

1999 CHEROKEE NATION CONSTITUTION CONVENTION

VOLUME III

TRANSCRIPT OF PROCEEDINGS, taken on the 28th day of February, 1999,
at Northeastern State University, Net Building, Tahlequah, Oklahoma,
County of Cherokee, State of Oklahoma, before Marla J. Cullison, a
Certified Shorthand Reporter, in and for the State of Oklahoma,
commencing at the hour of 8:00 a.m.

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THEREUPON, the following proceedings were had:

MR. HANNAH: Good morning, ladies and gentlemen. It's a beautiful Sabbath day here in the Cherokee country of Tahlequah. It's good to see each and every one of you this morning. Everyone sleep well last evening? No? We'll caucus with those Delegates and see what may have befallen them last evening.

I call upon the interpreter for the Commission and for the convention, Marion Ed Jumper to open this morning's proceedings with a word of prayer. Ed.

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

MR. HANNAH: The Chair is very pleased with the delegates and your work yesterday. We have had an opportunity to be reviewed by a number of members of the press, as we have heard throughout this convention. There are many eyes watching the Cherokee people that are assembled here in this room and about our work.

And as many of you I'm sure did as I did this morning, took a review of the press to see their view of us and where we are.

And I'm pleased to report that my interpretation is that there is an air of cooperation, and there is an air of consensus, and an air of strong and articulate people that are about the people's business. And let us be mindful that if that is the review of yesterday's work, it well should be the agenda for today's work as well.

Take just a moment to bring us up to where we are at this point. We have approved a title change; we have approved, as amended, preamble; we have approved, as changed, Article 1; we have from Article II approved, as amended, Sections 1, 2, 3 and 4; Article III, section approved as amended; Section 2 approved as amended; and Section 3 passed as presented.

In Article IV, we have approved as amended; and in Article V, under Section 1, approved as presented; in Section 2, approved as amended.

At this point, the Chair believes that we have a few pieces on the table, and we concluded during our recess last evening with debate on Article V, Section 3, which was placed on the table.

And the good lady from Tahlequah is recognized.

MS. JORDAN: Mr. Chairman, Delegate Jordan from Tahlequah. I make a motion that we bring Mr. Smith's motion off the table, the motion that was tabled yesterday regarding a recess of this convention until a time certain. I would ask that that be brought off the table.

MR. HANNAH: Madam Delegate, if you would hold your amendment for just one moment, there is a very important piece of mechanics that I would like to attend to, and that would be a report from our Secretary with regard to delegates who are assembled this morning. George Underwood.

MR. UNDERWOOD: Mr. Chairman, we have seventy-five delegates registered, creating a quorum of thirty-eight.

MR. HANNAH: Thank you, George.

Tina, forgive me for interrupting. I wanted to make sure I had those numbers in case we wanted to discuss those later. Would you please be about the restatement of your motion?

MS. JORDAN: Again, I renew the motion to bring off the table Mr. Smith's motion that was tabled yesterday regarding the recess of this convention until a time certain to renew our work.

MR. HANNAH: The motion has been made to take off of the table the motion that was extended by Delegate Smith yesterday which read that:

"Upon completion of business that the convention recess until the Cherokee National Holiday of 1999. During the recess the Commission publish, in the Cherokee Advocate and other media, the proposed amendments of the Constitution and provide for public debate and discussion of the amendments. Upon reconvening during the Cherokee National Holiday, review public comment and finalize all amendments, and call for a special election for adoption of proposed amendment."

Ms. Tina Jordan has initiated an amendment to bring this motion off of the table. Is there a second?

MR. CORNSILK: I'll second that.

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

Mr. Keen, the younger, good morning, sir, you are recognized.

MR. JOHN KEEN: John Keen, delegate. I believe it's still too early to consider that. We haven't even begun today's business, and we're already saying that we basically failed. I strongly urge the delegates to wait until a later date to consider this.

MR. HANNAH: Mr. Cornsilk, how rise you this morning?

MR. CORNSILK: I wasn't first; I believe Mr. Hembree was.

MR. HANNAH: Mr. Hembree.

MR. HEMBREE: I guess this would be a question to either Mr. Smith or Ms. Tina Jordan. Would your intention be to recess immediately or at the end of business today?

MR. HANNAH: Mr. Smith.

MR. SMITH: The intention of the motion is after we finish our proposed Constitution amendments. This does not ask for a recess of these proceedings. Only after these proceedings have completed their business, only after we have a document that we want to present to the public, would this motion take place.

I anticipated that we would not leave here until we have a document that we're satisfied with. And then the purpose of this

is to make sure that the public has sufficient time to digest. And I would entertain any amendment to when we should recess to. I'm not married to the idea of the Cherokee National Holiday, but I would submit that we should recess for a public comment period for at least three months.

MR. HANNAH: Tina.

MS. JORDAN: Delegate Jordan. I intend to offer an amendment that we complete our work today, that then just in a very, very short period of time, we meet again for another three-day session.

I do not like the idea that we're talking about putting this off for a great period of time. However, I also don't like the idea that we appear to be doing a forced march through an instrument that we expect the membership to utilize for another hundred years.

I know there is a cost factor involved, but I think if you amortize that cost factor out over how long this instrument might stand, the cost becomes a very minute factor at that point. So there is numerous amendments to this motion if it is brought off the table that we intend to offer.

MR. CORNSILK: Mr. Hannah.

MR. HANNAH: We are at debate, ladies and gentlemen, with regard to removing this item off the table or not. How speak you, Mr. Cornsilk?

MR. CORNSILK: Delegate Cornsilk. I rise in favor of this amendment, but for various reasons. My first one is that having been involved in attempting to educate the Cherokee people over a long period of time on various issues, I can tell you that from my experience, the time that we have between now and the next election on May 22nd is not sufficient time for the Cherokee people to determine their desires on this Constitution that we may propose and determine their future with the next elected officials.

And so I would propose that we -- I'm not making this in the form of a motion; I just want to have people think about this, that we give the Cherokee people more time when we're not in the throes of what could conceivably be an extremely controversial election, and could cloud all the work that we've done.

I believe that we have done some excellent work. I think we've all put --

MR. JOHN KEEN: Point of order.

MR. HANNAH: Delegate Keen.

MR. JOHN KEEN: Delegate Keen. This isn't relative to the matters at hand. He's debating the motion itself. We need to decide if we're going to open up for debate on that or not.

MR. HANNAH: Mr. Keen, you are correct, and the Chair has allowed discussion to take place with regard to the context of the amendment prior to the voting of whether we're going to remove it from the table, simply to allow some mental momentum to take place this morning.

I think that everyone here is now, as we're beginning to

awaken this morning, aware this is a very serious issue that we bring at the very opening of our convention. And I want everyone to make sure that they are focused on what we are about to speak to.

Mr. Cornsilk, I would ask you to complete your remarks, please.

MR. CORNSILK: I'm completed.

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

MR. KEEN, JR.: Thank you, Mr. Chair. Ralph Keen, Jr., delegate. I rise in opposition to this motion. Again, as I stated yesterday, I feel it is premature for this body to commit ourselves to anything at this point.

We made substantial progress yesterday from noon until the time we recessed last night. And I just feel like we should not be trying to make this determination at this early hour. Let's defer this until later today and see where we are at that point, and then we'll be better suited to make these judgments.

MR. HANNAH: Thank you, Mr. Keen. Mr. Hembree, you are identified.

MR. HEMBREE: Thank you, Mr. Chairman. Delegate Hembree. There's an old saying that makes a lot of sense; "Don't put off till tomorrow what you can do today." It's eight-forty-five right now, ladies and gentlemen. Let's see where we're at at six o'clock p.m. this evening, and then we can decide whether we want to come back, stay.

But at this point, ladies and gentlemen, I don't believe this is a germane topic. Let's not waste time on this motion to recess or reconvene at any other time. Let's take care of today's business and see what happens.

MR. HANNAH: Without opposition, Chair will close debate, and the question is before us to bring the Smith motion off of the table.

MS. STARR-SCOTT: Mr. Chairman, could I speak to this just a moment?

MR. HANNAH: I am very respectful of you, ma'am; good morning, and you are recognized.

MS. STARR-SCOTT: Starr-Scott, delegate. I would just want to remind you, I'm not saying that we need to cut it off, but when we get the Constitution that we have now, the membership had several months to look at that and think about it when the draft was mailed to everyone. So I just want to make sure that our people have time to look at it, to visit, and digest it.

MR. JOHN KEEN: Point of order.

MR. HANNAH: Mr. Keen.

MR. JOHN KEEN: Not relative to the motion on the floor.

MR. HANNAH: You are correct, and the Chair will call for a vote at this time. Mr. Hathaway.

MR. HATHAWAY: We have an amendment to the proposal, did I understand this correct, of voting at six p.m. or not? We have a motion to vote now on the decision?

MR. HANNAH: We have a motion on the floor, and we're preparing the vote to bring the Smith proposal off of the table.

MR. HATHAWAY: May I propose a friendly amendment to that motion?

MR. HANNAH: I would think, sir, that that would be in line, if it is, in fact, brought off the table, that we need to vote on bringing it off of the table.

MR. HATHAWAY: Thank you. I'll defer to our official --

MR. HANNAH: Please take your seat. The question before us is whether to bring the Smith proposal off of the table or not.

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

THE DELEGATES: Aye.

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

THE DELEGATES: No.

MR. HANNAH: The Chair declares that it remains on the table. Back to the business at hand.

Article V, Section 3, which was tabled last evening. What is the pleasure of the delegates? Mr. Lay, you are recognized.

MR. LAY: Thank you.

MR. HANNAH. On Article V, Section 3 --

Mr. Lay, thank you very much, and forgive me for being such a stickler on the rules, but, Madam Parliamentarian, since we did, in fact, put Article V, Section 3 discussion last evening, and perhaps by my fault, I simply did not call for a recess, but we actually put that on the table. So I think it would be appropriate if we would wish to take up that business if someone would move that we bring that off the table.

MR. GUNTER: I move that we take it off the table.

MR. HANNAH: Now, one moment. The Chair will recognize the good lady that has had the floor. Chapman-Plumb.

MS. CHAPMAN-PLUMB: I'm premature.

MR. HANNAH: Premature, okay. Very well. Just one moment. Mr. Hembree.

MR. HEMBREE: Thank you, Mr. Chairman. Delegate Hembree. I would move that we bring off the table Article V, Section 3 for consideration and move general consent on that.

MR. HANNAH: Is there a second?

DELEGATE: Second.

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

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

Therefore, we have Article V, Section 3 off of the table and before us at this time.

Mr. Lay, sir, you are recognized.

MR. LAY: Thank you, sir. I would like to move

to amend Section 3 to read -- to add that, "The Council candidate shall have established residency in the district."

MR. HANNAH: Is there any particular section, sir, that --

MR. LAY: First paragraph. Obviously add to the last sentence.

MR. HANNAH: And you offer, sir, as a friendly amendment to the Commission's presentation?

MR. LAY: Yes, sir.

MR. HANNAH: Mr. Keen, if you would announce to the microphone. And I know that we have probably stretched the boundaries, ladies and gentlemen, of this concept between the amendments, but the Chair will remind us that it seemed to work for us yesterday. And until it absolutely breaks down, I think we're going to continue to drive in this general direction.

So Mr. Keen, as a presentment before the Commission, Mr. Lay has this amendment that he's placed.

MR. KEEN, JR.: Mr. Chairman, on behalf of the Commission, unless one of the commissioners object, I will not accept this as a friendly amendment. I feel this should be a topic to be debated.

MR. HANNAH: Mr. Underwood, do you object?

MR. UNDERWOOD: No.

MR. HANNAH: Ms. Coon, do you object? Mr. Gourd, do you object? And Mr. Hannah does not. So, therefore, it is accepted as a friendly amendment and is added.

MR. KEEN, JR.: No, I'm sorry, sir.

MR. HANNAH: I'm sorry, I totally misunderstood. I totally misunderstood. Are you saying without?

MR. KEEN, JR.: Yes, unless there is an objection from the Commission, I will not accept.

MR. HANNAH: You will not accept. Very well. I was about to say, Ralph, are you okay this morning.

Mr. Lay, obviously, the Commission is ill prepared to take this friendly amendment, so your amendment is set forth, so is there a second?

MR. DOWNING: I second it.

MR. HANNAH: There is a second, and we are open for debate.

Does anyone rise in opposition to the -- do you wish to speak in favor of the amendment?

MR. LAY: Speak in favor of the amendment, yes, sir. Thank you. What we've seen over the past eighteen months or so is that we have seen that we have probably needed to place into our Constitution some specific wording so that somebody can't come along later and tell us what we meant by it.

I've seen enough of that, and I just make this amendment to that effect, that we go ahead now. We did it, the Commission has done it under the Principal Chief, they've added the residency clause; we should add it to the Council clause, too. And that's why

I'm putting the amendment before you.

MR. HANNAH: Delegates rising in opposition to the amendment as offered on this section and article. Mr. Cornsilk. I'm sorry, sir. The Chair has been a bit distracted this morning.

MR. CORNSILK: I'm rising in opposition.

MR. HANNAH: Rising in opposition, and you are recognized.

MR. GUNTER: People who live --

MR. HANNAH: Name, please.

MR. GUNTER: Jerry Gunter.

MR. HANNAH: Thank you, Jerry.

MR. GUNTER: People who live outside the boundaries of the Cherokee Nation have always been told in the past it didn't matter if you didn't have a Council member because you could always run for a Council seat in the place where you were registered. And that wouldn't be true in this case.

And also, how is a person that lives outside the district going to get representation if we don't have Council, if we don't have districts, and we have no place to reside to qualify to run? And so I stand opposed to this. I don't see the reason for the change.

MR. HANNAH: Thank you for the comments.

Mr. Cornsilk, you're recognized.

MR. CORNSILK: Mr. Chairman, I rise in favor of this amendment, and my reasoning being that the Tribal Council has passed an act which will stand, even if this Constitution does not have its amendment, that requires residency for, I think, two hundred and some days, prior to the election.

It would be of great concern to me that someone might run for representation in my district who does not reside in the district and knows nothing about that district. And I would give you an example. A gentlemen from Stilwell who is extremely disliked in his community sought to run for office in Tahlequah, where he's well liked and people know him very well. So that would be of great concern to me.

I think it's important that the person who becomes elected to represent a district, knows those people, knows that district. And so I would be in favor of this amendment.

MR. HANNAH: Chapman-Plumb, you're recognized.

MS. CHAPMAN-PLUMB: First I'd like to make an informal motion that at no time today we have any blankety-blank blanking.

MR. HANNAH: Blankety-blank blanking?

MS. CHAPMAN-PLUMB: Yes. I think that took a lot more time than it should have.

MR. HANNAH: Within the control of the Chair, we will see to it that no blankety-blank blanking is taking place here.

MS. CHAPMAN-PLUMB: Thank you. I would like to make a motion to table this discussion on the friendly amendment because I have a proposal that may take some time to explain, but I

think we might solve some of those problems and then --

MR. HANNAH: Motion has been made to table the Lay amendment that is before us at this time. Is there a second?

MR. HEMBREE: Second.

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

THE DELEGATES: Aye.

MR. HANNAH: Those opposed say "no."

THE DELEGATES: No.

MR. HANNAH: And the Chair rules that, Mr. Lay, your amendment is set to the side. And we are about the discussion of Article V, Section 3.

Ms. Starr-Scott, you are recognized.

MS. STARR-SCOTT: Mr. Chairman, I would like to offer a friendly amendment to Section 3. Have you crossed out "of Oklahoma" yet?

MR. HANNAH: Yes, ma'am.

MS. STARR-SCOTT: Then start at the first mention after Cherokee Nation where it says, "these districts shall be apportioned to afford." I insert, "Fifteen of these districts shall be apportioned to afford a reasonable, equitable division of tribal citizens among these districts. The remaining two members --"

MR. HANNAH: Hold it. I'm about to get there. Read it again, please.

MS. STARR-SCOTT: Starting at the end of the Cherokee Nation, beginning with, "Fifteen of these districts shall be apportioned to afford a reasonable, equitable division of tribal citizenship among the district. The remaining two shall be elected at-large who reside outside of the original boundaries, historical boundaries."

MR. BILL BAKER: Point of clarification.

MR. HANNAH: Clarification, Mr. Baker.

MR. BILL BAKER: Did you mean to say fifteen districts or fifteen seats?

MS. STARR-SCOTT: Seats, delegates, I'm sorry, Councilors.

MR. HANNAH: Fifteen of these councilors. We're going to take just a second and make sure that we have this amendment stated properly.

Starr-Scott, delegate, the amendment as presented by the scribe, is this, in fact your amendment? I want to make sure that we have the wording correct. The Chair is appreciative of our caucusing on the side because I believe it is valuable for us, but let's be attentive to the time here this morning.

Is this, in fact, the amendment that you presented as written? "Fifteen of these Councilors shall be appointed to afford a reasonable equal position of tribal citizenship among the district. The remaining two shall be elected at-large who reside outside of the original historic districts."

Is that your motion?

MS. STARR-SCOTT: Yes, that is my motion. I've had a couple of comments here, and I would be open to an amendment to that.

MR. HANNAH: One moment. Point of information, sir.

MR. WHEELER: Point of information. Delegate George Wheeler. If I understand your motion correctly, if you would use the word "seats" instead of "Councilors," I think that that might solve the problem.

MS. STARR-SCOTT: I'm sorry. Seats, yes. I will accept that.

MR. HANNAH: We're pressing the boundaries here on leeway, folks, okay? Let's be careful. The chair is willing for this to run at this pace, but I don't want us to get used to this, okay.

Starr-Scott, delegate, is this your amendment that you presented?

MS. STARR-SCOTT: Yes, that is.

MR. HANNAH: Is there a second?

DELEGATE: Second.

MR. HANNAH: The floor is open for debate.

MR. SMITH: Chairman, I'd like to press the limits again, if you will, to ask for a friendly amendment where she says "who reside outside the original historical boundaries." At the word "who," insert the word "who may reside outside the original historical districts."

MS. STARR-SCOTT: I won't accept that amendment.

MR. HANNAH: Will not?

MS. STARR-SCOTT: No.

MR. HANNAH: The Chair is about the room. And, young lady, you have been standing for some time.

MS. CHAPMAN-PLUMB: Yes, I have.

MR. HANNAH: And you are recognized.

MS. CHAPMAN-PLUMB: If I have to pick whether I'm in favor of or in opposition to, then I'll say I'm tentatively in favor of this proposal.

MR. HANNAH: Tentatively?

MS. CHAPMAN-PLUMB: However, I think we really, really need to follow Mr. Mullon's advice with regard to this paragraph. We don't need to hurry through this. We may not be able to hash it out right here in ten minutes because sometimes you don't get your best decision-making that way. I have a couple of comments.

When I was a small child, and even when I was older, my father used to say to me, "You know, if you listen to me, you could save yourself a lot of pain because I've been there and I've done that."

And in more ways than one, he's been where we are, and he's done that. I'm referring to Gary Chapman, who I'll have to not

take credit for all the ideas that I'm presenting here this morning because he's helped me.

I've learned my lesson. I learned to listen to him and to learn to save myself some of the pain that we've gone through with the districts that we created, which are a good idea, but maybe need some tinkering.

Some things were brought up yesterday that we just seemed to gloss over with regard to forty percent of our people living outside of these territorial boundaries. I think Mr. Smith brought up the fact that we are not, in fact, a territorial Nation as a whole. We do have territorial boundaries, but every one of us in this room knows that being a Cherokee does not depend on living within those boundaries. It depends on what is inside your heart.

And we don't have a government that has a land base, like the government of the United States or many other areas. So when we talk about forty percent of our people living outside of our historic boundaries, and then we come back and all we have are districts that follow those historic boundaries, we are really cutting a large number of people off effectively from representation that they had up into the point in time that we did this districting.

What I think we should do -- I don't know if I'm out of order or not, but there's a couple of things that we could do.

MR. HANNAH: You're about to be. I just want to save you from being there.

MS. CHAPMAN-PLUMB: We picked seventeen as our number last night.

MR. HANNAH: Factual statement.

MS. CHAPMAN-PLUMB: And I think that we need to have a much larger number of at-large members, and we need to reduce the number of members that are elected according to district. In fact, we need to have one member from each of the historic districts, which would be nine, I believe, and then we need to have the remaining members elected at-large.

And what this will do is, obviously, the areas of larger population concentration will pick up some of those at-large members. And then the people who live outside those boundaries will have a chance to really have a voice and elect some people when they vote as a block, as they have historically done. As we all know, absentee balloting has swung every election that we've had.

MR. HANNAH: The gentle lady will bring her remarks to conclusion with regard to being for or against the amendment that is being debated.

MS. CHAPMAN-PLUMB: That ought to tell you, the number of absentee voters that we have ought to tell you that this is a large block of voters that have a big say, and they need to have some at-large members; they need to have more than two. We're cutting them out and we shouldn't do that.

MR. HANNAH: Delegate Cornsilk, you are recognized.

