing I wanted to comment on was, there was a point made that we -- how we vote on this depends on what process we'll have to go through in the future. And I don't really know all about that process, but I have spoken to you, Mr. Chairman, and several other delegates outside, about what I think is probably going to be some of the steps that will eventually happen, whether we like it or not.

And I see one that I think we'd like, and that is we are talking about disseminating this Constitution, or the proposed Constitution, out to the Cherokee people. That, in and of itself, is going to take a certain amount of time. We can't disseminate it out to them and then say, get your comments back to us, if you have any, in a week, or even two weeks. I think they need a certain amount of time, a reasonable amount of time, and I'm not sure what that is, but it's something more than a couple or a few weeks.

Other steps I think that are going to be inevitable, again, whether we like it or not, are going to be a trip to Washington D.C., to meet with the -- either with the Secretary or the Assistant Secretary of the Interior, and probably the Solicitor or one of his Assistant Solicitors to review the proposed Constitution preliminarily.

We don't want to wait until the very end and have it all printed up and have our ballots printed up and then go to Washington D.C., and then have them say, I'm sorry, we're not going to be able to approve this because it's got a provision in here that we don't like. That would be a disaster, and we would have wasted an awful lot of money.

So I see that there's going to have to be some kind of a preliminary meeting with officials in the Department of Interior to nail them down about what they will accept and what they won't accept, so we don't have that happen.

And then, once that happens, we would take the document back and, depending on what it is they've said, if they do require deletions, I see that this body is going to have to pass on those changes, because they're probably going to be substantive. Unless they come back and say, we want you to remove the word "the" or something like that. That's the kind of changes they don't make there.

The kind of changes they would make or insist upon as a condition to approving it, are going to be significant changes. And so their changes are going to have to be approved by this body.

Once you've got that, and once you have taken into consideration any comment what might have been sent in by the Cherokee people out there who are interested in this, those changes could be accepted by the convention or rejected. There would be no reason -- I can't imagine rejecting the Department of Interior's changes, because then we will have known that we will have killed the Constitution.

So then, once that is done, the Constitution is going to have to be brought back to the Department of Interior and then wait for approval. And they're going to want some time on it. They're not going to -- they are not going to rubber stamp it.

I know there's a delegate here, that is no longer here, that said he once worked in the Solicitor's office, and they don't go over these Constitutions. But I happen to know differently, that they are going to go over this Constitution very carefully. Especially this Constitution. They're going to go over it very carefully. And they are not going to just, say, okay, this looks cool to me, I'm gonna send it back.

It's going to be with them for a while, and they are going to look it over very carefully. It's a long document.

So I say all of that to bring home a point that I must concur with Mr. Smith in his discussions about having at least a four-month period of time, because I think by the time you do all of that, several months will have passed from the day that we leave here.

Thank you, Mr. Chairman.

MR. HANNAH: Thank you, Mr. Mullon.

MR. McCREARY: Point of information.

MR. HANNAH: Good man from Black Gum.

MR. McCREARY: Ken McCreary from Black Gum. I am in agreeance with some of the things that he said. And quite opposite of what he was doing, I was at the same time drawing up a time -- not a time line, but an informational chart for those of us that are kind of visual, to give us an idea of what we're looking at.

If I may, I'll pass these out. By all means, this is just an information to kind of give us an idea of what he was talking about, what we can go into in lines of what we have to do. And this will give you an idea of what we have to do, add to it your own thoughts and any other ideas, so we as a group can come together for consideration. Just for your information only. Thank you.

MR. HANNAH: Folks, the Chair will allow these materials to be passed out at this time, but he will remind you that we are at debate with regard to a motion that's on the floor. And we're going to bring that piece to conclusion before we move on.

So with our papers being passed out, the Chair would entertain debate with regard to the Smith proposal that's before us at this time.

What say you, Mr. Wheeler? How do you rise on the issue?

MR. WHEELER: I rise against. I would like to

-- I'm not a lawyer. It may give me some credence or it may not, depending upon whether Calvin is awake.

What I would like to address is why we're here. I think we're getting lost in the process. We're talking about writing a new Constitution for the Cherokee Nation. That's why I came here. I spoke about this on the first day. Here I am on what may be the last day, speaking of the same thing.

If we came here to amend an old Constitution, that could have been done any time in the last twenty years. It's in the Constitution currently, any of these amendments could have been made, could have been brought up, could have been passed by the people, and the Constitution could have been amended over that period of time.

Our brief, as I understood it, was to come here and write a new Constitution for the Cherokee Nation. That is what we have done. If we have done that, we don't need to get lost in the process and piecemeal this thing out to the people.

We need to write the Constitution, put it before the people, put it before the government of the United States, have whoever sign it, needs to sign it, sign it or not, and let the Cherokee people decide.

If they reject the Constitution as we have written here this last nine days, there is no loss. We still operate under the old Constitution. If they like some of the things in the Constitution, they can take those amendments or those ideals and they can amend the old Constitution. It is folly to talk about continuing with the old Constitution and the difficulties of the process.

On the first day we heard their speakers talk to us about the dream. We're dreaming a new Constitution for the Cherokee Nation. Let's not get sidetracked. Let us go forth, put this Constitution before the people as a whole, and let the people decide.

Let's not worry about the stumbling blocks. Let's worry about what we've done and let's let the people decide.

 $$\operatorname{MR}.$$ HANNAH: Would any delegate rise in favor of the Smith proposal before us at this time?

Ms. Stroud.

MS. STROUD: Is this the appropriate time to read the letter that I was given from a non-delegate?

MR. HANNAH: The Chair does not know what your

letter is.

 $$\operatorname{MS.}$ STROUD: The letter was asked for me to be carried to read. I'm not going to be able to do it.

MR. HOOK: With the Chair's permission.

MR. HANNAH: Dr. Hook.

MR. KEEN, JR.: Point of order.

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

MR. KEEN, JR.: Did I hear her say this is from

a non-delegate?

MR. HANNAH: I do not know.

 $$\operatorname{MR}.$ KEEN, JR.: That would be in violation of our standing rules.

MR. HANNAH: The Chair rules that this is unacceptable to be read before the Commission. It is a document that is being posed by a non-delegate and, therefore, it is not acceptable to this body. The floor is still open for debate in regard to the Smith proposal, and delegates will be heard.

MR. HOOK: Mr. Chairman, may I return that to

her?

MR. HANNAH: Yes, sir. Thank you, Dr. Hook.

MR. RIDER: Call the question.

MR. HANNAH: The question has been called. Is

there a second?

DELEGATE: Second.

MR. HANNAH: And what is before us at this time is that if you vote in the affirmative, then you will, in fact, accept the motion by Mr. Smith which reads, "accept changes proposed by the seriatim process during this convention to be proposed as amendments to the 1975 Constitution to be voted on by the people, article by article."

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 the motion does not pass. And we are open as a delegation, and what would be the pleasure of the delegation?

Mr. Cornsilk, you are recognized.

MR. CORNSILK: Mr. Chairman, I would move that we propose this Constitution to the Cherokee people in toto.

MR. HANNAH: There is a proposal before this body, to propose this Constitution before the Cherokee people in toto, and it has received a second, and the floor is open for debate. And the good lady, an English major of Cherokee County, is recognized.

MS. HAMMONS: Thank you, Mr. Chairman. Mr. Cornsilk, a friendly amendment.

MR. CORNSILK: Open to all kinds of friendly amendments.

MS. HAMMONS: Motion to adopt this Constitution

in toto.

MR. HANNAH: The Chair would advise the good lady from Tahlequah that in your assistance in restating the motion, that if we, in fact, use the "A" word, the "adopt" word, then we have, in fact, adopted this document as it stands at this time.

MS. HAMMONS: I understand that.

MR. HANNAH: Very well. The motion is before

us. There is a motion to adopt the document that is --

MR. CORNSILK: Point of order.

MR. HANNAH: Point of order, Mr. Cornsilk.

MR. CORNSILK: Mr. Chairman, did we have a

motion before we adjourned for lunch to get a copy here or did ${\tt I}$ withdraw that?

MR. HANNAH: I think you withdrew that. I think you are getting a tag copy of it now.

MR. CORNSILK: My head swims.

 $$\operatorname{MR}.$$ HANNAH: And the Chair swims in the same water with you, Mr. Cornsilk.

Dr. Hook, you are recognized.

MR. HOOK: Point of clarification.

MR. HANNAH: Yes, sir.

MR. HOOK: My understanding, the wording of the motion that we are about to vote on, is that if it is adopted at this point in time, that would mean that the language as it exists at this point in time would be adopted, not as we consider amendments subsequently.

MR. HANNAH: The Chair would stand corrected by the parliamentarian or Vice Chairman, but it would be the impression of the Chair that if we adopt it, it's adopted.

MR. HOOK: So if we want --

 $$\operatorname{MR}.$$ HANNAH: If we want to revisit something, it would not be an appropriate --

MR. STOPP: Point of clarification.

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

MR. STOPP: Did we ever -- (inaudible) -- these

motions, or do we want to quickly -- (inaudible) -- where we can see it and converse on it?

MR. HANNAH: It is, in fact, a smart thing, sir. And if the young lady will open a Power Point screen, remove the lens cap, and the motion should simply read to adopt.

Settle down, folks. Settle down. And so the motion, once again, the motion from the kind lady from Tahlequah is to adopt the convention's document in toto to be put before the Cherokee people; is that correct?

MS. HAMMONS: I think it was Mr. Cornsilk's motion, and I didn't use the "A" word.

 $$\operatorname{MR}.$$ HANNAH: You didn't use the "A" word, "adopt." Very well.

MS. HAMMONS: That's the way I understand it.

That's the way Mr. Cornsilk --

MR. HANNAH: Okay, very well. Is there a

second?

DELEGATE: Second.

MR. HANNAH: There is a second. Floor is open

for debate.

MR. MULLON: Mr. Chairman.

MR. HANNAH: Yes, sir, Mr. Mullon, you are

recognized.

MR. MULLON: Delegate Mullon. I think that

there are several necessary changes that may even be, and I think that we have accepted it as being non-controversial, that need to be made in order to present a document that works, unless it was worked on last night.

For instance, there is inconsistent language in the Judiciary article that does not jive with language in the removal provisions at the end of the Constitution. And right now, as it stands, you've got two conflicting provisions in the Constitution. That's just one example.

I know, having spoken with a number of the delegates around here, there are little Scribner's errors and some uncontroversial cleanup language and maybe even some controversial language that some people would like to be presented at this point. And, therefore, I would rise against this motion.

MR. HANNAH: Mr. Phillips of Westville.

MR. PHILLIPS: Yes, Mr. Chair, thank you.

Harold Phillips from central Adair County.

MR. HANNAH: Yes, sir.

MR. PHILLIPS: I would oppose this motion to adopt at this time. I feel like that we have an excellent document before us. I want to commend every delegate here, and in particular our Chairman, Vice-Chair, and all the members of the Commission.

However, I feel like that we could go just a step further. I feel like that there are maybe one or two items that we maybe haven't done justice to, and at least I would like to be able to propose those to see what the delegates' feelings are.

For example, I think that most of us would agree that prior to the hearing process and prior to the convening of the delegation, the one -- or at least one of the top issues that was being discussed was the issue of mandatory attendance of the Council, the issue of the privilege to boycott of the Council.

And regardless of whether you are in favor or against, I feel like that we have not done as much as the people have expected us to do on that particular issue. Personally, I would -- and if this is in order, Mr. Chair, I would like to present a -- not at this time, I know it's not in order at this time -- but I would like to propose what I consider maybe a proposal or an amendment that would strike a middle ground or a compromise between the rights of the minority to disrupt a quorum and prevent a meeting, a Council meeting, and the rights of the majority or the -- yes, the majority of the Council, to go on with the tribal government.

I think both sides there are extreme. Somewhere in between, I think there is a middle ground that we can strike. And I think that we can come to a conclusion and we can solve that problem to a certain extent, at least to the point that when we go back home and our people ask us, what did you do concerning the boycott situation, then I think that we can say we did this. Up to now, I don't think we can say we have done anything unless it would be the recall provision.

So I would be opposed to the adoption of the Constitution

as it stands. I think it needs a little bit of touching up. Thank you, ${\tt Mr.}$ Chair.

MR. HANNAH: Thank you, sir.

MR. CORNSILK: Point of clarification.

MR. HANNAH: Point of clarification.

MR. CORNSILK: I just, after reading that the fifth time with my eyes squinted up, realize that it is not what I was intending.

MR. HANNAH: Very well, sir. That oftentimes

happens here.

MR. CORNSILK: My intention was not to adopt the document, but to adopt that we should put the document before the people in toto rather than by amendment by amendment.

 $$\operatorname{MR}.$$ HANNAH: Very well. We understand, and we will clarify your motion, sir.

 $$\operatorname{MR}.$ CORNSILK: He's got some language that I think will accomplish that.

MR. HANNAH: Step forward, Dr. Hook.

MR. HOOK: If this achieves your intent, I would suggest the document adopted by this convention be presented to the Cherokee people for approval in toto.

The document adopted by this convention be presented to the Cherokee people for approval in toto.

MR. HANNAH: Is that your motion, Mr. Cornsilk?

MR. CORNSILK: That is my motion, sir.

MR. HANNAH: Very well. And without opposition from your second, and the changing of the verbiage, the floor is still open for debate. And Starr-Scott, you are recognized. How do you stand on the issue?

MS. STARR-SCOTT: I rise in support of this. In fact, I was quite clear on it until Mr. Phillips got up and started in with his rendition of boycotters. I thought we were voting to present this to the people in total. And the reason I feel like it needs to be that way, if we do it section or article by article, we're going to be inconsistent with the flow of our document. So I think it must be presented that way.

MR. HANNAH: Thank you, ma'am.

MS. MASTERS: Call the question.

MR. HANNAH: The question has been called. Is

there a second?

MR. PHILLIPS: Point of order, Mr. Chair.

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

MR. PHILLIPS: Am I understanding this, if we

adopt this motion that's on the floor, that we will not have any further amendments?

 $$\operatorname{MR}.$$ HANNAH: The Chair will clarify this for everyone in the room. This motion says, the document adopted by this convention be presented to the Cherokee people for approval in toto.

And by that, meaning we have not adopted a document

bypassing this; but it simply says that when and if, the Chair would add, that document be adopted, that it will be presented to the Cherokee people in one way, it will be presented to them in toto, not one amendment at a time.

Mr. Mullon, you are recognized.

MR. MULLON: Mr. Chairman, I wonder if then a friendly amendment could be made that -- so that the motion reads as you stated there. It does add clarification that might be beneficial to people who are not in this room and eventually might be looking at what we voted on here.

 $$\operatorname{MR}.$$ HANNAH: Mr. Cornsilk would be at your ready, sir.

 $$\operatorname{MR}.$ CORNSILK: I would be willing to accept whatever would clarify this and move us ahead.

 $$\operatorname{MR.}$$ HANNAH: Thank you, Mr. Cornsilk. Mr. Mullon, you will proceed.

 $$\operatorname{MR.}$$ MULLON: You were the one who came up with the words, Mr. Chairman.

MR. HANNAH: I am the Chair, sir, and I was simply helping to clarify that good delegate. You are the delegate; you will make the motion.

 $$\operatorname{MR.}$ MULLON: My motion, the friendly amendment that I'm offering is, when and if --

 $$\operatorname{MR}.$$ HANNAH: You will have some help here, Mr. Mullon, and the Chair will allow it.

MR. CORNSILK: Mr. Chairman, point of clarification.

MR. HANNAH: Yes, sir.

MR. CORNSILK: It is my understanding that the wording, as it was, is that Mr. Hook said, was perspective, that it was when a document -- it was real simple to me, and now it sounds like it's getting ready to be complicated.

MR. HANNAH: That's because Calvin is about to wake up.

 $$\operatorname{MR.}$ MULLON: If he won't take it as a friendly amendment, then forget it.

 $\,$ MS. CHILSON: We all understand it. That's the only thing that's important.

DELEGATE: There should be a "shall" in front of these.

 $$\operatorname{MR}.$ CORNSILK: Mr. Chairman, Delegate Cornsilk, for the record, that is my intent.

 $$\operatorname{MR}.$$ HANNAH: And the record is here with us for anyone who would want to understand the intent of these proceedings. And, Mr. Center, you are recognized.

MR. CENTER: A friendly amendment. Why don't we add two words: "The document, when adopted by the convention, shall be presented." "The document, when adopted by this convention, shall be presented to the Cherokee people for approval."

Now, who doesn't understand that?

MR. CORNSILK: Mr. Chairman, I would reject all friendly amendments and call for the question.

MR. HANNAH: Manager Keen, what say you, sir? I see you standing there. Do you wish to be recognized?

MR. KEEN, JR.: Well, just for a slight announcement. This last copy that you were just handed out --

MR. HANNAH: Would that be the wrong one, sir?

MR. KEEN, JR.: It is the right document, but

somehow it is short the last page. So we have the last page printing, and it will be distributed.

MR. HANNAH: Okay. So now we've had our announcement; we're missing the last page in the handout; we're going to get the last page in the handout.

The question has been called; there's been a fusilade of friendly amendments; there is a second, and we're now returning to the Cornsilk language. And the Cornsilk language -- and, David, it says, the document adopted by this convention shall be presented to the Cherokee people for approval in toto; is that correct, sir?

MR. CORNSILK: That's what I want.

 $$\operatorname{MR}.$$ HANNAH: All right. And the Chair will look for nods of heads. Does everyone understand what this means? Mr. Silversmith.

MR. SILVERSMITH: Mr. Chairman, I would like to be reminded whether or not we're going to have a separate page of definitions for these terms, like "toto" for those people who might not know what that is that we voted on.

MR. HANNAH: And are you speaking, sir, for the benefit of the delegates here?

MR. SILVERSMITH: I'm speaking for the benefit of the people out there who aren't in this room, do I need to have a separate page that defines what "toto" means?

MR. HANNAH: And, Mr. Silversmith, you raise --you remind us of a good and noble point, especially with regard to the document. But this is simply a motion for this body. This would not appear before the Cherokee people, except in the record of these proceedings.

MR. SILVERSMITH: I apologize.

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

MR. SILVERSMITH: It's "toto" instead of

"total." I didn't know what "toto" means.

 $$\operatorname{MR}.$$ HANNAH: We all know what we're voting on. The motion is before us, and all of those in favor signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: The Chair looked and noticed the lips of non-delegates moving, which is a big, big no-no. The Chair will not tolerate this. Now, folks, don't force me to go through and make a separation of the gallery. But there will be a standing vote that will be conducted.

And the Chair will admonish those that are here, as

friends and citizens of this group, that votes are restricted to the delegates of this convention only. And we have proceeded judiciously up to this point, and we will not have a departure thereof.

And so, with that -- the teller is not to be found -- the teller is to be found. Delegates will be in their seats.

MS. LONG: Teller slash copier.

MR. HANNAH: Slash lady who provides the fruit and refreshments slash -- okay. And now in your telling position, all of those in favor, please stand and the teller will conduct the count.

THE DELEGATES: (standing)

MS. LONG: Fifty-one approve.

MR. HANNAH: Thank you, be seated. Those

opposed, please stand.

THE DELEGATES: (standing)

MS. LONG: Three.

MR. HANNAH: Fifty-one in favor; three opposed; motion passes. Mr. Keen.

MR. JOHN KEEN: And one abstention.

 $$\operatorname{MR}.$$ HANNAH: And one abstention. Well, actually two, sir, inclusive of the Chair.

What would be the pleasure of the delegates? Dr. Gourd, what say you, sir?

 $$\operatorname{MR.\ GOURD}\colon$$ If it's the right time, I would like to make a motion to reconsider. First, I would like to reconsider in the Preamble.

MR. HANNAH: You want us to consider Preamble, and for what purposes will we reconsider it, sir?

MR. GOURD: Between the words "our" and "sovereignty," to insert two words, "original inherent".

MR. HANNAH: Okay. That is your full intent then, is to reconsider the Preamble for the purposes of inserting the phrase, "original inherent"; is that correct?

MR. GOURD: Yes, sir.

MR. HANNAH: There is a motion to reconsider the Preamble for the purposes of insertion of the two words, "original inherent." Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. It will require a two-thirds vote to carry. And all of those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

 $$\operatorname{MR}.\ \operatorname{DOWTY}\colon$$ I thought we were going to hear the rationale before we voted on it.

MR. HANNAH: You're correct. And thank you so much. The Chair once again slipping beyond the surly bounds of his own reality here for a moment.

We will return to the rationale for doing so. And thank you, thank you, kind sir. We will hold that vote.

Your rationale for doing so.

MR. GOURD: Yes, sir. In the studies I've conducted and done in working on my dissertation and work since then, there are numerous other ways that the sovereignty of other governments, dependent nations, and Indian tribes are recognized or have established their relationship with the Bureau of Indian Affairs, via treaty and other sorts of things.

Original inherent sovereignty means that it predates the formation of the United States. So it's original, it's inherent, that means that it's our right. Other tribes have their relationship with the federal government through federal statute, either the Indian Reorganization Act as a charter for political or economic purpose, or as amended, the Oklahoma Indian Welfare Act, which still have their sovereignty and their powers to govern either economically or politically, through a federal charter. And, therefore, through federal statute which can be changed at any time by the Congress.

My intent with this is to establish our affirmative statement that our sovereignty predates the United States government and it's inherent in our body as a people.

MR. HANNAH: Okay. So now Dr. Gourd has put a motion before us, to reconsider the Preamble. He has told us what he wants to reconsider, which is the insertion of the two words that you see on the screen. And he has provided his rationale for doing so. Are we all clear on where we are?

Very well, then we will move it to vote. The Chair, in recognizing that two-thirds is required and with the amount of individuals that we have in the room, and not wishing to be confused by voices, will move for these votes to be on a standing vote.

And so the teller will draw close. And all of those in favor of reconsidering the Preamble under the rationale provided, please stand.

THE DELEGATES: (standing)

MS. LONG: Fifty-one.

MR. HANNAH: Please be seated. And all of those opposed, please rise.

THE DELEGATES: (standing)

MS. LONG: Four.

MR. HANNAH: And your number count, young lady,

for in favor?

MS. LONG: Fifty-one to four.

MR. HANNAH: Motion passes. And, Dr. Gourd, you are recognized for your reconsideration.

 $$\operatorname{MR}.\ \operatorname{GOURD}\colon$$ Thank you, Mr. Chairman. I would make a motion to reconsider Article III, Citizenship.

MR. CORNSILK: Mr. Chairman, point of order.

MR. HANNAH: Yes, sir.

MR. CORNSILK: I believe we only voted to

reconsider. We haven't voted on his motion.

MR. HANNAH: That is very true, sir. I'm sorry,

Charlie, what we are doing here -- we'll get this process down. We've not been here before, folks. It's quite all right for us. The Chair knows where we are. Trust the Chair.

Now that we have voted to reopen and we know why we want it to reopen and what is going to be talked about, and you all have agreed to that to happen, now it would be appropriate for Dr. Gourd to introduce that as a motion. If he secures a second on such, then obviously the floor will be open for debate. After concluding debate, we will take a vote on whether to include the language not. Are we all clear on that? And does anyone object with that process? Excellent.

So, Dr. Gourd, your motion then would be to include the two words "original inherent" in the Preamble before the word "sovereignty"; is that correct?

MR. GOURD: Yes, sir.

MR. HANNAH: Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. The floor is

open for debate.

Mr. Cornsilk, how do you stand on this issue?

MR. CORNSILK: Mr. Chairman, I rise in qualified support. If Mr. Gourd could assure me that by adding these two words that we are not "not preserving" our delegated sovereignty. We've got both inherent and delegated, and I just want to make sure that we're not endangering whatever delegated rights we may have.

MR. GOURD: No, we would not be.

MR. CORNSILK: Could you tell me how we are not? Because if we're only preserving our original inherent, then that's kind of left hanging out there.

MR. GOURD: What would you define as delegated?

MR. CORNSILK: Well, I couldn't even say
anything that we've got right now, but there might be some right
that is given to us, like the delegated authority of the states to
be sovereign. There might be some rights that we were given from
the federal government that we never had before.

MR. GOURD: Well, my intent in this is that by "original inherent," that means that's the beginning point, and those additional rights we can accumulate from that point to now and into the future would just be added to.

 $$\operatorname{MR}.$ CORNSILK: So you think that they tell us we can do, even if we've never done it before, we can qualify it as inherent.

 $$\operatorname{MR}.$ GOURD: Yes. And things they don't think we should do, I think are inherent rights.

MR. HANNAH: Mr. Mullon, how do you rise on the issue?

MR. MULLON: Well, as a matter of fact, there are some delegated features of sovereignty that tribes do enjoy, including this one. I don't know that this is worded in such a way that it would serve to be exclusive of those, though. It doesn't --

there are delegated sovereign powers that tribes enjoy simply because those types of powers didn't exist at the time of the original sovereignty.

And we have powers under various federal acts that are sovereign powers -- that are in the nature of sovereign powers that didn't exist before the federal acts existed. So I don't know, I just want you to know that there are, in fact, other kinds of sovereignty that tribes do enjoy. But I don't think that this language tends to exclude that.

MR. KEEN, JR.: Point of information.

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

MR. KEEN, JR.: Was this delegate in favor or

opposed?

MR. HANNAH: I think he started his comments with -- he was tentatively in favor, as I recall. Is that correct, Mr. Mullon?

MR. MULLON: I didn't really say. I was hoping I could get away without saying.

MR. HANNAH: Well, you cannot, unfortunately. Starr-Scott, you are recognized.

MS. STARR-SCOTT: I rise in opposition to this language. It has thoroughly confused me. I think the word "sovereignty" is sufficient for what we need. The more language we put in, the more we cloud the issue, and consequently maybe the more problems we bring ourselves. So I'm perfectly pleased with what we adopted.

MR. HANNAH: Thank you, ma'am. Does anyone rise in support of this? Mr. Rider, you will be recognized. How do you rise?

MR. RIDER: Bill Rider, delegate from Seminole. Well, the word "inherent" to me is the whole key to the thing. If I'm right, that means inherited right, as from time memorial, I guess. Is that what that means?

MR. HANNAH: Definition of the word "inherent." Mr. Mullon, would you assist us with a dictionary definition?

MR. MULLON: I'll try to give you the -- an inherent right is what is mentioned here, but I think it's close enough, is one which abides in a person and is not given from something or someone outside itself.

In the context of inherent sovereignty used with Indian tribes, the word suggests that the tribes had features of sovereignty that arose with the creation of the sovereignty, and it did not depend on the federal government or any other outside source to impart aspect of sovereignty to it.

MR. RIDER: That's all I needed.

MR. HANNAH: Thank you, Mr. Rider. Thank you, Mr. Mullon. Good lady from California is recognized. How do you rise in this issue?

MS. MASTERS: I rise in opposition. There are, as has been pointed out, numerous types of sovereignty. I think by

limiting our definition here to only one type of sovereignty, we are possibly opening ourselves to being negated in other ways. And I think that the types of delegated sovereignty that we have far outweigh the sovereignty that we had as original people.

MR. HANNAH: Thank you, ma'am. Anyone rise in favor of this? What is the pleasure of the delegation?

MS. HAMMONS: Call the question.

MR. HANNAH: The question has been called for. DELEGATE: Second.

MR. HANNAH: There is a second. Hearing no opposition, we will move, voice vote, and the visitors here will be admonished, do not participate in any way, shape, form or fashion, of making any sound or noise during this vote. Only the delegates will vote.