MR. CORNSILK: Mr. Chairman, Delegate Cornsilk.

MR. HANNAH: How do you rise?

MR. CORNSILK: I rise in tentative favor of this. If Ms. Scott would answer a question for me. Ms. Scott, would these two representatives then pull all of the voters who are nonresidents out of the district, and they would then select these two persons as their representation?

MS. STARR-SCOTT: Yes, they would. Mr. Chair, I ask that we caucus for just about five minutes and get -- this needs a little of refinement. I just came in late this morning and whipped it out in a hurry. But we need to make sure we get this right, if we could have about five minutes.

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

MR. CORNSILK: Mr. Chairman, I wasn't finished yet.

MR. HANNAH: One moment. Now, folks, just one moment. Just one moment. I have a request from the gentle delegate. And I am inclined to rule on that in a moment, allowing that time for this particular language.

Now, folks, we're doing a great job here. And I realize that we need to have some time to be able to discuss and draft and do what we need to do. Now, one thing that will be disruptive for us is if we, in fact, pepper the entire day with a series of caucusing events.

So I admonish all of our delegates, that while we are not as warned by the good Delegate Jordan that we're going to do a forced march, we are going to keep the pace of business before us at this time. I will hear from the good Delegate from Webbers Falls, and then make an announcement with regard to the recess.

MR. CORNSILK: Mr. Chairman, a point of order. I believe I have three minutes to ask questions.

MR. HANNAH: And you are of order. Mr. Poteete, if you will wait. Mr. Cornsilk, please continue with your time allotted.

MR. CORNSILK: Thank you. I just don't like being shut up.

MR. HANNAH: We understand that, sir.

MR. CORNSILK: I wanted to address the issue that was brought by Ms. Plumb and that is related to this. That is that having at-large representation that was something that was overwhelmingly rejected by the Cherokee people whenever they voted for districts in 1987, and it came back three to one in a poll that they were at opposed to at-large voting, and in the election, it came back in those same numbers.

Again, I would tentatively be in favor of this amendment, simply because it does give representation to a large number of people who are seeking to be active in the Cherokee Nation, and I really appreciate that and I want to see that happen.

But I don't want to see the number of at-large people increased beyond this simply because the numbers of people who live

in the district who are directly affected by the votes of these representatives. The people who live outside the Cherokee Nation don't have to live under the laws of these people; they don't have to live under the rules of these people. That's all I have to say.

MR. HANNAH: You are a gentleman, Mr. Cornsilk, and thank you very much. Mr. Poteete, you are recognized.

MR. POTEETE: I think I'd like to point out that there is a perception that all the absentee votes that come in are from people who are way off out yonder who are not close enough to the Cherokee Nation to be adequately represented by the people in the various districts.

The fact is that many, many people vote absentee who live very close. Some of them even within the Cherokee Nation. A good many people live outside the boundaries and are still adequately represented by someone within the boundaries. I have probably as many constituents in my district who live outside it as live in it because of the way the population is situated along our borders.

So we don't need to decide that we should base the at-large delegates on the number of absentee ballots that are kept.

If you took the actual numbers of population centers for Texas, California, New Mexico, then probably two seats would be adequate representation for the number of Cherokees that live in those four outlying areas.

I see some sort of grammatical problem with this. I see a problem generally through the day if we don't take a few minutes at some point for people to get the dozen or so learned attorneys here to help people formulate their ideas in enough legalese that it will pass muster for the generations, we're going to be stymied all day by the necessity to take these small caucuses, Mr. Chair. So I think we need to own up to that and figure out how we're going to get around that to keep moving.

But at any rate, we need to take that into consideration.

And we don't need to force people who live contiguous to the Cherokee Nation, who live in Muskogee or in Tulsa or somewhere else, to be represented by someone way off. If they want to be represented by somebody close by, then a provision needs to be made for that.

MR. HANNAH: Mr. Poteete, thank you for your remarks. Mr. Mullon, you are recognized.

MR. MULLON: Thank you, Mr. Chairman. Delegate Mullon. The only thing that I would comment on at this point would be that the caucus be for ten minutes rather than five.

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

MR. HOOK: Jonathon Hook, delegate. I would like to begin by proposing a friendly amendment, hopefully for clarification, that after at-large, comma be removed, and add the words "by those residing," and delete "who reside." So it would read "elected at-large by those residing outside."

MR. HANNAH: Delegate Starr-Scott.

MS. STARR-SCOTT: Yes.

MR. HANNAH: And you accept the friendly amendment; therefore, it is entered in the record.

MR. HOOK: I would like to continue speaking in favor of this amendment. My understanding of this process is that we are about bringing various district perspectives together to produce something which would be acceptable in consensus and working with Cherokees in Texas, as well as a number of other tribal groups.

I'm repeating here, we want some type of representation. We want more additional input.

However, I believe deeply, as a historical fact, that the heart of the Cherokee Nation is here, and that that should and can never be changed. So I understand completely both sides of this. And I think that this is a very reasonable proposal which would offer opportunity for input from those outside the districts here, but which is not overly burdensome to other nations or those residing in the district here.

MR. HANNAH: Thank you, sir. The good man from Kansas is recognized.

MR. DAVIS: Delegate Bill Davis. Point of information. I'd like to see if you can clarify what are the historical boundaries of the Cherokee Nation. I live in what is called the Cherokee Strip; with this Cherokee Nation, are we inside or could you define what the actual boundaries are?

MR. HANNAH: The Chair would entertain a short history lesson from anyone who would wish to do so. The good man from Kansas, of course, raises the issue of the strip of land which is contiguous to the state of Kansas, running from the junction of state boundaries of Arkansas and Missouri, and the Cherokee Nation in the east all the way to the Kansas, Texas, confluence, there is a small strip of land often referred to as the Cherokee Strip.

Thanks to our friends from -- I believe, if my history is correct, from the Osage Nation, thanks to Pawhuska, the great white-haired Chief who decided to move his village and thus threw off the survey for the Indian country.

MR. CORNSILK: Mr. Chairman.

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

MR. CORNSILK: Delegate Cornsilk. I believe Mr. Smith could probably answer that as well as I could. But I would just simply say that the boundary of the Cherokee Nation is that which is described in the Treaty of 1828 which is from the Neodesha River west to the eleventh meridian or something to that effect, but it was misaligned and the line was moved south, and the piece of property that he is discussing that he believes was in the Cherokee Nation was actually not, that it was misaligned.

MR. HANNAH: That is my recollection of the history as well. Mr. Keen, you are recognized.

MR. KEEN, JR.: Thank you, Mr. Chair. Delegate Ralph Keen, Jr. I would just like to endorse a recommendation that you allow this group to have ten or maybe even fifteen minutes to

caucus and try to come up with some concrete language that would at least resolve this trend we see of friendly amendments and hopefully expedite this process.

MR. HANNAH: Chair rules that the convention is in recess for ten minutes. For ten minutes.

(recess taken)

MR. HANNAH: Take a few minutes while we are moving to our seats and finalizing our caucus information. I'll remind everybody that it is against University policy for us to have food and drink in this room. And the record will reflect that we will intend as a body to disregard those rules.

But the Chair will ask that once again that you show courtesy of this facility that's been provided to us by our native campus of higher learning, and so you will police your own area. And we will be very careful of the facilities here.

We would also like to give a reminder to those that are not delegates in the room, that as we are about the discussion process, that if you feel moved to generate remarks of any type or carry on conversations during our deliberations, I would ask you to remove yourself from the outer chambers.

Not so much that I would chide any of the visitors that are here today, yesterday we did have some visitors in the room though that were pretty much a disruption for some of our delegates.

We want to keep every mind focused on the work that we have here. So I would ask that you assist us in that process.

MR. CROUCH: Mr. Chairman, while we are doing some housekeeping issues --

MR. HANNAH: Yes, sir, you are recognized.

MR. CROUCH: Mr. Crouch, delegate from Sacramento. Question. Have we shared with all the convention delegates an address list so that we might stay in contact with each other? It's not just because Mr. Sanders has agreed to send me a tape, but just in general, it would be nice if we had address lists. I didn't know if it was posted on the Internet. Perhaps it already is.

MR. HANNAH: Now, kind delegate, you have not been lending money to any of the other delegates, have you?

MR. CROUCH: No.

MR. HANNAH: I just want to make sure you are not wanting to track down your fellow delegates here. Dr. Gourd is recognized and, Charlie, perhaps you can give us some insight of the work of the Commission to keep this body informed and in touch.

MR. GOURD: Mr. Chairman, we had the picture made yesterday. We tend to see to it that every delegate receives a copy. We will, with permission of the delegates, send to all of the other the other delegates names and addresses.

We have not provided that information to any source outside of the Commission because we felt it inappropriate and a matter of privacy for home addresses and phone numbers, but with the permission of the delegates, we will share that information again

only with delegates, and I could include that when you receive your picture. Is that a general -- like doing the chicken dance, as they say.

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

MR. POTEETE: I would ask if the body would consent or if they would be receptive if someone does an academic work in connection studying the convention process since we've only had one in one hundred sixty years, if they would be receptive to profiles that might come in the mail, or they would care to answer those that would ask their age, occupation, of course, their location will be obvious, and some background, or demographics might be a good word, that made up the convention.

MR. HANNAH: Let that stand as a notification. Obviously, each Delegate will pass judgment on whatever amount of interaction that they would wish to have with those that are watching this process.

Mr. Smith, you are recognized, sir.

MR. SMITH: Mr. Chair, before we report out of our caucus, there's some language that we've prepared. I'd like to respond to Mr. Bill Davis' question about historical boundaries in Section 3.

I visited with several of the other delegates and we anticipated presenting language to the convention to define historical boundaries. But in the analysis after the 1866 Treaty with the federal government, after the American Civil War, we did cede back to the United States the No Man's Land six hundred thousand acres in Kansas, and the Cherokee Strip in 1893, we ceded to the federal government the Cherokee Outlet, which is at the Panhandle.

Therefore, it would appear that our historical boundaries is what we call the fourteen counties or the Cherokee Nation Proper.

And we proposed to the convention the language which cites the treaties and patents that break down that definition.

MR. HANNAH: Mr. Smith, it would be a great value for us as we move forward in further constitutional interpretation of that phrase, "historic boundaries." And the Chair would also remind those that are researching, of our negotiations post 1875 with other tribes that were moved to the extreme northeastern part of our Nation, inclusive of the Wyandots, Missouri, Otoes, Peorias, Miamis, and another variety of other tribes that were moved to the northeastern corner.

Be mindful of our research, and that will be well accepted for us to delineate a definition of this phrase in our Constitution for historic boundaries.

Prior to our caucus this morning, with the regard to the language on Section 3 of Article V, we were about reviewing an amendment to the language that was presented by Delegate Starr-Scott. And what say the Delegates at this time? Are we still working with that piece? Very well. Then we will take some time.

Delegate from Greasy is recognized.

MR. HEMBREE: Thank you.

MR. HANNAH: Delegate Hembree. I move to table this amendment; lay it on the table.

MR. HANNAH: There is a motion to lay the amendment on the table. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. Floor is open for debate. And hearing none, all of those in favor of tabling. Oh, I'm so sorry, Dr. Gourd.

MR. GOURD: I would stand in opposition to the amendment. This is why we're here, so we may as well continue.

MR. HANNAH: And once again, he's standing in opposition to the tabling, correct, in opposition to the motion to table?

MR. WHEELER: Point of information.

MR. HANNAH: Point of information, sir.

MR. WHEELER: Delegate Wheeler. What is the purpose of tabling the motion?

MR. HEMBREE: The purpose of the tabling is that we're here doing nothing at this point. Let's move on with business. It is not ready. It can be brought up at any time later on, but let's get the show on the road.

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

MR. HATHAWAY: I'd like to raise another topic that is relevant to this section of the Constitution. And that is what a number of other tribes and indeed other governments have is to have a formal provision for additional advice to its legislature, to its legislative body. I would like to suggest that we consider this.

It's something that I think would be useful to us, and that would be to have a Council of Elders that would be in an advisory capacity only, but that would have the ability to advise -- dealing with legislature here, I'd limit it to the Council -- but to advise the Council on the matters before the Council.

I wouldn't suggest that it would be appropriate, certainly for me or maybe for us here, to define how they were selected or who they were. I believe, though, that it would be helpful if we did that, and it would help in our over-arching obligation of helping to preserve our culture and our historical knowledge, and to give the respect to the Elders in our Tribe that we all give them. But it would have a formal spot.

There are probably a number of people here who might qualify in that capacity, not to comment on anyone's age. But I think it's something that would be worth considering for this article of the Constitution if the delegates are in agreement. And, in substance, I'd be happy to help those who are better able than I to draft an amendment. Thank you.

MR. HANNAH: For your remarks are well taken.

MR. JOHN KEEN: Point of order.

MR. HANNAH: Delegate Stroud, you are

recognized.

MR. JOHN KEEN: Point of order.

MR. HANNAH: Mr. Keen, on point of order.

MR. JOHN KEEN: I respect Mr. Hathaway's comments so much, I would not presume to interrupt him.

MR. HANNAH: Very respectful of you, Mr. Keen.

MR. JOHN KEEN: We are debating a motion to table.

MR. HANNAH: That is very true, sir, we are. Thank you for clarifying that for us.

MS. STROUD, you are recognized. Do you rise in opposition or in support?

MS. STROUD: I rise in opposition. I rise in opposition. I think that's what I'm supposed to say. I would like to table this.

MR. HANNAH: Actually, ma'am, we have a motion on the floor.

MS. STROUD: That's why I'm rising. So is that the correct language? I have a question. The reason I would like to table this, so I can get somebody to teach me, how would we then -- all of our programs, they would go outside of the district also for this representation?

Would our Tribunal be a traveling Tribunal then? No? That's what I need clarification on, then, I guess. Then would we establish our health care outside of the jurisdiction because we have the two people that will be representing outside of the districts? That's what I need help on understanding before I vote.

MR. HANNAH: Very well. Thank you for your comments. Any other delegates rising in favor or opposition to the motion to table the amendment?

MR. SPENCER: Delegate Spencer.

MR. HANNAH: You are recognized, sir.

MR. SPENCER: I rise in opposition to it.

MR. HANNAH: In opposition to the table?

MR. SPENCER: We're working to take care of the business here now.

MR. CORNSILK: Mr. Chairman.

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

MR. CORNSILK: Delegate Cornsilk. And I rise in favor of tabling this motion, only insofar as it is not ready to be presented and can be brought up at a later time.

MR. HANNAH: Delegate Masters, you are recognized.

MS. MASTERS: Well, I rise in opposition because I think we are going to have to just work on it to get down and move on through. I don't think we can keep tabling things and be of any benefit. Because things that we're going to be discussing later are going to be impacted by what we're doing on this section. So I'd like to just keep working through it. I think we're moving. I think we're moving on it.

MR. HANNAH: Your remarks are well taken.

Delegate Hembree.

MR. HEMBREE: Seeing that the filibuster has worked, I withdraw my motion.

MR. HANNAH: Delegates, you have witnessed the first filibuster of this convention, and it was used in a constructive way. The kind delegate from Greasy has withdrawn his motion for tabling of Article V, Section 3 debate.

And I assume with the permission of the second, if anyone would have remembrance of whom they would have been, the Chair will accept that removal.

And kind, sir, you are recognized.

MR. CROUCH: If I understand it, we are still discussing Section 3. I would propose that behind the language that is currently underlined, we insert the language effectively to the following idea, that, "in each district there shall be established an office for the purposes of facilitating communication with all of the registered voters in that district."

Moving aside to the different idea, to get off of the one that's being tabled, and into the idea of office.

MR. HANNAH: Well, actually, there is nothing being tabled at this time. We are back to the discussion of Article V, Section 3.

MR. CROUCH: And the language that's underlined.

MR. HANNAH: Kind sir, I'm sorry, I missed your final remark.

MR. CROUCH: And the language that's underlined.

MR. HANNAH: Now, I want to make sure that we have given due respect to the kind gentleman from Sacramento.

MR. CROUCH: I was out of order.

MR. HANNAH: Sir, it was the Chair's impression that you were about to propose an amendment, and you are withdrawing?

MR. CROUCH: Right.

MR. HANNAH: Thank you very much. Mr. Mullon, are you standing in clarification of the Starr-Scott amendment?

MR. MULLON: Yes. The only thing that I see that didn't make it into it is if you go down to the line immediately below "fifteen of these seats," and go out to the end of it, almost to the end, right before the word "the"; insert the word "and." Okay. That's it.

MR. HANNAH: Delegate Starr-Scott, is this the amendment that you placed before us at this time for Section 3?

MS. STARR-SCOTT: Yes, it is.

MR. HANNAH: Is there a second?

DELEGATE: Second.

MR. HANNAH: Floor is open for debate.

MR. GOURD: As a point of clarification, we have, "Fifteen of these seats shall be apportioned to afford a" -- is there going to be fifteen districts that are equally apportioned

because at present we have fifteen Council members, nine districts, and multiples within. And based on the census or some other apportioning, when you end up rounding numbers, you can have counties that are five or ten residents would make the difference of having a full Council seat.

So my question is, and my request would be to offer a friendly amendment so that the districts would equal the number of Council seats that would be more or less equally apportioned by the same language that is there.

MR. POTEETE: I'd like to second that.

MR. HANNAH: One moment, Mr. Poteete. We have an offer of a friendly amendment for language.

MS. STARR-SCOTT: I'll accept that.

MR. HANNAH: And it is accepted. And hearing no objection from the second, Mr. Gourd, if you'll approach the microphone, and we'll insert that language.

MR. GOURD: I would just say, "The total number of districts shall equal the number of seats which shall be apportioned to afford," and it would read the same from thereon out.

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

MR. BILL BAKER: Point of clarification. Charlie, are you proposing that there be fifteen districts?

MR. HANNAH: Just one moment here, gentlemen. Let's make sure that we are all communicating with one another. Mr. Baker has been recognized and rises for a point clarification with Dr. Gourd.

MR. BILL BAKER: Are you proposing fifteen districts?

MR. GOURD: Yes, that are equally apportioned.

MR. BILL BAKER: Instead of "the nine districts, some of which have multiple"?

MR. GOURD: Instead of "the nine districts, some of which have multiple."

MS. STARR-SCOTT: No, that is not the amendment I understood.

MR. HANNAH: Now, just a moment here, folks. Perhaps from the first introduction to the second interpretation, it may have rambled off here for a while. What we do know is that we are right here right now. And so where we are is that we have Section 5, Article III. Starr-Scott has an amendment that is before us at this time that has had the series of caucusing adjustments made to it, which has been placed on the floor, and Dr. Gourd is here to present a friendly amendment.

Dr. Gourd, is this language the friendly amendment that you are presenting?

MR. GOURD: Yes.

MR. HANNAH: Starr-Scott, what say you?

MS. STARR-SCOTT: No.

MR. GOURD: Then there needs to be some number of districts, at least an enumeration and how the balance would be

done if you're going to have nine districts, and then the balance of the seats shall be apportioned or something like that.

There's no reference at all in this to the total number of districts. That gets to my point. But I still think the total number of seats should equal the number of districts that are apportioned.

MR. HANNAH: What course of action do you wish to take, Mr. Gourd? Do you wish to withdraw your friendly amendment?

MR. GOURD: I'll decline. That takes care of it.

MR. HANNAH: I was going to say, you obviously have the option, sir, to place it, move to amend. But you probably won't do that.

MR. GOURD: I won't do that right now.

MR. ROBINSON: Mr. Chairman.

MR. HANNAH: Chair is not intending to be leading here, ladies and gentlemen, not at all, but simply keep us on course. You are recognized, good doctor.

MR. ROBINSON: Delegate Ricky Robinson. I would extend a friendly amendment to Ms. Scott. As Mr. Cornsilk and I talked about, there's already districts established. Although some of us may not be satisfied with how those districts are set up, they have been established, and people have gotten pretty used to it.

I think the simplest thing would be to simply say fifteen of these seats, like it says, and just put nine in front of districts, just to make sure that we're referencing nine districts.

And then that would go to, "shall be apportioned among the nine districts."

MR. HANNAH: Do we have the amendment in language before us? We do? And Starr-Scott, what say you?

MS. STARR-SCOTT: I will accept that.

MR. HANNAH: Hearing no opposition from the second, the language is included in the offering.

Mr. Littlejohn, with your microphone on, you are recognized.

MR. LITTLEJOHN: Point of information. If we go down one, two, three, the fourth line where it reads, "the Council shall establish," could we put in "nine" in there to make that -- have not those nine districts already been established?

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

MR. KEEN, JR.: The districts are established, through the Constitution, the requirements for districting, but the number of districts have been established through the legislature. There is no constitutional requirement of nine districts. Never has been, as far as I understand it.

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

MR. GUNTER: Jerry Gunter. If you have nine districts and fifteen members, does that mean if two of the members are from Sequoyah County, and I'm registered in Sequoyah County, I

get to vote twice? So I get to vote once, but I get to vote for two candidates? Because there's more people there, so I get to vote twice, that doesn't make a lot of sense. And the person who lives in another county, he only gets to vote for one candidate.

MR. HANNAH: Let's bring some order here to the chamber. Mr. Gunter's question is correct. And I would look to any official that would be able to speak to that question. And the question is that if a district having two Council representatives, would a qualified registered voter be able to vote for both of those Council persons.

MR. CORNSILK: Mr. Chairman.

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

MR. CORNSILK: Delegate Cornsilk. And his question is, would they have two votes if there were two representatives from one district. That is correct, you have two votes.

MS. CHAPMAN-PLUMB: On order.

MR. HANNAH: On order.

MS. CHAPMAN-PLUMB: We're not discussing the amendment as proposed. We're discussing matters that pertain to the decisions that the Election Commission has made and that the Council has given the power to make. We need to stick with the amendment.

MR. HANNAH: Point is well taken. And the Chair recognizes Mr. Smith.

MR. SMITH: After consultation with the author of this amendment, Ms. Scott, we propose to entertain the debate on striking the word "nine representative districts" where it appears.

Here is the reason, is that binds the Constitution to have nine districts forever. And the language that was presently there is the same language that appears in our now 1975 Constitution which says, "The Council shall establish representative districts which shall be within the historical boundaries of the Cherokee Nation of Oklahoma. These districts shall be apportioned from a reasonably equal division of tribal members among the districts."

If we strike the "nine," and keep the language that was there, we maintain and continue the status quo and give the Council the same latitude that they've previously had to either expand or contract the districts.

MR. HEMBREE: On order.

MR. HANNAH: On order, Mr. Hembree.

MR. HEMBREE: Wasn't the number nine offered as a friendly amendment and she accepted it as a friendly amendment?

MS. STARR-SCOTT: Yes.

MR. HANNAH: Yes, she did.

MR. HEMBREE: Does she wish to withdraw?

MR. HANNAH: That's an interesting question.

MR. HEMBREE: If she withdraws it, she can.

MR. HANNAH: I guess now that -- and I have lost the bid on who, in fact, initiated the friendly amendment of "nine."

This is great. Fifteen delegates stand up and point at one another. You did it. I saw you do it. Good doctor.

MR. ROBINSON: I'm just trying to clarify.

MR. HANNAH: We understand what you're trying to do. What would be your course of action at this time, Ms. Scott?

MS. STARR-SCOTT: I will withdraw that for this reason; my two learned attorneys have informed me that we're getting into a can of worms. Far be it for me to get into a can of worms.

MR. HANNAH: Let it be shown that the convention came close to a can of worms, but cooler heads prevailed.

Mr. Rutledge, you are recognized.

MR. RUTLEDGE: Delegate Rutledge proposes a friendly amendment. I believe we need to add after, "and the remaining two shall be elected at-large," the words "by those registered to vote at-large."

As it says, my understanding was that was intended to allow people to vote one way or the other, but not everyone to vote for both. And the way it stands now, it looks like everyone votes for the at-large people, which I do not think was the intent.

MR. SMITH: I think that response, if you look down at the next line that says, "may vote either at-large or for the candidate." That would prohibit voting.

MR. RUTLEDGE: But that would limit it only to the qualified voters remaining outside the district. The people inside the boundaries could vote either, or both, actually.

MR. SMITH: Come down to the last underlining, "those residing within the historical boundaries must vote within the district of their residence."

MR. RUTLEDGE: No one else sees the problem, that's fine. I will withdraw my friendly amendment. I just wanted to clarify it because it looked ambiguous to me.

MR. HANNAH: Please be seated, sir.

Mary Ellen Meredith of Oklahoma City, you are recognized.

MS. MEREDITH: I think I do see the problem he's talking about. In the last line, you've got, "the voters within the historic boundaries must vote within the district of their residence," which makes sense. You do not say for whom they may vote. The language, "and the remaining two shall be elected at-large" suggests that every single voter in the Nation would be eligible to vote for those offices.

And when you move on to talk about qualified voters residing outside of the historic district, you're only talking about a small group of people. But the at-large needs to be modified so it's clear that only people living outside the district may vote for those two.

MR. HANNAH: Thank you for your comments.

Mr. Keen, you are recognized. And you may take a moment in your recognition if you need.

MR. KEEN, JR.: Thank you, Mr. Chair. Delegate Ralph Keen, Jr. I've consulted with Ms. Starr-Scott, and in

conformance with the efforts of the Commission to try to maintain consistency in terminology, she's agreed to a friendly amendment of changing the word "qualified voters" to "registered voters," and it's just to the right of the cursor there.

MR. HANNAH: Hearing no objection from the second, it is so entered.

Mr. Hathaway, you are recognized.

MR. HATHAWAY: Mr. Chairman, I believe the totality of the language makes it clear that those who reside in the historical district must register and vote in that district. Those who reside outside it, have as they do now, the option of selecting their district or registering at-large and then voting for the number of delegates that are running at-large.

The problem is that the term "at-large" is not being used in the normal sense of at-large voting. It really means that the additional districts we are adding are, unto themselves, operating as an at-large for those residents outside the historical district who register for those at-large -- to vote for those at-large seats, as opposed to exercising their current right to register in one of the historical districts where they may have their family farm or whether that's a current, it would be preserved.

I believe the language does that, and the confusion arises from the at-large. But I believe the later sentences make it clear. But I would defer to Delegate Starr-Scott and her battery of learned counsel of whether this actually accomplishes that. Thank you, Mr. Chairman.

MR. HANNAH: Thank you, Mr. Hathaway. I believe the term would be "gaggle" at this point. And Mr. Rutledge is identified.

MR. RUTLEDGE: I think I'm going to repropose my friendly amendment to --

MR. HANNAH: Forgive me for interrupting, sir, but I want to make sure if you're going to propose a friendly amendment to the Starr-Scott delegation of writers over here that they're prepared to hear you, and you may proceed.

MR. RUTLEDGE: I propose the friendly amendment again to add, after the words "shall be elected at large," "by those registered voters" -- "or those voters registered in the" -- how should we do that? "By those voters registered in the at-large district."

MR. MULLON: No, no, no, no.

MR. RUTLEDGE: The problem is that if we use "residing," that doesn't do what their intent is. We want it to be the people who register to vote outside the districts. Do you have language, sir?

MR. MULLON: Yes, I do.

MR. HANNAH: Mr. Rutledge, be seated please.
Mr. Mullon, you're recognized.

MR. MULLON: It would read, the next word would be, "by those registered voters residing outside the historical

boundaries of the Cherokee Nation voting at-large in accordance with this section." That's what I would suggest.

MR. HANNAH: And your suggestion, sir, is, in fact, endorsed by Starr-Scott?

MS. STARR-SCOTT: Yes.

MR. HANNAH: And with no opposition from the second.

And the kind lady at the microphone is recognized.

MS. BIRMINGHAM: Mary Birmingham. Instead of going through all of this mish-mash, I would suggest or offer that the at-large councilors be picked by the councilors after all seventeen are elected. That would reduce the confusion, I think.

MR. HANNAH: Do you stand with a motion, ma'am?

MS. BIRMINGHAM: I stand in support of the motion, but I think we need to have the councilors after -- the seventeen councilors after they're elected, pick two to represent or be an at-large councilor.

MR. HANNAH: Thank you, ma'am, for your comments. Jack Baker from Chewey, you are recognized.

MR. JACK BAKER: Jack Baker, Delegate from Chewey and Oklahoma City. The problem I see where it says, "registered voters residing outside of the historical boundaries of the Cherokee Nation may vote either for the at-large seat or for the candidate in the district in which they are registered," I think they are going to have to either register to vote outside, or -- because this says "or in the district in which they're registered."

This says that they're registering in a district, so they have to choose whether they are going to choose a district or register outside.

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

MR. KEEN, JR.: Thank you, Mr. Chairman. I would just like to make an observation and ask that the delegates have patience with this process because this is how this is done. This is the same process that this Commission had to go through. And it's a process of evolving general principles into workable language, and it is slow and sometimes tedious, but this is the only way it is done. So thank you and continue to just participate and have patience. Thank you.

MR. HANNAH: Thank you, Mr. Keen, for your remarks. The Chair will see to it that we, in fact, continue to glide through these deliberations. This is good and healthy for us.

And, Mr. Smith, you are recognized.

MR. SMITH: There's a bit of inconsistency, "and the remaining two shall be elected at-large." Then we come down to the next sentence that says, "Registered voters residing out may vote either for an at-large seat." That suggests the out-of-staters can only vote for one at-large seat. I don't think that was the intent. It doesn't have the continuity.

So I would submit, and I believe Ms. Starr-Scott concurs,

that where it says, "for an," strike "an," and then go over to say "for at-large seats," make seats plural. I think that accomplishes the goal that the out-of-district folks will have the option to vote at-large seats.

MR. HANNAH: With the concurrence of Starr-Scott, no objection from the second, the --

MS. MASTERS: Point of clarification.

MR. HANNAH: Point of clarification taken.

MS. MASTERS: Delegate Rutledge, are you saying in that sentence that you want the nonresident voters to register at-large or register in a district and not continue to register in a district only? Is that what you're saying there?

MR. HANNAH: The gentle woman from California, that is not an offering of Delegate Rutledge. Mr. Rutledge, you'll be seated. The piece that is before us at this time is offered by Starr-Scott. And if any one of her delegations would speak to that question.

MS. MASTERS: Chad, I think the delegate has raised a question here that in the sentence we were just working with, it begins with "registered" and ends with "registered." The question I think that is being brought to us is that we have people continuing to register in a district, but selecting to vote at-large.

And I understood, or I'm trying to clarify if he meant he wanted people to either register at-large or register in a district to vote. I believe he's saying a little something different.

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

MR. MULLON: Thank you. Delegate Mullon. And this is perhaps some more accurate language. If I could suggest a change that would begin right after the word "may," in that line, yes. "May either register and vote," and then delete the word "either." And then right after the word "or" put "may" -- excuse me, "or register and vote in the district of their choice," period, and delete the rest of that.

MR. HANNAH: Starr-Scott, is this your amended presentation?

MS. STARR-SCOTT: That's acceptable.

MR. HANNAH: And hearing no objections from the second, Dr. Gourd, you are recognized.

MR. GOURD: Thank you, Mr. Chairman. I would have a comment and a question as to why only those residing outside.

And I think we can clarify some of the problems with historical boundaries if we use jurisdictional boundaries, which would, you know, encompass all of our fourteen counties, if that's our intent.

It takes care of at what point in history we're talking about in defining the boundaries. So we could say "current jurisdictional boundaries," which is the fourteen counties, for that is sort of a territorial definition. But I -- that's just a suggestion.

But the bigger problem I have is that you're only

allowing those who live outside the jurisdictional boundaries the option to register and vote for the at-large candidates or register to vote in the district. What if I live in the district and I would prefer to register to vote at-large? So it seems you're dividing groups there in a rather unfair manner.

So it should either be those who live outside the jurisdictional boundaries may only vote for the at-large and not register to vote in the districts because it tends to give sort of an unequal opportunity in that decision-making process that is not equally afforded to those who do reside within the boundaries.

MR. SCOTT: Mr. Chairman.

MR. HANNAH: Mr. Scott is recognized.

MR. SCOTT: I am hearing discussion here that, to me, sounds like something that will be covered later in the section under elections. I believe what we are trying to deal with right now is the representatives. Just offer that as a comment of my observation.

MR. HANNAH: Thank you very much, Mr. Scott, for your comments. And the Chair declares that our discussion is germane, and we will continue. Mr. Baker, you are recognized.

MR. DONN BAKER: Delegate Donn Baker from historic Park Hill. I have a real problem; I don't think we're having equal representation here. I live in downtown Park Hill. I don't get to choose where I vote. I have to vote. Luckily, the way it used to be, I got to vote for three councilors. I got to vote three times because there was a large Indian population in Cherokee County.

I have a problem; if you're outside the district, if you don't live in the fourteen counties, that you could have the opportunity to choose to either vote for those two at-large or you could decide, well, I want to be from Cherokee County and get me three votes, or I want to go up to Vinita, and we can have a big influence on Mr. Hoskin, who is only one vote. I just don't think we can do it on a willy-nilly, this is what I want to be, and this is what I want to do.

I think the only way to do it is if you are at-large and you do not live in the district, then you get to vote for those two that live outside the district. That's why we've given these two seats, to give you the voice. And to do otherwise is, to put it, horse malarky. It just won't work.

MR. HANNAH: Mr. Baker, thank you. Mr. Cornsilk, you are recognized.

MR. CORNSILK: Mr. Chairman, I rise in opposition to this version of this amendment. And my reasoning is that I echo Mr. Baker. Can you believe that? And I also echo Mr. Gour. Can you believe that?

MR. DONN BAKER: Brother Cornsilk.

MR. CORNSILK: That's right. What my concerns are with this is that it sets up a privileged class of voters who have the right to select either/or, and a restricted class of voters

who have no right to select. And, personally, I prefer not to be restricted. Thank you very much.

MR. HANNAH: Thank you, Mr. Cornsilk. Kind gentleman, you're recognized.

MR. DOWNING: Carl Downing, Oklahoma City. I want to try to justify this as it appears by using a personal example. I was born in Checotah. That is outside the traditional boundaries. If I had lived in Checotah all of these years, I would want to be able to vote for somebody who I knew and who was right there, what is it, six miles from the line, something like that.

Life's little oddities have indicated that I live in Oklahoma City, and probably will until I die. And so, but living in Oklahoma City, I want to be able to vote at-large. And I think that many of our people live in Muskogee, Tulsa, areas that are very close, and they are more familiar with the people who are running. Thank you.

MR. HANNAH: Thank you for your comments. Mr. Hembree, you are recognized.

MR. HEMBREE: Thank you, Mr. Chairman. Delegate Hembree. We've had divorce lawyers, and we've had criminal lawyers, and we've had a battery of lawyers talk about it. But ladies and gentlemen, what I think this section would create would be a denial of equal protection under the law for everyone else.

As Mr. Baker stated, you're setting up a special class of citizens who would be able to pick and choose the representation. And you would actually -- it would actually go from what nonresidents, delegates here talked about yesterday, from being under-represented to being, I believe, vastly over-represented. Because they would have the ability, under this constitutional provision, to weight their vote on -- they would actually get two seats guaranteed them by the Constitution.

And then, unscrupulously, maybe in the future, who knows what the future holds, they would be able to weight their vote and pick and choose districts in which to vastly influence areas where I don't live, or where individuals don't live.

We could have a contingent of California Cherokees all pick Adair County, and elect that Adair County representative, and I don't think that's fair. If you're going to have two at-large, let them vote on the two at-large. Period, end of story. Thank you.

MR. HANNAH: Thank you, Mr. Hembree. You've traded places; therefore, you have lost your position in line. And Mr. Poteete is recognized.

MR. POTEETE: Well, do you suppose because of the problem that Mr. Downing pointed out, the people who are in the counties that partially lie within the Cherokee Nation, like McIntosh County, Muskogee County, or people who are in the counties in Arkansas or in Kansas that are contiguous to the Cherokee Nation, if we gave them the option of registering in the district which their county was contiguous, a part of, that would take care of that problem?

Then they could be represented by local representation, people who are too far away to be attuned to the everyday activities, could then be represented by those outside. I don't think I could put that into the context of the language, but someone else might. And if we were receptive to that, and I think that's the problem that we're having, then the people who live way off will not have their at-large votes diluted.

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

MR. MULLON: Thank you, Mr. Chairman. Delegate Mullon.

MR. HANNAH: Let's bring some -- you're doing fine. I'm sorry. Mr. Mullon.

MR. MULLON: Mr. Poteete's suggestion is good, I think. I'm not sure I understand it. But one solution to this would be to open up the choice to everybody. That is those who live within the boundaries would also have the same choice; they could choose to either vote at-large or vote the district of their residence. And that would address Mr. Baker's objection because he will have the same choice that everyone else would.

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

MR. BILL BAKER: Mr. Chairman, Bill Baker. We are really making this extremely difficult. It is most difficult today for our Cherokees outside the district to figure out how to vote and get everything done and participate in this process. If we would have simplified it so that if you live outside the fourteen counties, it's one way; if you live in a district, it's the other way.

The Election Commission has a myriad of rules and regulations, and what ballots to send out and when and all such as that. I just think that it would be prudent for this body to simplify this down. And if you live within the historic boundaries, you vote in your district; if you live outside, you've got two representatives and can be well served by those two. Thank you.

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

MR. LAY: Delegate Lay from Ochelata. And I echo Mr. Baker's sentiments. Before I came here, I went around speaking to various people in my district, including a lot of builders, and they told me, to a man and a woman, that don't monkey with the document that we have, too much. And I wondered what they meant when they said that, and now I know. Thank you.

MR. HANNAH: Thank you, Mr. Lay. Ms. Masters, you are recognized.

MS. MASTERS: Delegate Masters. I would like to say that the reason I began voting absentee ballot was because my husband was drafted into the military. We own our home. We own a farm here within the fourteen counties. By the time he got out of the military, I had a job, and we could not afford to relocate at that time.

And there's different reasons that people live outside the county. The government can move you; different things can happen. And you can be very closely tied to your district and be outside the county.

I am as close to my District 5 as anyone living in District 5, even though I don't reside there at the present time. Through e-mail, through fax machines and telecommunication, I am in touch with everybody every day, including most of the people at this complex who are talking right now. And people here can tell you how closely in line I am with the people inside this boundary and knowing the families personally.

So there's reasons for being on an absentee ballot. And I think that it's through the military or through assignment through government work, through a lot of reasons, we can remain in our district and keep our homes here and be always ready to move back to that home.

So I would like to be able to remain in my district and be able to be recognized there and be able to have my representative. I understand that some people don't have those close of ties, and they need to have that choice, to be able to make a choice. And whether you associate like I have with the district or not is part of who we are and where our roots are and where our home place is.

MR. HANNAH: Delegate from Sacramento is recognized.

MR. CROUCH: Yes, I would like to say in all fairness, the fact that a large portion of the population who vote reside outside of the fourteen districts that now exist, and that we are in no way providing them proportional representation through this plan. There's enough said about fairness.

Secondly, in terms of fairness, in a weigh about where people vote, there's an issue of reciprocity that I think should be addressed that Mr. Cornsilk has raised and Mr. Baker has raised. And I think that the current system allows Cherokees to register in the district of their choice. That we should simply allow all Cherokees the opportunity to register in the district of their choice.

Those who live inside the fourteen counties who might choose to vote at-large should have opportunity, just as those that live outside of the fourteen counties should have the opportunity to stay affiliated with their community of origin and identification.

So I have no problem in striking the last sentence that reads, "those residing within the historical boundaries must vote within the district of their residence," and striking the language starting with the word "registered voters residing outside of the historical boundaries either register for at-large or the district of their choice," and say "registered voters may register for the district of their choice."

MR. HANNAH: Delegate from the Cherokee strip is recognized.

MR. DAVIS: Bill Davis. I like being able to vote in District 9. I'd like to see like a grandfather clause if we were going to be able to vote one time or, you know, be allowed just to say we are going to stay in District 9 or whatever district we're going to be in. Then, after that, you know, you would have to vote at-large. You would have your choice, either vote at-large or voting inside the district.

MR. HANNAH: Kind lady from the west is recognized.

MS. FOSTER: Yes, Delegate Foster of Albuquerque. What I'm thinking is that we are talking about a potential of approximately fifty thousand voters, non-resident voters. Now, they're not registered right now, but there's a qualified population of potential registered voters that numbers about fifty thousand out there.

This is obviously a very, very diverse population. We have two seats, and we are glad to be discussing that. But it is, in part, why we were saying more initially because we are so diverse that two people cannot adequately address very specialized situations like this of the people who live close and contiguous to the jurisdictional area, and those who literally live thousands of miles away cannot be treated as though they are one population under one set of circumstances.

The rhetoric that is coming out or the language that is coming out is special privilege, preferences, you know, fairness, and these kinds of things is a rhetoric that as Indian people, I think we are all accustomed to hearing used against us as minority people whenever we come into a situation where we are beginning to level the playing field.

And that is what I hear going on right now, is that special allowances will not be made to give a privilege to at-large voters to choose because we must have equity for everyone. But it is not equity for everyone when the very large population is being treated without acknowledgment of our diversity.

MR. HANNAH: Delegate Hagerstrand.

MR. HAGERSTRAND: Marion Brown Hagerstrand from Tahlequah. This is a point of information. I would certainly like to know how the representative voters for out far away from us are going to be represented. Are they interested in what happens in California with Cherokees? Are they interested in what happens in New Mexico with Cherokees, Texas, Arkansas? Are they interested in what happens in the district, the traditional Oklahoma? That is the thing about it.

And it seems to me that if they vote in the district from which they have been brought up, then they want to be represented in what goes on in the same way we want to be represented in what goes on in Cherokee Nation. And they influence that by voting for the people in their district.

Because our councilors work every day. Our councilors meet in office here where they come from because they have meetings

and all, and you can't represent someone from far away unless you're here to represent them. I just want to know.