You vote in favor, the two words "original inherent" will be included; you vote no, it will not. Everyone clear? All of those in favor signify by saying "aye."

THE DELEGATES: Aye.

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

THE DELEGATES: No.

MR. HANNAH: The Chair is unable to determine.

The teller will conduct a count. Delegates will be in their seats. All of those in favor of including the language, please stand. Teller, conduct the count. Just a minute. Show me a delegate that's not in her seat.

DELEGATE: She's not going to vote.

MR. HANNAH: She's not going to vote.

All those in favor, standing, and the teller will count.

THE DELEGATES: (standing)

MS. LONG: Twenty-one.

MR. HANNAH: Twenty-one in favor. Be seated.

Those who would say "no," stand.

THE DELEGATES: (standing)

MS. LONG: Thirty.

MR. KEEN, JR.: And two abstentions.

 $$\operatorname{MR}.$$ HANNAH: Twenty-one for; thirty against; one abstention. Motion does not carry, and the section is closed, and we return to the --

MR. BILL BAKER: Point of personal privilege.

MR. HANNAH: Mr. Baker.

MR. BAKER: Nancy Twining, the delegate who was standing back there, is getting ready to leave. And I would ask that she maybe come forward and tell us good-by.

MR. HANNAH: You can't slip away that easy,

young woman. Speak to us. You are recognized. And you are -- state your name and where you are from.

MS. TWINING: I don't know if I can.

MR. HANNAH: You can.

 $$\operatorname{MS}$. TWINING: I'm Nancy Twining and I'm from Sacramento. And I am so sorry to be leaving a little early, but I$

really need to go home and have one day at home before I start work tomorrow. Thank you all so very, very much for this most wonderful experience that I've had, and for all the things that I've learned and for all of you wonderful people that I've met. And if you're ever in Sacramento, look me up. I'll be delighted to have you. Thank you.

MR. HANNAH: We'll all be at your house next Saturday night.

The floor is open. And, Dr. Hook, you are recognized.

MR. HOOK: Mr. Chairman, actually I have two
things that I would like to -- one is a motion and the other is an
attempt to establish some kind of precedent for this concluding part
of our process. Is that section now closed?

MR. HANNAH: That section is closed, sir. We only opened them for the stated reason, and stated rationale, we take action, and we close them back up. If you wish to go back in, you will need to move to reconsider.

MR. HOOK: In order to determine the desires of the Chair and the delegates, I would move that we reopen the Preamble section. Let me explain why, and I just want to know which way we want to go.

Are we going to attempt to clean up grammatical and other types of errors as we go through now, or leave all of that to the Style Committee?

MR. HANNAH: I believe it would be the intent to leave grammatical and punctuation and spelling to the Style Committee, sir. If you have an issue that would fall into one of those categories, obviously our Style Committee has not been seated yet, nor have they been given instructions, but in looking at the generic instructions that are oftentimes given to Style Committees in circumstances of this nature, that would be their instructions. And if you have identified things of that nature and you will make it known, we will take the record here and give them instruction.

MR. HOOK: Then I would move to make this following motion, to give some sort of framework to our actions, our contemplated actions for the near future, and at least put something on the table that can be debated.

First, that we complete our revisions of this document; second, that we select a Style Committee; third, that we remand the document to the Style Committee with instructions to complete revisions within one week; that we select delegates to present the document to the Interior Department in Washington D.C.

After selecting those delegates, that we identify items which we may be objectionable, and we authorize the delegates to amend those, subsequent to objections by the Department of Interior.

That we concurrently distribute this document to the Cherokee people through community meetings, tribal publications, the Internet, and other avenues as available.

That we reconvene this body in early July to consider proposed revisions, and that we place the document on the July

ballot for consideration.

MR. HANNAH: Dr. Hook, you step forward, and the young lady will make a bullet point of each one of the elements of your motion.

Thank you all for being patient. Dr. Hook's motion would be to complete our revisions; select a Style Committee; to remand the document to the Style Committee with instructions to complete revisions within one week; to select delegates to present document to the Department of the Interior in Washington D.C.; to identify those items which may be amended by the delegates subsequent to objections by the Department of Interior; concurrently distribute this document to the Cherokee people through community meetings, tribal publications, the Internet, and other avenues as available.

Is that your motion, sir? There's more.

Reconvene this body the first week of July to consider proposed revisions, and to place the document on the July ballot before the registered voters of the Cherokee Nation.

These are proposed motions we have before us. We want to make sure that we're all here. Let's scroll back up and take a look at this, so that we all know where we are, and we can see if there's a second and open this for debate.

Number one, Doctor Hook moves that we complete our revisions; that we select a Style Committee; that we remand the document to the Style Committee with instructions to complete revisions within one week; that we select delegates to present document to the Department of the Interior in Washington D.C.; that we identify items which may be amended by the delegates subsequent to objections by the Department of the Interior; that we concurrently distribute the document to the Cherokee people through community meetings, tribal publications, the Internet, and other avenues as available; that we reconvene this body the first week of July to consider objections raised by the Department of the Interior; and that we place the document on the July ballot before the registered voters of the Cherokee Nation.

Dr. Hook.

MR. HOOK: Yes, except for two changes. Just for clarification, back up a little bit, I'm sorry. Get that one where we talk about the delegates. Identify those items which may be amended by the delegates to Washington. In other words, we will give them authority after we decide what we want to do, to make those changes.

And then scroll down. I think it might be a little wiser on the vote if we said the last week in June, to reconvene, I'm sorry, to reconvene the last week in June.

 ${\tt MR.}$ HANNAH: Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. Floor is open

for debate.

MR. CORNSILK: Mr. Chairman, point of

information.

MR. HANNAH: Point of information.

MR. CORNSILK: I would inquire of our member of the Election Commission if there is any provision in the law for placing any questions above and beyond the first running in a runoff on that ballot.

MR. HANNAH: Interesting question. Mr. Center.

MR. CENTER: Would you run that by me again a

little slower?

MR. CORNSILK: Can we place anything on a runoff ballot, or does it just have to be the people running off?

 $$\operatorname{MR}.$$ HANNAH: Now, now, now. Be careful, Mr. Center, how you answer that.

MR. CENTER: I ain't going there. It is what it says it is. It is a runoff. And whoever is in those runoffs, by whatever means our laws provide for them to be in that runoff, that is what appears on the ballot.

Now, if this delegation wishes that this be on a runoff ballot, if we receive it in time, it can be put on, if we're given time to print the ballot.

MR. HANNAH: So the Chair wants to be clear now. He asked, and I think basically stated, can something aside from individuals who are in a runoff be placed on a runoff ballot. And your answer is?

 $$\operatorname{MR}.$ CENTER: Yes. As far as the election laws that are written at this time, it would provide for it, as the way I read it.

MR. HANNAH: Mr. Cornsilk.

MS. MASTERS: Point of clarification.

MR. HANNAH: Point of clarification.

MS. MASTERS: I would ask the Chair to assist me in checking with the maker of the motion, on "concurrently." Down just a little bit, please. As we use "concurrently" there, does that mean while they're going to Washington D.C., to see if we have to make any changes, that people might not get the actual document there? Is that what "concurrently" --

MR. HOOK: That's what it means, but I'm open to whatever suggestions you have.

MS. MASTERS: I would just like that to be distribute the document, you know, following that activity, rather than concurrently.

MR. GOURD: Point of clarification.

MR. HANNAH: Dr. Gourd.

MR. GOURD: Thank you, Mr. Chairman. A couple of questions I would have. The third dot down where it says "to identify those items which may be amended by," it seems to me that what we would need to do, and this document is being placed on a regular basis with the Secretary of Interior, the Assistant Secretary, and the Executive Office of the President.

Now, are you proposing in that that the delegates select those items which may be amended, or would we only address those

items identified by the Department of Interior as those which may need to be amended or fixed? I just want to make sure we understand; otherwise, this group would tell the delegates, you only have the authority to negotiate certain articles or sections, and nothing else.

I just want to make sure we understand that the intent of going to address those issues that they've identified that may be a problem and need further clarification. If that's your intent, then we're headed the right way. But I just wanted to check on the wording.

MR. HOOK: My intent was that there have been areas identified as potentially unacceptable to the Department of Interior. We need to decide whether we are going to authorize those delegates to make those changes, or whether they're going to be brought back to the entire body and debated again.

My suggestion is, as we go through and identify those items which are potentially deadly to the document, and authorize our delegates to amend that as necessary.

MR. HANNAH: Are you clear, Dr. Gourd?

 $$\operatorname{MR}.$ GOURD: Yeah, but I would respectfully submit that I would hesitate to go through here and guess at which items the Bureau may find.

MR. HOOK: We can do it just a blanket statement, we authorize the delegates to Washington to amend it as necessary for approval. It's up to you.

MR. MULLON: Mr. Chairman.

MR. HOOK: Or we can bring it back.

MR. GOURD: I think the purpose of the delegation in Washington would be to address those items the Bureau has identified that are a potential problem, and would go and talk it over with them to find out where the negotiation points possibly are, and then this delegation would bring that back to this convention when it reassembles in late June for clarification and discussion to come up with the strategy to address it.

 $$\operatorname{MR}.$$ HOOK: Do you want to just strike that section? I have no problem with that.

 $$\operatorname{MR}.$$ HANNAH: The good Doctor from Houston strikes that section, and we are still at debate.

MR. GOURD: And one more point, just one more, that a plan of the Commission that we've already discussed that I think might be helpful.

The other thing, we have met with the Election Commission and we have a working relationship with them to the extent that -- and the Commission has never been nor desired to be in possession of a list of eligible registered members or anything else. We're not going to go there.

So what we have worked out with them was to use their mailing service. So what we have proposed to do, is that when this convention finishes this product, we can transfer electronically to them to print it and get it to all of the registered voters as soon

as possible because they're the ones who will actually be conducting the vote.

The balance of all of this other "get the word out" is essential, but I just wanted this body to know that we have, and I talked yesterday with the mailing service on schedules that, if you get it to me by Monday, they could print it, when they could mail it, and when would be the earliest date of arrival, given the postal service, that people would start receiving.

Thank you.

MR. KEEN, SR.: Point of information.

MR. HANNAH: Mr. Keen, Sr.

MR. KEEN, SR.: I believe somewhere in the early days of this convention, someone informed us that the current thinking of the officials in the Department of Interior in Washington was that they did not desire to have approval authority over our Constitution.

Now, if that is correct -- and also they said that those same officials said that they wished that that language would be stricken and removed.

If that is correct and that is the thinking of the officials in Washington, they should not be looking at this document with all of that critical of an eye. They should be willing to accept whatever is reasonable from this constitutional convention.

So if all that I have said is correct, and I stand to be corrected, then I think that we can approach this with the idea that they will not make a lot of suggestions for change.

MR. HANNAH: Okay. Mr. Mullon, you are recognized. Then we'll be going to Mr. Lay and then back over this way. Mr. Mullon, how do you rise on the issue, sir?

MR. MULLON: Well, with regard to what Justice Keen just enunciated, I do know that the Department is not -- generally not interested much anymore, especially in self-government tribes, to be giving approval. But what we've got ourselves boxed into is a Constitution that requires them to approve. And, whether or not they want to do it, we will always have our Constitution open to question if we do not go ahead and get it approved.

There will always be those out there that said we were missing that step. And once in a while, when we do not get the approval of the Department of Interior, sometimes Justices will come to the conclusion that that's a flaw. And they recently did.

So that being the case, I think that if the Department, although they don't want to approve it, if you're going to insist that they approve it, then they're going to be careful about it.

And I agree that it may very well be that they will give it a cursory review, but I just don't think so. And I'm not sure that it's safe to assume that they will. And, in other words, that we should anticipate the worst happening and not the most favorable conditions.

That doesn't mean, though, with this document here, I would suggest that we eliminate some language in there that opens

the door to criticism by the Department of Interior, so that references to it dealing with objections from the Department of Interior, I think those should be deleted and rephrased in a way that we're not inviting that kind of thing from the Department of Interior.

MR. HOOK: How about that bottom line there, "reconvene this body in June to review the document"?

MR. MULLON: Well, just to consider any comments, if any, by the Department of Interior.

MR. CORNSILK: Mr. Chairman, point of

information.

MR. HANNAH: Point of information, Mr. Cornsilk.
MR. CORNSILK: It has been the practice of the amending its Constitution, to send those

Cherokee Nation, in amending its Constitution, to send those amendments to Washington after they have been adopted by the Cherokee people.

MR. HANNAH: The Chair would be corrected, but I believe that with regards to the 1975 Constitution -- Manager Keen, was it not the research of this group that it, in fact, had been sent prior?

MR. KEEN, JR.: That is correct. The 1975 Constitution was, in fact, approved before it was put to a vote of the people. The very convoluted procedure, if one even exists, since that time has been to seek approval after a vote of the people on at least two separate occasions.

MR. CORNSILK: That's right. Delegate Cornsilk was referring to amendments, not to the original Constitution.

MR. HANNAH: The Chair misunderstood.

MR. JOHN KEEN: Point of information.

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

MR. JOHN KEEN: Is this going to be part of our

document?

MR. HANNAH: No, sir. This is a motion.

 $$\operatorname{MR}.$$ JOHN KEEN: Then we don't need to mess with changing the language to fit legal standards.

MR. HANNAH: We're here to make sure that we understand exactly, should this body entertain the motion, exactly what it means and what it's directing for us to do.

And so with that, Mr. Lay, you have been waiting for some time and you are recognized, sir.

MR. LAY: Thank you, Mr. Chairman. Delegate Lay.

And, Delegate Hook, would you accept a very small motion for an amendment. This is a good piece of work. I'm glad you brought this up. If you could scroll down to the top so I could see the top. If we could move the "select delegates" to the number two position, and I've got a couple of changes there.

MR. HOOK: Actually, that should be farther to the left. That "remand the document" is a subpoint; the other should be over to the left.

MR. LAY: If I could just add some wordage which could get us started; somebody is probably going to amend that, but that's fine. If we could select two of the Commissioners as delegates and two delegates at-large out of this body.

These Commissioners, I think, have already got a relationship with this gentleman from the Election Commission and the BIA and Tribe, and then select two people from the delegation who have the time and who want to do it, to go with them to make sure all of this other information that you've talked about actually gets done.

Because we're kind of like mandating a delegational mandate for these people to get this job done that you have described for us.

MR. HOOK: Mr. Chair, can we talk back and

forth?

MR. HANNAH: Oh, yes, you may.

MR. SCOTT: While they're caucusing, Mr.

Chairman, may I say something?

 $\ensuremath{\mathsf{MR}}\xspace$. HANNAH: Just as soon as these gentlemen are

finished.

MR. HOOK: I accept it.

MR. HANNAH: And you accept, and the language would read, "select two commissioners and two delegates at-large," and I believe that -- Mr. Wheeler.

 $$\operatorname{MR}.$$ WHEELER: Thank you, Mr. Chairman. Delegate George Wheeler.

I believe this is a good and right discussion. However, I rise to table this discussion because $\mbox{--}$ if I may give my reasons and my logic.

MR. HANNAH: You may, sir.

MR. WHEELER: We are at the purpose of getting a Constitution, not discussing what we're going to do after we get the Constitution. Let's go back to the original document, continue. Once we have a discussion of the Constitution and we have a document, then we can decide how we're going to handle this document. I can foresee at least two hours of debate on this proposition, and I would like to see a document. I make that motion to table.

DELEGATE: Second.

MR. HANNAH: And there is a second. And all of those in favor please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

DELEGATES: (No response)

MR. HANNAH: And the Hook proposal is laid upon

the table.

MS. MEREDITH: Mr. Chairman, shouldn't we have had the opportunity to debate the motion to table?

MR. HANNAH: Yes, we -- I'm sorry. The Chair has simply, by absolute fact that there were sixteen seconds to it,

gave it way. The vote is rendered invalid. We have a motion on the floor to table. It has been seconded. The floor is open for debate. And how rise you on the motion to table?

MS. MEREDITH: I rise to oppose the motion to table for two reasons, at least. I think it is important for us to decide now what it is we're going to do from here on in, because I am very afraid that if we go back and just discuss amendments, that this is such an incredibly dedicated group, that we will be revisiting things; we will be trying to change things, whether it be commas or major sections, from now until June.

And I think there are so many people that have to leave, that what's going to happen is we are going to break for dinner or we are going to take a recess for the evening, and we're going to come back and there's not going to be a quorum, and we're not going to be able to do anything.

So I think it's important to do that now. And I also think a time limit and setting a time now, that we are going to recess until June --

MR. KEEN, JR.: Point of order.

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

MR. KEEN, JR.: Motion to lay on the table is

not debatable.

MR. HANNAH: What say you, kind lady? The Chair will allow the debate to continue. The kind lady is recognized MR. JOHN KEEN: I would appeal the ruling of Chair.

MR. HANNAH: Okay. And I will tell you, sir, that by way of Robert's Rules, you are correct. I will also remind you that we have, from time to time, allowed every opportunity for opinions to be heard in this delegation.

MR. JOHN KEEN: Mr. Chairman, we've adopted the Robert's Rules, and I am for the Chair to abide by them.

 $$\operatorname{MS.}$ MEREDITH: Mr. Chairman, in order to calm the situation, I would withdraw my comment.

 $$\operatorname{MR}.$$ HANNAH: Thank you, ma'am. And you need not worry about calming the situation.

Now, ladies and gentlemen, we still have work to do here. And the Chair would instruct all delegates, if you wish to rise to make a point, you will do so as ladies and gentlemen from this point forward. You will subdue your tone of voice; you will keep your passions in check, and we're going to move through this in a very logical fashion.

The Chair has not brought us to this point, for what little bit he has contributed over the past nine days, for this to turn into anything but a well-organized and thoughtful and deliberative group of people. Okay.

MR. McDANIEL: Mr. Chairman, can I say

something?

MR. HANNAH: Yes, Calvin, you can, sir.

MR. McDANIEL: I just --

MR. HANNAH: That is, if no one objects hearing

from Calvin.

MR. McDANIEL: I want to ask you, with a final draft of this Constitution, can we print it out where it won't have this "working draft subject to change"? Can they leave that line out?

MR. HANNAH: Once we adopt this document, if, in fact, it is the desires of this group to adopt it, that language would be removed. Okay, Calvin?

MR. McDANIEL: Okay.

MR. HANNAH: Very well. We have now closed debate. There is a motion before us to table. It has been seconded. And what we would be tabling would be the Hook proposal. Is this correct, Mr. Keen?

MR. KEEN, JR.: Yes, sir.

MR. HANNAH: And all of those in favor of

tabling, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And it is laid upon the table. And what would be the pleasure of the delegation?

MR. PHILLIPS: Mr. Chair.

MR. HANNAH: Kind lady from Nowata is

recognized, first and foremost. What say you, ma'am?

MS. HAVENS: Well, I don't know if this is proper, and I want you to know that I didn't stumble to the microphone today.

MR. HANNAH: The Chair will make note, and make sure that the record is clear, the kind lady from Nowata did not stumble toward the microphone.

MS. HAVENS: I'm Edna Havens. But you have two Article II's. Will that be automatically taken care of?

MR. KEEN, JR.: Yes.

MR. HANNAH: Yes, ma'am. Thank you, very much. Once again, the good lady keeps our attention on those things that are important.

And the kind man of Westville is recognized.

MR. PHILLIPS: Mr. Chair. Harold Phillips, delegate. Mr. Chair, I'd like to make a motion that we reconsider Article V, Section 4, which states in part, "No business shall be conducted by the Council unless at least two-thirds of members thereof regularly elected and qualified shall be in attendance, which number shall constitute a quorum."

And my proposal and my rationale here, the issue that we debated earlier, there were two main points that were brought forward. One was the right of the minority to disrupt a quorum; therefore, a meeting could not be held. The right of the minority.

And I don't think that anyone that believes in constitutional government would want to do away with the right of

the minority.

The other point was the right of a majority to go ahead with the government. I think maybe somewhere in between there is a place for a compromise of those two positions. I don't believe that the right of the minority should continue indefinitely and be able to completely shut down the government.

However, I do believe that the right -- that the minority should have a right to disrupt the quorum, therefore eliminating the possibility of having a meeting. But I think that this maybe should be restricted.

I believe that the majority should also have the right to be able to do the business of the Cherokee government and of the Cherokee people.

Therefore, I would like to present a proposal, a proposed amendment that would read, "In the absence of a quorum" --

MS. STARR-SCOTT: Point of information.

MR. HANNAH: Point of information, Starr-Scott.

MS. STARR-SCOTT: Does he get to read this whole

thing, or is this just a motion to reconsider?

MR. HANNAH: It is a motion to reconsider, and you all will recall earlier -- and remember we've not been here except for once, so indulge the Chair for just a moment. We'll all decide on how we're going to do this. But we have thus far decided that to reconsider, that an individual rising would have to tell us that we should reconsider, where it is that they want to go, which the good man has done so, by Article V and Section 4, and give us the rationale for returning to that section.

And the good man has been doing so. And the Chair, unfortunately, the power of Biblical discernment is not with me, folks, okay. I can't -- out there someplace there's probably a small line where he finishes giving his rationale and begins to talk about what it is that he wants to do.

MR. PHILLIPS: I'm ready to do that.

MR. HANNAH: And you're ready to do that.

MS. STARR-SCOTT: I'll bet he is.

MR. HANNAH: Let's be careful here.

MR. PHILLIPS: What I'd like to do here is make it clear and to establish my reasoning for proposing this amendment. In order to do that, I feel like maybe I should tell you what the amendment is. And the amendment would be, "In the absence of a quorum" --

MR. CORNSILK: Mr. Chairman.

MR. HANNAH: Mr. Cornsilk.

MR. CORNSILK: I think that in the interest of accomplishing what we're trying to do here -- and, Jiggs, I'm sorry to interrupt you -- is that if it would be the pleasure of this body, I would make a motion that we allow a reading of the motion at the time that they do their justification.

MR. HANNAH: And thank you, Mr. Cornsilk. And the Chair will point out, and although -- and once again, we're in a

place that we've not been before in the past nine days, and will recall that during our first revisitation, it was not obviously an elongated amendment, but it was only two words. But we did, in fact, allow the two words to be placed up there.

Here is the deal, folks. We'll hear from this good man, and if we hear what it is that he's wanting to propose, it's not proposed until we say that it is.

Anyone who, under the procedure that we've outlined, that wishes to reconsider, is more or less outlining the entirety of what it is that they are proposing before we agree to reopen.

Now, Mr. Cornsilk raises, the Chair believes, a good point. Would someone care to second that motion?

DELEGATE: Second.

MR. HANNAH: And is there any opposition or would someone like to have debate or challenge whether we can have debate or not?

MR. CORNSILK: Consent.

 $$\operatorname{MR}.$$ HANNAH: Consent. All those in favor signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Very well. We'll know exactly, this way, what we're doing. Mr. Phillips, forgive us. And yet, thank you for allowing us to move through this process.

MR. PHILLIPS: Thank you very much. Thank you, delegates. In essence, what this proposed amendment would say is, we have a Council meeting with no quorum. Another Council meeting is called or scheduled; still, not the necessary number to establish a quorum of two-thirds. Two consecutive Council meetings without the necessary two-thirds to establish a quorum.

On the third Council meeting that would be called, in other words, the next one -- and this could be called a special Council meeting, emergency Council meeting or whatever -- but the amendment would say, pursuant to Article V, Section 4,

"Business may be conducted with ten members" -- or I'm not stuck on that number. Actually, we could substitute "a majority," "shall constitute a quorum for a special meeting."

Well, that's for special meeting only. This would give the opportunity for the majority of the Council members to go ahead with the business of the government, with a quorum of a majority of the members.

That's the gist of my proposal, Mr. Chair. And my motion is to reconsider Article V, Section 4.

MR. HANNAH: Section 4. And you've heard the man's rationale. You've, in effect, heard the man's amendment. And we are at debate over whether to reconsider.

And the kind lady from Tahlequah is recognized.

MS. HAMMONS: Point of order. Was there a

second?

MR. HOSKIN, JR.: Second.
MR. HANNAH: Yes, there was.

MS. HAMMONS: Thank you, Mr. Chairman. Diane Hammons, Tahlequah. Ladies and gentlemen, we have been here before. And the majority of this body, which constituted a bigger number than we have here today, put it the way it is. I urge that we not reopen this, that we not reconsider this.

Once again, we don't operate in a vacuum. Ladies and gentlemen, there is a reason for a quorum demand, and that is so that a minority may affect the will of the people, the will of a sizable portion of the people.

We would not, I submit to you, have a Judiciary in the Cherokee Nation if this law had been in effect, because we have not had a quorum requirement. And the objectionable language regarding the Judiciary would have just been continued to the special meeting and a number less than a quorum would have voted on it. Thank God we had a quorum requirement.

And I am vehemently opposed to it in any way taking away from that. I would strongly voice my opposition to reopening this article and section.

MR. HANNAH: Mr. Keen, you are recognized. MR. KEEN, JR.: Thank you, Mr. Chairman.

Delegate Ralph Keen, Jr.

I rise in support of this motion. Whenever I took on the task, accepted the responsibility to serve as a Commissioner on this Commission, I did so for one reason. And many people may have wondered what that reason was.

The reason I took that task was to, hopefully, bring about a change in our government for the betterment of our people. And I've dedicated a substantial amount of my time over the previous months to bring that into being. And that has -- my efforts, along with my fellow Commissioners, our efforts have culminated in the calling of this convention. And now we stand, we're on day nine of this convention, and we've spent considerable time and effort to try to bring about a betterment of our government.

And I am very proud of the work that we've done, but this job is not complete. Let me propose to you several things.

Proposition one: The rule of law must apply to each and every citizen within our Nation. Our current system of government, that guarantee that everyone will be subject to the same law, was unclear. Through our work this past nine days, we have made provision to strengthen that guarantee.

We now have an Attorney General, we have a Marshal, we have protected those offices to guarantee that the laws of the Cherokee Nation can always be enforced.

Proposition number two: That each and every litigant that comes before our courts and our Judiciary is entitled to due process of law.

There are those that feel that our existing system of government does not guarantee that to each and every individual in our Nation. We have addressed those concerns, and I think very thoroughly, by completely restructuring our Judiciary, by bringing

about a two-tiered court system, by creating a court on the Judiciary, to guarantee that each and every litigant will be entitled to due process.

Proposition number three: That the elected people -- or the elected representatives of the people must be able to come together and do business if this government is going to function.

We have not addressed that concern yet. Now, prior, when this issue first came up this past week, I argued vehemently to retain the two-thirds quorum. And I did so for a very good reason. And that reason stands, and I'm not changing that reason now.

The reason was, I did not want to see a minimum number of five people conducting the business of this Nation. I thought that was bad. I still think it's bad. So I argued in favor of the two-thirds quorum, and I still do. We need that.

But now let me propose to you the opposite scenario. Is it right, is it good government, that six members of our elected officials can prevent business from happening altogether?

The answer to that is "no," it is not right; it is not good government. And this proposal that the good delegate from Westville has brought before us is a fair and reasonable compromise that will ensure that our Council will always be able to conduct the business of the Nation.

Ladies and gentlemen, we need to think about this, and we need to set aside our feelings, and we need to think about the future of our government and whether or not we have come here to make a better government, or whether or not we're going to leave the job undone.

Right now, the job is not finished. We need to complete the job that we've come here to do. Thank you.

MR. HANNAH: Lady from California is recognized.

MS. MASTERS: I rise in opposition of reopening
Section 4. These are elected representatives; they are elected from
their districts. We have strengthened the recall procedures; we
have given the people a stronger voice.