MR. HANNAH: Delegate Hathaway, you are recognized.

MR. HATHAWAY: I believe the gentleman was ahead of me. I yield to him.

MR. CLARKE: I yield to you.

MR. HANNAH: Let the record show that a yielding contest has evolved from the convention, and the Chair awaits the decision of the draw.

MR. HATHAWAY: I will speak as briefly as possible, Mr. Chairman. One way of solving a problem with a transition where strongly held views of keeping a right, which is the one now that the outside, the fourteen-county registrants have with being able to select their home place, and in continuing that, is to introduce the concept of grandfathering rights.

If we want to preserve the ability of an individual to register where they have historically registered, it may be done by grandfathering those rights and still shifting in the future where there are not those connections to having the registration be by default to the at-large seats, not calling them another district.

I discussed this with the learned divorce lawyer from Park Hill, Mr. Baker, and I believe the concern that he had might be addressed by that in a spirit of compromise to say, those who have this should not be forced to forego it, like Dr. Masters was saying.

That would be a possibility that we could do, and I would be prepared to offer that as a friendly amendment of one way. If there's a sentiment that we should preserve this, it seems to me to be strongly held views in all directions about what is the most equitable way to do it. But I think that would be one way of compromising.

Another possible addition to that would be to allow some facility for continuing that for the family members of those who were so registered. But this is something, the idea to grandfather those who want to retain that, and yet not put this choice in place, necessarily in perpetuity.

I also want to point out that the candidates who represent the at-large voters may come from any place, as long as they are a qualified candidate. So we need not -- residents in Sacramento need not vote for someone from Sacramento. They may vote for someone from Greasy, if they chose, to represent them.

So I think that would be a possible reasonable compromise to allow us to move on to the next sentence of the thousand we have left. Thank you, Mr. Chairman.

MR. HANNAH: Thank you, Mr. Hathaway.

Fine gentleman, you are recognized.

MR. CLARKE: William Clarke, delegate from Muskogee. I want to speak in favor of this because I think this is something that will work. I realize that there is some people that oppose the ability of people, if this is approved and adopted later,

that this may cause some people to have what others see as being a special privilege. But I see this as something that will work, and I'm in favor of it.

MR. HANNAH: Thank you, kind sir. Mr. Rutledge, you've been patient, and you're recognized.

MR. RUTLEDGE: I think that you make a choice where you live. You may not choose where you're born, and there may be a time of living in or outside of the Nation, but you do at some level make a choice whether you will come back and live within the district or whether you will go outside or live outside the nation.

Part of the reason we wanted someone who will represent us outside the Nation is so that we will have a sure representative.

We would know who to go to and they will know who to contact on their end.

If we go with this language the way it is, I believe we have pretty much defeated that purpose. The people within their districts deserve to have someone represent only their interests. They are here; they deserve to have that representation.

We deserve our representation, too. We are present; we don't know everything that goes on, but we do need someone who can come back and report back to us what is going on in the districts besides ours.

I would rather just see that we have two at-large delegates for all those seated outside the Nation, and all of those within the Nation have the remaining delegates.

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

MR. HEMBREE: I move previous question.

MR. HANNAH: The motion is made to move to the question. Is there a second?

DELEGATE: Second.

MR. HANNAH: And there is a second. And all those in favor, signify by saying "aye."

THE DELEGATES: Aye.

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

THE DELEGATES: No.

MR. HANNAH: And the question is before us. The question that is before us at this time is the Starr-Scott amendment of Article V, Section 3.

And it reads that: "The Council shall consist of seventeen (17) members, who are citizens by blood of the Cherokee Nation. Each Council member shall be elected in the general election for a term of four (4) years, until his or her successor is duly elected and installed.

The Council shall establish representative districts which shall be within the historic boundaries of the Cherokee Nation. Fifteen (15) of these seats shall be apportioned to afford a reasonably equal division of tribal citizenship among the districts, and the remaining two (2) shall be elected at-large by those registered voters residing outside the historic boundaries of the Cherokee Nation, voting at-large in accordance with this

section.

Registered voters may, residing outside the historic boundary of the Cherokee Nation, may" -- couple of "mays" here -- Starr-Scott, is this all right with you?

DELEGATE: She's moving to the right.

MR. HANNAH: Some people say she's been doing that for years, moving to the right. Hearing no objection, we'll take that "may" as a Scribner's error and move forward.

"Registered voters residing outside the historical boundaries of the Cherokee Nation may either register and vote for at-large seats or register and vote in the district of their choice.

Those residing within the historic boundaries must vote within the district of their residence.

All the seats on the Council shall be organized to create a system of staggered terms to fill an alternating number of seats by election every two years. The Councilors must establish residency within their district, except for the at-large Councilors who may reside outside the historic district."

MR. WHEELER: Point of order.

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

MR. WHEELER: George Wheeler, delegate. I believe that last sentence is another amendment.

MR. HANNAH: I beg your pardon; the last sentence is what, sir?

MR. WHEELER: The last sentence is not connected to the Starr amendment; that is a separate one.

MR. HANNAH: And perhaps the Chair has, in fact, read beyond the amendment. But then again, this is -- Mr. Lay, you're recognized.

MR. LAY: I would like to make a move that we untable the Lay amendment, which was the last sentence.

MR. HANNAH: There is a motion to -- that motion would be out of order, would it not? We have a question on the floor. If we have a question on the floor, your motion is out of order. And Mr. Keen is recognized.

MR. KEEN, JR.: Point of clarification, Mr. Chairman. Just so we all understand what we're voting on. Only the language that is underlined is the Starr amendment, and that's what we will be voting on, except for the last sentence. If we're not voting on that, let's please strike the underline.

MR. HANNAH: And the Chair will once again read the question.

MR. KEEN, JR.: Now, again, Mr. Chairman, maybe you can clarify me; where did that language come from?

DELEGATE: By Mr. Lay.

MR. KEEN, JR.: Okay. Mr. Lay, which has been tabled.

MR. HANNAH: And Starr-Scott, as the author, we would ask you for clarification as we move through this. The question has been called, and what we will be deciding is the

underline that you see here in the context of Section 3.

"Fifteen (15) of these seats and the remaining two (2) shall be elected at-large by those registered voters residing outside the historic boundaries of the Cherokee Nation voting at-large in accordance with this section. Registered voters residing outside of the historic boundaries of the Cherokee Nation may either register and vote for at-large seats or register and vote in the district of their choice. Those residing within the historic boundaries must vote within the district of their residence."

Is that --

MR. ROBINSON: Point of information.

MR. HANNAH: Yes, sir, good doctor, you are recognized.

MR. ROBINSON: Rick Robinson, delegate. I have the revised Constitution that was sent to us. And as I look at it, the last sentence, it says, "The Councilors must establish residency within the district," like you've signed, ya-da, ya-da, ya-da, until the end there, is not on my copy. It's been added.

MR. HANNAH: The Chair will remind you that that was, in fact -- and I will stand corrected if I am incorrect, was, in fact, the Lay amendment that was placed on the screen and has been placed on the table. It has not been deleted from this piece because it still exists in the form of being on the table.

MR. ROBINSON: Okay. So when that comes back up, I can talk about a concern on the language?

MR. HANNAH: If it is removed from the table, sir, we will allow everyone to talk about it, I assure you.

So, Starr-Scott, the Chair inquires, the underlined portion that we see, is this, in fact, the amendment that you have presented?

MS. STARR-SCOTT: Yes.

MR. HANNAH: And hearing no objection from a second.

MR. CORNSILK: Mr. Chairman.

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

MR. CORNSILK: In order to save some time, I would call for roll call vote.

MR. HANNAH: Roll call vote has been called for.

DELEGATE: Second.

MR. HANNAH: And the vote shall be taken. Mr. Secretary, you're in charge.

MR. MOORE: Point of order.

MR. HANNAH: Point of order.

MR. MOORE: Would the Chair please go over the motion and explain to the people what a "yes" vote means and what a "no" vote means?

MR. HANNAH: What we have here is consideration of Article V, Section 3. We started with the review of Section 3 as presented by -- or in the form of the revised language offered by the Commission.

Delegate Starr-Scott arose and presented an amendment of language which has been seconded and is now in its final form, and you see or have seen it in underline.

We are preparing to take a roll call vote, and if that vote is in the affirmative, then that language will be inserted into Section 5 -- or Article V, Section 3.

MS. BIRMINGHAM: Point of clarification.

MR. HANNAH: Point of clarification.

MS. BIRMINGHAM: This is Article III, Section -- or, excuse me, Section 3, paragraph 1, we are voting on?

MR. HANNAH: And you are correct. This is the amendment to the first paragraph of Section 3. It might be best for the Chair to simply state that the action of this vote will not go beyond the underlined verbiage that you see on the screen or have seen on the screen. Okay?

The power of this vote does not go beyond the underlined verbiage that we have had on the screen or appears there at this time.

And you are recognized, sir.

MR. RIDER: Delegate Rider from Seminole, Oklahoma, registered in Flint district. If this does not pass the way Ms. Scott has it, will I still be able to vote in Flint?

MR. HANNAH: The answer is "yes." And we're glad that we have clarified that for you.

Hearing no other questions -- Delegate Littlejohn.

MR. LITTLEJOHN: I move to table this vote.

MR. HANNAH: There is a motion --

MR. LITTLEJOHN: Lay it on the table.

MR. CORNSILK: Point of order.

MR. HANNAH: One moment. We have a motion to lay it on the table, and that is in order. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. And all of those in favor of tabling, say "aye".

THE DELEGATES: Aye.

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

THE DELEGATES: No.

MR. HANNAH: And, therefore, we are still about to vote. And, Mr. Cornsilk, do you still wish to be recognized?

MR. CORNSILK: No, sir.

MR. HANNAH: Thank you very much, sir. The Chair looks about the room and takes a second or two before instructing the Secretary to conduct the roll call vote. The question is before us.

Mr. Gunter, you are recognized.

MR. GUNTER: If we vote "yes," that means that we accept the amendment?

MR. HANNAH: Yes, sir. Thank you for that very simple clarification. If you vote "yes," we are accepting the Starr-Scott verbiage that is underlined on the screen. And the

Chair would look for a nod of heads that you understand what we are about to vote on. And seeing many here, and one hand.

MS. MASTERS: Do you want to close the drapes?

MR. HANNAH: The Chair will rule on this, and the Chair will rule to close the drapes, simply because we're not going to give way to concerns later that we have --

MR. VILES, JR.: Mr. Chairman.

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

MR. VILES, JR.: I would like to announce, we've made a minor change to the spreadsheet in the upper right in an attempt to say what a majority would be in this case. It may or may not work; I hope it does; it's experimental.

MR. HANNAH: The Chair's hopes are with you, Mr. Viles. And once again, the second day of thanks in order for you with regard to the assistance in this technology.

Seeing no other point of order or clarification or questions, I am unable to recognize you, sir.

DELEGATE: Thank you.

MR. HANNAH: The Chair instructs the Secretary to call the roll.

MR. UNDERWOOD: Roll call. Adair.

MS. ADAIR: No.

MR. UNDERWOOD: Albery. Bill Baker.

MR. BILL BAKER: No.

MR. UNDERWOOD: Donn Baker.

MR. DONN BAKER: No.

MR. UNDERWOOD: Jack Baker.

MR. JACK BAKER: No.

MR. UNDERWOOD: Berry.

MS. BERRY: Yes.

MR. UNDERWOOD: Birmingham.

MS. BIRMINGHAM: Yes.

MR. UNDERWOOD: Burnett.

MS. BURNETT: Yes.

MR. UNDERWOOD: Center.

MR. CENTER: No.

MR. UNDERWOOD: Chilson.

MS. CHILSON: No.

MR. UNDERWOOD: Clarke.

MR. CLARKE: Yes.

MR. UNDERWOOD: Colson.

MS. COLSON: Yes.

MR. UNDERWOOD: Coon.

MS. COON: No.

MR. UNDERWOOD: Cornsilk.

MR. CORNSILK: No.

MR. UNDERWOOD: Crawford.

MS. CRAWFORD: Yes.

MR. UNDERWOOD: Crittenden, Don.

MR. DON CRITTENDEN: No.

MR. UNDERWOOD: Crittenden, H.
MR. H. CRITTENDEN: Yes.
MR. UNDERWOOD: Crouch.
MR. CROUCH: Yes.
MR. UNDERWOOD: Bill Davis.
MR. BILL DAVIS: Yes.
MR. UNDERWOOD: Earl Davis. Bryce Downing.

Carl Downing.

MR. DOWNING: Yes.
MR. UNDERWOOD: Dowty.
MR. DOWTY: No.
MR. UNDERWOOD: Foster.
MS. FOSTER: Yes.
MR. UNDERWOOD: Gourd.
MR. GOURD: No.
MR. UNDERWOOD: Gunter.
MR. GUNTER: Yes.
MR. UNDERWOOD: Hagerstrand.
MS. HAGERSTRAND: Yes.
MR. UNDERWOOD: Hammons.
MS. HAMMONS: Yes.
MR. UNDERWOOD: Hannah.
MR. HANNAH: Abstain.
MR. UNDERWOOD: Herod.
MR. HEROD: Yes.
MR. UNDERWOOD: Hathaway.
MR. HATHAWAY: Pass.
MR. UNDERWOOD: Havens.
MS. HAVENS: Yes.
MR. UNDERWOOD: Hembree.
MR. HEMBREE: No.
MR. UNDERWOOD: Hook.
MR. HOOK: Yes.
MR. UNDERWOOD: Hoskin, C., Jr.
MR. HOSKIN, JR.: No.
MR. UNDERWOOD: Hoskin, C., Sr.
MR. HOSKIN, SR.: No.
MR. UNDERWOOD: Johnson.
MR. JOHNSON: No.
MR. UNDERWOOD: Jordan.
MS. JORDAN: No.
MR. UNDERWOOD: J. Keen.
MR. JOHN KEEN: Yes.
MR. UNDERWOOD: Ralph Keen, Jr.
MR. KEEN, JR.: Yes.
MR. UNDERWOOD: Ralph Keen, Sr.
MR. KEEN, SR.: Yes.
MR. UNDERWOOD: Lay.
MR. LAY: No.
MR. UNDERWOOD: Littlejohn.

MR. LITTLEJOHN: No.
MR. UNDERWOOD: Linnenkohl.
MS. LINNENKOHL: Yes.
MR. UNDERWOOD: Masters.
MS. MASTERS: Yes.
MR. UNDERWOOD: McDaniel.
MR. McDANIEL: Yes.
MR. UNDERWOOD: McIntosh.
MS. McINTOSH: No.
MR. UNDERWOOD: McCreary.
MR. McCREARY: Yes.
MR. UNDERWOOD: MacLemore.
MR. MacLEMORE: Yes.
MR. UNDERWOOD: Melton.
MR. MELTON: No.
MR. UNDERWOOD: Meredith.
MS. MEREDITH: Yes.
MR. UNDERWOOD: Miller.
MS. MILLER: Yes.
MR. UNDERWOOD: Moore.
MR. MOORE: Yes.
MR. UNDERWOOD: Mullon.
MR. MULLON: Yes.
MR. UNDERWOOD: Phillips.
MR. PHILLIPS: Yes.
MR. UNDERWOOD: Pitts.
MS. PITTS: Yes.
MR. UNDERWOOD: Plumb.
MS. CHAPMAN-PLUMB: Yes.
MR. UNDERWOOD: Poteete.
MR. POTEETE: Yes.
MR. UNDERWOOD: Raper.
MR. RAPER: No.
MR. UNDERWOOD: Rider.
MR. RIDER: No.
MR. UNDERWOOD: Robinson.
MR. ROBINSON: No.
MR. UNDERWOOD: Rutledge.
MR. RUTLEDGE: Yes.
MR. UNDERWOOD: Sanders.
MR. SANDERS: Yes.
MR. UNDERWOOD: Barbara Scott.
MS. STARR-SCOTT: Yes.
MR. UNDERWOOD: D. Scott.
MS. SCOTT: Yes.
MR. UNDERWOOD: Owen Scott.
MR. SCOTT: Yes.
MR. UNDERWOOD: M. Silversmith.
MS. SILVERSMITH: No.
MR. UNDERWOOD: R. Silversmith.

MR. SILVERSMITH: No.
MR. UNDERWOOD: Smith.
MR. SMITH: Yes.
MR. UNDERWOOD: Spencer.
MR. SPENCER: Yes.
MR. UNDERWOOD: Starr.
MR. STARR: No.
MR. UNDERWOOD: Stopp. Stroud.
MS. STROUD: No.
MR. UNDERWOOD: Twining.
MS. TWINING: Yes.
MR. UNDERWOOD: Underwood, no.

Viles.

MR. VILES: Yes.
MR. UNDERWOOD: Wheeler.
MR. WHEELER: Yes.
MR. UNDERWOOD: Whitfield.
MR. WHITFIELD: No.
MR. UNDERWOOD: Wilson.
MR. WILSON: Yes.
MR. PEACOCK: Peacock. Yes.
MR. UNDERWOOD: I'm sorry.
MR. HANNAH: Thank you, Mr. Peacock. The

Secretary is so directed to correct his ballot.

MR. UNDERWOOD: I picked up one of yesterday's.
THE SCRIBE: What about Bill Baker?
MR. UNDERWOOD: I have recorded Bill Baker voted

"no."

MR. HANNAH: Is that correct, Mr. Baker, Bill Baker, Delegate Baker?

MR. BILL BAKER: No.

MR. HANNAH: No. Thank you. The answer would be "yes," it would be correct that you voted "no." Would that be correct, sir?

MR. BILL BAKER: I stand corrected.

MR. HANNAH: And I will, too. Thank you, Bill.

If the tabulation is complete, what is the results of our vote?

THE SCRIBE: Forty-five voted yes.

MR. HANNAH: Forty-five votes yes; twenty-nine votes no; two abstentions. Motion carries. The language is included in paragraph 1 of Section 3, Article V.

Chair declares a ten minute recess. We will return to take up the business of the convention.

(recess taken)

MR. HANNAH: Chair recalls the delegation from recess. We are in order. Mr. Lay, you are recognized.

MR. LAY: Thank you, sir. Delegate Lay. I would like to make a move to untable the amendment.

MR. HANNAH: Motion has been moved to untable

the Lay amendment. Is there a second?

DELEGATE: I second.

MR. HANNAH: There is. And hearing no objection, those in favor please signify by saying "aye."

DELEGATES: Aye.

MR. HANNAH: And those opposed said "no." And the Lay amendment is taken from the table and is represented.

Mr. Keen, the Lay amendment is, in fact, underlined before us; is this correct, in working with the scribe, like a puzzle, that the Councilors must establish residency within their district.

And the floor is open to debate.

MR. KEEN, SR.: Mr. Chairman.

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

MR. KEEN, SR.: I would like to propose a friendly amendment, please, in that the language be changed to read that the Councilors "must reside within their districts" and to eliminate the "must establish residency."

MR. HANNAH: Mr. Lay, what say you?

MR. LAY: I accept.

MR. HANNAH: Hearing no objections from the second, then the verbiage is inserted, and the floor is open for debate.

How rise you, Mr. Cornsilk?

MR. CORNSILK: Mr. Chairman, I rise in favor of this amendment. That's all I have to say.

MR. HANNAH: Mary Ellen Meredith from Oklahoma City, how rise you?

MS. MEREDITH: I just want to ask a question.

MR. HANNAH: Point of information.

MS. MEREDITH: What does that do to the at-large people? Do they need to reside at-large? If they're not in a district, then how can they reside within that district? I think there needs to be language in there that addresses that.

MR. HANNAH: We will take a minute here, and the authors of this will do some thinking.

Mr. Keen, you're recognized.

MR. KEEN, JR.: I would like to offer a friendly amendment, if I may. Could we insert the verbiage, "Councilors representing districts within the historical boundaries must reside within their district"?

MR. HANNAH: A friendly amendment has been offered. Mr. Lay, do you accept?

MR. LAY: Delegate Lay does not wish to exclude anyone. I will accept that friendly amendment.

MR. HANNAH: Very well then. With no objection from the second, it is so entered.

MS. JORDAN: Point of information. Direct this to Mr. Keen, Sr. When you make the statement "reside," would this mean your domicile or would this just mean a residence? You can

have multiple residence but you can only have one domicile.

MR. KEEN, SR.: My understanding of "must reside" is just a plain and simple meaning, must reside. Residency is a different thing, and I agree with you on that. But when you must reside, you must reside. It's plain and simple.

MS. JORDAN: So you want them to live there?

MR. KEEN, SR.: Yes.

MS. JORDAN: Actually live there. Okay. On a continuous basis.

MR. HANNAH: The good doctor is recognized --

MR. ROBINSON: It's Mr. MacLemore.

MR. HANNAH: Mr. MacLemore. And thank you for helping the Chair. Mr. MacLemore, you are recognized.

MR. MacLEMORE: Thank you. I just want to say on behalf of those who have been trying to get a little recognition, to thank you all for the vote, the confident vote. But also, I wanted to say before the vote was taken, for those of you who didn't vote for us, the wording of that does say "may" and "or," which doesn't give us really double coverage. But I speak in behalf of -- on this, and in agreement I rise to support it. Thank you.

MR. HANNAH: Thank you very much. Good doctor, you are recognized.

MR. ROBINSON: I had a suggestion earlier, and now I can't really follow through on it because the associate that was up there when we went for a recess is not up there now. I felt like at that time all we had to do was simply change "may" to "must" because, if I remember right, that sentence at that time was talking about the at-large. I may have been mistaken.

MR. HANNAH: The Chair would question the kind delegate. Are you in reference to the Lay amendment?

MR. ROBINSON: Right, the Lay amendment.

MR. HANNAH: To my knowledge, sir, and we'll double check that during the break, the Lay amendment did not, in fact, change from its original form. Delegate Lay, is that correct, sir? That when we returned, it was, in fact, as you had originally --

MR. ROBINSON: What I'm saying, what is up here right now is not what was before. And I was just -- if I could look at what was there before.

MR. HANNAH: This would be correct, sir, because there have been two friendly amendments have been accepted by Delegate Lay. And the original verbiage on Article V, Section 3 of the Dick Lay amendment, which was earlier tabled, is now before us at this time with two amended forms read, add "Council candidate shall have established residency in the district," was the original form.

MR. ROBINSON: That's not what I remembered, but I'll take your word for it.

MR. HANNAH: Sir, I once again read from the written amendment that was signed by the delegate. Our apologies if

there's confusion. Mr. Lay, the Chair would be corrected if that is not the fact. I want the kind doctor to feel at ease that nothing has happened with this verbiage during the recess.

MR. LAY: You're correct; the Chair is correct. The Chair is correct, and I have accepted the friendly amendments. Yes, sir. Thank you.

MR. HANNAH: And the floor is open for debate. Mr. Keen, you are recognized.

MR. KEEN, JR.: Thank you, Mr. Chairman. Ralph Keen, Jr. I would yet again offer another friendly amendment with regard to the word "reside," and I would like to strike out "reside" and insert "must be domiciled within their district."

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

MR. LAY: I'll accept that when Ralph Keen did this, yes.

MR. KEEN, SR.: My lawyer has spoken.

MR. HANNAH: The good delegate will accept it from the right Ralph Keen. And the Chair so directs.

MR. KEEN, JR.: But I think, to offer a little explanation, I think this addresses the concern Delegate Jordan had in offering a more concise legal terminology to be interpreted. Am I correct, Ms. Jordan?

MS. JORDAN: Your domicile is your permanent place where you intend to always be and come back to.

MR. KEEN, JR.: Exactly.

MS. JORDAN: You can have numerous residence.

MR. KEEN, JR.: Yes. And there's a legal -- domicile is a legal term of art that has a different meaning than just simple residence.

MR. HANNAH: And we've so been informed, and the Chair states that we are still open for debate. Do any of the delegates rise in favor or opposition to the amendment before us at this time?

MR. CROUCH: Call the question.

MR. HANNAH: The question has been called.

DELEGATE: Second.

MR. HANNAH: It has been seconded. Therefore, the Lay proposal that is before us, amending language to the final sentence in the first paragraph of Section 3, the question before us is -- and if you vote "yes," then this language will be included -- "The Councilors representing districts within the historic boundaries must be domiciled within their district."

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

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no".

THE DELEGATES: No.

MR. HANNAH: And the amendment is accepted and entered into the language. Chair recognizes Mr. Keen.

MR. KEEN, JR.: Mr. Chairman, I believe that we

are down to the second paragraph of Section 3, which has now been largely rendered obsolete and needs some work. So we should just open the floor to some debate and suggestion.

MR. HANNAH: The Chair would entertain informational debate with regard to this particular paragraph. And, Mr. Cornsilk, you have been patient, and you are recognized.

MR. CORNSILK: Just a point of information, and then I may have a motion, depending on what you tell me. This section that we just got through with, that paragraph up there, are we done or can we still --

MR. MULLON: That is my question.

MR. HANNAH: I believe that is a correct point of order, and the Chair will confer with the Vice-Chairman. Now that we have, in fact, included the language of Starr-Scott and now we have brought the Lay question off the table and is back, I believe that it would be -- no, you would be out of order, because I think that our original -- their decision was that we would be voting by section, not by paragraph.

So we are moving through the entirety of Section 3, and the final approval of Section 3 will be at its conclusion. We are still about the open caucus as working language, be it one, two, or three paragraphs within that section.

Mr. Vice-Chair, is that your interpretation?

MR. KEEN, JR.: Yes, I would concur with that.

MR. CORNSILK: If we are still in the same section, then I am able to make a motion?

MR. HANNAH: Yes, sir, and you are still recognized.

MR. CORNSILK: It really concerns me, and I know I'm going to sound like I'm just really hammering on you absentee people, but it really concerns me that this may not pass if we take this to the people with -- and I'm going to reiterate, special privileges for non-residents.

I really would like whatever product we come up with to pass. And I would ask for your support for a motion that would change the wording in that first paragraph to state that "the qualified non-resident voters shall vote at-large, and the qualified resident voters shall vote in their district."

MR. HANNAH: There's an amendment that has been proposed by Mr. Cornsilk. Is there a second?

MR. CORNSILK: I already have a second.

MR. HANNAH: One moment. The Chair will hear the second. Is there a second?

MR. LAY: Second.

MR. HANNAH: And we are open for debate. And, Mr. Cornsilk, you will once again come to the microphone and the scribe will enter the language.

MR. CORNSILK: Well, I will leave that up to the Style Committee.

THE SCRIBE: Where would you want it submitted?

MR. CORNSILK: Are you going to force me to say where I wanted it?

MR. HANNAH: No, I'm not. What I'm going to do is ask that the scribe simply enter it at the end of the paragraph, not to be at the end of the paragraph, but for consideration of our debate at this time, so that we can see it on the screen. Would that satisfy you, Mr. Cornsilk?

MR. CORNSILK: That would satisfy me, yes.

MR. HANNAH: Does any one of the delegates object? The Chair is not suggesting to you that this amendment appear in this location; it's simply being presented here for discussion.

Hearing no objections, you will continue to restate it.

MR. CORNSILK: May I just pass this to you?

MR. HANNAH: Yes.

MR. DONN BAKER: Mr. Chairman, I'm not too up on this parliamentary.

MR. HANNAH: Calvin from Muskogee, you are recognized.

MR. McDANIEL: This paragraph has been voted on and approved.

MR. HANNAH: And let me explain that to you. And checking with the Parliamentarian, since we have not secured final approval of Section 3, it is well within the parameters of the delegates to raise this particular issue.

Now, the Chair will state that if this, in fact, becomes a process of simply re-plowing and re-plowing and re-plowing ground that we have debated over and over again, the Chair will seek, with the advice of the Parliamentarian, an avenue to cut off that style of deliberations. That is unhealthy for this group for us to spend an hour or two hours, and then for us to come back and approach it from another direction.

MR. McDANIEL: As long as it's still alive, I've got one more I want to suggest. We need to reword some of this paragraph, delete the word "historical."

MR. HANNAH: Calvin, you are out of order, my friend, and I'm going to hold you silent for just a moment because we've got a motion that is on the floor; it has been seconded, and we're attempting to bring it to the screen. So you'll hold that for just one moment. It is on screen now.

Mr. Cornsilk, the Cornsilk proposal reads, "The qualified non-resident voters shall vote at-large, and the qualified resident voters shall vote in their districts." Is that your correct motion, sir?

MR. CORNSILK: Pardon?

MR. HANNAH: On the screen, David, is this your amendment?

MR. CORNSILK: I can't read it.

MR. HANNAH: Let me read it to you, sir. The Cornsilk proposal says, "The qualified non-resident voters shall

vote at-large, and the qualified resident voters shall vote in their district."

MR. CORNSILK: That is it.

MR. HANNAH: And hearing no objection then from the original second, then this piece is entered. The floor is open for debate. Mr. Smith, you are recognized.

MR. SMITH: I move to table the Cornsilk proposal.

MR. HANNAH: There is a motion to table the Cornsilk proposal. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. Without objection, all of those in favor of tabling the Cornsilk proposal, please signify by saying "aye."

THE DELEGATES: Aye.

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

THE DELEGATES: No.

MR. HANNAH: And the Chair declares it has been tabled.

MR. CORNSILK: Mr. Chairman.

MR. HANNAH: Mr. Cornsilk.

MR. CORNSILK: I challenge that. I call for the roll call vote.

MR. HANNAH: The challenge has been made. Mr. Secretary, conduct a vote of the delegation by standing count. And the motion that we are voting on at this time is the motion to table the Cornsilk proposal.

Mr. Secretary, please be about your business. A "yes" vote tables the issue.

One moment here, folks. My understanding of where we are at this point is that we have a motion to table the Cornsilk proposal; it has been seconded; I have not heard from the delegation asking for a voting style, and I have instructed the Secretary to conduct a standing vote on the issue of tabling.

Is everyone with me on that? Very well, the Secretary will continue. Okay. As soon as the Secretary is prepared to do this.

Those in favor of tabling the Cornsilk proposal, please stand.

DELEGATES: (Standing)

MR. UNDERWOOD: Forty-four.

MR. HANNAH: Those opposed to tabling, please stand.

DELEGATES: (Standing)

MR. UNDERWOOD: Count is twenty-six -- twenty-seven.

MR. HANNAH: Twenty-seven. The amendment is tabled, it's laid on the table. And we are at Article V, Section 3, paragraph 2. And, Ms. Masters, you are recognized.

MS. MASTERS: Delegate Masters. I move that we

eliminate paragraph 2.

MR. HANNAH: There is a motion to eliminate paragraph 2. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second, and the floor is open for debate. The Chair would entertain delegates rising in favor of the motion; the Chair would entertain delegates rising in opposition to the motion.

Mr. Mullon, you're recognized.

MR. MULLON: I would actually like to amend that motion, if I could, to include in the deletion, if you go up to the first paragraph, in addition to striking the second paragraph, that you strike the language beginning with "all seats on the Council shall be organized" and delete that whole sentence. Not the last sentence, but the second to last sentence, entire second to last sentence.

MR. HANNAH: Mr. Mullon, unfortunately, that would be out of order at this time. We have a question on the floor dealing with paragraph 2, not paragraph 1.

MR. MULLON: No -- could the Chair please explain that to me?

MR. HANNAH: Okay. The motion is on the floor for Ms. Masters to strike paragraph 2; is this correct?

MS. MASTER: Right.

MR. HANNAH: And it has been seconded, and that's what we're dealing with, is paragraph 2. And he's offering a friendly amendment to paragraph 2, but he's also offering it with paragraph 1.

DELEGATE: But it's in Section 3.

MR. HANNAH: Well within Section 3. Vice-Chair, I know this is a narrow issue. Usually you don't, but the Chair rules that you may continue, Mr. Mullon. I've had time to think about this.

MR. MULLON: Again, my motion is to amend the motion that's on the floor right now that has been seconded, the amendment being to strike the sentence "all seats on the Council," beginning with those words, and ending with "every two years."

MS. MASTERS: Point of clarification.

MR. HANNAH: You're recognized.

MS. MASTERS: Mr. Chair, because this sentence does impact on the second paragraph, I think it is relevant, and I will accept that as a friendly amendment.

MR. HANNAH: Very well. Hearing no objection from the second, the language is entered. And, Mr. Mullon, thank you very much for indulging the Chair there. We are sometimes combatting between what the parliamentary rules are and what is common sense among the Cherokee people. And I assure you, ladies and gentlemen, it is the intent of the Chair that common sense will prevail. It has brought us over many a mile; I believe that it will take us further. Stay with us here.

Mr. Keen, you are recognized.

MR. KEEN, JR.: I rise in opposition to this motion to strike, and I'll make that a qualified opposition. Obviously, we have two separate issues going on with this language. One is the establishment of staggered terms for Council members, and the other issue is the manner in which that method will be initiated.

I am certainly in favor, as is the Commission's recommendation, for the institution of staggered terms on the Council. The manner in which we implement that system is really secondary to me. And there's obviously more than one way to do it.

But I'm speaking in opposition to this motion because I feel like we do need -- and I might reiterate, we had a very strong voice in our public hearings of a number of tribal members. In fact, almost a unanimous voice in favor of implementing staggered terms. We've heard very little in opposition to it.

MR. HANNAH: Doctor Gourd, you are recognized.

MR. GOURD: Thank you, Mr. Chairman. I would like just to reinforce the comment by Delegate Keen, in that I would suggest that in order to implement the staggered terms, that the precise language of who and when and the years and stuff be assigned to the Style Committee to work. Those are just minor details to implement. Instead of going from twenty-four, we're talking about seventeen and how that system would rotate.

MR. HANNAH: Mr. Gourd, thank you for your comments. The Chair struggles to see if there is a course of action that needs to be taken here. Very well, and thank you, Mr. Gourd.

Mr. Baker, you are recognized.

MR. DONN BAKER: Donn Baker, delegate from Park Hill. I have a problem with the staggered terms now that where we live does not dictate where we vote. I see a problem with -- let's say that some of the at-large people get upset with a Councilor in Jay, Oklahoma, and they say, let's go and get -- we'll organize out here in California and we'll see to it, we'll all register in this deal.

Now, do I think that would happen? I don't know. But do I think it's possible? Yes. And then after they get those in that two-year period, they go and re-register down in Cherokee County and wipe out the other two or three. It presents a real problem.

And we've already got that problem because we get to pick which way it is, which I've never seen any other system. It's always -- the voting is always where you live, not where you, oh, I want to do it here. But we've already lost that.

But the staggered terms can bring on other problems that I think you all need to think about. I just see some jockeying around for position.

MR. HANNAH: Thank you, Mr. Baker. Delegate Chapman-Plumb, you are recognized.

MS. CHAPMAN-PLUMB: I rise in tentative support of the -- well, actually I rise in opposition to the proposed

deletion. And I agree with Mr. Keen's dissection of the staggered terms and then how are we going to get there.

The truth of the matter is, all we have to do is say, the terms are going to be staggered, and then let the Election Commission worry about the rest of it.

We don't have to make law. We're making a Constitution; we're making a blueprint and a guideline. And I'm not sure that it's up to us to get into these very technical, specific details on how we're going to implement a very good idea.

MR. HANNAH: Delegate Birmingham, you're recognized.

MS. BIRMINGHAM: I rise in support of striking this paragraph. However, I would like to submit an amendment to it.

MR. HANNAH: You will be heard.

MR. CORNSILK: Point of order.

MR. HANNAH: Point of order.

MR. CORNSILK: I believe Ms. Birmingham is out of order. She's offering an amendment to something that is already on the floor, and it has been proposed as a friendly amendment.

MR. HANNAH: How are you proposing the amendment; as a friendly amendment?

MS. BIRMINGHAM: Well, do I have to treat Mr. Cornsilk as hostile, or what? I watch "Law and Order."

MR. HANNAH: No, we're not going to be treating Mr. Cornsilk as hostile here today.

MS. BIRMINGHAM: No, David is my buddy.

MR. HANNAH: We'll not be treating anyone as hostile. One moment, please, kind lady. Let's slow down here for just a second and see where we are.

We have a motion on the floor to strike paragraph 2.

MS. BIRMINGHAM: Do we vote on that and then substitute --

MR. HANNAH: One moment, delegates. The Chair, being slow at mind, being from Adair County, will in fact move through the process as recalled by the Chair.

The Baker head-nods will assist, yes.

We have a motion on the floor to strike paragraph 2. There has been a friendly amendment accepted for the Mullon piece, which is in the previous paragraph, which has also been stricken.

And, Ms. Masters, you are here for clarification?

MS. MASTERS: As the maker of the motion, I would like to hear the friendly amendment so I can make a decision on whether to accept it or not.

MR. HANNAH: And indeed it is the Chair's intent for the lady to be heard. I just want to make sure that all delegates know exactly where we are at this point in time, and that the Chair, most importantly, knows where his might be.

Ms. Birmingham, if your motion is --

MS. BIRMINGHAM: Being from Lyon's Switch, we're all friendly people there now.

MR. HANNAH: Yes, ma'am.

MS. BIRMINGHAM: What I would recommend or suggest to this astute group is that we allow the newly elected Council to determine by lots, nine of the remaining seventeen who will serve six years, and then the remaining eight shall serve four years, and then from that time forward, then the nine Councilors would be elected by regular election in their respective districts or their at-large districts, whichever happens.

But something along those lines, I think would serve the purpose.

MS. MASTERS: Delegate Masters, the maker of the motion, accepts the friendly amendment to omit that and replace it with this wording.

MS. BIRMINGHAM: Well, we need to work on it a little bit.

MR. HANNAH: Let's work on it right now. And hearing no objection to the second, that language will be brought forward. And Representative Mullon, you are recognized.

MR. MULLON: I have a question. I'm not really sure, this is no longer a motion to strike the language? It's been a motion to substitute language?

MR. HANNAH: A motion to strike and substitute.

MR. MULLON: You know, I realize that we have these friendly amendments, but it is so remarkably different than the motion that was seconded, I wonder if it's appropriate.

MR. KEEN, JR.: Mr. Chairman.

MR. HANNAH: Mr. Keen.

MR. KEEN, JR.: I rise to call -- this may be a privilege motion; I'm not sure, but I'd like to call for a division of the question, where we take these two issues up separately, staggered terms. And then, if that fails, whether if it succeeds, then we'll move ahead to how we're going to implement that. So that's my motion.

MR. HANNAH: Ms. Masters?

MS. MASTERS: That's fine with me.

MR. HANNAH: Very well then. We are standing down on the debate of the question with regard to striking paragraph 2. Now, ladies and gentlemen, what we are about here, and if the Chair will be entertained for just a brief moment or two, we're about the making of this particular language.

And we're doing very well here. Let's not get ourselves into a blind alley with regard to trying to create the appropriate language, create the appropriate debate, and have the appropriate procedure get in our way as well.

So with that, Ms. Masters, you are recognized.

MS. MASTERS: Would you give us the time, please?

MR. HANNAH: Yes, the Chair will declare --

MS. MASTERS: Lunch, I hope.

MR. HANNAH: Is it lunchtime? That's rather

rambunctious for you to ask for.

MS. MASTERS: What time is it? I don't know.

MR. HANNAH: It's a little bit early, okay.

It's a bit early, and I believe we have some time here. Just one moment here, folks. Just one moment. We seem to have a lot of people taking to the floor here, and this gentleman has been standing for a while. I will not rule on your suggestion at this time. But you are recognized, sir.

MR. WHEELER: Delegate George Wheeler. I believe the Cherokee logic might prevail. I think we're trying to mix apples and oranges here. The original motion was a motion to strike the second paragraph, which I personally would speak in favor of.

Then it was attached to another issue, which is also addressed in the second paragraph.

But if we simply would strike the second paragraph, and then approach the second issue, that of staggered terms, then I think we would have something that we could debate.

MR. HANNAH: Mr. Keen. That is, in fact, your motion.

MR. KEEN, JR.: Well, I agree with his rationale. But I think, what is the point of debating whether or not we should strike this? Why don't we just go ahead and address the main issue, which is whether or not we want staggered terms. If we vote that down, then all of this will be rendered moot.

MR. HANNAH: Point well taken. Mr. Mullon, you are recognized.

MR. MULLON: Thank you, Mr. Chairman. Delegate Mullon. I am proposing this language -- all of this language be stricken, for the simple reason that I do not feel like we should have staggered terms. It's not so much the staggered terms, although I think that's -- the staggering of terms has benefits; there's no question about that.

However, as it is right now, we're talking about having an election every two years. Now, that means we're going to have twice as many elections as we already have. And what that means, unfortunately, too, because of the length of the term of office, that means that we'll be having twice as many elections, and it will be happening every other year.

What that means is that every other year is an election year. I don't know that we can -- that it is good to conduct the business of the Cherokee Nation every other year, is what it gets down to. All action becomes highly politicized in an election year, and we'll be having an election year every other year.

There is also the additional question of, what is this going to cost? The elections are very expensive, and now we'll be doing -- whatever the cost of the election is, we'll be doing it every other year. The Cherokee Nation has a very large and expensive election. Now we'll be doing it twice.

But mainly my point is that what we are creating here is

a system of only having every other year not being an election year, when the Tribal Council will be doing its business. I feel that is not good for the Cherokee Nation.

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

MR. LITTLEJOHN: Delegate Littlejohn calls for orders of the day.

MR. HANNAH: And the order of the day, sir, is the discussion of Article V, Section 3, paragraph 2. And Ms. Masters, having withdrawn her motion to strike, I understood -- was that not correct, ma'am?

MS. MASTERS: Beg your pardon?

MR. HANNAH: Did you not withdraw your motion to strike paragraph 2?

MS. MASTERS: No.

MR. HANNAH: You did not. So, therefore, we have a motion on the floor to strike paragraph 2.

MS. MASTERS: I'm rising now to speak in favor of that, after my turn comes.