If our Council members are not doing the will of the people, and they are not there addressing the will of the people, when they go back to their districts, I think the people will tell them that, because these are elected representatives.

I would stand in support of maintaining the quorum as a voice for the minority and to resist actions of the majority that consistently do not consider their petitions. That is the original meaning of the quorum. It is part of the political process that can be exercised when the minority feels that they are not being considered or heard.

So because these are representatives of the people, we have strengthened the will of the people and the voice of the people and the ability of the people to enable the recall process, I believe that we should leave it to the people for their Council to represent them in the way they see fit. And I strongly oppose revisiting this.

MR. HANNAH: Good man from Cherokee County is

recognized.

MR. CRITTENDEN: Don Crittenden, delegate. I stand in support of this amendment. I think back in the early times when this Commission went out to the communities and the many times that they heard from the people out there, that they wanted something done here.

And it seems to me that we kind of passed over it hurriedly. We've got to remember that this Tribe is a big, big organization. We have many things that comes up once a month that needs to be taken care of in the Council so that this Tribe can operate.

And when you have a shutdown of a long period of time, it stains the operation of the Tribe. We have grants; we have money situations that have time lines that has to be met, and we can't have that when we can't have a meeting.

I would like to say that in this delegation we have seen democracy in action. We have seen things come up that everybody didn't agree with and many noes were voted, but I didn't see anybody get up and walk out.

So I think if we vote against this, you're voting against democracy. Thank you.

MR. HANNAH: The man of Vinita is recognized.

MR. HOSKIN, JR.: Yield to the lady.

MR. HANNAH: Thank you, sir. The kind lady from

Texas.

MS. SCOTT: I'm Deborah Scott from Houston, and I stand in opposition to opening this up again. I think we've heard over and over and over this week that the Constitution has served us well in the past and we're trying to address an immediate problem with this kind of momentum. Many good minds labored and labored and labored and anti-labored this earlier in the week, and we spent many, many hours in discussion.

And I think now is not the time to have a knee-jerk reaction because we want to say something pleasing or publish something pleasing or have some kind of reaction out of this Constitution. I think now is the time for us to have level heads and know that this Constitution, other than the immediate crisis we've been in, has served us well for twenty years.

And we need to look at that history, and I think that is democracy in action, and we should be responsible to the people we have been representing all along and not at the last minute, in the eleventh hour, try to change something like this.

MR. HANNAH: Good man from Vinita.

MR. HOSKIN JR.: Thank you, Mr. Chair. I speak in favor of reconsideration. There's many reasons why I do. One of them is what Mr. Phillips mentioned, in that this is a compromise. Both sides have been participating of all kinds, and sometimes outlandish ideas. But this indeed is a compromise.

I think this convention has been a time of healing to a

certain respect. I've seen minds changed on issues; I've changed my mind on some issues, that coming into the convention I did not think I would.

But after coming together, I honestly believe that everyone is here for the best interest of the Cherokee people. And I agree with Mr. Keen, Jr., that our job is not complete. I would be remiss if I did not speak to this issue because so many people have come forward to speak to the issue of quorum and conducting business of the Cherokee Nation.

For those reasons and more, I vote in support of this. $\mbox{MR. HANNAH:} \quad \mbox{Mr. Poteete, you are recognized,} \\ \mbox{sir.}$

MR. POTEETE: Well, I'm going to come forward and speak against this. I'm going to make several points. One of them is that it's a myth that any of the business of the Cherokee Nation, that we lost any money or any grants or anything. I suggest to you that there was a lot of political positioning to try to put pressure on the people who chose not to attend meetings, and the suggestion to the people in the community that things were a lot worse than they were as a result. There were special meetings conducted where objectionable legislation was not brought forward, and the business of the Tribe did move forward, and we did not lose any money as a result of drawing the line.

The other point I'd like to make to you, without inflaming things, is that it would be a very interesting analysis to see, of all of those people who went out and gave testimony, how many of those were on -- the contractors or otherwise on the payroll of the Cherokee Nation.

And the final thing I'd like to say to you is, this legislation was debated very fully, very thoroughly, very calmly most of the time, among all of the delegates who came from both coasts and all around the country. When all of them were here, when people were fresh and not exhausted, and it would seem to me to be a direct slap in the face to go in and change the whole purpose of what they came and they gave their labor as long as they could.

Now we want to come back when everybody has gone home, more worn out, and come back in, and let's change this and override what they decided. Yes, we have considered some changes, but they've been minute or they've been things that we didn't really take up before. This is exactly opposite of what the group decided, and I urge you to vote this down.

MR. HANNAH: Calvin, you are recognized.

MR. McDANIEL: McDaniel from Muskogee. I highly disagree with what the people from the other side of the room said. I'd hate to see this brought up and gone through and get in an argument over and some kind of words slipped in that would change the whole meaning of it.

And regarding the democracy, my idea of democracy doesn't agree with yours. That's about as plain as I can put it.

MR. HANNAH: Thank you, Calvin. The good lady

from Tahlequah is recognized.

MS. HAMMONS: I rise in support. If you just blot out what is happening right now, I don't think twenty years ago the people that authored this Constitution contemplated that we were going to get to be as real as we are. They dreamt that, but I don't think they really contemplated that we were going to be a government. We weren't just going to be a committee, the Council wasn't just going to be a committee; they were going to be a government. And now we have a government.

The State of Oklahoma Constitution allows for its members, its representatives to compel attendance. The Constitution of the United States of America allows for its members to compel attendance. We have a real government. Let's be real. Let's make it real.

MR. HANNAH: Billie, we've heard from you, as well as from you, Mr. Phillips. The kind lady from Oochey is recognized.

MS. STARR-SCOTT: The kind lady rises in opposition. We have debated this, this week, we have made our decisions. Everyone has had a voice. In about two months and a half, the people will decide whether they agree with the boycotters or whether they do not.

If they do not agree with them, they'll send them trotting right on down the road, and I don't think you're going to have this problem again.

But what you are going to have and what we have now, and you can read this detail within Cliff Wright's bill where Mr. Bill John Baker, along with all of the other Council members, met in his home to impeach our Justices.

That cost us roughly two hundred and fifty thousand dollars. They could have gone to the people. They didn't call me, and they don't call me today when they meet in the Chief's office.

How would you like for a majority of this delegation to meet down the hall and decide how this Constitution is going to be? You can come in here and debate all day, but it wouldn't do any good because that decision, with that slim majority, is made right down the hall.

And it doesn't matter what you say, the people have a right to be saved from this kind of tyranny and leadership that we have had for the last three years.

There was a petition to remove eight Council members. Mr. Bill John Baker, three thousand people signed that to remove them, but they couldn't because there was no provision. Not one petition, not one signature has been brought against me for boycotting.

MR. HANNAH: We will be in order. Dr. Gourd, do you care to be recognized?

MR. JOHN KEEN: Mr. Chair.

MR. HANNAH: I'm so sorry.

Mr. Keen, Sr.

MR. KEEN, SR.: Yes, Ralph Keen, delegate. I rise in opposition to this motion. And the reason is this. That we have over the last nine and a half days put together a document that I'm proud of and I'm sure most of you are.

And that document gives to our elective Council people an enormous amount of responsibility. And that's the way it should be. I'm in favor of that.

At the same time, we have created an institution, being the Council, and in Section 2 of that article it gives them the right to devise their own rules on how they proceed. And I submit that that sentence in that paragraph gives them the right to determine how their members act.

I don't think it needs to be in the Constitution. I think it is a right that they had under the 1975 Constitution, and it's a right that they will have in this Constitution if it is adopted by the people. I don't think that we need to do anything to that.

The only thing that was missing in past times, and the only reason they will not be able to do that in the future if this Constitution is adopted, is because they do not organize themselves into an effective body. If they will take the charge that we give them to do this important business, then they, out of necessity, will organize themselves to do business. They will learn to live with the delegates from the other surrounding areas and they will do the business of the people. They don't need this in the Constitution. Thank you.

MR. HANNAH: Mr. Littlejohn, what say you, sir?
MR. LITTLEJOHN: Delegate Littlejohn rises in
favor of reopening the debate on this issue. A dictator is a
dictator, whether he wears a black robe or whether he carries a gun.

This is a government of the Cherokee people. The house of the people have to meet and carry out their business. If they do not meet to carry out their business to govern this Nation, then that power vacuum that is created by the absence of the legislative body carrying out their responsibilities to the Cherokee people, most assuredly is going to be filled.

It's either going to be filled by a Principal Chief and the administration that will govern this body in the absence of that Council meeting, or in the absence of that Council meeting, you're going to have Chief Justices taking on the role of legislative type people, executive type people, and judicial type people, with no due process for the Cherokee people at all.

I don't know whether the answer is the majority or whether the answer is ten or whether the answer is two-thirds. But the house of the Cherokee people must meet and govern this body, or we have no government. We are going to be ruled by dictators.

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

recognized?

MR. GOURD: Thank you, Mr. Chairman. I rise in favor of the motion to reconsider. And I concur and add to the

statement of Mr. Keen, and I would offer two words, I think, which primarily cause me to rise in support of this.

In looking at the measure of governments in the international of governments, the two words are "political stability." And I think this compromise offers the opportunity that if, in fact, in the future another situation does arise, the business of our government can be conducted in a stable political atmosphere.

MR. HANNAH: The kind lady from Tahlequah is recognized.

MS. HAGERSTRAND: Marion Hagerstrand, and I rise against this amendment. I understand dictators. We have all kinds of dictators. I remember Hitler. I remember how he inflamed people, how he ran it.

We have some people here who care about the little people. We're not in the process of running something and just going roughshod over people. We think about whether they need --what they need. We don't want to pay big lawyers lots of money, have people come in here from Oklahoma City and tell us how to run our government. We're smart enough to know that.

And we need some ethics in this place. And when I say ethics, I mean that to whom much is given, much is required. And I don't appreciate picking on people when they do what they have to do because it's the right thing.

Just because we have a majority, friend, majority have been known to be wrong. Do you ever think of that? Think about the old country, when people who had no authority, signed away our land. That wasn't right.

You must remember, it's the people who try to do the right thing even though they're taking it on the lamb. I'm all for getting it done, the only way you can do it. And if the only way our so-called boycotters could get the job done, they did the right thing. Thank you very much.

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

MR. CENTER: I thank the Chair. I have not been involved in the Nation's government until just recently in your Election Commission. But I'd like every delegate here to take a look at what has just happened in this delegation and in this chamber.

sir.

You have had one of the best examples of what has been going on here in two years. We said when we started that that was not a part of this. What is a part of this, we've come from various places throughout this United States.

We speak of a Nation. And when I say Nation, I'm talking about two hundred and three thousand people. Not this little body of fifty something people here that has differences.

I'm not here for me. I'm not here for any gain. I'm not here for any power. None of us should be here for personal gain. But we should be here to insist that the government of the people,

two hundred and three thousand members, that their government continues, just as we provided amendments and things into the judicial system to separate that and to stop the conflict, we can also do that in this.

I stand to ask you not to think of yourselves, not to think of your position, not to think of your own power, not to think of your own gain, but to think of the two hundred and three thousand people that we are here to do business for. Let's stop this.

I stand in favor of this. And, as in the court system, this is a compromise; this is only for one meeting in the event that the government is shut down. Let's approve this.

MS. CHILSON: Chilson from Tahlequah. I oppose this. Of course, I think nobody is surprised because I've been here at most of those Council meetings that other delegates didn't have privy to. And for some of the reasons that the former delegate, the delegate who just spoke said, yes, look at what has happened here at

MR. HANNAH: Ms. Chilson, you're recognized.

this convention and you'll see, why is it being brought up again when we've already discussed it, we've already made a decision, because we're a smaller group.

And I'm sure all of you have noticed all the little meetings going on around. And do you think it hasn't been discussed there?

We're all here for one purpose. And I represent a lot of people and a lot of voices. And I want everyone to know that I stand behind those Councilors one hundred percent. I don't know what kind of government we would have had left or if we would have had any money left if they hadn't done what they had done. And I think my hat goes off to all of them. Thank you.

 $$\operatorname{MR.}$$ HANNAH: Mr. Silversmith, you are recognized.

MR. SILVERSMITH: Thank you, Mr. Chairman. I'm Rufus Silversmith from Kenwood-Salina.

I'm really glad I'm here today because I've heard various personal opinions about the gratuities that one has realized in learning from this meeting. And I've heard the cons.

What I would like to do is say I stand in opposition of changing the section as read, in lieu of preserving the liberty in this meeting, this convention, that those of us who have participated and voted, ratified that by vote, due process was achieved.

I see, in my opinion, that those of us in Salina-Kenwood, we would not wish to delegate the actions, how a Council member may act who may be from down in McAlester or down here in Cherokee County.

You people down here who elect the people are responsible for those people, and that's how I see the origination of government. It isn't for those people in Nowata to know what is going on down there unless they had their delegate down there and they wished to take back news.

To me, the entirety of what this democracy is in this government that we're trying to establish and understand -- and I'd say that for those of us who don't have the same vocabulary definition -- what we try to do is mind our own business and take care of our things.

I have to, a person myself, find out who my Council person is, in order that we can communicate. Not look at the faults of his past, because I haven't seen him; I didn't know what he looked like until I saw his picture.

But what that did is, it allowed me to take a look at myself, what I have to do. And in this room, I refuse to criticize in a negative sense rather than seek the positive through comments that have been controversial in nature.

And it was for the purpose of my inability to tell somebody how to do or make a motion to move in order to enact what it was that I had utilized. Those of you who are schooled in whatever it is that you are in your professions, can better express what the thought process is, and in trying to interpret and communicate to the community that this -- the Cherokee Nation are people of pride.

What I wanted to do in my presence here is represent that voice that isn't here, those people who are oppressed, who are not recognized because they're not registered voters, because they have a difference of opinion.

But democratically speaking, those people have a right to be where they're at. That flag stands for -- both the flags stand for people of a personal nature, of a desire for freedom to live the way they are. Whether they participate in tribal government or not, it doesn't make them less Cherokee.

But yet when it comes down to the Council members, those people come down and support them. Like I heard the lady say, she had not had one complaint. She didn't say whether it was registered voters or not, or had voted in the last election. But what it was that she had to do, backing and assurance that those people had entrusted her with their representation in these rooms of Council. And those kinds of people tell me what kind of government we have.

That's the freedom of her to enact in the representation of those people whom have elected her. And that's what I don't want to see denied from these people in these rooms through debate, an expression of for amendments, and ayes and nays.

Again, I want to speak and represent to the people I represent, that I submit that I am against changing the wording as stated. Thank you.

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

MR. SCOTT: Owen Scott, delegate. It's been said that general spiked their last war, and I think that's what I'm hearing in here, that just fighting over a war that should be put behind us now. Some of us are old enough to remember what happened to the mighty Maginot Line, and we can remember that our mighty battleships were at the bottom of Pearl Harbor before we even knew

we were into a fight.

And I think this is what we are doing, is building weapons against a war that, if it's not over, it should be over. There will be new people and new circumstances come forward, and I think we should be looking to the future of how good people can do good things for our Cherokee people.

And with that, we call the question or ask the question, or whatever. Just forget about this and call the question.

MR. HANNAH: Question has been called. Is there

a second?

MS. MASTERS: Second.

 $$\operatorname{MR}.$$ HANNAH: There is a second. Anyone rise in opposition? And I heard "roll call." I would need to see hands. And I see hands.

Just a moment, here.

MR. PHILLIPS: Point of information.

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

MR. PHILLIPS: This vote is on whether or not to

bring the article back to the floor, right?

MR. HANNAH: What we're getting ready to do is determine whether we're going to end debate on this. The question has been called for, and it has been seconded, and so we're going to end debate. And if we, in fact, end debate, then we're going to vote on whether your motion to reconsider will, in fact, be taken up.

And so, with that, all of those in favor of ending debate, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And so debate has ended. We now move for the consideration of whether to reconsider Article V, Section 4, as presented by the good man from Westville. Sir?

 $$\operatorname{MR}.$$ PHILLIPS: Mr. Chair, is it in order for me to make a comment?

MR. HANNAH: Well, not really, sir. The Chair's apologies, very respectful of kind man from Westville, but I would ask you to stand down.

So what would be the pleasure of the delegates? Do you want a voice vote; do you want a stand, or do you want a roll call? The Chair will ask you, instead of going through the process.

THE DELEGATES: Stand.

MR. HANNAH: Stand. Standing vote will be

taken.

THE DELEGATES: Roll call.

MR. HANNAH: Roll call has been asked for. The Chair would have to see by hands. One, two, three, four, five -- sees enough to ask for it. So, therefore, delegates will be in their chairs. The teller will prepare to call the roll. The scribe is preparing the electronic ballot.

I will clarify exactly what we're about to do. The vote that we are taking, if you vote in the affirmative, we will, in fact, reconsider Article V, Section 4.

If you vote "no," then you're voting not to reconsider. Does everyone understand?

The teller will call the roll.

MS. LONG: Adair. Alberty. Baker, Bill.

MR. BILL BAKER: Yes.

MS. LONG: Baker, Don. Baker, Jack.

MR. JACK BAKER: No.

MS. LONG: Berry.

MS. BERRY: No.

MS. LONG: Birmingham. Burnett.

MS. BURNETT: No.

MS. LONG: Center.

MR. CENTER: Yes.

MS. LONG: Chilson.

MS. CHILSON: No.

MS. LONG: Clarke.

MR. CLARKE: Yes.

MS. LONG: Colson.

MS. COLSON: No.

MS. LONG: Coon.

MS. COON: Yes.

MS. LONG: Cornsilk.

MR. CORNSILK: No.

MS. LONG: Crawford.

MS. CRAWFORD: Yes.

MS. LONG: Crittenden, D.

MR. DON CRITTENDEN: Yes.

MS. LONG: Crittenden, H.

MR. H. CRITTENDEN: No.

MS. LONG: Crouch. Davis, Bill. Davis, Earl.

Downing, B. Downing, Carl.

MR. DOWNING: No.

MS. LONG: Dowty.

MR. DOWTY: Yes.

MS. LONG: Foster.

MS. FOSTER: No.

MS. LONG: Gourd.

MR. GOURD: Yes.

MS. LONG: Gunter. Hagerstrand.

MS. HAGERSTRAND: No.

MS. LONG: Hammons.

MS. HAMMONS: No.

MS. LONG: Hannah.

MR. HANNAH: Abstain.

MS. LONG: Herod.

MR. HEROD: No.

MS. LONG: Hathaway. Havens.

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MS. HAVENS: Yes.
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MS. LONG: Hembree. Hook.

MR. HOOK: No.

MS. LONG: Hoskin, Jr.

MR. HOSKIN, JR.: Yes.

MS. LONG. Senior.

MR. HOSKIN, SR.: Yes.

MS. LONG: Johnson. Jordan.

MS. JORDAN: Yes.

MS. LONG: Keen, J.

MR. JOHN KEEN: No.

MS. LONG: Keen, R., Jr.

MR. KEEN, JR.: Yes.

MS. LONG: Keen, Sr.

MR. KEEN, SR.: no.

MS. LONG: Lay.

MR. LAY: No.

MS. LONG: Littlejohn.

MR. LITTLEJOHN: Yes.

MS. LONG: Linnenkohl.

MS. LINNENKOHL: No.

MS. LONG: Masters.

MS. MASTERS: No.

MS. LONG: McDaniel.

MR. McDANIEL: No.

MS. LONG: McIntosh.

MS. McINTOSH: Yes.

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.

MR. MULLON: No.

MS. LONG: Phillips.

MR. PHILLIPS: Yes.

MS. LONG: Pitts. Plumb.

MS. CHAPMAN-PLUMB: Yes.

MS. LONG: Poteete.

MR. POTEETE: No.

MS. LONG: Raper. Rider.

MR. RIDER: No.

MS. LONG: Robinson.

MR. ROBINSON: Yes.

MS. LONG: Rutledge. Sanders. Scott.

MS. STARR-SCOTT: No.

MS. LONG: Scott, D.

MS. SCOTT: No.

MS. LONG: Scott, Owen.

MR. SCOTT: No.

MS. LONG: Silversmith, M.

MS. SILVERSMITH: No.

MS. LONG: Silversmith, R.

MR. SILVERSMITH: No.

MS. LONG: Smith. Spencer.

MR. SPENCER: No.

MS. LONG: Starr.

MR. STARR: Yes.

MS. LONG: Stopp. Stroud.

MS. STROUD: No.

MS. LONG: Twining. Underwood. Viles.

Wheeler.

MR. WHEELER: No.

MS. LONG: Whitfield.

MR. WHITFIELD: Yes.

MS. LONG: Wilson.

MR. WILSON: No.

MR. HANNAH: Peacock. You didn't call Peacock.

MS. LONG: Peacock, sorry.

MR. HANNAH: The vote has been reconciled.

Chair will see the vote once again. Twenty-three, yes; thirty-two, no; one abstention. Two-thirds not reached, and the reconsideration is not granted. What is the pleasure of the delegation?

MR. LAY: Request a recess.

MS. HAVENS: Mr. Chairman, could I make one -- it's not a motion or anything. I just want to clarify something.

MR. HANNAH: The kind lady from Nowata is

recognized.

MS. HAVENS: I'm Edna Havens from Nowata County.

And if you will notice, Verna Crawford and I did not rise in support or talk on either, for or against the motion. We just voted.

MR. HANNAH: Thank you, ma'am. We've had a request for a recess. I think there's great possibility that we might be here for yet another meeting. That's just speculation by the Chair. As you know, the Chair, his clairvoyance has been growing throughout the past nine days.

So, therefore, Charlie, we should send a runner to the restaurant and tell them that they should slice the bologna just a little thinner. Another tater in the pot would be required.

And, folks, what we're going to do is, we're going to take a ten-minute recess, we're going to come back in here and be about the people's work. We're at recess.

(recess taken)

 $$\operatorname{MR}.$$ HANNAH: Here we go. Charlie, what does it look like over there for dinner tonight? Are they going to let us in or are we out?

MS. LONG: We're going for whatever we can get

over there.

MR. HANNAH: We're going for whatever we can get over there. That means the delegates will meet by the dumpster out back of the restaurant, and you will not complain. The good man from Black Gum will be asked to fish around in the dumpster.

MR. McCREARY: Could I delegate that authority?

MR. HANNAH: Feel free to do that. Feel free to pick out some deputies to make that happen.

 $$\operatorname{MR.\ CORNSILK}\colon$}$ I found some nice shirts in the dumpster.

 $$\operatorname{MR}.$$ HANNAH: Delegate Cornsilk, I don't think I would have told that.

All right, people. We are back here and we are about the business. And what would be the pleasure of the delegation? Dr. Gourd, how rise you, sir?

MR. GOURD: Thank you, Mr. Chairman. I would make a motion that we reconsider Article III, Citizenship, and in particular, paragraph 2.

MR. HANNAH: Section 2, sir?

MR. GOURD: Article III, Section 1, paragraph 2.

MR. HANNAH: Article III, Section 1, paragraph

2. And for what reason would we be going back there?

MR. GOURD: I would like to propose that we slightly reword this paragraph and move it to Article XIII, which presently says Clans.

MR. HANNAH: So you want to move paragraph 2 of Section 1, Article III, and you want to put it in Article XIII under Clans; is that correct?

 $$\operatorname{MR}.$ GOURD: Yes, it seems to be the most appropriate place.

MR. HANNAH: Okay. And would you give us some rationale for why you would like to do that?

MR. GOURD: My original idea was a motion to just strike in total. But in the sense of compromise and in the interest of the debate that we have had and the opinions of people on this, I would respectively submit that we could word Article XIII where it would say "Clans and," you know, something like "organizations" or whatever.

My intent is that we secure a definitive statement in this Constitution that the two people who by treaty and act of Congress have merged with the Cherokee Nation and became citizens, specifically the Cherokee-Delaware and the Cherokee-Shawnee, that we make a definitive statement that we respect and support the rights of the descendants of the Cherokee-Delaware and the Cherokee-Shawnee, to promote their culture, heritage, language and traditions as they deem proper.

 $$\operatorname{MR.}$$ HANNAH: So that would be the scope of your amendment?

MR. GOURD: Yes, sir.

MR. MULLON: Clarification.

MR. HANNAH: Clarification from Mr. Mullon.

MR. MULLON: In that, when you say the scope, I think that, Mr. Gourd, were you also contemplating striking a few words or just are you talking about simply adding those words?

 $$\operatorname{MR}.$ GOURD: This would contemplate in particular to strike the word "govern."

MR. MULLON: Thank you.

MR. HANNAH: People, listen up here now.

MR. GOURD: By way of clarification, that would include the strike of that language of paragraph 2 in Article III, and then moving to Article XIII for this language would be substituted.

MS. MASTERS: Substitute or in addition?

MR. GOURD: I'm sorry, I didn't hear.

MR. CORNSILK: Are you substituting or in

addition to paragraph 1?

 $$\operatorname{MR.}$ GOURD: Substitute. Oh, no, no, I'm adding this language to XIII -- I misunderstood.

MR. HANNAH: So what we have would be the strike of paragraph 2, Section 1, Article III, and that this language would be added to Article XIII; is that correct, Dr. Gourd?

MR. GOURD: Yes.

MR. HANNAH: We have a motion to reconsider. We know where this man is wanting to go; we know why he's wanting to go there, and we know what he's wanting to do once he arrives. Is everyone clear? Is there a second?

DELEGATE: Second.

MR. HANNAH: Who said "no," that they were uncertain about what we were doing? Was that you, Mr. Stopp? You may have, unknowingly. Once again, everyone paying attention for those who need to.

We have a motion by Dr. Gourd to reconsider Article III, Section 1, paragraph 2. And you all have a copy so you can see that. He proposes to strike all of that language and to insert the language, "this includes the rights of descendants of the Cherokee-Delaware and the Cherokee-Shawnee to preserve and promote their culture, heritage, language and traditions as they deem proper," inserting that language in Article XIII.

And there has been a second. And the floor is open for debate. And, Billie, you are recognized. How stand you on the issue?

MS. MASTERS: Thank you. I oppose the reconsideration of this. I believe it fits exactly where we placed it during our last discussion. In the first paragraph we refer to our unique relationship to the people that are spoken of in paragraph 2, and I think it follows a complete thought and a complete recognition where we placed it. And I see no reason to reconsider the long discussion and the decisions that we made earlier.

MR. HANNAH: Dr. Robinson, you are recognized. How do you rise on the issue?

MR. ROBINSON: In favor. Ricky Robinson out of Tahlequah. I'm in favor of this, for much the same reasons that Dr. Gourd has talked about. I feel like this is a better spot for it to be.

Another point of information, what is proper to see if we can get down to just two or three?

MR. HANNAH: Let's settle down here, folks. Even the Chair is having a problem hearing the good man. What is your question, sir?

MR. ROBINSON: Well, I just think I'm in favor, for the same reasons as Dr. Gourd. But my question is, I don't know if it's proper now or not, but I feel like with these motions to reconsider, if we could keep that down to maybe two or three people, for or against, it would help us to move along.

MR. HANNAH: So you are moving to limit debate? MR. ROBINSON: I'm moving to limit it.

MR. HANNAH: I don't think that you're going to make that happen here. You may as well take your seat. Thank you.

Mr. Stopp.

MR. STOPP: Gary Stopp, Cherokee County delegate. Opposed to this strike mark on Article III, Section 1, paragraph 2. I think the intent of Article III, Section 1, paragraph 2, is completely different than what Dr. Gourd has placed there. However, I do believe that we would like to include this in Article XIII, under "Clans." It would be appropriate, while maintaining Article III on Citizenship, Section 1.

I say that for three basic reasons. If you look at the second paragraph, you see, one, "to remain a separate and distinct people." That is not specified within that language.

Inherent rights to govern themselves is not specifically addressed in this language. Does not diminish from the historical boundaries of the Cherokee Nation or conflict with Cherokee law. That is not also in this language.

I do agree with the language, if it's inclusive of Article XIII, but not exclusive from Article III.

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

MR. KEEN, JR.: I would rise in opposition of reexamining this. We did have some good debate on it the first time. This would just completely negate the intent when we first passed this and, therefore, that doesn't say anything. It doesn't say anything. So we wouldn't even need that. But I'm opposed to reopening this.

MR. HANNAH: Kind lady from Nowata.

MR. CRAWFORD: I speak in support from -- and this is speaking just my own opinion. I would prefer having the language stricken in Article III, Section 2. The language here would be fine, but either way, I would like to see the language

stricken in the previous article.

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

How do you rise?

MR. MULLON: Thank you, Mr. Chairman. I speak in favor of reopening the issue for this purpose. I unfortunately was not here during this debate. I have a fair amount of experience in the Delaware issue. I went through three years of the Delaware issue.

I would have to say, I would want to preface all of my remarks here, and if it is reconsidered, all of my remarks therewith, I am personally in total support of the Delaware people and the Shawnee people pursuing federal recognition. I think that's what we are all talking about here, they should have that right.

And I feel like there should be no way that the Cherokee Nation or the Constitution of the Cherokee Nation should be worded in such a way as to interfere with that right.

And I really do support that. And my own feeling is that the kind of idea that is being suggested in the amendment that was approved yesterday, I suppose it was, that business should be done with legislation of the Tribal Council to set up the appropriate organization or set up a committee that is charged with the responsibility of dealing with the Delaware and the Shawnee issues. Those are very, very complicated issues.

This language -- when you put language in a Constitution though, the possibility of that language having ramifications is why we are supposed to stop and think real carefully about what we put in the Constitution. Very carefully.

Now, as it reads right now, my personal concern is that the language in there, "right to govern themselves," would be construed, notwithstanding the caveats that follow it, the words "right to govern themselves" would be construed to mean that the Cherokee Nation cannot pass any laws that govern them.

The language that's added at the end that says as long as it doesn't conflict with Cherokee law, it doesn't take care of all the business that needs to be taken care of. And we may be creating a body of people who are members of the Cherokee Nation, that are not subject to the laws of the Cherokee Nation.

That issue right there is entirely different than the issue of the Delaware and the Shawnee people, of seeking federal recognition. That is a different issue.

So I support reopening this and looking at the wording very carefully so that we don't make a mistake.

 $$\operatorname{MR}.$$ HANNAH: Mr. Hoskin, you are recognized. How do you rise in the issue?

MR. HOSKIN, JR.: Thank you, Mr. Chairman. Charles Hoskin, Jr., of Vinita. I rise on a point of information. I would like the Chair to direct this to Mr. Mullon. Before I make my decision, he talked about the caveats that come after the word "govern"; and part of it says that it makes -- the caveat is that it does not diminish the historical boundaries or jurisdiction.

And to me, that's a pretty key word. And I suppose it depends on your reading of the word "jurisdiction." And in all sincerity, I would like to hear you request that -- hear Mr. Mullon flush that out a little bit for me, just so I'm clear.

MR. HANNAH: Mr. Mullon, would you indulge us?
MR. MULLON: Yes. First, the language in here,
"provided that it does not diminish the historical boundaries,"
well, the Cherokee Nation has land and interests that are outside
the historical boundaries as well. And that's not covered by this.

Most of the people here are familiar with Chilocco Indian School, for instance. That is not within what we accept to be in the bounds of the Cherokee Nation. And it's very important that there be no mistake about that very, very valuable piece of land that we have. That's a lot closer to Oklahoma City than anything that is over here. We should never forget about that piece of land.

That is not taken care of in here. The word "jurisdiction of the Cherokee Nation" is just ambiguous. That's my concern with that. There's nothing ambiguous about the inherent right to govern themselves. That's not ambiguous. "Jurisdiction of the Cherokee Nation" is ambiguous.

And then finally, the language at the end, "or conflict with Cherokee laws," if they have the right to self government, exclusively, if it's interpreted to say that these people within the Cherokee Nation yet have the right to govern themselves, and that's interpreted to mean that the Nation doesn't have the right to govern them, then very little of what they would do would conflict with Cherokee Nation law.

So I think that we'd better be very careful about what language that we throw into the Constitution on this issue, or we may be creating a nice, tidy little battle around here, that would be opened up in the future for future disputes.

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

MR. JOHN KEEN: I'd like to address some of the points that Mr. Mullon made. First of all, we're saying "pursuing," I believe; "nothing in this Constitution shall be construed to prohibit the right of the Cherokee-Shawnee or Delaware-Cherokee from

That's one thing I want you to understand about Mr. Mullon's statement of this could be construed that the Delawares and Shawnees would not be subject to our laws, is -- and I hope everybody doesn't get mad at me for this statement, but we do have something that supersedes this document. And that is federal law and Congress has plenary authority over us.

pursuing their inherent right."

And Congress says that any Indian, any member of a federally recognized Indian tribe, is subject to the laws of another Indian tribe if they're in their jurisdiction. No ambiguities about that.

So they're a member of a federally recognized Indiana tribe, and if they are within our boundaries, they're subject to our laws. They can't tout this in federal court and say, no, I'm not.

They are subject to our laws.

And it's written in here, "provided that it does not diminish the historical boundaries or jurisdiction" -- that's important -- "of the Cherokee Nation or conflict with Cherokee law."

Cherokee law says they're subject to Cherokee law, then they can't do anything to conflict with that by this Constitution. And then we also have federal law as a layer on top of that.

So -- and again, I'm not -- I don't want anybody to misconstrue my statement about something is higher than this, but we do have to recognize the fact that Congress has plenary authority over this, and federal law does supersede. So I don't think we have any worries in that department.

 $$\operatorname{MR}.$$ HANNAH: Mr. Mullon, you would be recognized again, sir.

MR. MULLON: Mr. Chairman, Delegate Mullon here. I forgot to say that -- I think it was before our recess when I was up at the microphone, I made a -- what I consider to be a joke about lucidity and Mr. Keen and I. And I do take that back and I apologize to Mr. Keen. The record doesn't pick up necessarily -- the written record doesn't pick up what might be heard to be a joke, it may not look like a joke on paper. And I do take that back.

The point though, that you are subject -- that any Indian is subject to the laws of the area -- any Indian would be subject to the laws of the Cherokee Nation if they're within the historical boundaries of the Cherokee Nation.

Given the complexities of jurisdiction and all that, and assume for the sake of argument that we are talking about a Delaware allotment or a Shawnee allotment, and assuming that that phrase, the "inherent right to govern themselves," is interpreted to mean the exclusive right to govern themselves, not the Cherokee Nation, that does not have the right to govern those people, I ask you whether, if you are on a Delaware allotment or on a Shawnee allotment, are other Cherokees subject perhaps to the laws of the Shawnee, the loyal Shawnee tribe?

One other question or one other issue that relates to all -- I lost my train of thought here for a second. I don't know if I'm making myself clear, but what's good for the goose is good for the gander; it's a double-edged sword, as they say. And if it is construed to be that way, a non-Delaware or non-Shawnee person on Delaware or Shawnee allotment may find themselves subject to the laws of the Delawares or the Shawnees.

The other portion about that is, again, we put it into the Constitution and we recognize "their inherent right to govern themselves," we put that in the Constitution itself, we put that language into the Constitution itself, there may be Delaware -- there may be people who are Delaware, maybe partly Delaware, or maybe completely Delaware, full-blood Delaware, that don't want to be governed by the Delaware people. They would rather be governed, rather, by the Cherokee Nation. There are people in that category.

A lot of people that I have met personally when I was

involved in the Delaware issue, that have strong identification with the Cherokee Nation. There are some that don't, and there are some that are kind of in between.

But are we now saying that even those Shawnees or those Delaware who identify with the Nation are subject to these groups' inherent right to govern themselves? Are we saying that they are subject to the laws?

What if they are three-quarters Cherokee and one-quarter Delaware? Are they subject to the laws that -- remember, we're recognizing their right to govern themselves. That's a big word, to govern themselves. It's not just, like, get together and pass a few rules. To govern themselves is what we're saying here. And you may be creating a scenario for a lot of conflict by sticking this into the Constitution. It deserves a lot of thought. Thank you.

MR. HANNAH: Would any other delegate rise in support or in opposition to the reconsideration of this section? MR. LITTLEJOHN: Mr. Chairman, I rise to move that we take Mr. Cornsilk's motion to adopt the Constitution off the table.

 $$\operatorname{MR}.$$ HANNAH: We're right smack in the middle of this, Mr. Littlejohn. And you have the right to --

 $$\operatorname{MR}.\ \operatorname{CORNSILK}\colon \operatorname{Mr}.\ \operatorname{Chairman},\ \operatorname{point}\ \operatorname{of}$ information.

MR. HANNAH: Point of information.

MR. CORNSILK: Not meaning to start a debate with you, but I believe that there is no motion on the table by me.

MR. LITTLEJOHN: Then there's nothing to take off the table; I was mistaken. I withdraw.

 $$\operatorname{MR}.$$ HANNAH: Okay. Unless there is objection, we will continue with the debate on this issue. How rise you, Starr-Scott?

MS. STARR-SCOTT: Starr-Scott. I rise in opposition to this. I think we discussed this pretty thoroughly the other night and came up with a reasonable language. I think one of the things that David is looking at, he's talking about the inherent right to self government. We have in here that we will not keep them from pursuing that right. To me, there's a difference in that.

And I'm not sure, David, if you're up to know the Delaware situation as we speak. Are you current with the language that we have, and do you know the situation in the last six or eight months?

Because what we put in here, we felt like, would give us some strength when we go to Congress, because it is now in the Bureau and Congress' hands, whether they're going to divide this Cherokee Nation.

We missed our stroke, when the BIA lobbied to have that language changed from "consult" to "consent," we lost ground. So all the Bureau and the Delaware have to do is consult with us now. Congress has changed that language and they've mandated that.

And from the Assistant Secretary's position six months

ago was, we're going to give them some land in Bartlesville. This is a reality we're looking at.

So I'm in support -- I still stay in support of this language because I think it will give our Congressional delegation -- when this Constitution is adopted, to me what it's saying, the Cherokee people are saying, we don't want to give up any land within our jurisdictional boundaries.

If the Delaware want to separate, if they want to pursue their own government, we wish them well. But we will not give up one inch of soil that our people have fought and died for. And I think this is what this particular piece of language will help us do.

I'm not an attorney. That's just a lay person.

MR. HANNAH: How rise you, Mr. Stopp? Are you in favor of reconsidering or are you opposed?

MR. STOPP: I'm opposed. Mr. Mullon's arguments are strong. However, when we read this and look at the inherent rights to govern themselves, we must look at this entire sentence. And it says, "pursuing their inherent right."

In addition, it begins with, "Nothing in this Constitution shall be construed to prohibit the right of the Cherokee-Shawnee or Delaware-Cherokee." It is a choice of theirs. And at some point in time, I believe that choice has to happen.

"Basic rights retained by all distinct people and groups affiliated with the Cherokee Nation." Again, I do not believe this needs to be taken out. The entire intent of Article III on the Citizenship changed completely. Again, if they would like to put in Article XIII in this framework, recognizing their culture, I think they well deserve it, not to be excluded.

MR. HANNAH: Thank you, Mr. Stopp. Any other delegates rise on this issue?

MR. CORNSILK: Call for the question.

MR. HANNAH: Question has been called for. Is

there a second?

DELEGATE: Second.

 $$\operatorname{MR}.$$ HANNAH: And we will, in fact, prepare for the vote. And the delegates will be in their chairs. Thank you, Mr. Stopp, Mr. Poteete.

MR. GOURD: Roll call.

MR. HANNAH: Chair would ask for a standing vote. There's been a request for a roll call vote, and we need to see additional hands for a roll call. (Counting) Made the cut, so there will be a roll call. The teller will prepare to call the roll.

MS. JORDAN: Point of clarification.

MR. HANNAH: Point of clarification.

MS. JORDAN: This is just to reopen the debate,

right?

MR. HANNAH: That is correct. That is correct. The Chair will -- before we get started, Tina, I'll make sure that

everybody knows what it is we're going to do. But we're all going to get set up here.

Is the teller prepared, and the scribe is prepared. And what we are voting on, ladies and gentlemen, everyone is with me here, Mr. Gourd has made a motion to reconsider Article III, Section 1, paragraph 2. He proposes to strike paragraph 2 in its entirety and to initiate the language that we have just reviewed and move it into Article XIII.

He's told us what he wants to do, his rationale behind it, and we have been about the process of hearing those for and against.

So if you vote in the affirmative, then we will, in fact, reconsider. We will reopen that. If you vote no, we will not. Is everyone clear?

Very well, the teller will call the roll.

MS. LONG: Adair.

MS. ADAIR: Yes.

MR. CORNSILK: Mr. Chairman, point of order.

MR. HANNAH: Point of order.

MR. CORNSILK: The door is open.

MR. HANNAH: The door is open. And now the door is closed. You've done one; we made it through one so far. Here we go.

MS. LONG: Alberty. Baker, Bill. Baker, Donn.

Baker, Jack.

MR. JACK BAKER: No.

MS. LONG: Berry.

MS. BERRY: No.

MS. LONG: Birmingham. Burnett.

MS. BURNETT: No.

MS. LONG: Center. Chilson.

MS. CHILSON: No.

MS. LONG: Clarke.

MR. CLARKE: Abstain.

MS. LONG: Colson.

MS. COLSON: No.

MS. LONG: Coon.

MS. COON: Abstain.

MS. LONG: Cornsilk.

MR. CORNSILK: No.

MS. LONG: Crawford.

MS. CRAWFORD: Yes.

MS. LONG: Crittenden, D.

MR. DON CRITTENDEN: Yes.

MS. LONG: Crittenden, H.

MR. H. CRITTENDEN: No.

MS. LONG: Crouch. Davis, Bill. Davis, Earl.

Downing, B. Downing, Carl.

MR. DOWNING: Yes.

MS. LONG: Dowty.

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MR. DOWTY: No.
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- MS. LONG: Foster.
- MS. FOSTER: No.
- MS. LONG: Gourd.
- MR. GOURD: Yes.
- MS. LONG: Gunter. Hagerstrand.
- MS. HAGERSTRAND: No.
- MS. LONG: Hammons.
- MS. HAMMONS: Yes.
- MS. LONG: Hannah.
- MR. HANNAH: Abstain.
- MS. LONG: Harrod.
- MR. HARROD: No.
- MS. LONG: Hathaway. Havens.
- MS. HAVENS: Abstain.
- MS. LONG: Hembree. Hook.
- MR. HOOK: No.
- MS. LONG: Hoskin, Jr.
- MR. HOSKIN, JR.: Yes.
- MS. LONG: Senior.
- MR. HOSKIN, SR.: No.
- MS. LONG: Johnson. Jordan.
- MS. JORDAN: No.
- MS. LONG: Keen, J.
- MR. JOHN KEEN: No.
- MS. LONG: Keen, Jr.
- MR. KEEN, JR.: Yes.
- MS. LONG: Keen, Sr.
- MR. KEEN, SR.: No.
- MS. LONG: Lay.
- MR. LAY: No.
- MS. LONG: Littlejohn.
- MR. LITTLEJOHN: No.
- MS. LONG: Linnenkohl.
- MS. LINNENKOHL: No.
- MS. LONG: Masters.
- MS. MASTERS: No.
- MS. LONG: McDaniel.
- MR. McDANIEL: Yes.
- MS. LONG: McIntosh.
- MS. McINTOSH: No.
- MS. LONG: McCreary.
- MR. McCREARY: No.
- MS. LONG: MacLemore. Melton. Meredith.
- MS. MEREDITH: No.
- MS. LONG: Miller. Moore.
- MR. MOORE: Yes.
- MS. LONG: Mullon.
- MR. MULLON: Yes.
- MS. LONG: Phillips. Pitts. Plumb.

MS. PLUMB: No.

MS. LONG: Poteete.

MR. POTEETE: Abstain.

MS. LONG: Raper. Rider.

MR. RIDER: Yes.

MS. LONG: Robinson.

MR. ROBINSON: Yes.

MS. LONG: Rutledge. Sanders. Scott.

MS. STARR-SCOTT: No.

MS. LONG: Scott, D.

MS. SCOTT: No.

MS. LONG: Scott, Owen.

MR. SCOTT: No.

MS. LONG: Silversmith.

MS. SILVERSMITH: No.

MS. LONG: Silversmith.

MR. SILVERSMITH: No.

MS. LONG: Smith. Spencer.

MR. SPENCER: No.

MS. LONG: Starr.

MR. STARR: Yes.

MS. LONG: Stopp.

MR. STOPP: No.

MS. LONG: Stroud.

MS. STROUD: No.

MS. LONG: Twining. Underwood. Viles.

Wheeler.

MR. WHEELER: No.

MS. LONG: Whitfield.

MR. WHITFIELD: No.

MS. LONG: Wilson.

MR. WILSON: No.

MS. LONG: Peacock.

MR. HANNAH: Fourteen for; thirty-five against; five abstentions; motion fails, and the section is not reconsidered.

Mr. Keen, you are recognized.

MR. KEEN, JR.: Thank you, Mr. Chairman. I would move to reconsider Article VI, Section 13, for the purpose of correcting what I think was an oversight by this convention.

MR. HANNAH: Article VI, Section 13. Mr. Keen.

MR. JOHN KEEN: Just a point of information.

Are we pretty much considering this, 1, 2, 3, 4, 5, 6, 7 again?

MR. HANNAH: I'm sorry, I'm not following your

MR. JOHN KEEN: Are we just going to jump around

in numbers?

numbers.

 $$\operatorname{MR}.$$ HANNAH: I'm afraid we're going to have to, sir, because Chair once again fails in clairvoyancy of knowing how to organize the thoughts of the individuals that are here.

MR. JOHN KEEN: I was just hoping that we could

keep it in order so we don't keep going back and forth, and back and forth.

MR. HANNAH: Well, in a way we had to do that, because if we were to take time out, bring out a big clip chart, and ask everybody in the room who thinks that they want to go revisit something, and then we could line us all up in a pew. But I don't think we are going to do that, unless you all would like to overrule the Chair. You've done it before. What do you say?

In that case, Mr. Keen, you are still recognized. You will continue, sir. We are on Article VI, Section 13.

MR. KEEN, JR.: Thank you, Mr. Chairman. Down at the last sentence in the paragraph, after the word "years," please enter the following language: "The Attorney General shall be authorized to designate such prosecutors and other assistants as deemed necessary to carry out the duties of office as deemed necessary." "The duties of office."

This language was in the original recommendation from the Commission, and that language got, by and large, replaced, and we worked on it very hard. But I think certainly we're not going to burden one individual with defending and prosecuting every case on behalf of the Cherokee Nation. They might need a little help. So to correct that problem, I offer this language.

MR. HANNAH: So, Mr. Keen, you have a motion to reconsider Article VI, Section 13, and it would be your expressed purpose to add the language, "The Attorney General shall be authorized to designate such prosecutors and others assistants as deemed necessary to carry out the duties of the office"; is that correct?

MR. KEEN, JR.: That's correct, sir. MR. HANNAH: Is there a second? DELEGATE: Second.

MR. HANNAH: There's a second and we are open for debate with regard to reconsideration as noted. And the kind author of 18 is recognized.

MR. CLARKE: The kind author of 18 would like to express to each of you here, I've got to leave. I want to say that this has definitely been something that has certainly enhanced my belief in Cherokee people. That we can get together in the spirit of cooperation and that we can do some good things, not only for this generation, but those generations who are subsequent to us. And I feel good about what I've done here.

I've seen a lot of grief in people, both ways, both sides, the last two years. And I think that we are doing some things that perhaps will cause us to come together and to get into a spirit of cooperation all across the nation.

And this is what I want to do, because I mentioned to you all here the other day that my little seven-year-old son is going around telling his friends, his teacher at school, and everyone, that his daddy is help making Cherokee history. And I want my children to grow up under this good stuff that we are doing here.

And this morning when I got ready to leave, I've got a seven-year-old at home and a three-year-old. I'm an old man with a young wife who has got kids, and they're beloved. But, nevertheless, both of my children spoke to me, and my son said, "Daddy, I want you to quit that job at the Cherokee Nation."

And I said, "Well, I can't quit my job at the Cherokee Nation because that's how we live."

He said, "No, I mean that job that you're helping to create history because we don't get to see you anymore."

And then my three-year-old come running up to me and put her arms around me and said, "Daddy, we didn't get to get you an angel cake for your birthday. But we're going to get an angel cake for your birthday, and we're going to do it tonight."

So I'm going to go home to eat that angel cake with my kids.

And I'm convinced that this good group of people will be able to continue, and I know you're going to be able to get this thing out to the folks without my assistance. Had I not even been named as delegate, this group would still be right at this point in time of what you're doing now. So God bless you and just keep on going.

(applause)

MR. HANNAH: Kind author of 18 is thanked.

And the floor continues at debate. And, Mr. Mullon, you are recognized. How do you rise on this issue?

 $$\operatorname{MR}.$$ MULLON: I rise in favor of reopening for this limited purpose. It is a necessary provision, and we would be unfortunate to have the -- this particular section going without that.

MR. HANNAH: Mr. Downing, how do you rise on the

issue?

 $$\operatorname{MR}.$ DOWNING: Point of issue -- point of information, something.

MR. HANNAH: That would be close.

MR. DOWNING: I would like to request from the maker of the motion, I understand that the Council does control this by virtue of the budget. Is it necessary to have somewhere inserted here, "with approval of the Council"?

MR. KEEN, JR.: I don't think so, sir. As you say, the Council always controls the money, and so that would, of course, limit the Attorney General as to how many.

But what this language is designed to do, is to give him authority to delegate the power of prosecution to assistants, so he doesn't have to represent each and every case himself.

MR. HANNAH: Thank you. Mr. Keen the younger, you are recognized. How do you rise on this issue, sir; are you for or against?

 $$\operatorname{MR}.$$ JOHN KEEN: Let the record reflect that I can agree with my brother once in a while.

MR. HANNAH: Therefore, you would be rising in

favor to reconsider?

MR. JOHN KEEN: My point would be that since this is a law enforcement branch, we did it for the Marshal; it just seems, you know, to keep it uniform, it seems necessary. I think it should be included.

MR. HANNAH: Very well.

MR. HOOK: Call the question.

MR. HANNAH: The question has been called.

DELEGATE: Second.

MR. HANNAH: And there is a second. Is there any opposition to us calling the question?

In that case then, what we are about to vote on is whether to reconsider Article VI, Section 13, for the expressed purpose of inserting the language, "The Attorney General shall be authorized to designate such prosecutors and other assistants as deemed necessary to carry out the duties of the office."

The Chair would be so bold as to recommend standing count for this, remembering once again, requiring two-thirds vote for its passage for us to reconsider. The teller will draw close. The delegates will be in their chairs, visitors will be quiet and still.

And all of those in favor of reconsideration of Article VI, Section 13, please stand. The teller will take the count.

THE DELEGATES: (standing)

MS. LONG: Forty-eight.

MR. HANNAH: Forty-eight. Be seated. And those opposed, please stand.

DELEGATE: (standing)

MS. LONG: One no.

MR. HANNAH: Forty-eight in favor of

reconsideration; one no. The motion passes. And, Mr. Keen, you are recognized.

 $\,$ MS. TWINING: Mr. Chairman, I call for the question to include this in this portion.

DELEGATE: Second.

MR. HANNAH: The question has been called; there is a second. Is there opposition? All those in favor please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: (No response)

MR. HANNAH: And the language is included, and the section and the article is closed.

Mr. Scott, you are recognized.

 $$\operatorname{MR}.\ \operatorname{SCOTT}\colon$$ Scott, delegate. I move to open Article VII, Judicial, paragraph 4 --

MR. HANNAH: What section, Mr. Scott?

MR. SCOTT: Section 4, and the second paragraph

of that section.

MR. HANNAH: Article VII, Section 4. And in which paragraph, sir?

MR. SCOTT: The second paragraph.

 $$\operatorname{MR.\ HANNAH}$: In the second paragraph. And your rationale for wishing to open this?

MR. SCOTT: To --

MR. HANNAH: To the microphone, sir.

MR. SCOTT: I think it will be self-evident when it gets up there, but it's to help the Cherokee people who are not bilingual in legalese. And also part of it would be to strike or put somewhere else the legalese words that are appearing there now.

MR. HANNAH: So your motion is to reconsider Article VII, Section 4, second paragraph, and you wish to insert language that would read, "To get a person out of jail and into court, to make an official do the duties of his office, to make a person show by what right he holds an office or privilege, to get the records of a trial in a lower court for review, to stop a person from a thing he should not do," and then strike the language "habeas corpus," "mandamus," "quo warranto," "certiorari," and "prohibition"; is that correct, sir?

MR. SCOTT: Yes.

MR. HANNAH: Is there a second.

MR. POTEETE: I'll second that. That is just plain language that anybody in the world can understand.

MR. HANNAH: There is a second and the floor is open for debate with regard to reconsideration of this section. How do you stand on the issue, Mr. Cornsilk? Are you for or against?

MR. CORNSILK: Mr. Chairman, Delegate Cornsilk.

I stand against this, not in that I don't want that there be plain language in the Constitution, but that the judicial section of the Constitution goes directly to this kind of language in its use in court.

And I really think that the terms such as habeas corpus, those kinds of things, have a much broader meaning than the simple language that we are trying to insert here. And we've narrowed it down too tight by trying to be simple.

By simply using the terms that are used in court, we have captured the breadth at which a person's rights would be protected.

MR. HANNAH: Would a delegate rise in favor of reconsideration?

MR. STOPP: Friendly amendment.

 $$\operatorname{MR}.$$ HANNAH: Not now, sir. We are discussing the reconsideration of this section.

Is there a delegate that rises in favor?

MR. HOSKIN, JR.: Call the question.

MR. HANNAH: The question has been called.

DELEGATE: Second.

MR. HANNAH: There is a second. Is there any opposition? Hearing no opposition to vote, the delegates will take their seats or they will be out of the chambers. And we'll take a standing vote. And the teller will prepare to count. We will take our seats. Thank you very much.

And so what is before us is a motion to reconsider Article VII, Section 4, second paragraph, inserting the language as read and striking the language as noted. It will require a two-thirds vote. If you vote in the affirmative, we will reconsider; if you vote no, we will not reconsider. Does everyone understand?

MR. STOPP: Point of information.

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

MR. STOPP: If the author decided to adjust some

of those words right now, could he adjust those words?

MR. HANNAH: We are in a vote at this time, sir.

Take your seat. All of those in favor, please signify by standing. Remain standing. Start your count, teller.

THE DELEGATES: (Standing)

MS. LONG: Seven.

MR. HANNAH: Be seated. All of those opposed,

please stand.

THE DELEGATES: (standing)

MS. LONG: Forty-two.

MR. HANNAH: Seven in favor; forty-two against.

Motion fails.

MR. HOOK: Point of personal privilege.

MR. HANNAH: Point of personal privilege, Dr.

Hook.

MR. HOOK: I request an hour recess for supper.

MR. POTEETE: I beg the Chair to indulge me

before we proceed with this suggestion.