MR. HANNAH: And the Chair wants to make sure he knows exactly where we are at this particular point in time. What happened to the friendly amendment of Mr. Mullon that was made on the first paragraph, or the friendly amendment that was made by Ms. Scott; was it not accepted?

MS. STARR-SCOTT: We haven't come to that point yet.

MR. HANNAH: Therefore, it is unheard at this time. And you, sir, are recognized.

MR. HEMBREE: Thank you, Mr. Chairman. Delegate Hembree. I am speaking in favor of staggered terms. I don't know how exactly we're going to be getting there, whether we vote to strike this or supplement language. But anyway, I'm in favor of staggered terms.

I think everybody would agree that a staggered term during the last four years would have come in pretty handy. We have seen probably what I will consider the worst case scenario of what may happen if -- or what can happen when you have -- when you elect your Chief, your Deputy Chief, all of your Councilors at the same time, to serve the same amount of years.

We've become deadlocked, we cannot, in most cases, cannot reach a quorum. Yes, it's going to be more expensive. But if we here implement a staggered term system, at least every two years, whoever is on the side of the right that the people choose, will have the opportunity to get government going again.

As it stands right now, when we come up for an election, we're going to have to pony up behind the candidates and a slate of Councilors. And we are going to ride that horse for four years.

If something breaks down, like it has, we won't be able to change that. We won't be able to have the will of the people focused or heard so that government can continue.

Ladies and gentlemen, in the last four years,

implementation of a staggered term system would have kept our government going in many instances. I think that's a good thing, and I think that's one of the problems with the '75 Constitution, and I think it's one of the major issues that we should be here to implement. Thank you very much.

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

MR. CORNSILK: Mr. Chairman, Delegate Cornsilk.

And I rise in favor of staggered terms for the reason that it does give us an opportunity every two years to, so to speak, clean house, to re-review, to tell our elected officials whether they're running in that term or not, that they are accountable to the people.

And also, we also heard some information from Mr. Mullon that these elections are expensive, that they're this, that, or the other. They're going to politicize the Cherokee Nation every two years.

I would offer that the Cherokee Nation is politicized in toto every four years, that beginning in the election year which begins a year before we hold our election, that the Cherokee Nation basically ceases to exist. It grinds to a halt, that Council members cannot do their jobs. They're out there campaigning, they're out there asking for votes, all of their activity is strictly to influence whether people will vote for them or not.

And I think in staggered terms we're going to have one or two doing that, and the rest of them can then continue with the business of the Cherokee Nation.

And if we have staggered terms, the political activity will be occurring in the Trail of Tears district while the rest of us don't have to even worry about what's going on over there. That's not our business. And they can do their thing, get their person elected, and the Cherokee Nation continues on.

And also, we also heard from Mr. Keen that almost probably ninety percent of the people who spoke to this Commission wanted staggered terms. And I think that as representatives of the Cherokee people, and those people speaking on behalf of the people they represented out in their community, that we have a duty to look at staggered terms and to implement that.

MR. HANNAH: Thank you, Mr. Cornsilk. Kind lady from Oklahoma City is recognized.

MS. MEREDITH: Point of information. Is there somebody here who knows enough about the budget to tell us if we can afford staggered terms and an election every two years?

MR. CORNSILK: Mr. Chairman, may I answer that?

MR. HANNAH: Mr. Cornsilk, if it's within your ability, you may do so.

MR. CORNSILK: I have studied the budget of the Cherokee Nation for the last ten years or more, so I think I probably could at least tentatively answer it.

The Cherokee Nation elections in toto are extremely expensive. They cost the Cherokee Nation a lot of money. If we divide those up into smaller portions, it's going to be same money;

it's just going to be at different times. It's not going to be any greater expense.

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

MR. BILL BAKER: Bill Baker from Tahlequah. If we do the staggered terms, the money is going to be basically the same for the every two-year election as it is now. Right now there are two Councilors in Cherokee County, two in Adair County, two in Sequoyah County, two in Mayes County, two in Delaware County, so it would stand to reason that we would have an election in each one of those counties at each term.

I would assume that we would have an at-large election at each term, being that there would be two at-large delegates. You would not have the Chief and Deputy Chief. But basically every single voter, except a few, will be voting in every election.

And I don't see how the Election Commission can demonstrate this and get it out any cheaper on an off year than they can on a major year. It is an extremely expensive process. And I think that what we need to be about is, if we do this, the Cherokee Nation can come up with money, but it's coming from services to our people.

MR. HANNAH: Thank you, Mr. Baker. Mr. Scott, you're recognized, sir.

MR. SCOTT: Mr. Chairman, Owen Scott, delegate.

I keep hearing conversations about how expensive it is to conduct the elections. When I was driving down here to this conference, I pulled into a gas station, took my credit card; I stuck it in the pump; they verified that I had the correct account somewhere, and let me pump gas and bill me away without even entering -- happened to be a Phillips 66.

But anyhow, I think that there's ways to conduct an election by automation that are not as expensive, if that's what we're talking about, and we should put our consideration in the merits of having elections and not worrying about something that can be done, technically, quite simply.

MR. HANNAH: Thank you, Mr. Scott. The Chair will remind that we are entertaining debate at this time with regard to striking paragraph 2. Mr. Keen, you are recognized.

MR. JOHN KEEN: My comments are for staggered terms, and I ask the Chair to indulge me, since the Chair has indulged debate in this area.

The cost is just continually raised in every issue, just about every issue that we've gone over. And I know it's a big factor; you have to look at it. But looking at the cost of good government, how do you put a price tag on good government?

I think that staggered terms will make a more efficient Council. And if we have to pay for that initially with elections, through the course of the staggered term article with elections, I believe we could make up for it with the efficiency and less strife, and that would just even out and amortize over the time that this section would be utilized.

We have to look at that, too. Everybody is so scared of spending dollars. I'm not for just blowing all of our money, but we have to be willing to spend money on things that are essential to the Cherokee people.

The Cherokee people, I don't think, care how much staggered elections are going to cost. They want them; they want good government. That's what we need to do.

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

MR. RUTLEDGE: I speak in favor of staggered terms, I guess I should say.

MR. HANNAH: You would be rising in opposition to striking the paragraph.

MR. RUTLEDGE: I think the important part to remember is, there are an awful lot of tribes out there who are much smarter than we are, have much more limited budgets, and they have staggered terms, and they conduct elections much more frequently than we do. I have been to some of their elections, three times a year sometimes, because of the problems they have.

However, the point is that we insist there be staggered terms; there are ways you can reduce the cost of it. One of the biggest costs, I would assume, with our election is that we have always constantly required that you re-register to vote, which is not always done in all the other tribes that I've seen. For once you're registered to vote there, you are in that district until you move and re-register in a new district. That might cut some of the cost the people are worried about, as well.

MR. HANNAH: Delegate Center, you are recognized.

MR. CENTER: Paul Center, delegate from Lyon's Switch. There's been a lot of questions here with concerns to the amount of the election. I serve on the Election Commission. This year we have three hundred and ninety thousand dollars, was budgeted for it. But at the last meeting we got a cutback to the '97 budget.

We are totally automated this year, totally. It's coming out of Mexico; it's an organization. So I don't know whether -- I voted in about every election that has come about in the Cherokee Nation, and this year it will be totally automated.

You're talking about expense. These people that are running these, that we have in the precincts now, they must be trained. We must hold seminars. The Commission itself has to be trained; that has been done.

The problem we're having right now, precinct workers have not been -- a lot of them have not been harmed. With the litigation that's coming down, list of it, this election thing has got quite expensive.

Just for the information of the delegates that are here, about three hundred and ninety thousand this year so far. And that was with a hundred and fifty thousand reserved. Thank you.

MR. HANNAH: The kind lady from Houston is

recognized.

MS. SCOTT: I'm Deborah Scott. I would just like us to bear in mind the fact that there is a certain continuity that goes with staggered terms that doesn't occur when you have new people coming on every four years and everyone is new.

So that if we had half of a Council that is educated in the process of being a Council, that means only half is learning the ropes, as you speak. So there is a certain continuity of service that continues with the Cherokee people that is not afforded to them if we have the elections in toto every four years.

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

MR. MULLON: Thank you, Mr. Chairman. Delegate Mullon. I would like to respond to that, if I could. Often you hear that argument that every time there is an election, there is a total overhaul. And that's just not the way it happens in the Cherokee Nation.

I'm not aware of any time where there has been an election and the entire Council is voted out and we bring in new people. It's usually, if not always, historically it has been -- there has been some turnover, and either by not running again, in many cases, or by being voted out of office.

But I've never seen it where there has been a complete overhaul of the Tribal Council. I don't believe that's a real consideration that ought to be brought to bear on this question.

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

MS. MASTERS: Point of personal privilege. He's spoken since I spoke last.

MR. HANNAH: Point well taken. Are there any other delegates in the chamber that rise in opposition or in favor of the motion that is before us? Mr. Gunter, you are recognized, sir.

MR. GUNTER: Jerry Gunter, delegate. Two things are accomplished by this paragraph; one is the staggered terms issue, but the other is the inception of the two at-large delegates, which hasn't been mentioned in previous conversation. After we strike this paragraph, we have no way to begin the two at-large delegates to serve on the Council.

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

MR. POTEETE: I think that the thing to do is, whether you're for staggered terms or not, let's just eliminate all this and then let our learned attorneys get together and start us afresh, perhaps two different version, one accommodating staggered terms, one not. Then decide what we want to do.

It might simplify things, if there's a way of doing it, just to find out if we have a majority in favor of staggered terms.

If we do, then we can proceed to draft the particulars for final approval.

MR. HANNAH: Mr. Poteete, thank you for that point. Madam Parliamentarian will direct the Chair in his comments, but he would state that the motion that is before us is to strike

paragraph 2. And obviously we have taken this, by striking paragraph 2, we've somehow cast out the concept of staggered terms, which is not mechanically the term that we have.

In fact, if we were to have passage of the motion that is before us, and number 2 were to be stricken, it would well be within the parameters of this delegation, should they wish to discuss staggered terms, be able to propose additional language for staggered terms.

Would this be correct, Madam Parliamentarian? So, therefore, please be it known that as we approach the noon hour, as we approach the question that is before us at this time, that the point that is raised by the good man from Webbers Falls is, in fact, correct.

MR. POTEETE: With that in mind then, I would move the previous question.

MR. HANNAH: The previous question has been called for. Is there a second?

DELEGATE: Second.

MR. HANNAH: And, therefore, the Chair hearing no objection, will move the vote. The motion that is before us at this time is for the striking of paragraph 2 --

MS. MASTERS: And I would like to rise in favor of that motion and make a comment that the only reason that I accepted this sentence in the first paragraph to be placed with the omit of the second paragraph is because it's all the same topic, and not to eliminate any concept, but to bring it all into one paragraph, which the amendment from the floor was designed to do.

MR. HANNAH: Ms. Masters, thank you for your final clarifying comments with regard to the motion that we have before us.

MS. SILVERSMITH: Mr. Chairman.

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

MS. SILVERSMITH: I need clarification.

MR. HANNAH: Okay, clarification.

MS. SILVERSMITH: If we strike this paragraph, we can replace it with another?

MR. HANNAH: Yes, ma'am.

MS. SILVERSMITH: Thank you.

MR. HANNAH: We have paragraphs aplenty that we can draw upon at a moment's notice. So, therefore, the motion is before us, ladies and gentlemen, to strike the language that you see, both in the second to the last sentence in paragraph 1, as well as the language in paragraph 2.

And without me reading through that, it's before you on the screen, 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 language is stricken.

MR. DONN BAKER: Mr. Chairman.

MR. HANNAH: Mr. Baker.

MR. DONN BAKER: I move to recess for lunch.

DELEGATE: Second.

MR. HANNAH: There is a motion and a second, and it is privileged, and we are out of here. We'll see you back here at one o'clock.

(recess taken)

MR. HANNAH: We're back in session. The Chair recognizes Mr. Keen.

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

Delegate Ralph Keen, Jr. Sir, I move to amend Section 3 by new paragraph, the following language:

"The Council shall establish a system of staggered terms for all seats on the Council, to be organized into elections every two years."

MR. HANNAH: There is a motion before us at this time, as you see presented, that, "The Council shall establish a system of staggered terms for all seats on the Council to be organized into elections every two years."

DELEGATE: Second.

MR. HANNAH: The motion is before us, and the Chair does, in fact, hear a second. We are open for debate. Anyone rise in opposition to the motion? Hearing none, does anyone rise in support of the motion?

Mr. Keen, you are recognized.

MR. JOHN KEEN: John Keen, Iowa. This will solve the problem, it looks like. Just do it by legislative act and we can move on.

MR. HANNAH: Thank you, Mr. Keen, for your comments. Mr. Mullon, you are recognized.

MR. MULLON: Thank you, Mr. Chairman. Delegate David Mullon. If I understand, the motion is to essentially create the comments that I had made earlier and that the delegate, Bill John Baker, regarding the staggering of elections, we're talking about -- again, we're talking about elections every two years.

That carries with it the implication of having -- being in an election year every other year, and with it, a rather significant price tag. And it would seem that if the Commission or even Mr. Keen, if he's endorsing this, that he would have some explanation of how much it would cost, some idea of what it would cost.

I think we've heard previous delegates point out that -- and I agree with them -- that even though it would not be every district being elected two years, the cost of the election would be substantially the same.

MR. HANNAH: Thank you, Mr. Mullon. The kind lady is recognized.

MS. BIRMINGHAM: I rise in support of staggered terms. However, I would like to amend --

MR. HANNAH: One moment, ma'am. Our friend from Grove will assist you in turning on the microphone.

MS. BIRMINGHAM: Thank you. I rise in support of the staggered terms. However, I would like to amend the Keen proposal.

MR. HANNAH: The Chair has no way of actually preventing you from seeking an amendment. However, before you give that amendment, I would like to make a statement here with regard to actually moving forward.

We have been very successful, ladies and gentlemen, in initiating this friendly amendment process, and I think we probably saw its zenith during the Starr-Scott amendment earlier this morning.

I would ask that if you feel that you have some -- and forgive the phrase, but tinkering at the margins with some of these particular pieces that we have before us, please feel free to move about the room and seek out those individuals that have that motion and to chat with them on the side, rather than us having to play out the drama of friendly amendments here back and forth.

I'm not squelching that activity; do not misunderstand the Chair. I'm not squelching that; I'm simply asking our delegates to be judicious about how they are raising minor changes in wording or concept.

Obviously, if it pleases the delegates to bring an amendment, that ultimately would require a vote in the body and is a substantial change of structure, then we will not squelch that.

MS. BIRMINGHAM: Am I being chastised and told to shut up and sit down?

MR. HANNAH: No, ma'am. Number one, my mother taught me to be respectful of my elders. Number two -- there will be order here in the chamber. Number two, my mother taught me to be respectful of ladies. And I recognized you as such throughout the entirety of this convention. And I simply --

MS. BIRMINGHAM: I'm glad you added that.

MR. HANNAH: Thank you, ma'am. And number three

--

MS. BIRMINGHAM: I probably am old enough to be your mother.

MR. HANNAH: The Chair is an astute observation of maturity, let the record reflect.

MR. DONN BAKER: That's why the ambulance drivers are here now.

MR. HANNAH: Mr. Baker, I believe they were following you here, sir. Or perhaps you were following them; the Chair is uncertain. Meanwhile, back at the convention.

Ms. Birmingham, you were receiving no chiding from the Chair. I simply saw it as an opportunity to bring that issue that the Chair would place before the delegates. And we are prepared, ma'am, to hear your amendment.

MS. BIRMINGHAM: If we are to have staggered

terms, my proposal here would be a way to set up those staggered terms. There should be coins tossed to determine staggered terms of office upon implementation of this Constitution at the first regular meeting of the newly elected Council in the following manner:

One, districts having two Council members, a coin toss to be called by the elder Council member of the district shall be held for each district, with the winner of the toss choosing either a four-year term or a six-year term. The loser will have the unchosen term.

Two, at-large Council members, a coin toss to be called by the elder Council member of the district shall be held, with the winner of the toss choosing either a four-year term or a six-year term, the loser will have the unchosen term.

Three, the districts with one Council member, all three members shall toss a coin simultaneously. The odd coin shall be the winner and choose a four-year term or a six-year term. The even shall serve the unchosen term. Upon completion of these initial terms, the length of term for all members shall be four years.

MR. HANNAH: Thank you, ma'am. And, Mr. Keen, what say you from first regard as a friendly amendment?

MR. KEEN, JR.: Ma'am, I'm impressed with your proposal as to its fairness and employing chance, but I believe that this whole business of how it should mechanically be implemented is probably an issue better suited for the Council themselves. So I would respectfully not accept that as a friendly amendment.

MR. HANNAH: Ms. Birmingham, then do you move this as a motion before the body?

MS. BIRMINGHAM: I don't recall offering it as a friendly amendment.

MR. HANNAH: Very well then. In that case, it is a motion before the body. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. We are open for debate. Mary Ellen Meredith from Oklahoma City, you are recognized.

MS. MEREDITH: Point of order. In our lesson the other evening on Robert's Rules, were we not told that you couldn't go any further than an amendment to an amendment, and the proposed Constitution is an amendment to the existing Constitution; the Keen proposal is an amendment to that. So it seems to me that we need to deal with that before we're able to take on any other amendment.

MR. HANNAH: The parliamentarian has assisted the Chair and attorney that since there is nothing in Section 3, there is no amendment to the '75 Constitution. Therefore, Mr. Keen's presentation is a motion, and Ms. Birmingham is proposing an amendment to Mr. Keen's motion.

Mr. Gourd, you are recognized.

MR. GOURD: Thank you, Mr. Chairman. I would propose just a little friendly amendment. We discussed it, at your suggestion. The Council shall, within one year -- and I will be

happy to make it thirty days -- establish a system --

MR. HANNAH: I will ask the gentleman to hold that to the side. I think, under technique of the Chair, that we have a motion by the kind lady from Lyon's Switch, the other side of Kay Springs, and there has been a second, and the floor is open to debate with regard to the amendment. Mr. Keen's motion has been made with regard to the second paragraph of Section 3 of Article V.

Is that not correct, Mr. Secretary?

MR. UNDERWOOD: Yes, sir.

MR. HANNAH: Very well. The kind gentleman from Grove is recognized.

MR. HEROD: How are we going to work this coin toss if they have three in the Council seats in there? How is that going to work, seeing whether they get a four or a six-year term?

MR. HANNAH: The question is well taken. Thank you, sir. Mr. Keen, you are recognized.

MR. JOHN KEEN: Mr. Chairman, Delegate Keen. I make a motion to limit debate, two speakers, for and against on the motion.

MR. HANNAH: Motion to limit debate to two speakers for --

MR. JOHN KEEN: Three minutes each.

MR. HANNAH: -- and two speakers against. 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."

THE DELEGATES: No.

MR. HANNAH: And we have limited debate to two speakers for -- I'm sorry, Mr. Keen, did you have a time limitation?

MR. JOHN KEEN: Three minutes each.

MR. HANNAH: Three minutes -- so take note.

MR. JOHN KEEN: Mr. Chairman, point of order. Would you ask the kind gentleman to declare -- point of order. He spoke on it, so does he need the credit for or against?

MR. HANNAH: The Chair will declare that he did not speak for the motion and will accept registration of two speakers for or two speakers against. Chair will recognize those delegates at this time. Ms. Hammons, how do you rise?

MS. HAMMONS: In favor.

MR. HANNAH: So be it, and the time will indicate three minutes; it has started.

MS. HAMMONS: The proposal before us is requiring us to think about, do we want a Nation the size of our body to be in constant campaign, as has been pointed out. And I believe that we have to look at that very carefully because half will be in constant campaigning, approximately. And that will allow us though, with half continuing on with the business. But that is

an issue to be considered.

The fairness, I believe, of the amendment that we have before us now is the fact that it would be done at the district level; it would be done by the people. And I think as much as we can reserve rights to the people and involvement by the people, the greater we are going to be as a Nation.

MR. HANNAH: You yield your remainder of time. Does a delegate wish to rise to speak against the motion that we have before us, which is the amendment of the Keen presentation? Mr. Rutledge, you are recognized.

MR. RUTLEDGE: Point of information. Once again, I find myself confused. Are we voting on --

MR. HANNAH: We are -- I hear your question, sir. Forgive me for cutting us off. We want to make sure that we move here. What we have --

MR. RUTLEDGE: I didn't see what all of it was.

MR. HANNAH: It's rather lengthy, and if it will please the delegates we could, in fact, either re-read it or we could, in fact, take a recess and load it to the screen for your review.

And what we are about, so that we're all aware of where we are at this point, is that Mr. Keen has introduced this motion. There has been an amendment raised and it has been seconded, and now we have asked for a limitation of debate with regard to the amendment that has been generated by Ms. Birmingham. And that has, in fact, been approved by this body, that will be two speakers for, two against, three minutes limitation. One for has already spoken. And how do you rise, sir?