MR. HANNAH: Mr. Poteete, you will be indulged.

What say you?

MR. POTEETE: Well, I'm not going to address the Chair right now, I think. I'm going to offer a resolution before we lose any more people that have to go and what have you. There's a little bit of chore work that we need to do, and I took the time to word up a resolution that I would like to read for you and beg your indulgence in. It's going to take me a moment. I hope we capture someone's sentiment besides my own; I think it does.

It says, "Whereas Dennis J. Hannah" --

MR. HANNAH: You may be out of order here, \sin .

MR. POTEETE: Are you going to allow this or

not?

MR. HANNAH: The Chair will say this, folks, for just a moment. And the Chair is very appreciative, he believes. You're either getting ready to impeach him or -- the Chair is uncertain. It is not that clairvoyant. But the Chair will remind this delegation that this horse is not in the corral yet.

So no matter what is said in that piece, you will know that this Chair will remain in its position, unless removed, until the barn door is closed. And he will only take great pleasure after that barn door is closed.

You may read whatever document you have, sir, but you

will be careful with it.

MR. POTEETE: It says, "Whereas Dennis J. Hannah, of Moseley's Prairie in the north of Adair County and lately of Norman, Oklahoma, has served eight long and tedious days as the Chairman of the 1999 Cherokee Nation Constitutional Convention;

And whereas this success of this convention can in large part be attributed to the talent, skill, and education of the said Dennis J. Hannah, to that onerous task to which he was appointed;

And whereas the dignity and proper decorum in the conduct of the business of the Cherokee people is highly valued by the Cherokee people generally and convention delegates in particular;

And whereas the convention is constituted by a large group of Cherokee citizens who have passionately and vigorously advocated a multitude of strongly held views;

And whereas the delegates collectively recognize the incredible challenge chairmanship of the convention presented;

And whereas the proceedings of the convention were conducted with absolute fairness, that all might be afforded opportunity to express their views;

And whereas the delegates believe no other Cherokee is involved with the combination of stamina, diplomacy, patience, and communication skills necessary to have so capably acted as Chair of said convention;

And whereas the delegates are appreciative that Dennis J. Hannah was willing to bring his incredible talents to the cause of conducting a constitutional convention in a manner befitting the Cherokee people;

And whereas the service of Jay Hannah in this most important position represents a continuation of service to the Cherokee people which has been a tradition in his family for many generations;

And whereas the delegates to said convention wish to collectively express their tremendous gratitude, respect, and admiration to the delegate from Moseley's Prairie for his service to the convention as its Chair;

Therefore, be it resolved that the Constitutional Convention of 1999 does hereby preserve for the annals of Cherokee history this expression proclaiming our deep and sincere appreciation to Dennis J. Hannah for outstanding service to his people, the great Cherokee Nation."

MR. HOOK: A friendly amendment, it has been nine grueling days.

MR. POTEETE: If it's the will of the body, we'll have this to be placed -- this language to be placed on parchment or something suitable for framing and have it suitably framed.

DELEGATE: Second.

MR. POTEETE: Any opposed? We'll stand; it's passed by acclamation, Mr. Chair.

MR. KEEN, SR.: Point of information. I agree

with everything he said; I'm one thousand percent for it. But I just want to know one thing. Mr. Hannah has additional talents of which he has not displayed for us yet. And I would like to know when he's going to get out his guitar and sing for us.

MR. HANNAH: Mr. Hannah will bring his musical talent in celebration when this is put before the Cherokee people.

MR. KEEN, SR.: Thank you.

MS. MASTERS: We would also like to take this opportunity to remind ourselves that nothing is an accident; all things are with purpose. And in expression of those things that have come together here, that have been brought together by the Creator of all things, we give this in memory and in honor of what has taken take place here and the leadership that has been provided.

And this eagle claw dance stick, we present to our Chair.

MR. HANNAH: Thank you all. Please be seated.

The delegation will be seated.

MS. MASTERS: Mr. Chair --

MR. HANNAH: The Chair will stand out of the way. Billie just kept him to the side most of the week anyway.

MS. MASTERS: We would also like to take this opportunity to give the type of recognition to the hard work of the Commission members, to those that are still here. Mr. Ralph Keen, Mr. Gourd, and Mrs. Coon, would you come forward and let us honor you?

Not an expression for what you have done, but in memory of what we have all done together, we would like to present each one of you with a gift of memory. And Mr. Ralph Keen, Jr., and to Mr. Charlie Gourd. They have both gotten deer antler rattles. And we are sure they will rattle them often.

And to the lovely sweetheart of all of us, we would like to express our own appreciation for all that she has given us and all that has taken place in her guidance and her wisdom and in her wonderful, wonderful attitude that she has expressed all of the way, we would like to grant her the honor of wearing this necklace in remembrance of this time that we have spent together.

MS. COON: Thank you.

MS. MASTERS: And because that isn't quite enough, we're going to give her some sage and sweet grass that she can have with her. And we thank you all so much.

We also -- we had asked our elder to speak and say what this has meant to her, and we have asked one of our young delegation and one of our at-large, if you would at least give them three minutes each to express the meaning that they have experienced here.

MS. MEREDITH: Well, I hardly think that you all need to hear much more from me except my heartfelt gratitude for all the hard work they've done, not only at this convention but at the hearings. They have endured snowstorms, ice storms, everything else, and we don't know about what kind of food they've gotten. But they have endured and we love each and every one of them, believe me.

MR. JOHN KEEN: I can't believe I was asked to speak more. I just want to say that for me, my brother, Ralph Junior, Dr. Gourd, Ms. Coon, especially Jay Hannah, have made this one of -- probably will be one of the most memorable experiences of my life.

This has been just such a tremendous experience for me. I don't know how you could ever top this. Mr. Hannah has done an outstanding job in the face of -- I don't know what you would call it he has faced.

MR. HANNAH: "Delegates."

MR. JOHN KEEN: In the face of seventy-some delegates, nine days of the long days we've been working. I don't know what else to say, other than thank you.

MR. HANNAH: Thank you, sir.

MR. HOOK: I also am not quite sure why I was asked to speak, except that this is also one of the most moving experiences of my life.

And I'd have to say, Mr. Hannah, that of all the experiences I've had, whether it was in the military or business, education, anywhere in my life ever, I have never seen anyone exhibit the skills that you have, the gifts that you have demonstrated these last few days in being able to direct us and being able to not suppress the feelings, the emotions that we have felt, but be able to allow us to express those and still keep them on a very personal, friendly level. And with all the diverse experience and passion that we have, our Creator, through you, has allowed this to be a productive process.

And once again, I have never witnessed, in my life, the Creator's presence being guided so adeptly a group of discussion such as you have exhibited. Wado.

MS. COON: Before we go to eat our evening meal, I have -- I've prepared some remarks here and I can't read them. I'm going to have my daughter to read.

MS. GWEN HENRY: "Mr. Chairman, I would like to take this opportunity to express my appreciation to you, Jay, as well as to Charlie, Ralph, George, and Ed, for the many hours you have unselfishly given to the important task of revising the Cherokee Constitution.

You have worked diligently almost every weekend since the 8th of August. It has been quite an educational experience for me, and I thank all of you for your kind consideration during these past months.

It is a true pleasure to have been associated with the members of this Commission.

I would also like to thank the delegates for their thoughtful assistance and patience during the past few days."

MR. HANNAH: Thank you. Thank you all. Please be seated. The Chair is humbled by your expressions here in gift and in word. The Chair grew up on Moseley's Prairie.

MS. COON: I thought she was an Indian-giver.

MS. MASTERS: Actually, she just wants Mr.

Underwood's rattle.

MR. HANNAH: The Chair grew up on Moseley's Prairie in northern Adair County, where his family has been since 1839 or perhaps even a little bit before, depending upon which branch of the family you look at.

It is often said in my family that we moved there with absolutely nothing, and we've been able to hang on to it.

The Chair believes that we all here and that we stand on the shoulders of those that have come before us. And that we, as individuals and as delegates, and the work that we have been about, that we in fact are here and at this moment and in this place and in this time to represent all of who they were and what they dreamed of and what they meant and what they looked to see in the future.

The only reason the Chair has been here for nine days at fourteen, fifteen, sixteen hours, is for one purpose, and that is to serve this delegation. Because the Chair believes that this delegation serves the Cherokee people.

And so we have come here, as the Chair has often reminded you, to do the people's work. And he is very thankful for your vote of confidence to allow him the great honor of his entire life to be here. And he recognizes that the words that you spoke in here today and the gifts, in fact truly do not honor the Chair. You honor his family; you honor his blood; you honor their commitments. And that is what is to be recognized in each and every one of us that are here.

The Chair will remind you that we have made it to yet another meal. We still have some work to do. There may be those of you who would like to bring a reconsideration of other sections; it may well be that someone would bring a motion to adopt this document.

We will need to make decisions about what it is that we're going to do from this day forward. There is still work to be done, and the Chair believes that we can in fact bring that work to conclusion.

What is the pleasure of the delegation? Mr. Mullon, you would be recognized.

MR. MULLON: Yes, Mr. Chairman, Delegate Mullon. I have a motion to reopen another section of Article VII.

MR. HANNAH: There is a motion to reconsider on Article VII. And the section you would consider?

MR. MULLON: It would be Section 7.

MR. CORNSILK: Mr. Chairman, point of order.

MR. HANNAH: Point of order, sir.

 $$\operatorname{MR}.$ CORNSILK: I believe there was a motion to go to dinner before we had our reverie.

MR. HANNAH: I believe the good man is correct.

Mr. Mullon.

MR. MULLON: I'll bring this up after dinner.

MR. HANNAH: Excellent. Good man. Now,

Charlie, are we in fact going to be able to move to the restaurant?

MS. LONG: I'm not Charlie, but yes.

 $$\operatorname{MR}.$ GOURD: The teller tells us, unless you hold us in recess, sir, we will not.

MR. HANNAH: We will return here at six-thirty. (dinner recess taken)

MR. HANNAH: We are recalled from recess. Carl Downing, you are recognized, sir.

MR. DOWNING: I guess this is a point of information. I know it is. I would request that the Chair ascertain approximately the number of individuals who remain who wish to open the Constitution for any reason.

 $$\operatorname{MR.\ HANNAH}$: I think that's an overly practical question. How many individuals --

 $$\operatorname{MR}.$$ DOWNING: You don't have to sound so surprised.

MR. HANNAH: Oh, gee, Carl, yes. That's a good idea. Okay. Let's see a show of hands of how many delegates believe that they are going to bring a reconsideration motion before this body.

The Chair sees one hand. And, Carl, your question is answered. You'll take a chair.

And, Mr. Mullon, you are recognized.

MR. MULLON: Thank you, Mr. Chairman. The change that I would like to reopen Section 7 of Article VII is for the simple purpose, the single purpose of striking through the last sentence in that section.

 $$\operatorname{MR}.$$ HANNAH: Article VII, Section 7. We'll all turn to chapter and verse.

Mr. Keen, I assume that we are all looking off of the same copy, which may be a broad assumption. But we in fact have these page numbers now, being a novel approach for us. So that would be on page ten of sixteen, is that correct, sir? Mr. Mullon.

MR. MULLON: That's correct.

MR. HANNAH: And so we're talking about Section number 7, and you wish to reconsider that, and you want to reconsider it to strike, do I understand, the final sentence?

MR. MULLON: That's correct.

 $$\operatorname{MR}.$$ HANNAH: And you would need to tell us why that you would like to do that.

MR. MULLON: The delegates may recall from yesterday when we approved Section 3 of Article X, including in it wording that dealt with the basic standards and rules for removing officials, and we included officials that are removable under Article VII, Section 7.

And basically Section 3 of Article X says, "No official may be removed under Sections 1 or 2 of this Article or Section 7 of Article VII, except after trial before the Council, with the accused having been afforded due process and opportunity to be heard. Provided, removal under Sections 1 or 2 of this Article or Section 7

of Article VII shall require a 2/3 vote of the members of the Council."

That line right there is somewhat inconsistent with this particular line, in that it suggests that the Council could adopt laws that merely have to ensure that due process is afforded.

Whereas Article X, Section 3 provides for quite a bit more than just that. So they are inconsistent, and I would open it for the purpose of merely striking out the section, and having it entirely and clearly represented by Section 3, Article X.

MR. HANNAH: Very well, sir. Is there -- Article VII, Section 7, striking the final sentence, and the good man has explained why he wishes to open and strike.

Is there any questions about what he is doing? 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: The question is being called. Is

there a second?

DELEGATE: Second.

MR. HANNAH: Very well. So what we are doing is voting on the reconsideration of Article VII, Section 7, for the purpose of striking the final sentence.

The teller will -- as is a tradition, we will conduct a standing vote. And the delegates will be in their seats. This will require two-thirds vote. And all of those in favor of reconsidering, please stand. The teller will initiate the count.

THE DELEGATES: (standing)

MS. LONG: Forty-four.

MR. HANNAH: Please be seated. Those in

opposition, please rise.

MS. LONG: Zero.

MR. HANNAH: Forty-four yes; zero no. Motion

carries. And, Mr. Mullon, you are recognized.

MR. MULLON: Yes, thank you, Mr. Chairman.

Delegate Mullon here.

I would move that we strike the last sentence of Section 7 of Article VII from that section, if we will strike the entire last sentence of that section.

 $$\operatorname{MR}.$$ HANNAH: There is a motion to strike. Is there a second?

DELEGATE: Second.

 $$\operatorname{MR}.$$ HANNAH: There is. And the floor is open for debate. Hearing no debate --

MR. LITTLEJOHN: Voice vote.

MR. HANNAH: We're to the voice vote part.

Remember, we always voice vote once we get inside. You have to stand up to get inside, and then it's okay. But we all have to stand to get in this.

And so the question has been called; it's been seconded. Hearing no objection, we will move to the vote which will be to strike the language as indicated.

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

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

(no response)

And the motion carries. The language is stricken and the article and section are closed.

Mr. Cornsilk, you are recognized.

MR. CORNSILK: Mr. Chairman, Delegate Cornsilk.

I would like to open Article XVI, no section, it's only one sentence.

 $$\operatorname{MR}.$$ HANNAH: Article XVI. Carl, apparently there was one other section.

MR. CORNSILK: And I would like to open this article in order to strike the word "Oklahoma" and replace that with "Cherokee Nation."

MR. HANNAH: And your rationale, sir?

MR. CORNSILK: My rationale is that the Cherokee Nation is a place. I think I've harped on that many times since we've been here and we've consistently gone through this Constitution and removed the words "of Oklahoma." And then here we come back in Article XVI and iterate it again.

So I would like to take "Oklahoma" out and replace that with "Cherokee Nation" to reaffirm that this is a place. I don't want to leave it blank because there is a Tahlequah, Washington.

MR. HANNAH: Yes, there is.

 $$\operatorname{MR}.$ CORNSILK: And so I would like to say that the Cherokee Nation is a place.

MR. HANNAH: All right. There is a motion to reconsider Article XVI for the expressed purpose of striking the word "Oklahoma." And you've heard the man's rationale.

DELEGATE: Second.

 $$\operatorname{MR}.$$ HANNAH: There is a second, and the floor is open for debate.

MR. CORNSILK: Call the question.

 $$\operatorname{MR}.$$ HANNAH: The question has been called. Mr. Keen, you are recognized.

MR. KEEN, JR.: I would like to call on Mr.

Mullon to see if there is any legal implications to this.

MR. CORNSILK: Point of information.

MR. HANNAH: The Chair will allow such

testimony, if nothing else, just so Calvin will have an opportunity to see another attorney up there. If Calvin says it's okay, it will be all right. Calvin says it's okay. What do you say, Mr. Mullon?

MR. MULLON: I say probably yes, it probably

does, but not necessarily bad.

 $$\operatorname{MR}.$$ HANNAH: Mr. Mullon has now escalated to the status of being an economist. On one hand it would be like this,

but on the other hand it would be like that.

Any other debate or questions that needs to come before this group? In that case, the teller will attend; two-thirds vote will be required, and all of those in favor of opening Article XVI for the expressed purpose of striking the word "Oklahoma," please stand. Start the count.

THE DELEGATES: (standing)

MS. LONG: Twenty-three.

MR. HANNAH: Please be seated. Those in

opposition, please stand.

THE DELEGATES: (standing)

MS. LONG: Twenty-one.

MR. HANNAH: Twenty-one. So we have

twenty-three for; twenty-one against. So it didn't -- twenty-three in favor; twenty-one against, did not carry the two-thirds required, and the section is not open.

The Chair would entertain the pleasure of the delegation.

MS. HAGERSTRAND: Delegate Marion Brown

Hagerstrand.

MR. HANNAH: And you are recognized.

MS. HAGERSTRAND: Mr. Chairman, I move that we adopt this lovely Constitution, that document as it is, and be proud of ourselves.

 $$\operatorname{MR}.$ DOWNING: Please note that Carl Downing seconded that motion.

MR. HANNAH: Mr. Downing, retire to your seat, sir. There is a motion on the floor to adopt the Constitution that has been written by this delegation, and it has been duly seconded.

MR. HOOK: Roll call vote.

 $$\operatorname{MR}.$$ HANNAH: Roll call vote has been asked for and hands would need to be seen. And I believe there is five here. Now, ladies and gentlemen, the Chair would -- the teller will bring her ballot.

The Chair has had the past nine days of watching a lot of issues voted on. And it's been difficult for the Chair at times to not want to join in the debate, write a few amendments, send down some motions, answer some questions, and most of all, participate.

I think it is fascinating in the historical record of this group that Jay Hannah will actually have attended this convention and not voted on a thing.

So with the permission of this group, because I have — and although in checking with the Parliamentarian it would have been well within my right as a delegate to have voted, I have abstained on every vote in this Constitution for one reason: I have abrogated my right to this body so that at no time, on any issue, that anyone would view the Chair as taking sides on any issue, so the Chair could in fact remain totally independent with regard to the issues that are before us.

But with the delegation's permission, the Chair would like to vote this time.

(applause)

I've been waiting to vote "no" all week. This is my big chance $\mbox{--}$ no.

Draw close, ladies and gentlemen. Delegates will be in their seats. The teller is prepared with the roll. And please speak up; we want to hear your voice. The scribe is prepared.

Mr. Keen, what say you? Are you ready, sir?

MR. KEEN, JR.: Yes, sir.

MR. HANNAH: The teller will read the roll.

MS. LONG: Adair.

MS. ADAIR: Yes.

MS. LONG: Alberty. Baker. Baker. Baker.

MR. JACK BAKER: Yes.

MS. LONG: Berry.

MS. BERRY: Yes.

MS. LONG: Birmingham. Burnett.

MS. BURNETT: Yes.

MS. LONG: Center.

MR. CENTER: Yes.

MS. LONG: Chilson.

MS. CHILSON: Yes.

MS. LONG: Clarke. Colson.

MS. COLSON: Yes.

MS. LONG: Coon.

MS. COON: Yes.

MS. LONG: Cornsilk.

MR. CORNSILK: Uh-ski-da.

MS. LONG: Crawford.

MS. CRAWFORD: Yes.

MS. LONG: Crittenden.

MR. DON CRITTENDEN: Yes.

MS. LONG: First Crittenden, D.

MR. DON CRITTENDEN: Yes.

MS. LONG: Second Crittenden, H. Crouch.

Davis. Davis. Downing.

MR. DOWNING: Yes.

MS. LONG: Wrong Downing. Downing, D.

Downing, C.

MR. DOWNING: Yes.

MS. LONG: Dowty.

MR. DOWTY: Yes.

MS. LONG: Foster. Gourd.

MR. GOURD: Yes.

MS. LONG: Gunter. Hagerstrand.

MS. HAGERSTRAND: Yes.

MS. LONG: Hammons.

MS. HAMMONS: Yes.

MS. LONG: Hannah.

MR. HANNAH: Yes.

MS. LONG: Herod. Hathaway. Havens.

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MS. HAVENS: Yes.
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MS. LONG: Hembree. Hook.

MR. HOOK: Yes.

MS. LONG: Hoskin, C., Jr.

MR. HOSKIN, JR.: Yes.

MS. LONG: Sr.

MR. HOSKIN, SR.: Yes.

MS. LONG: Johnson. Jordan.

MS. JORDAN: Yes.

MS. LONG: Keen, J.

MR. JOHN KEEN: Yes.

MS. LONG: Keen, Jr.

MR. RALPH KEEN, JR.: Yes.

MS. LONG: Keen, Sr. Lay.

MR. LAY: Yes.

MS. LONG: Littlejohn.

MR. LITTLEJOHN: Yes.

MS. LONG: Linnenkohl.

MS. LINNENKOHL: Yes.

MS. LONG: Masters.

MS. MASTERS: Yes.

MS. LONG: McDaniel.

MR. McDANIEL: Yes.

MS. LONG: McIntosh.

MS. McINTOSH: Yes.

MS. LONG: McCreary.

MR. McCREARY: Yes.

MS. LONG: MacLemore. Melton. Meredith.

MS. MEREDITH: Yes.

MS. LONG: Miller. Moore.

MR. MOORE: Yes.

MS. LONG: Mullon.

MR. MULLON: Yes.

MS. LONG: Phillips. Pitts. Plumb.

MS. PLUMB: Yes.

MS. LONG: Poteete. Raper. Rider.

MR. RIDER: Yes.

MS. LONG: Robinson.

MR. ROBINSON: Uh-ski-da.

MS. LONG: Rutledge. Sanders. Scott.

MS. STARR-SCOTT: Yes.

MS. LONG: Scott, D.

MS. SCOTT: Yes.

MS. LONG: Scott, O. Silversmith, M.

MS. SILVERSMITH: No.

MS. LONG: Silversmith, R. Smith.

MR. SMITH: Yes.

MS. LONG: Spencer.

MR. SPENCER: Yes.

MS. LONG: Starr.

MR. STARR: Yes.

MS. LONG: Stopp.

MR. STOPP: Yes.

MS. LONG: Stroud.

MS. STROUD: No.

MS. LONG: Twining. Underwood. Viles.

Wheeler.

MR. WHEELER: Yes.

MS. LONG: Whitfield.

MR. WHITFIELD: Yes.

MS. LONG: Wilson.

MR. WILSON: Yes.

MS. LONG: Peacock.

MR. HANNAH: Thank you.

int. Hannaii. Hank you.

MS. HAMMONS: Point of clarification on the

vote, Mr. Chairman.

MR. HANNAH: Beg your pardon?

MS. HAMMONS: Point of clarification on the

vote.

MR. HANNAH: And the good lady is recognized.

And what clarification would you raise?

MS. HAMMONS: I'm so sorry, I believe

Silversmith, R., vote was put on Smith. Mr. Smith is not here.

MR. HANNAH: Okay. Now, folks, I don't want to spoil this ballot and start over again, but I'm about to declare it. And I just did. The teller will get a new ballot. The delegates will be in their seats. They will pay very close attention. Okay?

 $$\operatorname{MR}.\ \operatorname{DOWTY}\colon$\operatorname{Mr}.\ \operatorname{Chair},\ \operatorname{could}\ \operatorname{I}\ \operatorname{ask}$ that the names and initials be called as to each delegate? That was confusing.

MR. HANNAH: Yes. And the kind gentleman formerly of west Peavine is thanked.

MS. LONG: Adair.

MS. ADAIR: Yes.

MS. LONG: Alberty. Baker, Bill. Baker, Donn.

Baker, Jack.

MR. JACK BAKER: Yes.

MS. LONG: Berry.

MS. BERRY: Yes.

MS. LONG: Birmingham. Burnett.

MS. BURNETT: Yes.

MS. LONG: Center.

MR. CENTER: Yes.

MS. LONG: Chilson.

MS. CHILSON: Yes.

MS. LONG: Clarke. Colson.

MS. COLSON: Yes.

MS. LONG: Coon.

MS. COON: Yes.

MS. LONG: Cornsilk.

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MR. CORNSILK: Yes.
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MS. LONG: Crawford.

MS. CRAWFORD: Yes.

MS. LONG: Crittenden, D.

MR. DON CRITTENDEN: Yes.

MS. LONG: Crittenden, H. Crouch. Davis Bill.

Davis, Earl. Downing, B. Downing, Carl.

MR. CARL DOWNING: Yes.

MS. LONG: Dowty.

MR. DOWTY: Yes.

MS. LONG: Foster. Gourd.

MR. GOURD: Yes.

MS. LONG: Gunter. Hagerstrand.

MS. HAGERSTRAND: Yes.

MS. LONG: Hammons.

MS. HAMMONS: Yes.

MS. LONG: Hannah.

MR. HANNAH: Yes.

MS. LONG: Herod. Hathaway. Havens.

MS. HAVENS: Yes.

MS. LONG: Hembree. Hook.

MR. HOOK: Yes.

MS. LONG: Hoskin, C., Jr.

MR. HOSKIN, JR.: Yes.

MS. LONG: Hoskin, C., Sr.

MR. HOSKIN, SR.: Yes.

MS. LONG: Johnson. Jordan.

MS. JORDAN: Yes.

MS. LONG: Keen, J.

MR. JOHN KEEN: Yes.

MS. LONG: Keen, R., Jr.

MR. KEEN, JR.: Yes.

MS. LONG: Keen, R., Sr. Lay.

MR. LAY: Yes.

MS. LONG: Littlejohn.

MR. LITTLEJOHN: Yes.

MS. LONG: Linnenkohl.

MS. LINNENKOHL: Yes.

MS. LONG: Masters.

MS. MASTERS: Yes.

MS. LONG: McDaniel.

MR. McDANIEL: Yes.

MS. LONG: McIntosh.

MS. McINTOSH: Yes.

MS. LONG: McCreary.

MR. McCREARY: Yes.

MS. LONG: MacLemore. Melton. Meredith.

MS. MEREDITH: Yes.

MS. LONG: Miller. Moore.

MR. MOORE: Yes.

MS. LONG: Mullon.

MR. MULLON: Yes.

MS. LONG: Phillips. Pitts. Plumb.

MS. PLUMB: Yes. MS. LONG: Poteete.

MR. POTEETE: Yes.

MS. LONG: Raper. Rider.

MR. RIDER: Yes.

MS. LONG: Robinson.

MR. ROBINSON: Yes.

MS. LONG: Rutledge. Sanders. Scott, Barbara.

MS. STARR-SCOTT: Yes.

MS. LONG: Scott, D.

MS. SCOTT: Yes.

MS. LONG: Scott, owen. Silversmith, M.

MS. SILVERSMITH: No.

MS. LONG: Silversmith, R.

MR. SILVERSMITH: Yes.

MS. LONG: Smith. Spencer.

MR. SPENCER: Yes.

MS. LONG: Starr.

MR. STARR: Yes.

MS. LONG: Stopp.

MR. STOPP: Yes.

MS. LONG: Stroud.

MS. STROUD: No.

MS. LONG: Twining. Underwood. Viles.

Wheeler.

MR. WHEELER: Yes.

MS. LONG: Whitfield.

MR. WHITFIELD: Yes.

MS. LONG: Wilson.

MR. WILSON: Yes.

MS. LONG: Peacock.

MR. HANNAH: Thank you. Record will show that at four minutes after the hour of seven p.m., March the 6th of 1999, that forty-seven delegates of the Cherokee Nation Constitution Commission voted to adopt; two said no; there were no abstentions; the motion passes, and the document is adopted.

(applause)

Be seated, delegates. There is work to do.

What would be the pleasure of the delegation?

MS. MASTERS: Return to Mr. Hook.

MR. HANNAH: The good lady from California makes

a motion to untable the Hook proposal; is that correct?

MR. HANNAH: Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. And hearing no

objection, all those in favor please signify by saying "aye."

THE DELEGATES: Aye.

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

(no response)

And the Hook proposal is taken from the table.

MR. HOOK: Point of clarification.

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

MR. HOOK: May I add something to my own

proposal?

MR. HANNAH: I don't know. That might be stretching it a bit, wanting to add to your own proposal. But we will indulge you, sir. What might that be?

MR. HOOK: I'm trying to see the best place to put it in, I think one of the motions, provisions -- can you scroll down, please? At 5, can you please add the language in there, "subsequently distribute this document in English and Cherokee to the Cherokee people through community meetings."

MR. McCREARY: May I add a friendly motion to this amendment, please?

 $$\operatorname{MR}.$$ HANNAH: Good man from Black Gum is recognized.

MR. McCREARY: Kenneth McCreary from Black Gum. Right there at the end of that sentence, need to add that we have a group from this delegation to attend those meetings to explain what we have done in this meeting.

MS. SCOTT: Can I add a friendly amendment to that?

MR. HANNAH: Let's be careful, now here. What say you, Dr. Hook? Do you accept that?

 $$\operatorname{MR}.$$ HOOK: Can you restate that? In other words, at the community meetings?

MR. McCREARY: For us to attend the community meetings, accompanying this document, to explain how this delegation worked to get a working document and the Constitution, as we are presenting it to the people.

 $$\operatorname{MR}.$$ HOOK: If we could rephrase that in a more acceptable way.

MR. McCREARY: I'm open.

MR. HANNAH: Would you gentlemen wish to caucus there for a second? And the good lady from Houston would be recognized.

MS. SCOTT: I would propose a friendly amendment that we each take responsibility to go back into our communities and hold these town meetings and make sure that we make arrangements and get the date and times and places back to the Chairman so those can be promoted and advertised in the publication and in the Advocate.

And then we would be responsible for educating at least those in our community, so we have fifty delegates right now going back to promote and educate. And that's what is going to have to happen for this to pass. I would propose that we incorporate that, I think.

MR. HOOK: Let me propose this as a friendly

amendment to everybody. How about if we suggested something like, "through community meetings conducted by a delegate or delegates from this Constitutional Convention."

 $$\operatorname{MR}.$$ HANNAH: Well spoken, sir. Mr. Cornsilk, you are recognized.

MR. CORNSILK: Mr. Chairman, Delegate Cornsilk. Just a point of information for those of you all who are considering having this translated into the Cherokee language. I think it's a great idea to have the Constitution translated into the Cherokee language, but we are looking at probably months of research by someone trying to translate this document into Cherokee.

There are lots and lots of words in this Constitution that there are no cognates for in the Cherokee language. Habeas corpus comes to mind. And in Cherokee that might sound like dragging a body forward or something.

MR. HOOK: Then how about if we struck that and we added language, conducted by a delegate from this convention with an interpreter where necessary for Cherokee, something along those lines.

MR. CORNSILK: I think that would be

appropriate.

is "reality check."

MR. HOOK: With a Cherokee interpreter where

necessary.

MR. GOURD: Mr. Chairman.

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

MR. GOURD: I want to thank Mr. Cornsilk for that wonderful suggestion. We were in a panic mode. And while we're in panic mode, I would like to -- I think the right word here

According to the supplemental appropriation Legislative Act 1199 which provided the funding for this convention, it appropriated thirty thousand and thirty dollars.

According to my nearest precise calculations, it is beyond three days. I'm close there. The money that was appropriated for this convention ran out Tuesday at about six-thirty, give or take twenty or thirty minutes.

MR. HANNAH: We'll not hold you to it, Dr.

Gourd.

MR. GOURD: And I'm aware of -- and that was just to have -- that's based on fifty people. Now, there's been more than that, so, you know, the local mileage, that's meals, the Net building room, the hotel rooms, and all the other things that's been going on. The buses from Sequoyah, all this, that and the other.

The Council meets Tuesday night. I shall be there with the largest contingent of you people I can to request to be placed on the agenda.

As you're thinking about these things, please consider the cost. The Commission has a staff of one. And it constantly amazes me that we got here, with one staff person. And the rest was

a total volunteer effort.

And I want to personally thank our teller for stepping in here and helping, because you can't get all the details. You just can't do it. And I appreciate my friend.

MR. HANNAH: Ms. Long, thank you so much.

MR. GOURD: In anticipation of the possibility
of being convicted for misappropriation of funds, there is money in
the Commission's budget, but we're looking at about twenty thousand
dollars to cover the additional expenses that we know -- that we
already know are committed.

Now, we have contemplated in our work the next steps to get the document placed with the Interior for their review by the Solicitor's Office, and what that's going to require, just to sort of -- we have asked for a letter of protocol so that they respond within thirty days to give us a generalized idea of just areas or issues of concern, with no detail. Just to say, we're looking at this part or that part. Give us an idea of what we might have to come back and really take a hard look at, either in language or interpretation or whatever.

And I have spoken with the mailing service. First thing we're going to do is get this to every registered voter as soon as possible.

The printing format of that, if you'll remember, the holiday, the newspaper that went out. Just to have the Constitution printed, the legislative act that created this Commission and our first run at some set of basic rules to conduct a public hearing cost thirteen thousand, one hundred and twenty-five dollars. There are thirty thousand or so registered voters.

MR. CENTER: Thirty thousand plus what we had at that time, plus whatever come up at March the 1st. So you're going to owe us a lot of money.

MR. GOURD: So there's printing and postage. So as we're thinking about who's going to do what, and when they're going to do it, I'm making a run at the Council for a little more because we don't know yet what the ballot is going to look like. We've been dealing with unknowns through this whole process.

So as we look at these things, please give some consideration. We've been running at about forty-two hundred, twenty-five dollars a day, just average expenses and stuff.

I'm all in favor of as many of this delegation -- and as you'll recall when we started, the request was that -- the knowledge in my mind was, I knew that we would arrive at a conclusion. We are now all ambassadors for this, and it's going to take our concerted efforts to get the word out. That's our mission now at the same time.

So as we're looking at these things, we have our own post office box, we're retaining that. As you all know, sort of downtown Tahlequah where the old jailhouse was, where Sam Long's library is, there's a little building out back. That's going to become the office for the Commission, for everything that goes on from here.

We'll move all the records that we have and the operation will happen out of there, and the language and culture division with their continued help.

So this was my reality check, sir. I'm open to questions, because I spoke today with the appointment secretary for Assistant Secretary Gover, looking at the schedule over the next seven to ten days of the proper time and place to place it and all of those sorts of things.

So the Commission, in anticipation, we're working both sides of the street, getting this document done and the word out and the document to the people that are registered to vote, and move that as forward as possible.

And at the same time, working on the protocols that were established for '75 and the ones that appears we are going to have to follow as we move forward. So, you know, we're working all of that. I've been in communication, working on that during this whole process.

MR. HOOK: Mr. Chairman.

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

MR. HOOK: Perhaps to assist a little bit in that consideration, someone presented the possibility that a representative might be willing to come here, rather than having to send a delegation to Washington.

In light of that possibility, I would suggest amending 4, Number 4, to select delegates to present this document to a representative or representatives of the Department of Interior, and strike "in Washington, D.C."

MR. HANNAH: Mr. Mullon, you rise with information, I'm certain.

MR. MULLON: Well, don't be so sure.

 $\ensuremath{\mathsf{MR}}\xspace$. HANNAH: Well, the Chair is clairvoyant now.

 $\mbox{MR. MULLON:}\ \mbox{I think that there will be some}$

opportunities to telephone the Department of Interior and learn a whole lot more about how they might -- what would be a good way to get this document to them.

And I would just suggest that we do that, at least the initial draft of it. We may not need people to be actually flying out to Washington, D.C., which would be very expensive. Maybe we do, but maybe we don't. This proposal should be flexible enough that we can do the least expensive means.

MR. HANNAH: Mr. Mullon.

MR. MULLON: While we're at it, I wonder if we could go down there. I had a couple of other -- I can speak my piece about it.

MR. HANNAH: Would you like to see it from the

top?

MR. MULLON: From the top.

MR. HANNAH: We'll scroll it back up. The motion is to first complete revisions. "Number 2, select two commissioners and two delegates at-large as delegates to present document to the Department of the Interior in Washington, D.C."

MR. MULLON: And I would suggest at that point that we strike the words "in Washington D.C."

MR. HANNAH: Okay. "Number 3, select Style Committee. 3(A), remand the document to style committee with instructions to complete revisions within one week.

Number 4. Select delegates to present this document to a representative or representatives of the Department of the Interior."

MR. MULLON: That sounds redundant, but before you conclude this, there may be -- we don't know, but there may be two presentations to the Department of the Interior.

And I had assumed that whoever was on the first presenting committee, then would probably be on the second one. Is that what everyone is intending, or do we want a new batch of people to go back?

DELEGATES: No.

MR. MULLON: I think that first one probably

covers it.

is the one --

MR. HANNAH: "Number 4. Subsequently distribute this document to the Cherokee people through community meetings conducted by a delegate from this convention, with a Cherokee interpreter where necessary, tribal publications, the Internet, and other avenues as available.

 $$\operatorname{Number}$ 5. Reconvene this body the last week in June to consider comments, if any, by the Department of the Interior."

MR. MULLON: That looks okay to me. Number Six

MR. HANNAH: "Number 6, place document on July ballot before the registered voters of the Cherokee Nation."

MR. MULLON: Since I'm just speaking my mind here, I do not think that it is a good idea to put this document on the runoff ballot. That's my sense, that it is not a good idea to add it to the runoff ballot.

I would say one point that might be considered is that the candidates who are running may have some feelings about that. We'll end up with a runoff, and I don't know whether they necessarily would want to have the Constitution on their runoff ballot.

It seems to me, though, that the best way to have the voting people, voting Cherokees, to consider our Constitution is to have an election that focuses on the Constitution itself, and it is not part of a runoff. But that it would be presented to the people in and of itself, one single question, and no other issues to consider.

MR. HANNAH: Mr. Hoskin, you are recognized.
MR. HOSKIN, SR.: Mr. Chairman, Charles Hoskin,

Sr., Vinita. Could we go back to 4, please?

MR. HANNAH: Yes. Number 4.

MR. HOSKIN, SR.: We talked earlier through some conversation about, are we going to do this immediately, or are we going to do it after we submit it to the Interior. Now, I know there's a certain amount of euphoria here because of what we've accomplished up to this point.

But when we start talking about the cost of mailing, do we really want to mail out a document that we don't know will be true and correct, that we'll put before the Cherokee people whenever that point in time is, or do we want to wait until we have the actual document that those folks are going to be voting on, rather than sending out something beforehand?

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

MR. STOPP: Item 6. Just FYI, there's some opportunity here as well. I'm a little concerned about combining this to a dry ballot, with as many changes as we've had and going through an election.

However, remember in August we have an inauguration and also the Cherokee National Holiday, which may be a good event also to ratify this Constitution. The Cherokee National Holiday will be a major festivity for us, with a lot of people returning home. So that may be a prime opportunity to do this.

MR. HANNAH: We could take a standing vote on the square, and the teller could count. The kind lady from Tahlequah is recognized.

MS. HAMMONS: Thank you, Mr. Chairman. I'm a bit confused about what exactly we're doing. I think we're just talking about Dr. Hook's very well thought-out proposal. If we're going to vote on these, I would like to move to divide them into each one.

MR. HANNAH: Motion to divide.

DELEGATE: Second.

 $$\operatorname{MR.}$ HANNAH: There's a second. Floor is open for debate on division.

MR. JOHN KEEN: Call the question on Number 1.

MR. HANNAH: Okay.

MR. CORNSILK: Point of order.

MR. HANNAH: Wait a minute here, now. The Chair hasn't relinquished the gavel yet, and we still have work to do.

We have a motion to divide the Hook proposal into its individual sections, and obviously, therefore, to take them up into consideration and approval. There has been a second. If there's no objection, all of those in favor, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And we shall -- motion passes, and we will take them up on an individual basis. Obviously, the first

one is rendered moot.

And the second one, "Select two commissioners and two delegates at-large as delegates to present document to the Department of the Interior." Floor is open for debate.

MR. JOHN KEEN: Call the question.

MR. HANNAH: Question has been called. Is there

a second?

DELEGATE: Second.

MR. HANNAH: And hearing no opposition, we will move to the vote. All of those in favor of Number 2 in the proposal, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the motion passes. Move to

Number 3. Floor is open for debate.

MS. MASTERS: Call the question.

 ${\tt MR.\ HANNAH:}\ {\tt Question\ has\ been\ called.}\ {\tt Is\ there}$

a second?

DELEGATE: Second.

MR. HANNAH: And hearing no opposition, all of those in favor of item 3, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: 3(A), open for debate.

MS. MASTERS: Call the question.

MR. HANNAH: Question has been called. Is there

a second?

DELEGATE: Second.

 $$\operatorname{MR}.$$ HANNAH: Hearing no opposition, all those in favor signify by saying "aye."

THE DELEGATES: Aye.

 $$\operatorname{MR}.$$ HANNAH: Number 4 is before you. The floor is open for debate.

MS. MASTERS: Comment.

MR. HANNAH: Comment.

MS. MASTERS: Can we maybe say conducted by delegate or delegates, choosing -- I didn't want it to look like so formal that someone would be assigned there, but that we would all take the responsibility, as Delegate Scott had said, to attend any community meetings or help in organizing them.

And this would be our personal responsibility more than an assigned kind of duty as delegates, that we would take this on.

MR. HANNAH: Other comments?

MR. HOOK: Mr. Chairman, I would suggest that the suggestion to postpone this until after review and approval by the Department of Interior makes a lot of sense, so that we could preclude having to print other documents.

So I would suggest subsequent to approval by the Department of Interior, insert that at the beginning. Would that take care of it? I'm open to suggestions. Is that appropriate?

MR. MULLON: If I could suggest something, at that point you're saying not to distribute it until we have actually got an approved document for after we have received the comments from the Department of Interior. Because they're not going to approve it, probably at this point. We're not going to wait until the very end.

MR. HOOK: Can you give any kind of clairvoyant opinion of how long it would take for them to come back with some kind of comment?

MR. MULLON: The reason I say you've got to be careful about using that word, we may find out from the Department of the Interior that they want to approve after the election. So they may say, you know, we appreciate -- thank you for giving us advance copy of it, and we will tell you what we're probably going to do once you vote on this. And they give you comments back.

But they may not approve it until there's been an election. That could happen, because sometimes, as we know, amendments do get approved after they've been voted on. We've had that experience already. So we don't know for sure, right this second, whether the Department is actually going to give its approval after it's been approved by the Cherokee people. So you wouldn't want to word it in such a way that --

 $$\operatorname{MR.\ HOOK}\colon$$ What if we just substitute "subsequent to comments" or substitute "by the Department of Interior."

MR. MULLON: Yeah.

MR. HOOK: So it should read, "subsequent to" --

MR. MULLON: "Receipt of comment."

MR. HOOK: "Receipt of comment."

MR. MULLON: "If any". Leave them the option of

not commenting.

MR. HOOK: And would you also please place "with a Cherokee interpreter where necessary" in parentheses for clarification?

Does this raise any flags for anybody, this language?

MS. McINTOSH: Put the word "language" after
Cherokee.

MR. HOOK: Cherokee language interpreter.

MR. ROBINSON: Mr. Chairman.

MR. HANNAH: Good Doctor.

MR. ROBINSON: Rick Robinson, Tahlequah. Of course, there's always the concern of cost. I think though, in the case of the Cherokee language interpreter, in most cases if there's someone there that needs that interpretation, there will probably be someone there that can give that interpretation. But I don't think the Commission has the money to pay for one. We may be able to find several -- the Commission may be able to find several volunteers, and I really don't see a problem there. I just wanted to let everyone think about that.

MR. HANNAH: Thank you, Doctor. Kind lady from

Tahlequah is recognized.

MS. HAMMONS: Thank you, Mr. Chairman. Diane Hammons, Tahlequah. My only concern about this is my lingering distrust of the federal government and the way they do things. I would like to get this document out to show the Cherokee people what we have done. I am just afraid that if we wait until we get something back from the federal government, we'll be waiting a long time. Or we'll get something and we won't have comments and we don't know how to put them in.

I would just like to go ahead and get it out. Clearly, if we make substantive changes, then maybe we're going to go to have do it again. But personally, I would like to get this thing out the way we have done it, so the Cherokee people can see what the Cherokee delegates have put together, so they can start reviewing it.

MR. MULLON: Mr. Chairman. Couldn't we add a sentence on the end of that, that would take care of that by providing for, if we haven't received comments by a certain period of time, we would go ahead and mail it out?

So if you say -- if you give them thirty days, if no comments have been received from the Department within thirty days after delivery of the document, the document will be distributed to the Cherokee people in accordance with this paragraph.

 $$\operatorname{MR}.$$ HOOK: Why don't you go ahead and put "Department of Interior" for clarification.

MR. MULLON: Okay.

MR. HOOK: Someone suggested fifteen days.

Would that be rushing them?

MR. MULLON: They are not going to do it in

fifteen days.

MR. HOOK: Mr. Chairman.

MR. HANNAH: Yes, sir.

MR. HOOK: Can anyone tell me, do we have a personal relationship on a one-to-one basis with anyone there, that these negotiations could take place more rapidly.

MR. GOURD: With Assistant Secretary Gover.

MR. HOOK: Yes.

MR. GOURD: I have sent, as I recall -- did we do that letter in December or January, requesting a protocol? So if you're saying, would they respond to this document in fifteen days, they haven't responded to that letter yet.

But I do know Secretary Gover and, yes. So that part --you know, getting the document to them is not the problem. We can overnight it. So as far as the physical ceremony of handing it to them, that's just kind of a procedural question.

The important point is at what level of review are we requesting? And as Mr. Keen pointed out, that's why we put "revised" on there. That makes the line item authority at the central office, and that's why we've not talked about interior area office.

And we had invited the Bureau area office and the central office to observe. For other reasons they were told they should not be here. So, you know, but when -- as far as getting down to when we're going to send it out, those to whom we're going to send it, I think the first order of business would be the registered voters whenever this is to be sent, because they're the ones, the only ones who will be able to step up and vote.

I agree, it needs to be gotten to as many people as possible because when it's voted on, that is the government. But the first order of business are those who are going to be asked immediately to respond in the form of an election.

MR. HOOK: May I ask Dr. Gourd a question?

MR. HANNAH: Yes, sir.

MR. HOOK: So what is your recommendation as far as waiting thirty days for a response from the Department of Interior?

MR. HANNAH: Mr. Mullon.

MR. MULLON: I can respond to that. I think that we are not in a position to predict how long it would take them to do it. I will say that if they do take this fairly complex document that we have created here and give us a readout on what they think about it within thirty days, I would be amazed. I really will be amazed.

So I don't know that thirty days is going to be long enough. The point that the delegate from Vinita said is a very important point. We have to be careful that we send out one version of the document to all people. I mean, assuming that we could afford to do this twice.

We're going to send out one version of the document to all the people and they're going to read it, and then we get comments back from the Department of Interior that says this is a deal killer, unless you strike this, this and this.

We'll be sending another document out to the people and we've got to be careful that we don't get confusing. I mean, they're going to get one big document and then they're going to get another document. Are they going to know what that means? We do need to be careful we don't just send out documents more than once if we can avoid it.

MR. HOOK: Understanding those concerns, what is your recommendation? How do we address that?

MR. MULLON: Well, it may be that we have to put flexibility in this in the amount of time, to give them an opportunity to respond. And maybe something that -- we've got to make -- I feel like there should be language in there that there is flexibility on the part of the Commission, somehow to act, to give additional time if they need it.

For example, if they're going to get it in five more days and that would make it thirty-four days, are we wanting to go ahead and mail out two copies of the Constitution? I don't know if that's the case.

Right after we recess this meeting, on Monday, we'll probably be able to -- I'm assuming that Dr. Gourd or someone here has the contacts in the Secretary's office that we could get fairly quickly an answer to these questions, just, they would be able to tell us, I think that we'll be able to review it in this much time, and this is the procedures that I think that you ought to show.

They haven't responded to our letter, but my experience with the central office is, you send a letter and then you begin to bug them for about ten days in a row, and then finally somebody will respond to you. The letter is not nearly a big enough kick to get them to actually do anything.

So I think we will know more about it in the upcoming weeks, and I wonder if we should keep the flexibility in this paragraph, so if it's going to take a little bit longer than thirty days, then we're not forced to mail it out twice.

MR. HOOK: Mr. Mullon, once again, can you give me a specific recommendation for language there?

 $$\operatorname{MR.\ MULLON:}$ No -- no, kidding. I yield to the lady here.

MR. HANNAH: We've had a lot of people standing here. And I think that while you were waiting for that, I'm going to start over here with Carl, and then the kind lady from Oochey will speak, and we'll see what we have to say. Carl, what say you?

MR. DOWNING: Since some kind of indication of the Department of Interior that this is okay is necessary for this document to be sent out -- and I agree with all of the ideas that it

document to be sent out -- and I agree with all of the ideas that it should be just sent out once -- could we start the time line from the point where the Department of Interior gives us a positive answer?

Because it seems to me that they might say, no, we're not going to accept it for this reason. And that might take a long time to work with. So we really need a positive response from the Department of Interior before we start the countdown.

MR. HANNAH: Starr-Scott is recognized.

MS. STARR-SCOTT: I think I've been here so long, I've forgotten my question. They just talked me to death.

Two things. When exactly will the individuals go to D.C., because I don't see this as long a process as some people see it, given the Bureau's attitude toward self-governing.

And my thinking is that we ought to be able to call and get an appointment for whoever we send our delegation, with Assistant Secretary, and lay that document in his hands and say to him, eyeball to eyeball now, Mr. Secretary, we have done all of this work; our people are awaiting this document, and how long is it going to take you to get this back in our hands? And we will have an answer.

And that's just going to take a couple of plane tickets up there and someone's time to do that.

My second point is, I would like to see it in July. I don't want this to linger on and on and on. I want us to get this

out to the people. I think they're going to accept it. And I just don't want it to drag on.

I don't see a problem of putting it on the runoff. I think you're going to get a better turnout simply because we're having a runoff election than you will if you put this document out solely on its own. If it's included in the runoff, you're going to have candidates talking about it. Everybody is going to be talking about it then.

If you put it on beyond that and it's by itself, you're not going to get the people to the meeting that you will during the other time. And that's just my thoughts on it.

MR. HANNAH: The good lady from Ochelata.

MS. McINTOSH: Thank you. Dorothy Jean My comments will compliment Mr. Mullon.

McIntosh, delegate. My comments will compliment Mr. Mullon. I think we have passed clairvoyancy and we have gone into prophesying. And Mr. Mullon, what he has asked us to consider, what if this document sets up a hue and cry throughout the Cherokee Nation.

And he was advising us to be careful when we submit the document to the Department of Interior. Will we need just some time to know which way the document is going to go when it gets there?

If we get some approval from the Department of the Interior and the major comments from the citizens, then we have a document up there that is getting a lot of comments from the citizenry.

So I think we should listen to Mr. Mullon in guiding us. He's experienced in how to do this. And we should not forget that "them," the U.S. government, is also us. We've got two sides to this.

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

MR. CENTER: Thank you, Chair. Fellow

delegates, if it is proper, Mr. Chair, to make a motion?

MR. HANNAH: Well, let's hear it, Mr. Center.

MR. CENTER: We have praised this Commission and they have served us well. With using this, there are wheels and gears in motion right now to complete their work. We empowered them to do what they're doing. We are creating roadblocks.

I make a motion that we give the power that we gave them, give it back to them and let them notify us at such time that we are to reconvene and then carry on our work and not create roadblocks in front of front of them. That's my motion.

MR. HANNAH: Mr. Center, your motion then would be to substitute your motion and to strike and to substitute?

MR. CENTER: Can we go back to the top? My motion would be to delegate to the Commission to carry out their duties and assign two delegates, whether we elect them here by majority vote or what, to carry out their duties to the end and notify us, at which time we are to reconvene and take care of business as they deem we should. That's two delegates to present the document to the Interior.

MR. HANNAH: Motion to strike and substitute on

Number 2 of the Hook proposal language. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. Floor is open

for debate.

MS. MEREDITH: Mr. Chairman.

MR. HANNAH: Kind lady from Oklahoma City is

recognized.

MS. MEREDITH: Point of information.

MR. HANNAH: Yes, ma'am.

MS. MEREDITH: Do I understand that you're

supposed to be a seven-man commission -- or a seven-person commission, excuse me?

MR. HANNAH: Yes, ma'am. We've had -- the Chair, by way of information, would speak that two commissioners have tendered their resignation. Is that correct, Dr. Gourd?

MR. GOURD: Yes, that's what Mr. Keen and I were just discussing. There are two seats that are vacant on the Commission. And if we are contemplating two delegates, there would be a place on the Commission.

And if, you know, if there's some selection of nomination or election or appointment or referral or names suggested, that is definitely a viable option. That's what we were just talking about.

MS. MEREDITH: It seems to me that if we want to elect two of our numbers to serve, that they would be of much more use on the Commission. They could be delegates, but they would also be on the Commission.

MR. GOURD: Yes.

MS. MEREDITH: Does one or the other of us need

to say "I move."

MR. GOURD: You might.

MS. MEREDITH: I move that we amend that

language.

MR. GOURD: Mr. Chairman, you might poll the

Commissioners.

MR. HANNAH: The Chair was lost in conversation and has lost the bid. Where are we here? Are we still at the strike and still in debate on Mr. Center's motion? And, Mr. Cornsilk, you are recognized.

MR. CORNSILK: Mr. Chairman, I don't rise for this. I'm waiting to get back down.

 $$\operatorname{MR}.$$ HANNAH: Yet another issue. Very well. Mr. Poteete, do you rise on this issue, sir?

MR. POTEETE: Somewhat. I would like to suggest that we not fence ourselves in, in choosing delegates. I'm not sure Mary Ellen has the best idea. We might be better off to leave the Commission like it is and let them appoint who they need, when they need it.

Mr. Hathaway, who's experienced in international law, is available in D.C. to help at such time as the Commission needs him. While it would be impractical for him to serve as a full-time

member, then we need to consider that.

I'm not sure that we should do like Mary Ellen says and appoint somebody. The Commission seems to be working well. I would believe that you guys could appoint who you think could be the most effective at what stage you're at.

MR. HANNAH: Thank you, sir. Mr. Hoskin, how rise you on this issue?

MR. HOSKIN, SR.: Mr. Chairman Charles Hoskin, Sr., Vinita. I would like to add a friendly amendment to strike the two delegates, because I agree with the other folks that have spoken, I believe the Commission has done a tremendous job to get us to this point in time. And I would like to see them finish their job.

Now it's up to them, like Mr. Poteete said, whether they select two of these delegates or two other people to help them complete their task.

Now, when it comes time for the ceremonial presentation, all that, that may be a different instant. But for this time, this point in time, to continue your job, I would strongly support that we let this Commission move forward and take this document to Washington. Thank you.

MR. HANNAH: Mr. Center, do you accept this as a friendly amendment, sir, striking "to send two delegates"?

MR. CENTER: I accept that.

 $$\operatorname{MR}.$$ HANNAH: Very well. The language will stand without opposition from the second.

MR. HOOK: Mr. Chairman, I'll accept that as a friendly amendment to the motion. That is my motion.

 $$\operatorname{MR}.$$ HANNAH: What we have is -- what we could do is, you could accept his motion as a friendly amendment.