MR. HEMBREE: In opposition, Chairman.

MR. HANNAH: In opposition. And your three minutes is running.

MR. HEMBREE: Delegate Hembree. Ladies and gentlemen, I'm sure there are a number of good and thoughtful ways that would be fair, in casting lots or whatever, to try to implement that. But there are an infinite amount of ways to do that.

The Constitution itself should only trigger the activity, not actually set out how it is to be proposed. We don't want to get bogged down in a document that is going to be a hundred pages long here. And like I said, there is many, many ways.

The kind lady's suggestion could be a fair way. I've been thinking about this for ten minutes. There might be a better way, I don't know. But if we trigger the activity, it will be a constitutional mandate for the Council to implement this, and I see there's a proposed time within a time frame. But they have to do that.

We don't have to do that here and take up a lot of our valuable, precious time that we have other business to do. So I rise in opposition of the amendment.

MR. HANNAH: Thank you, Mr. Hembree. The Chair will entertain a delegate rising to speak in favor of the amended

motion that is before us. Seeing none, the Chair will entertain a second and final delegate that would rise against. Hearing none, the debate will close.

And with no objection, we will move to vote. There is an amendment on the floor that the Chair will simply identify as the Birmingham amendment, and there has been a second.

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

THE DELEGATES: Aye.

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

THE DELEGATES: No.

MR. HANNAH: And the Chair declares that the amendment does not clear. Mr. Keen, you are recognized.

MR. JOHN KEEN: We're back to your piece.

MR. HANNAH: We're back to your piece here, and the floor is open for debate. Mr. Hembree, you are recognized.

MR. HEMBREE: Mr. Chairman, I move previous question.

MR. HANNAH: Previous question has been called.

Is there a second?

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

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

MR. KEEN, JR.: I believe that in the context of her rising her amendment and Dr. Gourd had suggested a friendly amendment.

MR. HANNAH: And thank you once again. The Chair obviously had way too much for lunch, and his blood sugar is way out of control.

MR. KEEN, JR.: And I will confer with Dr. Gourd; I would accept that as a friendly amendment.

MR. HANNAH: And so we have now a caucus friendly amendment on the side, and so the Keen proposal now reads that, "The Council shall within one year establish a system --"

MR. RALPH KEEN, JR.: We need a comma after "year."

MR. HANNAH: "The Council shall within one year, establish a system of staggered terms for all seats on the Council to be organized into elections every two years."

Floor is still open for debate at this time.

MR. HEMBREE: Mr. Chairman.

MR. HANNAH: Mr. Hembree, yes, sir.

MR. HEMBREE: That was a point of order. I had moved for previous question.

MR. HANNAH: Thank you very much. I simply wanted to make sure that the question got called, that we have the appropriate verbiage that's here. Is there a second to call this question?

DELEGATE: Second.

MR. HANNAH: There is a second. And hearing no opposition, we'll move for vote.

MS. SCOTT: I would just like to say that we need to stay within one year of what?

MR. HANNAH: One moment. We've all agreed that we're going to keep these rules under control so that we can have a nice, judicious activity of exchange. If you are rising for a point of information, then the Chair will yield to that, and we'll allow Mr. Keen to answer that question for you.

Mr. Keen, the kind lady from Texas, please clarify for her.

MR. KEEN, JR.: She pointed out that the friendly amendment within one year should probably include within one year of the adoption or ratification of this Constitution. I'm not sure which terminology would be more correct. Within one year of -- how about taking effect? Within one year of taking effect.

MR. DONN BAKER: Point of order, sir.

MR. KEEN, JR.: Within one year of this Constitution taking effect.

MR. JOHN KEEN: Point of order. We called the question; it's been seconded. That closes debate immediately and we move to a vote.

MR. HANNAH: The Chair is aware, Mr. Keen. Thank you very much.

MR. DONN BAKER: Point of order. They keep changing the thing. We ought to get to debate somewhere. I know they want to stampede this deal, but we need to get to talk about it.

MR. JOHN KEEN: Point of order. We've adopted Robert's Rules.

MR. HANNAH: One moment, gentlemen, both of you. Now, it is obvious to me that we have two things that are going on here, folks. And, delegates, please take your seats for just a moment. Thank you.

There are two things that are going on here. Number one, we are trying to get to a point where this body can decide if staggered terms for the Council is, in fact, something that we either want to continue with or needs to be obviously set to the side. That's what is before us.

Obviously, we're about the process of finalizing appropriate language so that we are not tinkering at the margins all the way through this process, and I'm ill prepared to chide my fellow delegate over there in acting out of turn here, with changing these words.

It is also apparent that there needs to be additional -- that the delegates are interested in additional debate. So the Chair looks to Mr. Hembree and says, Mr. Hembree, is there any action that you have with regard to your motion to call the question?

MR. HEMBREE: I would withdraw it.

MR. HANNAH: Thank you, Mr. Hembree. And the Chair declares that the debate will be accepted with regard to

proposals that are before us now.

MS. BIRMINGHAM: Point of order, sir.

MR. HANNAH: Yes, ma'am.

MS. BIRMINGHAM: Thursday morning did we not approve that in our standing rules we would have five minutes for each speaker and fifteen minutes for each question? That was approved.

MR. HANNAH: No, ma'am. The Chair recalls --

MS. BIRMINGHAM: I have it written down here on my sheet that this was adopted.

MR. HANNAH: Ma'am, the Chair will recall and will stand corrected that there was, in fact, a Smith amendment that posed five minutes of discussion and unlimited number of individuals speaking. And the Chair looks to his Vice-Chairman to recall if that was, in fact, the --

MR. KEEN, JR.: I concur.

MR. HANNAH: You concur. Thank you very much. The Chair stands with the announcement. Mr. Baker, you are recognized, sir.

MR. DONN BAKER: Yes, I stand in opposition to the staggered terms, and I have yet to hear anybody tell us what this is going to cost. If the Commission wanted the staggered terms, I've heard that an election costs two to two hundred and fifty thousand dollars.

If that's the case, then if we do it every two years, we're going to double the cost. I don't see how they say that it's not going to double the cost. We need to know for sure what that is. For us to be doing this without having any idea as to the cost and whether or not they can afford to do it, and what is it going to do to the citizens.

Because when you take -- whether it's a hundred thousand or a hundred and fifty thousand dollars or two hundred thousand, to have another election, you're taking that away from some service that could be given to the Cherokee people.

Ms. Starr-Scott made a very interesting point yesterday when she talked about the people in her district and the needs that she's seen. And I will just encourage each one of you, before you cast that vote, to realize that we have a lot of citizens who are in desperate need. And I do not think that what we're fixing to do is going to help the people of the Cherokee Nation. I think that we can do that with keeping the four-year term.

MR. HANNAH: Thank you, Mr. Baker. Are there other delegates who wish to be heard on this issue? Floor is open for debate. Mr. Rutledge, you are recognized.

MR. RUTLEDGE: I'm speaking in favor. I would just like to say, I really understand what the kind delegate just said, and I appreciate that point.

But on the other hand, if we are not computerized in the Election Commission, and we are moving forward, within twenty years it may bring down the cost of the election where it is more

tolerable, and we shouldn't take a short view that right now we can't afford it.

There may be ways that we can afford it that we aren't thinking of, that the legislature can think of to reduce the cost if we insist on this happening. Being that I work with patents a lot, I remember very often that necessity is the mother of invention. If this is the will of the people through the delegates and through the election that they have staggered terms, then it behooves the government to find a way to do that in an economical and a judicious way.

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

MR. KEEN, JR.: I concur with Delegate Rutledge's testimony. Also, Mr. Baker does make good points; I appreciate those points. But I would rebut one of his statements in saying that I believe we will be providing an essential service to the people by giving them staggered terms.

MR. HANNAH: Thank you, Mr. Keen. Are there other delegates that wish to be heard on this issue here today? The Chair would entertain debate. Hearing none, what is the pleasure of the delegation?

MR. JOHN KEEN: Call previous question.

MR. HANNAH: Mr. Keen has called for previous question. Is there a second?

DELEGATE: Second.

MR. HANNAH: Hearing no opposition, the proposal that is before us at this time, "The Council shall within one year of this Constitution taking effect, establish a system of staggered terms for all seats on the Council to be organized into elections every two years."

The motion is on the floor. All of those in favor please signify by saying "aye".

THE DELEGATES: Aye.

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

THE DELEGATES: No.

MR. HANNAH: And the Chair declares the noes have it.

MR. WHEELER: Point of order.

MR. HANNAH: Point of order.

MR. WHEELER: I believe I heard a call for a roll call vote.

MR. HANNAH: Very well. Mr. Secretary. And we will do so by --

MR. UNDERWOOD: Starting the vote. Adair.

MR. HANNAH: One moment, Mr. Secretary. The scribe is prepared. Continue with the vote.

MR. WHEELER: Might you repeat the question?

MR. HANNAH: Excellent. Not a problem. That's what we want to make sure, that we all know exactly what is going on here. We have a motion before us to accept the language that is not

on the screen there behind me.

The motion is on the floor, and we'll be voting. So if you vote "yes," then you will be in favor of the language that you see highlighted. So the motion is to include in this paragraph,

"The Council shall within one year of the Constitution taking effect, establish a system of staggered terms for all seats on the Council to be organized into elections every two years."

That is the question that is before us at this time. And clear the screen, and as soon as you're ready, Mr. Secretary.

MR. UNDERWOOD: Roll call. Adair.

MS. ADAIR: Yes.

MR. UNDERWOOD: Alberty. Bill Baker.

MR. BILL BAKER: No.

MR. UNDERWOOD: Donn Baker.

MR. DONN BAKER: No.

MR. UNDERWOOD: Jack Baker.

MR. JACK BAKER: Yes.

MR. UNDERWOOD: Berry.

MS. BERRY: Yes.

MR. UNDERWOOD: Birmingham.

MS. BIRMINGHAM: No.

MR. UNDERWOOD: Burnett.

MS. BURNETT: Yes.

MR. UNDERWOOD: Center.

MR. CENTER: No.

MR. UNDERWOOD: Chilson.

MS. CHILSON: No.

MR. UNDERWOOD: Clarke.

MR. CLARKE: No.

MR. UNDERWOOD: Colson.

MS. COLSON: Yes.

MR. UNDERWOOD: Coon.

MS. COON: Yes.

MR. UNDERWOOD: Cornsilk.

MR. CORNSILK: Yes.

MR. UNDERWOOD: Crawford.

MS. CRAWFORD: Yes.

MR. UNDERWOOD: Crittenden, Don.

MR. DON CRITTENDEN: No.

MR. UNDERWOOD: Crittenden, H.

MR. H. CRITTENDEN: No.

MR. UNDERWOOD: Crouch.

MR. CROUCH: Yes.

MR. UNDERWOOD: Bill Davis.

MR. BILL DAVIS: No.

MR. UNDERWOOD: Earl Davis. Bryce Downing.

Carl Downing.

MR. DOWNING: Yes.

MR. UNDERWOOD: Dowty.

MR. DOWTY: No.

MR. UNDERWOOD: Foster.
MS. FOSTER: Yes.
MR. UNDERWOOD: Gourd.
MR. GOURD: Yes.
MR. UNDERWOOD: Gunter.
MR. GUNTER: Yes.
MR. UNDERWOOD: Hagerstrand.
MS. HAGERSTRAND: Yes.
MR. UNDERWOOD: Hammons.
MS. HAMMONS: Yes.
MR. UNDERWOOD: Harrah.
MR. HARRAH: Abstain.
MR. UNDERWOOD: Herod.
MR. HEROD: Yes.
MR. UNDERWOOD: Hathaway.
MR. HATHAWAY: Pass.
MR. UNDERWOOD: Havens.
MS. HAVENS: Yes.
MR. UNDERWOOD: Hembree.
MR. HEMBREE: Yes.
MR. UNDERWOOD: Hook.
MR. HOOK: Yes.
MR. UNDERWOOD: Hoskin, C., Jr.
MR. HOSKIN, JR.: No.
MR. UNDERWOOD: Hoskin, C., Sr.
MR. HOSKIN, SR.: No.
MR. UNDERWOOD: Johnson. Jordan.
MS. JORDAN: Yes.
MR. UNDERWOOD: J. Keen.
MR. JOHN KEEN: Yes.
MR. UNDERWOOD: Ralph Keen, Jr.
MR. KEEN, JR.: Yes.
MR. UNDERWOOD: Ralph Keen, Sr.
MR. KEEN, SR.: Yes.
MR. UNDERWOOD: Lay.
MR. LAY: Yes.
MR. UNDERWOOD: Littlejohn.
MR. LITTLEJOHN: No.
MR. UNDERWOOD: Linnenkohl.
MS. LINNENKOHL: Yes.
MR. UNDERWOOD: Masters.
MS. MASTERS: Yes.
MR. UNDERWOOD: McDaniel.
MR. McDANIEL: Yes.
MR. UNDERWOOD: McIntosh.
MS. McINTOSH: No.
MR. UNDERWOOD: McCreary.
MR. McCREARY: Yes.
MR. UNDERWOOD: MacLemore.
MR. MacLEMORE: Yes.

MR. UNDERWOOD: Melton.
MR. MELTON: Yes.
MR. UNDERWOOD: Meredith.
MS. MEREDITH: No.
MR. UNDERWOOD: Miller.
MS. MILLER: Yes.
MR. UNDERWOOD: Moore.
MR. MOORE: Yes.
MR. UNDERWOOD: Mullon.
MR. MULLON: No.
MR. UNDERWOOD: Peacock.
MR. PEACOCK: Yes.
MR. UNDERWOOD: Phillips.
MR. PHILLIPS: No.
MR. UNDERWOOD: Pitts.
MS. PITTS: No.
MR. UNDERWOOD: Plumb.
MS. PLUMB: Yes.
MR. UNDERWOOD: Poteete.
MR. POTEETE: Yes.
MR. UNDERWOOD: Raper.
MR. RAPER: Yes.
MR. UNDERWOOD: Rider.
MR. RIDER: No.
MR. UNDERWOOD: Robinson.
MR. ROBINSON: No.
MR. UNDERWOOD: Rutledge.
MR. RUTLEDGE: Yes.
MR. UNDERWOOD: Sanders.
MR. SANDERS: Yes.
MR. UNDERWOOD: Barbara Scott.
MS. STARR-SCOTT: Abstain.
MR. UNDERWOOD: D. Scott.
MS. SCOTT: Yes.
MR. UNDERWOOD: Owen Scott.
MR. SCOTT: Yes.
MR. UNDERWOOD: M. Silversmith.
MS. SILVERSMITH: No.
MR. UNDERWOOD: R. Silversmith.
MR. SILVERSMITH: No.
MR. UNDERWOOD: Smith.
MR. SMITH: Yes.
MR. UNDERWOOD: Spencer.
MR. SPENCER: Yes.
MR. UNDERWOOD: Starr.
MR. STARR: No.
MR. UNDERWOOD: Stopp. Stroud.
MS. STROUD: No.
MR. UNDERWOOD: Twining.
MS. TWINING: Yes.

MR. UNDERWOOD: Underwood, abstain.

Viles.

MR. VILES: Yes.

MR. UNDERWOOD: Wheeler.

MR. WHEELER: Yes.

MR. UNDERWOOD: Whitfield.

MR. WHITFIELD: Yes.

MR. UNDERWOOD: Wilson.

MR. WILSON: No.

MR. HANNAH: Mr. Peacock, you were included that time, correct?

MR. PEACOCK: Yes.

MR. HANNAH: Forty-six yes; twenty-five no; four abstain; motion carries and the language is included. The good doctor is recognized.

MR. ROBINSON: Ricky Robinson, delegate. I want to propose an amendment, I believe, to this paragraph 2 of Section 3. I would be very open to any friendly amendments as far as language on this.

MR. JOHN KEEN: Point of order. I believe that should be a motion to reconsider.

MR. ROBINSON: I want to add a sentence to paragraph 2 of Section 3.

MR. HANNAH: The Parliamentarian has ruled it's not a motion to reconsider; it's simply an addition of a sentence.

MR. JOHN KEEN: I would appeal the Chair's ruling then.

MR. HANNAH: Very well. One moment.

MR. ROBINSON: We can make it a separate paragraph, too.

MR. KEEN, JR.: Point of information. Why do you feel like it's already been -- state the basis of your objection.

MR. JOHN KEEN: We just voted on it. He had his chance to amend -- as I understand, I may be wrong -- correct me if I'm wrong, sir -- but you're attempting to amend the language that we just voted on.

MR. KEEN, JR.: I think he's offering an amendment to Section 3, not just to the language that we just approved.

MR. ROBINSON: Right, this is new.

MR. KEEN, JR.: This is new language.

MR. ROBINSON: To amend what has already been passed.

MR. KEEN, JR.: Why don't we allow him to state it, and then if you'll hold your objection until he can state it, we can consider it.

MR. HANNAH: It's much easier when the Keens settle this among themselves. The Chair is always prepared to stand to the side.

MR. ROBINSON: Mr. Keen, I'm not trying to get rid of staggered terms, even though I think it's a waste of time.

MR. HANNAH: Now, now. Just a moment, delegate. Don't get me back in between the Keens again.

MR. ROBINSON: Too many Keens here.

MR. HANNAH: No, there's never too many Keens.

The kind delegate will state his motion.

MR. ROBINSON: The following sentence to be added to paragraph 2 of Section 3 of Article V:

"The Council shall within ninety days of taking office on August the 14th, 1999, select the two at-large Councilors to serve until the next regularly scheduled election," which would be, you know, actually would be -- since we passed the previous one, it would be the year 2001, I guess.

MR. HANNAH: Can you repeat that?

MR. ROBINSON: "The Council shall within ninety days of taking office, select" -- not shall elect, but "select the two at-large Councilors to serve until the next regularly scheduled election."

Or in other words, that those individuals would serve one year and nine months until we have the 2001 election.

MR. HANNAH: Rick, what was your date, sir?

MR. ROBINSON: That's just kind of a sidebar, to use a lawyer term. Since we have standard terms, I would say that next scheduled election is going to be in May whatever, 2001. I don't think that needs to be a part of the language; I think that's pretty apparent.

MR. HANNAH: But we're going to take action here on a motion, and I want to make sure that we have some language for us to take a look at. You're going to take a moment there? Good.

MR. ROBINSON: We're just fighting on grammar right now. And I think I do have a second on that.

MR. HANNAH: Good doctor, just a second. Okay. Just a second on your second. When we have your motion worded, then the Chair will hear your second.

So is it your motion that "The Council shall within ninety days of taking office select the two at-large Councilors to serve until the next regularly scheduled election"?

MR. ROBINSON: Yes.

MR. POTEETE: Second.

MR. HANNAH: And the Chair, in fact, heard a second.

MR. POTEETE: Yes. And the second would also like to offer a friendly amendment, to say "thirty days." The reason I offer this amendment is because if we're going to have these people representative, they need to be there while the Council is organizing itself. Hopefully, in the future it will be better organized than it has in the past in regard to its committee structure.

MR. HANNAH: What say you, good doctor?

MR. ROBINSON: I will accept that. And it is pointed out that I did actually say ninety days of taking; now it would be thirty days of taking office, on August the 14th, 1999. That's the day you were looking for. I'm sorry.

MR. HANNAH: You're going to be standing for a while. This lady over here has been very patient. If I were you, I'd take advantage of the opportunity to stretch your legs.

MR. ROBINSON: Just a second, I'm sorry. Once again, it's been pointed to me the problem with the date is that this may not even -- this most likely even -- may not be passed by them. So we may need to make it within thirty days of this Constitution's effect.

I'm really sorry, but I think we need to say within thirty days of whatever the terminology would be, thirty days of this Constitution taking effect. That's my motion. And I'm sticking with it for at least ten seconds, until somebody else points out me being wrong.

MR. HANNAH: That's quite all right, good delegate.

MR. ROBINSON: That's it.

MR. HANNAH: And with no objection from the second, then your motion is before us, and the floor is open for debate. And the good lady is recognized.

MS. SILVERSMITH: I wasn't going to debate what you said. I have an amendment that I would like to put in Section 3.

MR. HANNAH: And good lady, we're assuming here on the front that your amendment will, of course, be relating to what we're discussing at this time.

MS. SILVERSMITH: It has to do with election of Councilmen and their tenure in office.

MR. HANNAH: And what we are speaking to at this time is, "The Council shall within thirty days of the Constitution taking effect, select the two at-large Councilors to serve until the next regularly scheduled election."

MS. SILVERSMITH: Election has to do with my amendment.

MR. HANNAH: Let's hear what your amendment would be, and the Chair will rule if it's in the scope of our discussion.

MS. SILVERSMITH: I originally had this amendment to go in the first paragraph. I don't know if it would go in the first paragraph or the second paragraph. Let me read it. It was originally when I wrote it, to go in after the wording in the first paragraph, after the sentence "installed" -- "duly elected and installed."

To read: "Term limits for Council members will be for two terms, elected terms" -- the wording there, I'll need help with everyone on this -- "they cannot run --"

MR. HANNAH: Delegate, the Chair would ask that

you would yield. The Chair would rule that your amendment is outside the scope of the discussion of the pieces before us at this time.