MR. HOOK: That's what I just said.

MR. HANNAH: Very well. Mr. Center, the good doctor is willing to accept your motion as a friendly amendment, in other words, striking his language and inserting yours.

MR. CENTER: I'll accept that.

MR. HANNAH: Very well. Without opposition from the second, the language stands. We're starting to figure this out after nine days. What a deal. And the floor is open for debate. And Mr. Cornsilk.

MR. CORNSILK: No, not yet.

MR. HANNAH: Very well. Dr. Hook.

MR. HOOK: I do have a question about what "their duties." You indicated before, we asked you that those duties are not defined. I would just like to know how that is interpreted. I can't delegate to the Commission to carry out their duties. What is the definition of "their duties"?

MR. HANNAH: What is the definition of the Commission's duties? Mr. Gourd will reach into his handy-dandy file of empowering legislation and will absolutely stultify you.

MR. GOURD: Mr. Chairman, the duties, we've

conducted -- we've gone through a series of public hearings, provided a progress report to the citizens and each branch of government, we've been doing that.

Then upon completion of public review and comment, prepare the report and all of this, and present it at an at-large Constitution Convention. That's where we are.

Our fifth duty as defined in the statute, develop and present said final proposed amendments, alterations, revisions, or new Constitution to a referendum vote by the citizens of the Cherokee Nation. The Commission shall then work in cooperation with the Election Commission to prepare wording for said ballot for an election.

So when we get to develop and present, that's our next order by legislation. And that's right where we stand. And we stand ready to essentially reassume our duties.

MR. HANNAH: Very well. Mr. Cornsilk, do you still see a place for you to jump in?

 $$\operatorname{MR}.$ CORNSILK: This got a little bit out of queue. And so I'm still down there.

MR. HANNAH: Why don't we advance to the queue until we find a place that you would enjoy talking about?

MR. CORNSILK: I'm queued up.

MR. HANNAH: And you have been all week, too, I

might add.

Let's scroll down.

MR. MULLON: Mr. Chairman.

MR. HANNAH: Mr. Mullon.

MR. MULLON: If I could, before we leave Number 2, the language "delegate to the Commission," I don't know if that meets -- whether we have anything to delegate to them. So I wonder if it should just say, have the Commission carry out its duties or allow -- I don't want to use the word "allow," but --

 $$\operatorname{MR}.$$ HANNAH: How about just, the Commission shall carry out their duties.

MR. MULLON: That's fine. I think it would be "its duties" instead of "their duties."

MR. HANNAH: Mr. Keen, do you wish to go into this word frenzy? It would be unlike you not to be desired.

 $$\operatorname{MR}.$$ JOHN KEEN: I would call the question at this time.

MR. HANNAH: On what, sir? On Number 2?

MR. MULLON: Second.

MR. HANNAH: I'm going to go back because we've just tinkered with something that Dr. Hook said, yes, I'll take his friendly amendment. Started out with my good friend from Adair County.

And, Mr. Center, I assume that what we've tinkered with here, from your original friendly amendment, which now became his acceptance, do you see anything here that you wish to be in opposition to? Do you accept this?

MR. CENTER: I'll accept that.

MR. HANNAH: Very well. The question has been called on Number 2, which would read, if approved, the Commission shall carry out its duties and present the document to the Department of the Interior.

And without opposition, we'll move the vote. And all of those in favor, signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

 $$\operatorname{MR}.$$ HANNAH: And the motion passes and Number 2 is added to the group. And we scroll down to where we find one that Mr. Cornsilk would like to talk about.

MR. CORNSILK: Mr. Chairman.

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

MR. CORNSILK: Delegate Cornsilk. I guess this would be as a point of information. I don't want to amend this or do anything. I don't have my axe out. I would like to know from someone -- and I've heard this said a couple of times, that if this Constitution is placed on the ballot in July and it passes, and the current Principal Chief is not re-elected, is there a thirty-day period in which he will be Principal Chief under the guidance of this Constitution and have the power to fill every appointed position?

In other words, is there going to be a lame duck chief filling all of these appointed positions?

MR. HANNAH: One moment. Manager Keen will --

 $$\operatorname{MR}.$ KEEN, JR.: This Constitution shall become effective when ratified by the registered voters of the Cherokee Nation.

MR. CORNSILK: So if it is ratified in the July ballot and the Principal Chief does not give up his office until August 14th, there are approximately twenty-some days in which that Principal Chief will be operating under this Constitution and have the power to fill every appointed -- vacant appointed position.

With the approval of Council, of course. But I'm just looking at the kind of chaos that that would create and the problems it might create.

I'm not debating for or against the July ballot. I'm just throwing out that there is that potential, and it's something that we should look at.

 $$\operatorname{MR.}$ KEEN, JR.: There's also -- I don't know how long it takes them to certify an election, but there would be that time frame too.

MR. HOOK: Point of information.

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

MR. HOOK: My understanding is that we're going through this; it has been divided; we're looking at each question separately and voting on that. And I have absolutely no problem at all about discussing the issue raised, and I think we should bring

it to the floor.

But I think probably we need to get through these issues and at some later point -- I don't see how that fits into this sequence at this point.

MR. HANNAH: That's quite all right. Let's all settle in here now for just a moment and let's not lose focus of what we're about to do.

Kind lady from California is recognized. What say you?

MS. MASTERS: On 3, "selection of the Style
Committee," I feel very strongly that until this baby is able to
run, that our Commissioner Keen not let it flounder. And I would
suggest that he be on the Style Committee with Diane Hammons and
David Cornsilk. They're all right here together, and I think that
we could accomplish that.

MR. STOPP: Personal privilege.

MR. HANNAH: And would that be from you, Mr.

Stopp?

MR. STOPP: Can we take a five-minute break?

MR. HANNAH: What say the rest of the delegates?

We're in recess for five minutes.

(recess taken)

(Mr. John Keen offered a friendly amendment to rephrase Number 3, "The Commission shall select the Style Committee," and it was accepted.)

MR. HANNAH: If it would please the delegation, the Chair would appoint a Style Committee to include Vice-Chairman Keen, the kind lady from Tahlequah, the English major -- would you accept, ma'am?

MS. HAMMONS: I would.

MR. HANNAH: Mr. Dowty, the former resident of

west Peavine, would you accept, sir?

MR. DOWTY: Yes.

MR. HANNAH: Mr. Hembree, since he is not here.

MR. JOHN KEEN: I accept on behalf of Todd.

MR. DOWTY: I resign.

MR. HANNAH: And Dr. Gourd.

Is there any objection to the appointments by the Chair? Very well, then. Let it be entered in the record.

And the Chair charges each one of you individuals to be mindful of what you are doing. You will pay great respect to punctuation. You will, in fact, make sure that the Cherokee Nation is portrayed as a literate and civilized people in this document. This would be no time for us to have an instrument that would make its way someplace that would portray us otherwise.

And we will charge you with great responsibility in that you will carry out your responsibilities singularly as a Style Committee alone, that you will be attentive to spelling, syntax and grammar, to punctuation, and that you will pledge to us at this time that no substantive changes will be initiated in this document, or the Chair will come and see you at your home. Okay?

I'll look for nods on this. That's inclusive of you, Mr . Peavine.

Where are we now? Number 4. The fact that we have now appointed this group, shall we drop this out of here? Do you want to leave it up? What do you say, Mr. Keen?

MR. KEEN, JR.: Drop it out.

 $$\operatorname{MR}.$$ HANNAH: Drop it out. To give everyone an idea of the work of the Style Committee at this point, and these are the first initial hard copy notes by Mr. Keen, I'll allow you to review those.

MR. KEEN, JR.: Some of the notes I've taken, capitalization of "Council" and historical boundaries, striking "historical." Now, that was my early note. I don't think you want to do that with the later revision that we added on historical boundaries.

Changing the term "residence" to "domicile." Changing the term "qualified voters" to "registered voters." Changing the term "tribal member" to "citizen."

Changing the term "Council members" to "Councilors."

Council -- no, "Councilors" to "Council members." Changing the term

"Chief" to "Principal Chief." Numbering and number references

within the text.

And then, of course, I have correction of minor punctuation, grammatical errors, which does not affect substance.

And the last note I have is changing the term "electors" to "registered voters."

If there is anything on this list that I just read that you have some issue with or objection to, now is the time.

MR. HANNAH: Thank you, sir.

MR. CORNSILK: Mr. Chairman.

MR. HANNAH: Mr. Cornsilk.

MR. CORNSILK: I do recall that we did decide to strike "of Oklahoma" wherever it was found.

MR. KEEN, JR.: Thank you, sir.

MR. HANNAH: That's true. And thank you.

MR. CORNSILK: Glad to do it.

MR. HANNAH: Are we still continuing through this process? Let's scroll. Number 3, we're open for discussion on Number 3. Mr. Keen, go ahead.

MR. KEEN, JR.: How many of you have not signed this? Okay. Because Dr. Gourd is passing it around now.

 $$\operatorname{MR}.$$ HANNAH: Discussion is open on Number 3 of the Hook proposal.

MR. ROBINSON: Call the question.

MR. HANNAH: Question has been called. Is there

a second?

DELEGATE: Second.

MR. HANNAH: Hearing no opposition, the language will read, if accepted,

"Subsequent to receipt of comments, if any, by the

Department of the Interior, distribute this document to the Cherokee people through community meetings conducted by a delegate or delegates from this convention, with a Cherokee language interpreter where necessary, tribal publications, the internet, and other avenues as available. If no comments have been received from the Department of the Interior within thirty days after delivery of the document, the document will be distributed to the Cherokee people in accordance with this paragraph."

MR. HOOK: Mr. Chair, there are several necessary grammaticals and other cleanup procedures that need to be done. Should we vote first and do that later?

MR. JOHN KEEN: Style Committee.

MR. HANNAH: Well, the Style Committee is now working on motions. I believe that that would be in order for the Style Committee to fix this.

Any other debate? So, therefore, all of those in favor, signify saying "aye."

THE DELEGATES: Aye.

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

THE DELEGATES: No.

MR. HANNAH: Motion passes and Number 3 stands.

"Number 4. Reconvene this body the last week in June to consider comments, if any, by the Department of the Interior."

The floor is open for discussion.

Ms. Linnenkohl.

 $$\operatorname{MS.\ LINNENKOHL:}$$ I would suggest that we wait on that and let the Commission -- after talking to the Department of the Interior, let the Commission let us know if we need to reconvene, and when.

 $$\operatorname{MR}.$$ HOOK: How about if we restate it as, "reconvene this body, if necessary, at the direction of the Commission."

MR. HANNAH: Floor is open for comment.

MS. MASTERS: Call the question.

MR. HANNAH: Question has been called. Is there

a second?

DELEGATE: Second.

MR. HANNAH: Hearing no objection, if approved, Number 4 would read, "Reconvene this body, if necessary, at the direction of the Commission."

All those in favor signify by saying "aye."

DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

(no response)

And Number 4 stands.

We're at Number 5 of the Hook proposal. "Place document on July ballot before the registered voters of the Cherokee Nation."

The floor is open for discussion. Mr. Hoskin, you are

recognized.

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

Charles Hoskin, Jr., of Vinita. Mr. Chairman, I hesitate to rise at this late hour against something that we've all been so supportive of, but I feel like even the July ballot is maybe pushing things.

We've got to make a decision whether we want this, Mr. Chairman, to be in a political environment, which the July ballot will no doubt be. I think we want this removed from that sort of environment.

We also have to ask the question whether we're seeing how quick we can get this to the people and on the ballot or how informed the Cherokee people are going to be.

And several of my fellow delegates have commented that in 1975, the Cherokee people had a year to look over this document before the document was approved.

I am not prepared to offer a later date, although I would invite a friendly amendment. But I simply think that July is too early. I think that perhaps later in the summer, if not in the fall, would be a better time to consider this very important question.

 $\,$ And so for that reason, Mr. Chairman, I rise in opposition.

MR. HANNAH: Very well. What say you, Mr.

Mullon?

MR. MULLON: Thank you, Mr. Chairman. Delegate Mullon. I agree that this -- I do not feel like the runoff ballot is the best time to put this very large, complicated document before the Cherokee people.

I think that they ought to have more time to consider the implications of the ballot $\mbox{--}$ or of the language that we're proposing.

And we have been talking about community meetings. I don't know how long that would take. And I guess my feeling is July is too quick. It may prove to be too quick if we bind ourselves to it right now, depending on how things go to the Department of the Interior.

MR. HANNAH: Dr. Hook, what say you, sir?
MR. HOOK: Mr. Chairman, this, I think, is obviously a very important issue and I would suggest that someone present it in the form of a motion so that we can get a sense by vote of all the delegates, of what they would like to see in this.

So I invite a motion that could be debated and voted.

MR. HANNAH: Would that be you, Chapman-Plumb, or would that be the kind lady from Tahlequah?

MS. HAMMONS: You asked Ms. Chapman-Plumb first.

MS. CHAPMAN-PLUMB: We have worked so hard and we have de-politicized this process. Let's not politicize it by putting it on a ballot where we're going to have to have people who are running for office campaign for or against this document.

Let's de-politicize it even further and decide it as rational citizens of the Cherokee Nation. We've come too far to just stick it on a ballot and let the chips fall where they may.

MR. HANNAH: Good lady from Tahlequah.

MS. HAMMONS: Thank you, Mr. Chair. Diane Hammons, Tahlequah. I would propose an amendment, friendly amendment. If we could scroll back up a little bit so I could see some of the prior language. Up further, please.

To instruct the Convention Commission to place the adopted Constitution on a special election -- I need help with language. I want it to be after we do everything, after we reconvene, if necessary. I also want to put in there, after the July 1999 runoff election.

Place the adopted Constitution on a special election to be held within two months, three months. Also, on a point of information, where are we on the Smith proposal? Perhaps we need to address that before we decide this. Is it dead; is it tabled?

MR. HANNAH: The Smith proposal, it was tabled?

MR. JOHN KEEN: Point of information.

MR. HANNAH: Mr. Keen has a memory for this.

What do you say, Mr. Keen?

MR. JOHN KEEN: We tabled the discussion; we reopened it with a motion to reconsider, and then we tabled the discussion of it. But it has already been passed, and we reconsidered, then we tabled it at that point.

MR. HANNAH: First off, has everyone signed the signature line on the Constitution? Thank you. We're back to debate. Gosh, and the Chair apologizes, he really has been up here quite too long.

The Smith proposal was tabled? At eight fifty-five a.m. this morning, the Smith proposal was tabled. There was my information. Does anyone have a different recollection?

 $$\operatorname{MS}.$$ HAMMONS: I thought it was passed and then reconsideration of it was tabled.

MR. HANNAH: Okay, now the Chair remembers. We passed the Smith proposal earlier in the week. You all voted that through, and we had a discussion on it this morning, and we tabled the discussion. And so currently the Smith proposal still stands, ladies and gentlemen.

MS. HAMMONS: At this point, I would move to untable the Smith -- the motion to recall the Smith proposal.

MR. HANNAH: There is a motion to untable the Smith proposal. Is there a second?

DELEGATE: Second.

 $$\operatorname{MR}.$$ HANNAH: There is a second. And the floor is open for debate.

DELEGATE: Call the question.

MR. HANNAH: Question has been called. Is there

a second?

DELEGATE: Second.

 $$\operatorname{MR}.$$ HANNAH: No opposition, all of those in favor, signify by saying "aye."

MS. HAMMONS: Mr. Chairman, point of order. I

don't know what we're voting on.

MR. HANNAH: Very well. We'll never vote unless we know what we're voting on. We're voting to untable the Smith proposal. And the Chad Smith proposal that was passed at eight fifty-five a.m. -- that was the tabling -- pay no attention to that statement, strike that. That was passed on Monday, I believe, of this past week, read:

"The Commission shall provide a period of time no less than four months for public comment on Constitution provisions or amendments completed by the convention before submission to vote by the people."

That's what was passed. The discussion of it was on the table. And now we're voting to untable the discussion of this piece.

MR. WHEELER: Point of information.

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

MR. WHEELER: Mr. Chairman, could you read that

one more time?

MR. HANNAH: One more time. "The Commission shall provide a period of time no less than four months for public comment on Constitutional provisions or amendments completed by the convention before submission to vote by the people."

MR. WHEELER: Thank you, Mr. Chairman.

MR. HANNAH: And so we're going to vote to untable the discussion about this particular motion that we passed on Monday. Does everyone understand?

And all of those in favor of untabling say "aye."

THE DELEGATES: Aye.

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

(no response)

And the discussion is open regarding this piece.

MS. HAMMONS: Point of clarification.

MR. HANNAH: Yes, ma'am.

MS. HAMMONS: Are we discussing -- did we reopen

it?

MR. HANNAH: We did not reopen it. This was passed. And remember, we were at discussion on this this morning. We tabled the discussion of this. So now we have reopened the discussion of the Smith proposal which was passed. And this stands. This is in force right now. And we are open to discuss it.

MS. HAMMONS: Motion to reconsider.

MR. HANNAH: Motion to reconsider.

MS. HAMMONS: And I can say the rationale.

MR. HANNAH: Well, since --

DELEGATE: Second.

MR. HANNAH: Is there debate or opposition?

MS. MEREDITH: Didn't we just vote to untable

it?

 $$\operatorname{MR}.$$ HANNAH: No, no, no, no, no. Stay with me now. This is great. The Chair knows right where we are. I love

this job. It's taken me all week.

 $\ensuremath{\mathsf{MS}}.$ MEREDITH: As long as the Chair isn't the only one.

MR. HANNAH: That loves the job or knows where we are? Because if there's someone who loves it, they can come get it

Everyone stay with me for just a moment. On Monday, Chad Smith arose before this delegation and said, folks, I think the Commission needs to provide a time of no less than four months for public comment on this Constitution revision and amendments before they are placed before the vote of the people. And we all approved that. We said, that's okey-dokey. And so we agreed to do that.

Now, this morning we said, hey, we need to talk about that. And so we started a series of discussions about this proposal we had passed.

Somewhere in that discussion we decided, we need to maybe get this day finished, and we voted to table our discussion on this piece and we laid the discussion of this on the table.

Now, we have just now voted to untable the discussion about this piece, and so we're discussing it. And this young lady now rises to reconsider.

It couldn't have been on the floor because it was passed. We only had discussion on it.

MR. JOHN KEEN: Point of information.

MR. HANNAH: Point of information, sir.

MR. JOHN KEEN: I believe we voted to reconsider it this morning, and it was reopened and then -- it has already been opened by two-thirds vote. And after we opened it up, we were discussing it then, and we tabled it.

So it's my contention that the motion to untable places us right back in a debate; therefore, the next step would be a vote on any amendments or whatever. The Smith proposal is open to amendments and debate now, after brought up off the table.

 $$\operatorname{MR}.$$ HANNAH: The Chair will be corrected, if that is in fact where you all believe that we are.

MS. HAMMONS: If that's where we are, that's great. That's where I want to be, right in the middle of it.

MR. HANNAH: Let's consider then at this point that we have in fact now reopened.

 $$\operatorname{MR}.$$ JOHN KEEN: We have some consensus from the delegates sitting here that remember it.

MR. HANNAH: Well, the Chair has once again been overruled. The Chair just wants to make sure, ladies and gentlemen, that down here in the last lap and the final hour and the final moment, that we're all okey-dokey.

And so it is therefore entered into the record that the recollection of this body is that this item was reopened for discussion by reconsideration this morning, that it was tabled; we have now voted to untable the reconsideration of this document, and the floor is open for debate; is that correct?

MR. McCREARY: That is correct.

MR. HANNAH: That would be correct. Floor is open for debate on the Smith proposal, which we are reconsidering.

MS. HAMMONS: I would move to strike the

language of the Smith proposal and substitute.

MR. HANNAH: If the Chair might, sometimes the Chair can actually even help for just a moment.

If it is the intent of this body to set this document aside, instead of us striking and putting language in here, we only really need to have language someplace, which I believe is in the Hook proposal.

We don't need a little piece of it over here and a little piece over there. We need one piece of paper that says what it is we want to do, so it is very clearly delineated.

So help us, Madam Parliamentarian, what motion would this lady make?

MS. LANGLEY: No motion at all.

MR. JOHN KEEN: Call the question.

MR. HANNAH: Question has been called on the

Smith proposal.

MR. McCREARY: Second.

MR. HANNAH: And there is a second.

MR. HOOK: Call the question.

MR. HANNAH: Okay. You're calling the question

left and right.

Now, if you vote "yes," what happens? You vote "yes," this stays. If you vote "no," it goes away. Right?

All of those in favor of the Smith proposal say "aye".

(no response)

All those opposed say "no."

THE DELEGATES: No.

MR. HANNAH: And the Smith proposal no longer exists, and the parliamentarian will so note.

MR. CORNSILK: Mr. Chairman, point of order.

MR. HANNAH: Point of order, Mr. Cornsilk.

MR. CORNSILK: Mr. Chairman, it has become

difficult for some of us to ascertain if we still have a quorum, and I would ask that you check.

MR. HANNAH: Delegates will be in their chairs. There are forty-six delegates present. The quorum is thirty-nine. The doors will be locked -- no, just a joke. The Sergeant at Arms, don't be walking over there with that key.

Mr. Poteete, you are recognized.

MR. POTEETE: From Webbers Falls in the south of the Cherokee Nation. I would suggest that we could save a tremendous expense if we direct or express that it's our will as a Commission -- as a convention that we conduct the election, if we don't get this on the ballot, that it be done by mail.

We don't have to open up the polls, staff the polling places; we can do a complete -- just like absentee ballots. Half

the votes are cast absentee anyway. It's not a stretch to just say, we can ask the people's approval by mail.

If we have so much money, then if you appropriate a place. And if someone would instruct me, in my fatigue, I'm not sure where that goes.

MR. HANNAH: Well, it might go right here.

MR. POTEETE: If Diane will accept it.

MR. HANNAH: It's Dr. Hook.

MR. POTEETE: Yes, this is Dr. Hook's amendment.

Right there where it says "a special election to be conducted by"

 $$\operatorname{MR}.$$ HOOK: Could we get an opinion from our Election Commission, what that would take?

 $$\operatorname{MR}.$$ POTEETE: Actually, I need we need to hear from the manager of the office.

MR. HANNAH: Delegate Center, we have had the prospect of a friendly amendment generated by Mr. Poteete that would ask this delegation to consider via the Hook proposal, if the amendment is accepted, that the election that would place the adopted Constitution before the Cherokee people for consideration would be conducted via the mail, that no polling places would be open, that in essence it would be carried on as though it were an absentee election.

And Dr. Hook has asked for you to give us your impressions, your caveats, your concerns, or your endorsements. That's paraphrasing, but tell us what you think about this.

MR. CENTER: Mr. Chair, this is a brand new twist. Under the current election laws, it's not written therein, so this is brand new. But I would like to reiterate one thing here to my fellow delegates.

Seeing that we have no written law -- I'm not saying that this is not possible to do this -- I'd have to get with the Commission and call a meeting to find out. But I'd like to remind you of this Commission's duty, working with us, and we have already had a meeting and the Election Commission has voted to send out some thirty thousand.

As far as letting the people know about this, we're not going to have a problem because that's in place. Thirty thousand, whatever there is, registered voters, we call know this, and households.

Right above that: "Develop and present said filed proposed amendments, alterations, revisions or Constitution to a referendum by vote of the citizens of the Cherokee Nation."

Are we not going to follow this? My opinion of it, it would be possible. It never has been done, to my knowledge. I am only one Commissioner. I would have to seek the cooperation or the advice of the other four Commissioners in a called meeting. And I

can't give you an answer as to whether they would approve it or not.

MS. LINNENKOHL: Point of information.

 $$\operatorname{MR}.$$ HANNAH: Ms. Linnenkohl, you are recognized on point of information.

MS. LINNENKOHL: I understand that the '75 Constitution was printed in a booklet form and mailed out, and then a ballot was part of that mail-out. Couldn't we do it that way this time?

MS. STARR-SCOTT: It wasn't a part of the same

mail-out.

MR. CENTER: May I make one other point?

MR. HANNAH: Mr. Center, please do.

MR. CENTER: We were budgeted three hundred and ninety thousand; we were cut back, and now we're back to the set '97 budget. Let me remind the delegates, three hundred and ninety thousand dollars for an election. No matter, put any name on the election you want to put on it, that's what it costs. Think about it.

MR. HANNAH: Mr. Poteete, you wish to follow up

here?

MR. POTEETE: I want to respond to Mr. Center. I don't think there's any question but what is the vision of this convention, that we follow the law. We're just talking about when we're going to submit it. The law doesn't compel us to submit it at any time certain.

So we're simply talking about when to do that. And if it be the will of this Commission, I feel confident that the Council would accommodate with a adjusting legislation, if that be necessary and would save a lot of money, to allow a vote by mail.

Some tribes do that all the time, and I think that that could be achieved, whether or not there is provision made in the existing law for it.

So if we can just say that it's what we think ought to be done, I think everything else will fall in place for us. Thank you for the opportunity.

MR. GOURD: Point of clarification.

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

MR. GOURD: Just to be consistent, as Mr. Center

pointed out, I would just like for the Commission to work in cooperation with the Election Commission for an election, and then we can work out the time, the process, and all of that with the Election Commission, based on when the document is ready.

But I think it's important here that the Commission here, we do not have the authority to place anything on a ballot in an election. We have to work with the Election Commission; they're the ones empowered to conduct the elections. I would like that clarified, so it's not perceived by anybody that we're going to go out and call an election and run it. I would assume you agree.

MR. KEEN, JR.: I agree.

MR. HOSKIN, JR.: Point of order.

MR. HANNAH: Mr. Hoskin, what say you, sir?

MR. HOSKIN, JR.: I believe there was a friendly amendment by Mr. Poteete. I don't know if that was -- I assume it wasn't worded yet, and I think it's to Dr. Hook to accept or decline. I just want to be clear on where we are.

 $$\operatorname{MR}.$$ HANNAH: That would be correct, if Mr. Poteete is in fact prepared to make that.

 $$\operatorname{MR}.$$ POTEETE: The language would be, "to be conducted by mail."

MR. HANNAH: What say you, Dr. Hook?

MR. HOOK: I would reject that. Only because, consulting with Mr. Keen along the same lines as Dr. Gourd, I think we could incorporate perhaps a little more flexibility with some other language.

MR. JOHN KEEN: I have a friendly amendment for

Dr. Hook.

MR. HANNAH: Will you withdraw, Mr. Poteete?

MR. POTEETE: Certainly.

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

MR. JOHN KEEN: My language would be, the

Commission -- the Convention Commission -- however we want to identify the Constitutional Commission -- shall work in cooperation with the Election Commission to place this Constitution on a ballot in a timely manner.

After "on a ballot," it would be "at a time and in the manner as directed by the joint commissions" -- no, "the Convention Commission." And my intent on Convention Commission is the Constitutional Convention Commission, the ones that we, I believe, are in consent with, that we are --

MR. HANNAH: Would you all entertain the Chair for a moment? Let's not refer -- this is a Constitutional Convention; it is not a Commission. Mr. Keen.

 $$\operatorname{MR}.$$ JOHN KEEN: My reference to the Commission is you guys.

MR. HANNAH: So, "The Convention Commission shall work in cooperation with the Election Commission to place this Constitution on a ballot at a time and in a manner as directed by the Convention Commission."

MR. JOHN KEEN: Dr. Hook, would you accept?

MR. HOOK: Yes.

MR. HANNAH: That's a friendly amendment, and without objection by the second.

MR. MULLON: Mr. Chairman.

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

MR. MULLON: Thank you. Delegate Mullon.

would like to offer a friendly amendment as well. That is, that instead of "at a time" -- right after the word "at a time," I'm sorry, "after the general election in May."

I add that obviously because I do not feel like it would be a good idea to leave the possibility open of this thing getting

onto the ballot in May in 1999.

MR. HANNAH: There's a friendly amendment, Dr.

Hook. What say you, sir?

MR. HOOK: I would agree to that.

MR. HANNAH: Very well. Kind lady from

Tahlequah.

MS. HAMMONS: I don't think I can in a friendly manner amend something that has just been amended in a friendly manner. So I would propose an amendment to this.

MR. HANNAH: Very well.

MS. HAMMONS: "At a time no earlier than August

15th, 1999."

MR. HANNAH: There is a motion to include the language, "at a time no earlier than August 15th, 1999," and striking the language, "after the general election in May of 1999." Is there a second?

DELEGATE: Second.

 $$\operatorname{MR.\ HANNAH}\colon$$ There is a second. The floor is open for debate. What say you, Mr. Keen?

MR. JOHN KEEN: We're defeating our purpose, or my purpose in this -- my purpose was that we leave the Commission flexible. We don't know. We can't foresee. We are not clairvoyant.

We have all expressed such confidence in the Commission. Nobody knows what is going to happen. Is there going to be a runoff? Maybe there is; maybe there isn't. Is it a good time to have it in August? Maybe it is; maybe it isn't. Maybe something will come up.

But I trust the Commission to find the appropriate time and appropriate manner to place it on the ballot. I mean, it's just so evidenced by their actions so far, they're a trustworthy bunch.

MR. HANNAH: So far.

MR. JOHN KEEN: Strike "so far."

MS. STARR-SCOTT: Mr. Chair.

MR. HANNAH: The good lady from Oochey is

recognized.

MS. STARR-SCOTT: I rise to speak against striking this language. I agree with the young Mr. Keen. I think we need to leave this in the Commission's hands. They're driving this ship so far, and they've done okay.

But I can't emphasize too much the importance of you sitting down with the Assistant Secretary, laying this document on the table and saying, I represent the Cherokee people and I want to know how long it's going to take.

And I think you can get some communication going, and you're going to get us on over the hill with it. I don't think it's going to take forever. But it is really important that you guys hand carry this up there and lay it on the table.

MR. HANNAH: Good lady from California is recognized. I'm sorry, Mr. Hoskin, I didn't see you there.

MS. MASTERS: I rise in support of the amendment. As Mrs. Plumb said, we have taken this out of the political arena, and by moving the date until August the 15th, I feel that that would achieve what we have already committed ourselves to and would assure that it would be out of the political arena.

MR. HANNAH: Mr. Hoskin, you are recognized.
MR. HOSKIN, JR.: Thank you, Mr. Chair. Charles
Hoskin, Jr., from Vinita. I rise in opposition to the strike.
Originally I had planned to propose this language. I think that,
however, making it after the general election in May will be okay,
provided that we meet what ought to be our paramount concern here,
and that is that we take every step to inform the Cherokee people.

Because that's what this time period is about. It is about de-politicizing the process. But first and foremost, what ought to be on the mind of every delegate and every Commissioner ought to be that we inform the Cherokee people.

So I would look to the Commissioners to help us take the lead during this time in informing the Cherokee people, even if it means going back to the Tribal Council and asking for additional appropriations, because it's that important. Thank you, Mr. Chairman.

MR. HANNAH: Mr. Cornsilk, you are recognized.
MR. CORNSILK: Mr. Chairman, I rise in support
of this. I agree that we need to de-politicize this process, that
the Constitution is too important a document to leave to a candidate
standing up there, gaining votes in a popularity contest. And we
really need to take this as a separate vote.

And I would also remind everyone that the education process for the Cherokee people -- for any people, I don't want to segregate us out -- but for any people, is a long process. I'm not full blood. But I'm married into a full-blood family. And I have become associated with the deliberative process that they take, and it's quite lengthy. To be blunt, it's quite lengthy.

They pick things apart; they analyze, and I think a lot of people do that. But the process is made a little bit longer because they have a language barrier sometimes.

And so I really think that the process needs to be a little longer. I think we need to have that flexibility so that we can say we're going to give them that time.

Again, we refer back to the 1975 Constitution. At that time we had a lot more full bloods than we have now, and we gave everybody a year to consider this.

I think five months, four months -- I think five months is too short. I think we need probably six months to a year to consider it. But in getting this before the people, I would say five months. And I think after the August 14th inauguration, the Cherokee people, if we do our jobs as delegates, once we leave here and go out and attempt to educate the people as to what we have done here, I think we can have an educated voting population and we can

initiate the excitement of what we have done.

We have done a major overhaul of the organic document of the Cherokee Nation. And if we go out there and we educate the people, we tell them what we've done, how we did it, and why we did it, then they will vote for it.

I want this document to pass. And I don't want any community to come back and say, as we heard one of our delegates from New Mexico say, we didn't know and so we voted against it. I don't want to see that happen. So I would rise in favor of this amendment.

MR. HANNAH: Any other delegates rise with debate regarding the proposal that's before us now? Mr. Stopp, what say you, sir?

MR. STOPP: I'd like to make a friendly amendment to this. Right after "1999" and state "and shall be conducted no later than October 15th, 1999."

MS. HAMMONS: I would very much like to accept that, Mr. Stopp. I don't think I can because I'm afraid if we tie us in on the back end, we're putting ourselves at the mercy of the federal government again.

I'd like for us to have a minimum time that we have to get it out to the Cherokee people, but I'm afraid that if we put a back end on it, that we may be getting ourselves in trouble.

I'm sorry, I can't accept that.

MR. STOPP: Mr. Chairman, just a comment. I'm afraid if we don't put a back end on it, that it may not happen. It's a concern. I'll make that in a motion. Can I make it a motion?

MR. HANNAH: That would be out of order, sir, and you will hold your amendment until the discussion is complete on the amendment that is before us. Thank you, Mr. Stopp.

Mr. Poteete, do you rise with an opinion on the issue that is before us?

MR. POTEETE: I'm of the opinion that it would be better if we made this date right after the tribal holidays rather than August 15th. I think that would take away some of the politicization -- I can't say the word right this minute.

But anyway, I would ask Diane to accept that, to be -- if somebody would look at a calendar, September the 5th or something. That would give the Cherokee people plenty of time to comment during the holiday.

And it doesn't amount to but about three more weeks. I don't think it will change the intent of her motion. What would the Wednesday following the holiday be?

 $$\operatorname{MR.}$$ HANNAH: It would be the 8th day of September.

 $$\operatorname{MR}.$$ POTEETE: That would be -- that would be -- author of the amendment is in caucus.

MR. HANNAH: I need you to ask that lady.

MS. HAMMONS: What was that date? I'll accept

MR. HANNAH: Friendly amendment has been extended by Mr. Poteete to include the language, "no earlier than September 8th, 1999," has been accepted. And without opposition by the second, it is entered. And the floor is open for debate.

Mr. Keen, what say you, sir?

MR. JOHN KEEN: I want to renew my objections one more time. John Keen, delegate, for the record. I'm just not in favor of doing this. I'm just not. I think we should allow the Commission -- we should allow the Commission to be flexible and read the climate of the people and just be able to do what they're directed to do by law. I just really do.

I have so much faith in the Commission. They're going to -- we're going to set these standards for them, set these dates, and we really don't know exactly what is going to be going on.

I just think that these guys do a good job. So my objection is renewed for the record.

MR. HANNAH: Good doctor, you are recognized.

MR. ROBINSON: Rick Robinson, delegate. And I
wholeheartedly agree with Mr. Keen. I am thoroughly impressed with
the Commission and with the delegates, and I feel that the five
Commissioners will make the best choice. I think they know that we
need some substantial amount of time to present this to the public.
But I agree with Mr. Keen, we may get lucky.

I have some problem with the thought that it may become a part of politics. But I have my faith in the Commission and I think the easiest way to take care of this is just depend on their professional and ethical behavior.

MR. MULLON: Call the question.

MR. McCREARY: Call the question.

MR. HANNAH: The question has been called on the debate. Actually, on the amendment that is before us is, which is, I will bring your attention that if you vote in favor, then the language after "the general election in May of 1999" will be stricken and the language "no earlier than September 8, 1999," will be inserted.

Mr. Cornsilk, what say you, sir?

MR. CORNSILK: Mr. Chairman, point of clarification. I would like to point out that voting on this amendment "yes" or "no" is in no way an indictment of this Commission. And that is not any way that it was intended.

MR. HANNAH: The Chair would be so bold to speak on behalf of the Commission. And he would invite Commissioners to put the word here as well. But I will tell you that there is no affront that is taken. The Commission, oddly enough, believes that they will be judged by their actions and that their actions since their seating in August of 1998, and their pre-seating activities from one year ago this month, speak for the intent of every individual on this Commission.

We have made a strong and solemn pledge, publicly, and I

might add privately as well, just by way of information. Things that you all have -- we don't talk about much because we work closely together.

But when this group first came together and we were sworn in these chambers and we went to an anteroom across the way for our very first, quote, unquote, sit-down meeting. And at that meeting, as I recall -- and I will be corrected -- every individual went around the table and made a personal pledge to do the work of the Commission and to lay any political agenda totally aside.

So there is no affront taken, sir. Would any one of my fellow Commissioners add to or take away from that statement?

MR. KEEN, JR.: You have stated it well, sir.

MR. HANNAH: Thank you, sir. In that case, the question is before us. Does everyone know what we are voting on? Excellent.

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

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: The strike is not included, and the language for September 8th is taken away. And the language "after the general election in May of 1999" stands. And the floor is open for debate.

MR. CORNSILK: Mr. Chairman, call previous

question.

MR. HANNAH: The question has been called. Is

there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. And hearing no objection, we are voting on item 5. If you vote in the affirmative, this item of the Hook proposal will be accepted.

"The Convention Commission shall work in cooperation with the Election Commission to place this Constitution on a ballot at a time after the general election in May of 1999 and in the manner as directed by the Convention Commission."

All those in favor signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

 $$\operatorname{MR}.$$ HANNAH: And the motion passes. And the item is added to the serial.

Now, Mr. Keen, what say you, sir?

MR. JOHN KEEN: Motion to accept --

MR. HANNAH: The Hook proposal in its entirety;

is that correct?

DELEGATE: Second.

MR. HANNAH: There is a second. And hearing no objection, we will move to review the Hook proposal. And the delegates will indulge the Chair. We want to hear every point that is on this, ladies and gentlemen, because as the Chair instructed

this delegation, nothing happens unless this group instructs whomever to do something after we've recessed from these chambers.

"Number 1. The Commission shall carry out its duties and present the document to the Department of the Interior.

Number 2. Remand the document to Style Committee with instructions to complete revisions within one week.

Number 3. Subsequent to receipt of comments, if any, by the Department of the Interior, distribute this document to the Cherokee people through community meetings conducted by a delegate or delegates from this convention, with a Cherokee language interpreter where necessary, tribal publications, the Internet, and other avenues as available. If no comments have been received from the Department of the Interior within thirty days after delivery of the document, the document will be distributed to the Cherokee people in accordance with this paragraph.

Number 4. Reconvene this body, if necessary, at the direction of the Commission.

Number 5. The Convention Commission shall work in cooperation with the Election Commission to place this Constitution on a ballot at a time after the general election in May of 1999, and in a manner as directed by the Convention Commission."

That is the proposal that is before you at this time. All of those in favor signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: And the motion carries, and the Hook proposal is adopted.

MR. ROBINSON: Mr. Chairman, point of personal privilege.

MR. HANNAH: Good doctor, you are recognized.

MR. ROBINSON: I'm not sure -- of course, my

same old thing, police up the area when you leave.

But I wasn't sure what your thinking was, but I think after we adjourn or whatever it is, we need to have a prayer of safety.

MR. HANNAH: Already taken care of it. Is there any other business to come before this convention at this time? Mr. Dowty, you are recognized.

MR. DOWTY: I move that at the conclusion of business today, that the Chair recess this body subject to recall of the Chair, and not adjourn the body.

MR. HANNAH: Excellent.

DELEGATE: Second that motion.

 $$\operatorname{MR.}$ HANNAH: There is a motion to recess this convention, this Constitutional Convention, at the recall of the Chair.

MR. DOWTY: Yes.

MR. HANNAH: And there is a second.

MR. KEEN, JR.: I would like, just for the

record, we made everyone sign the signature page to this document that we've worked so hard to produce. Everyone in this room will get a copy of it. This is the original, the only original that's signed.

And I am now turning it over to the custody and care of our records custodian of the Commission, Mr. Jay Hannah.

(applause)

MS. MASTERS: Mr. Chair.

MR. McDANIEL: I'm here again.

MR. HANNAH: You know, Calvin, you're kind of snapping right along these days. What say you, Calvin McDaniel, of Muskogee?

 $$\operatorname{MR.}$ McDANIEL: Will these copies of the Constitution be mailed out, or put on the computer Internet, or what?

MR. HANNAH: Yes, sir. We have just agreed that we will in fact distribute this document when appropriate and in as many different avenues that would be available to us. And we'll be counting on you, Calvin, to assemble folks over in Muskogee, Oklahoma, there among the Creeks, to circle up as many Cherokees as possible and to talk about this document and to help promote its passage at an election in the future.

MR. McDANIEL: Well, they'll be handed out; they'll have copies here at the Cherokee complex or this other office or where?

MR. HANNAH: Do not know about that, Calvin. The Commission, I think, has been instructed to carry out the dissemination of this document as soon as it would be appropriate.

 $$\operatorname{MR.\ McDANIEL:}\ $\operatorname{Well},$$ remember now, you've got that down by the courthouse.

MR. HANNAH: Yes, sir. Thank you, sir.

MR. JOHN KEEN: Point of information.

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

MR. JOHN KEEN: Will the delegates get copies

tonight?

MR. HANNAH: Will the delegates get copies tonight, Mr. Keen, intermediate?

MR. KEEN, JR.: Yes.

MR. HANNAH: The answer is "yes."

MR. JOHN KEEN: Point of personal privilege.

MR. HANNAH: Point of personal privilege.

MR. JOHN KEEN: I would like to invite everybody to my meeting in Sioux City, Iowa. I would also like to take this time to thank the body, if I may.

 $$\operatorname{MR}.$$ HANNAH: And, Mr. Keen, that would be appropriate. If the Sergeant at Arms would ask that Mr. Jumper to come in, please, and unlock the door.

MR. JOHN KEEN: I would just like to thank everybody for putting up with me, and tell everybody that I've had the most wonderful experience I could have ever had. And I'm very

proud to have served with each and every one of you. And I look forward to seeing you all again.

(applause)

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

MR. GOURD: Thank you, Mr. Chairman. Just by way of the agenda, I think we're near to recess or whatever. There is an issue of courtesy resolution. We've already -- you've seen kind of the style and direction to which ones such resolution would be drafted in reference to our incredible technology expert here.

But I would like to request that at the approval of the delegates, that a resolution of "thank you" be made to Northeastern State University, Sequoyah High School, individually to pages, you know, the people that have gone out of their way to help us.

And then it can be signed by the officers, you know, that sort of stuff, the same manner in which the other was done. And it could be, I think, put together by the Style Committee. But I'm still working on the list of people who have stepped up and volunteered. All the pages, you know, that sort of stuff. Just as courtesy resolution, thanks for their helping make this happen.

MR. CORNSILK: Mr. Chairman.

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

MR. CORNSILK: In light of that, I think we

could move to authorize the Commission to name and resolutionize -- $$\operatorname{MR}$.$ HANNAH: Let the record show that yet

another new word has been invented.

 $$\operatorname{MR.}$ CORNSILK: -- everybody who deserves recognition. And I would put that in the form of a motion.

DELEGATE: Second.

MR. HANNAH: Now, we're messing up on procedure here, folks, because we have a motion that is over here. And we'll do something, we'll invent some new procedure.

Mr. Dowty, would you hold that motion for just a moment that you had for recess, to be recalled by the Chair? You would hold that, I assume?

MR. DOWTY: Yes.

MR. HANNAH: And so Mr. Cornsilk has now made a motion that the Commission be instructed to carry out -- or taking on the responsibility of resolutionizing -- is that your word, sir?

MR. CORNSILK: As corrected by the style

committee.

MR. HANNAH: And to be addressed by the Style Committee, all of those individuals that have in fact supported us with the logistics and with the myriad of items that we have required over these past nine days.

 $$\operatorname{MR.}$ CORNSILK: And I don't know how that would be worded, but I would offer to say "in the name of the convention."

MR. HANNAH: "In the name of the convention."

Very well. Is there a second?

DELEGATE: Second.

MR. HANNAH: The floor is open for debate.

MR. JOHN KEEN: Call the question.

 $$\operatorname{MR}.$$ HANNAH: The question has been called. And hearing no opposition, all those in favor please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

(no response)

That's the only thing I did that got a unanimous vote.

MR. HANNAH: Mr. Silversmith.

MR. SILVERSMITH: I'm a delegate from

Kenwood-Salina. I want to be known that I voted "no" against this motion that Mr. Cornsilk did.

(laughter)

 $$\operatorname{MR}.$$ HANNAH: Dr. Hook -- I'm sorry, Mr. Hoskin is recognized from Vinita.

MR. HOSKIN, SR.: Charles Hoskin, Sr., Vinita. I would like to say, another Council member brought this up. Now that we've had the meetings in our seat of government the last two days, I hope that we've laid aside any types of fears or apprehension that the Cherokee people may have to enter these chambers.

And I want you to know, as a Council person and a Cherokee citizen, we need to be welcome here, any time, any place. So I want you to come back any time, please.

I certainly, by no means, want to end this on a sad note, personally, but I just found out that my mother is in an emergency room in Tulsa. So in our final prayer, I would like my mother, Sammie Hoskin, thought of. Now, my mother is not Cherokee, but she was married to a full blood for fifty-three years, and I think that's love.

But not only my mother, but anyone else that may be in a similar situation that I mentioned, and I thank you very much.

MR. HANNAH: Thank you, kind delegate. Dr. Hook, you are recognized.

MR. HOOK: Yes, sir. I've had a request from several people, and I want to find out if there is anyone who would have difficulty with this, to place a feather over the door, so as people exit it will be above them.

Is there anyone that would have difficulty with that?

MR. HANNAH: Hearing no opposition, Dr. Hook.

Tina Jordan of Tahlequah, you are recognized.

MS. JORDAN: Delegate Jordan. I think we need to take this opportunity and acknowledge our parliamentarian, our court reporter, who have been with us throughout the last nine days.

MR. HANNAH: Yes. And the Chair had made a couple of notes here. We've had a number of individuals that are indispensable to us. Deborah Langley is a lady that the Chair did not know prior to this event, except through resumes and through discussions of one of our good tribal members that we had consulted with for some time, about how to bring order to this process.

And the Chair will tell you that he hasn't a clue about procedure, which many of you will no doubt agree with, but there have been moments throughout this convention when, as the Chair stated before, when the passions have stirred among the Cherokee, and they've stirred among these delegates, when decisions had to be made quickly.

I know that I've obviously erred in a few cases, and I've had an opportunity to reverse a few of those, and I've had an opportunity to apologize to a few folks. But all in all, we've made it through. And usually it has been at the hand and the counsel of this very kind lady who comes to us from Bartlesville. And the Chair is very appreciative for her counsel.

This is not something that she was simply contracted to do. She has been here in so very many ways to support us. And there's nothing more to say that could really express the Chair's appreciation except to say "thank you."

MS. LANGLEY: You're welcome.

MR. HANNAH: The young lady that has taken every word of this convention, Marla, a tribal member. And one who has attended our public hearings for some time and on weekends and in inclement weather, and in extremely short notice, like, please, Marla, can you come right now.

And without complaint and without interruption of the procedures, she has very silently taken down each word, to be produced into a document that will become a part of the history of the Cherokee Nation, so that those in years to come can reflect on these deliberations.

We know that oftentimes the humor that we have shared may not speak through the words, but I believe that Cherokees are quite intuitive and that they will sort through a lot of the deliberation.

But we are very fortunate to live in this era when we can have these documents preserved for us. And she is to be thanked.

(applause)

MR. HANNAH: The kind lady from Germany, we have revered her so many times this week, trying to make sure that we can encourage her to hang around for a while. I would simply say in conclusion, our thanks to Tina, that the Chair has always been a —the Chair is a Christian and the Chair believes that the good Lord and Creator watches over us and the divine providence in fact shines upon individuals who are attempting to do His work.

And in many ways, a young lady who flies in from Berlin, Germany, who just happens to be hanging around the local Constitutional Convention, who just happens to be willing to take to the technology that we have today, I personally believe that without her assistance, that this entire process would have been elongated fourfold.

And we are very, very thankful that you have been with us, and you are to be thanked.

 $\hbox{ There are a number of other individuals here, we could go on for a while. My two Sergeant at Arms, these gentlemen in the } \\$

back. Please state your name for the record.

MR. FISHINGHAWK: Joe Fishinghawk.

MR. KIRK: George Kirk.

MR. HANNAH: And they have been raked over the coals by the Chair, but they have in fact afforded us in all occasions a feeling of absolute safety. The Chair has not been fearful at all, anywhere, any way, with the size of these guys hanging around. And yet they have done so without intimidation of any visitor or any delegate. They have moved silently and very effectively in the shadows of the activities of this convention, and they are to be thanked.

(applause)

We've already regaled Ms. Long and thank her very much. And once again, we bow in your direction. You have served well as a teller, as a caller of the roll, as a fetcher of copies, as a provider of refreshment, and you have been an able clerk here of this convention.

 $$\operatorname{MS.\ LONG}$: And please, no one ask $\operatorname{Mr.\ Underwood}$ about his gift.

MR. HANNAH: That's in the record now.

 $$\operatorname{MR}.$$ JOHN KEEN: Mr. Chairman, we've got that guy up there that's been here, and I don't even know --

MR. HANNAH: You don't even know what he's doing up there. This is the Sioux City Channel 6 -- (laughter). These young men that have been here in the back, and I know this one young man has been working in the arena of journalism. We would like to know their names for the record and what they have been about here. Sir.

MR. GERTNER: I'm Ben Gertner; I'm from public affairs. I'm documenting it so people can later see how the Constitution was constructed.

MR. HANNAH: Very well. I would also like to say, to give a thanks to Gwen Henry, a lady that has moved very silently and yet very effectively, not only here at the convention to assist, and, of course, the daughter of our esteemed Luella Coon.

Gwen, thank you so much for your work, and obviously the Commission would be less without you, my friend. So we're very thankful for all the work that you have volunteered.

The kind lady from Tahlequah is recognized.

MS. HAMMONS: Thank you, Mr. Chair. I know that all of us are eternally appreciative, and I would like it to be on the record though, perhaps included in the prayer, thankful to those of us and our family and our friends who have made it possible for us to be here day after day.

Myself, if I hadn't had people sacrificing parts of their lives for me to be here, I couldn't have been here. And I'm willing to say that that's true for each and every one of us. For every one of us here, there are five or ten or twenty or twenty-five people behind us that have made it possible for us to be here. And I think that we are all thankful for them.

MR. HANNAH: Here-here. Mr. Mullon. It would only be appropriate that we would see an attorney at the microphone.

 $$\operatorname{MR}.$$ MULLON: I just want to say that after producing this document or helping to produce it, that it has never felt so good to be a Cherokee. And I really do appreciate this time.

(applause)

MR. HANNAH: The Chair would like to give very special thanks to his fellow Commissioners for affording him the opportunity to serve with them. Luella Coon, an east Peavine girl, Dr. Gourd who has ably led us through and the Commission through many miles of red tape and through a lot of papers.

To my very good friend, not just Commissioner, but my very good friend Mr. Ralph Keen, Jr. And for the hard work that I know personally that he has given in dedication to this convention.

Phenomenal things have taken place here over the past nine days, ladies and gentlemen. These are magical, magical experiences for us. And we should not leave these chambers and forget them easily.

And so when we gather around our social fires and we shake hands and we meet and we welcome one another, we should tell stories. We should tell our children about the coming together of the Cherokee people in 1999, to bind up the wounds, to begin the healing, and to draw the document that will take this Tribe into the 21st Century.

And with that, the Chair would call upon --

MS. COON: I wanted to say something.

MR. HANNAH: Okay, Ms. Coon.

MS. COON: Let me say something, okay, before we go out. I want to thank everybody here for assisting me during these nine days. Everyone has been so nice, and I've just fallen in love with everybody here. It's been so nice to be here.

Made many friends and have worked with Charlie, we worked together for a long time here at the Cherokee Nation. I won't tell you how many years. But I have enjoyed working with Ralph and Jay and Charlie.

And I just know this work isn't finished yet, but we're going to get it finished. I feel very comfortable about this. I tell Charlie all the time, I said, don't worry about it. Everything is going to come out all right because I'm working on it. And I am. And I'm going to continue.

I want to sing a song for all -- you know, dedicate it to all of you. Is it okay?

MR. HANNAH: It's okay.

MS. COON: I've been asked to sing "Amazing Grace" but, you know, our little children came yesterday and sang, and I'm not going to sing that song. I'm going to sing "I Believe."

"I believe for every drop of rain that falls, a flower grows. I believe that in the darkest night a candle glows. I believe for everyone who goes astray, someone will come to show the

way. I believe. I believe.

"I believe through every storm, the smallest prayer will still be heard. I believe that someone in the great somewhere hears every word. Every time I hear a newborn baby cry, or touch a leaf or see the sky, yet I know why I believe."

Thank you.

(applause)

MR. HANNAH: The time keeper for the convention has been Christy Red Eagle. Christy, have we run out of time?

MS. RED EAGLE: No, go ahead and talk about me.

MR. HANNAH: We'll talk about you by thanking you, young lady, for all of your works.

Delegate copies are over here, and you will file by whenever we move to recess and pick up a copy.

At this time I would like to invite the interpreter for the convention and for the Commission, Ed Jumper. And, Ed, you are a man of God.

MR. JUMPER: Do you want me to make a motion? MR. HANNAH: No, you're not going to get to do

that, Ed. But you are a man of God, and you have rallied us together, and you have called the attention of the Great Creator to look down upon us and stand with us and beside us.

And I would ask you, sir, to bring us a benediction upon every person that is here. And as the good delegate raised earlier, to remember those that are not here with us this evening. There are delegates obviously that had to go on, and there are family members that are in need, and there are those who have supported this all the way through this process. Ed Jumper.

MR. JUMPER: As we go to the Lord in prayer, the thing I would ask you, to again remember Councilman Hoskin's mother. And as the young lady pointed out, there were countless people that made it possible for each and every one of us to be at this convention. If we had just taken it upon ourselves, and there may not be as many of us here that are here. Because it does take quite a sacrifice. And you've been here for nine days. And they're to be commended.

Let's go to the Lord in prayer.

(Prayer)

MR. HANNAH: Hearing no other business before this convention, Mr. Dowty, you are recognized.

 $$\operatorname{MR}.\ \operatorname{DOWTY}\colon$$ Chair, I move that we recess the convention, subject to recall of the Chair.

 $$\operatorname{MR}.$$ HANNAH: There is a motion before you. Is there a second?

DELEGATE: Second.

 $$\operatorname{MR}.$$ HANNAH: And hearing no opposition, all those in favor said "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no." (no response)

And the motion carries. And we are at recess. (applause)

(PROCEEDINGS RECESSED)

CERTIFICATE

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 6th 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.