MS. SILVERSMITH: It wouldn't fit in with the election?

MR. HANNAH: The Chair would rule that you are interpreting the eligibility for the inclusion of your amendment by hinging to the word "election" as being somewhat broad.

MS. SILVERSMITH: Question.

MR. HANNAH: Yes, ma'am.

MS. SILVERSMITH: Would my amendment have any place in this?

MR. HANNAH: Yes, ma'am. And if the delegates will indulge the Chair for just a second.

MS. SILVERSMITH: Thank you.

MR. HANNAH: I want everyone here to understand, folks, I don't know about you, but I don't do this every day.

MS. SILVERSMITH: Neither do I.

MR. HANNAH: Thank you, because I needed you to say that. And so the question is, when we have ideas, and we have debate, the question is, where on earth do I get some of this information.

If you will hold your amendment, and we will deal with this piece, then you will be more than welcome to bring it back to the forefront. And thank the kind lady for understanding that.

MS. SILVERSMITH: Okay.

MR. HANNAH: The Chair is entertaining debate with regard to the motion that is on the floor. And my kind friend from the West is recognized.

MR. DOWNING: Carl Downing from Oklahoma City. I know I'm against this motion as it stands now. If you look up in the -- where is it; I located it a while ago -- we have the one year -- yeah, the one paragraph right above it, within one year and so forth.

Now we're coming along and saying within thirty days. It seems to me that this amendment pragmatically negates a part of the previous amendment. And incidentally I don't have a dog in this fight, so do it either way.

MR. HANNAH: Thank you very much. The kind lady from Houston is recognized.

MS. SCOTT: I would bear the indulgence of the delegates. Please don't project on this. I think we would be happy to delay this and this whole selection until 2001 to give some time for the at-large delegation or delegates to run for candidates and be duly elected rather than be appointed.

So I don't think there is an urgency to do this immediately. I think it would be very -- it needs to be a thoughtful process, and it needs to be representative. And so rather than rushing into appointing representation and then having us go back and have to deal with that, we would be very happy to

follow the next general election in 2001.

MR. HANNAH: Thank you.

MS. SCOTT: I would offer that, and perhaps you will consider that, withdrawing your amendment, if it's not going to be opposed.

MR. HANNAH: Doctor, will you yield the microphone? You being the author of this piece, I assure you, sir, I'll allow you comments, but I'd like to hear debate from the other delegates.

Mr. Gourd, you're recognized.

MR. GOURD: I would stand in favor of this amendment. The problem with waiting until everything can get together is the subject of the quorum at the Council meetings. If you have two slots that are always vacant, you have a problem with the quorum and majority.

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

MR. RUTLEDGE: I would also speak in favor of this amendment. I think the problem with the kind lady's statement is the fact that we would have to wait six years for one of them, and only -- I think it would be better to have them appointed and then have them go into election.

MR. HANNAH: Ms. Masters, you are recognized. Are you yielding the microphone? Thank you, ma'am.

MS. MASTERS: Yes.

MR. HANNAH: Mr. Keen.

MR. JOHN KEEN: Withdraw.

MR. HANNAH: Are there other delegates that wish to rise in opposition or in favor of the motion that's on the floor? Dr. Hook, you are recognized, sir.

MR. HOOK: I stand in favor of this amendment. I think that it's incumbent to implement the representation that has been approved, as soon as possible. And I would also offer -- I hesitate to say this, a friendly amendment, at least in consideration that that clause might be placed at the end of the first paragraph, rather than where it is, because it more directly addresses that.

MR. HANNAH: Not seeing that as a point of substance, we will take that as a Style Committee revision. Would that be acceptable to you, Dr. Hook?

MR. HOOK: Sure.

MR. HANNAH: Are there any other delegates who rise in favor or in opposition to the motion that is on the floor?

MR. McDANIEL: Mr. Chairman.

MR. HANNAH: Yes, Calvin.

MR. McDANIEL: I'm standing in favor of this lady's proposal.

MR. HANNAH: Excellent.

MR. McDANIEL: I favor it very much.

MR. HANNAH: Thank you very much, sir, for your comment. Mr. Smith, you are recognized.

MR. SMITH: I stand in favor, with the exception of thirty days. I can't imagine our Council, in all due respect, doing anything within thirty day, especially when you have to serve a number of possible candidates from all over the country. It takes a long time to get those resumes in, to do this, and to go to a consensus process. So I would suggest sixty days; that is somewhat of a compromise.

MR. ROBINSON: I am appreciative of that, and I accept that. That's a very good compromise.

MR. HANNAH: Hearing no objection from your second, the number shall be changed. And the reading of the proposal is before us, that:

"The Council shall within sixty days of this Constitution taking effect, select the two at-large Councilors to serve until the next regularly scheduled election."

The Chair would entertain any final debate regarding the proposal that is before us now. And hearing none, will move toward the vote. By voting in favor of this, obviously, the language would be included.

And all of those in favor of the amendment that is before us at this time, please signify by saying "aye."

THE DELEGATES: "Aye."

MR. HANNAH: And those opposed said "no." And the question passes and it is included, with a good, strong recommendation from the entire delegation. Thank you.

Mr. Keen, you are recognized.

MR. KEEN, JR.: Mr. Chairman, as I understand, the status of the debate right now is we are back within the context of Section 3, generally. And the floor will be open for further amendment or debate.

MR. HANNAH: Yes, this is true. The Chair recognizes the gentle lady from the north.

MS. SILVERSMITH: Mr. Chairman, I have an amendment to Section 3.

MR. HANNAH: Very well.

MS. SILVERSMITH: First paragraph, starting after "duly elected and installed," the sentence, "Term limits for Council members will be two, two terms and may not seek an additional term for one election, then they may return to be located again," does that make sense? They can only run two consecutive terms, have to lay out one term, then they can come back and run again?

I feel that the people -- the people, not just myself, would be represented more diversified. The same person coming up in front of them and running for election doesn't give them much choice. I think they should have more choice. And by doing this, would give them more choice.

I think a lot of our people want to be recognized; they want to be a part of the Tribe; they want to do their part for the Tribe. And just from my own observation for myself, in other

organizations -- and I know you all know what I'm talking about -- there can be a group of people, can absolutely run that organization for years and years and years.

MR. HANNAH: Madam Delegate, I have been instructed --

MS. SILVERSMITH: So this is why I would like this amendment to be put into the Constitution.

MR. HANNAH: Thank you. If you will hang on for just a second, I've instructed our Vice-Chairman to ensure that we have the proper wording of your amendment for action.

MR. SMITH: Mr. Chair, could I briefly address the Commission on an unrelated matter?

MR. HANNAH: Yes, you may, Mr. Smith.

MR. SMITH: For consistency purposes, we ought to keep the same title for Council members. At one place we have Council members, another place we have Councilors. For consistency and style, we ought to accept some denomination, either/or.

MR. HANNAH: Thank you very much, Mr. Smith. We will make note, and certainly as we approach seating of the Style Committee, we will remind them of the statement same. And the Chair will make a note.

MR. KEEN, JR.: Mr. Chair.

MR. HANNAH: Attention here in the chambers. Mr. Keen, you are recognized.

MR. KEEN, JR.: I think I fully understand what the delegate is wanting to draft.

MR. HANNAH: Thank you for assisting in the interpretation.

MR. KEEN, JR.: But it's going to take a few minutes to put that language together.

MR. HANNAH: In that case then, we will move on with business.

MR. KEEN, JR.: And if she would kindly withdraw her motion momentarily while we work on that.

MR. HANNAH: Delegate Silversmith, will you do so?

MS. SILVERSMITH: I withdraw.

MR. HANNAH: Mr. Hoskin, you are identified, sir.

MR. HOSKIN, JR.: I was rising to oppose what I anticipated to be term limits, and I will be acknowledged again when that is put forth. Thank you.

MR. HANNAH: Most likely you will be, sir. Thank you.

Unfortunately, we have now put ourselves into a scenario where Mr. Keen, serving as the manager of the presentation, has now been placed in a drafting capacity.

The younger Mr. Keen though is identified. For what reason, we will soon find out. Mr. Keen.

MR. JOHN KEEN: I would like to make a motion to

reconsider Article II for the purpose of striking the word "life."

MR. HANNAH: The motion is on the floor to reconsider Section 2 for purposes of striking the word "life." Is there a second?

DELEGATE: Second.

MR. HANNAH: Is it Article II? Motion has been made to reconsider Article II, Section 3, striking the word "life." "Life" or "of life," Mr. Keen?

MR. JOHN KEEN: Just "life." Let me rely on Mr. Mullon for the styling of it.

MR. HANNAH: Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second, and the floor is open for debate. The Chair will entertain comments.

Mr. Mullon, you are recognized.

MR. MULLON: Yes, thank you. I appreciate this motion that was brought by Delegate Keen. We did debate this yesterday, and I've had a chance to visit with several people -- not everyone here, and I apologize for not being able to do that, but there are just too many people here to visit with everyone on.

But this, as I said yesterday, and maybe I didn't say it -- make myself sound serious enough, I'm afraid with this language in here, the Secretary of the Interior is not going to approve this Constitution.

And I feel very strongly about that, and that would be a tremendous danger, if we got all the way through this process, and we had a vote of the people, and they approve this Constitution, and it hit the Secretary of Interior, I feel like it would be a real tragedy, but he would turn it down.

The reason for that is that, as written, it does suggest that as long as the Cherokee Nation provides due process, then they can deprive a person of life. And I don't believe that the Secretary is going to sign off on a document that says that. I urge this body to reconsider that.

MR. HANNAH: Thank you, Mr. Mullon. Mr. Baker, how do you stand?

MR. DONN BAKER: Well, after talking to David yesterday when we discussed this, I was very much opposed that if they were going to take my life, I'd like due process. But that's really not -- I don't think we need to be worried about that, and I've become impressed with Mr. Mullon's knowledge of Washington D.C., and the Solicitor's Office and what they will or will not accept. And I certainly would hate for us to pass a Constitution, have it come back to us over such a small item as "life." So since I was the one speaking -- I hope I'm not quoted on that one.

MR. HANNAH: The kind delegate is quite right; it's entered into the official record.

MR. DONN BAKER: I don't think we really -- since we haven't even got past misdemeanors yet, that we need to be worried about taking their life. And if that's going to be the

problem, that he's convinced me that it is, then I stand in favor of striking it.

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

MR. SMITH: I would certainly hope the Secretary of the Interior would pass a United States Constitution having the same language. There's places where that could be possible, and its surplus of languages I would concur.

For example, there may be medical situations at Hastings Hospital or Claremore Hospital that would involve a question of life. And shall we ensure against the Cherokee Nation about proceeding with those kind of questions without due process.

I think a surplus of language, the Secretary could certainly see from reference where we took it. We have no laws; we have no federal authority to take a life or do anything past a misdemeanor. And I believe it's a shadow that we're boxing.

MR. HANNAH: Thank you, Mr. Smith. Mr. Rutledge, you are identified.

MR. RUTLEDGE: I am speaking in opposition to this amendment, or I guess the motion to reconsider. I think Mr. Mullon, with all due respect, gives far too much credit to the Solicitor's Office. Having worked there also, even for a brief time, I came away very unimpressed with their office and their ability to pick up on small details.

The fact is that I really find it hard to believe that any official of the U.S. Government is going to go out on a limb of saying that we don't want to guarantee or don't approve the Constitution because the Cherokee Nation is guaranteeing the same rights to its people as the U.S. Constitution does to its people.

That looks like such a huge public relations gap, I mean, they can't make that. I really don't think it's going to be a problem, as he says.

The second thing that Mr. Smith referred to is the fact there are other issues of life other than the death penalty. I had the privilege of working on the Cruzan case that went before the U.S. Supreme Court before I became an attorney. And in that respect, one of the issues of the lower court level was the due process right to due process freedom of life.

There are other issues that actually do come out of that little word "life" that don't have to do or don't have to deal with the death penalty itself. So I think as long as there is verbiage in our work here, we can assure the Secretary of the Interior that we are actually going to protect those other things, it shouldn't be a problem.

MR. HANNAH: Thank you, sir. Kind gentleman is recognized.

MR. DOWNING: I believe he said pretty much what I wanted to say, but I will re-emphasize it. Carl Downing from Oklahoma City.

"Life" has more meaning than just the opposite of death.

"Life" has the meaning of how you live. And if my memory serves right, that was the meaning that -- God, I hate to say this again -- the founding fathers had in mind.

MR. HANNAH: Thank you, Carl. Mr. Cornsilk, you are recognized.

MR. CORNSILK: Mr. Chairman, Delegate Cornsilk.

I would like the body to reflect for a moment on what this actually is. It's a reservation of rights by the people to have a right to life, liberty, pursuit of happiness, and all those sorts of things.

And if we take that out, if we take "life" out, then what we're saying is that the Cherokee Nation has the right to take our life without due process, and that is frightening.

And at some point, I would remind you, that twenty years ago we did not contemplate that we would be putting our fellow members in prison, putting them in shackles and standing before a judge with a belly chain on, and yet they do that today.

And so I would recommend strongly that you leave this in.

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

MR. LITTLEJOHN: Littlejohn. Stand in opposition of the motion to reconsider. After we had discussed this, as I'm reminded of our lengthy, lengthy discussion concerning our assertion of sovereignty of this Nation, and I'm somewhat amused and confused by this idea that now we're concerned that some bureaucrat or political appointee might not like our Constitution.

I want my life to be protected and not be deprived of my life without due process of law, and I want the Principal Chief, the Councilors, and the judicial officers of this Nation to be aware of the fact that you can't mess with me without due process of law.

MR. HANNAH: Chair would entertain any other debate from any delegates rising in opposition or in favor of the motion to reconsider to strike the word "life" from this particular section. Seeing no other debate at this time, without objection we'll move to vote.

Those in favor of the motion to reconsider to strike the word "life" from Article II, Section 3, as seen on the screen, all of those in favor please signify by saying "aye".

MS. HAMMONS: Point of order.

MR. HANNAH: Point of order is taken.

MS. HAMMONS: I'm sorry.

MR. HANNAH: Please stand, and the good lady is recognized. Your name, and please speak in a nice volume for us, please.

MS. HAMMONS: Diane Hammons, Tahlequah. Are we just voting whether or not to reconsider, or are we actually voting on whether or not to take it out?

MR. HANNAH: We have the motion, as I understand it, to reconsider, brings us back to this point. And the actual action is to strike the word "life."

MS. HAMMONS: If we vote "yes" --

MR. HANNAH: If we vote in favor of this, the word "life" comes off of there.

MS. HAMMONS: Thank you.

MR. HANNAH: Thank you for that clarification. The good lady is recognized.

MS. HAVENS: Edna Havens, Nowata. Explain it again, because I'm not certain of what you said. What was her question?

MR. HANNAH: And that has been my guarantee to you since day one, is that before we vote on anything, we're going to understand exactly what we're doing.

The mechanism that was used to get us back to this particular section was the motion to reconsider. So that brings us back to this section, which we previously debated and previously approved and put in her stack.

Now, with that mechanism taking us back there, we are now -- Mr. Keen has asked us to strike the word "life." And that has been seconded, and we have had a series of debate here. And we're about to take a vote. And if you vote in favor of this motion, the word "life" will be stricken. And if you vote "no," then it will remain.

MR. SMITH: Point of order. I hate to string it out, but the motion is to reconsider. We must first decide whether we shall reconsider, and then we shall consider whether to strike.

MR. HANNAH: Very well. The Chair is corrected by the parliamentarian. Thank you, Mr. Smith.

In that case, and once again we'll clarify, then we are about to take a vote to see if the delegation is interested in reconsidering the motion to strike. So all we're doing at this point is getting us back to this section so we can look at this word. Mr. Smith, help me. Does that help clarify?

MR. SMITH: It's my understanding if we vote "yes," then we will reconsider; if we vote "no," we will not reconsider.

MR. HANNAH: And the Chair is most appreciative for the help that is here.

All those in favor of the motion to reconsider, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed would say "no."

THE DELEGATES: No.

MR. HANNAH: The motion to reconsider fails. And, Mr. Keen, you are recognized.

MR. KEEN, JR.: Thank you, Mr. Chairman. Kind delegate here, we worked on some language that, although it may not be perfect, it would at least get the issue before the delegates. So I will allow her to read her proposed amendment.

MS. SILVERSMITH: Now we're in the right place on Section 3 after "installed." I would like to put in after "elected and installed," period, "all Councilors are limited to two

terms in office during a single tenure. Any Councilor must allow one term out of office to pass before running for the same office. Councilors may run for another office without missing a term." I had a question on that, without missing a term, too. You can all help me with that.

MR. HANNAH: Delegates, thank you for your patience. Delegate Silversmith has introduced an amendment to read, "All Councilors are limited to two terms in office during a single tenure. Any Councilor" -- and once again in deference to admonition from Mr. Smith, we will correct this -- "any Councilor must allow one term out of office to pass before running for the same office. Councilors may run for another office without missing a term."

Is there a second to the motion?

DELEGATE: Second.

MR. HANNAH: And the floor is open for debate. How stand you, Mr. Poteete?

MR. POTEETE: I have a question maybe someone could answer for me. Do we have written in somewhere this same language to control the Executive offices?

MR. HANNAH: One moment here. Mr. Keen?

MR. KEEN, JR.: No, we don't.

MR. HANNAH: The answer is from the Manager of the Commission's information we will be sharing later, the answer is "no."

MR. POTEETE: I suggest that if the body endeavors to so limit the Council, that we should also so limit the Executive because it might throw the balance of power between the branches severely off if we provided it otherwise.

MR. HANNAH: Thank you, Mr. Poteete. Mr. Hoskin, thank you for your patience, sir. I apologize, and you are recognized.

MR. HOSKIN, JR.: Thank you, Mr. Chairman. I rise in strenuous opposition to this amendment, with all due respect to the gentle lady. I know she worked hard on coming up with it and drafting the language, but she talked about choice and for voters to have choice.

And I submit that this language is the greatest limit on our electoral choice that we could ever write into a Constitution. It effectively says to the government, you can tell us that we cannot choose a certain person in a certain election. And I think one of the things that we as Cherokees ought to cherish, and do cherish more than anything, is our exercise of the right to vote. And this puts a serious limit on it.

Now, she does raise the issue that we don't want an incumbent staying in office, election after election. And she raises a good point. But I suggest that this is a political problem. And a political problem deserves a political solution. It doesn't always deserve a constitutional solution. It doesn't always deserve to give the government the right to limit us.

It deserves for us to exercise our political rights and

to get folks in office that we want. And I would urge the body to reject this amendment. Thank you, Mr. Chairman.

MR. HANNAH: The gentleman from Norman has been heard. You're recognized, Ms. Stroud.

MS. STROUD: Thank you, Mr. Chairman. I rise in favor of this article that is before us. After reviewing the oral testimony that I've read, there is many people that gave oral testimony at the public hearings that asked for limited terms. Thank you.

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

MR. HEMBREE: Thank you, Mr. Chairman. Delegate Hembree. With all due respect, I rise in opposition to this amendment. I cannot think of anything more undemocratic than term limits. We have term limits; they're called elections.

If we think that a person is not doing a good job, we should vote them out. That's the power the citizens have. If the person is doing a good job, I would like the opportunity to re-elect that person, re-elect that person for one term, two terms, three terms. For as long as that person is doing a good job, I should have the right to vote for that person.

Now, I have an accountant; I have a doctor. They are professionals. Should I limit them to only serving me for four years as doing a good job? No, I don't think so.

If a person is doing a good job for me, I should have the right to retain that person. But that is what democracy is all about, ladies and gentlemen. You know, a quote was made earlier in this convention that democracy sometimes ensures that you get the government the populous deserves.

Well, ladies and gentlemen, I want the opportunity to vote for a person that is doing a good job. And I think term limits is undemocratic; it's deleterious; it's saying to the populous, "We don't trust you," ladies and gentlemen, "We think you can't make a good choice." Well, I think they can.

MR. HANNAH: Delegate from California is recognized. How stand you?

MS. MASTERS: Billie Masters, delegate. I believe that this modified term limits meets a lot of needs that the people have expressed that they would like to have. One thing that this would gain us, it will never deny us our people's right to serve because by only staying out one term of office, they will be able to run again if they have a good job, and they will be back in.

This will also allow us to develop leadership, which we have a lot of people ask us, where is our leadership; where is our young leadership now. By doing the type of modified term limits, not strict term limits that will disallow anyone to run again, but a modified program such as has been exposed to us here, I think we can develop greater leadership than we could under the system that we currently have. And I strongly favor this position.

MR. HANNAH: Thank you. Mr. Cornsilk, you are recognized.

MR. CORNSILK: Mr. Chairman, Cornsilk, delegate.

I rise in favor of this amendment insofar as it relates to the electoral process of the Cherokee Nation, and because we have persons voting for elected officials in our legislative body that do not live under the laws as people pass, and, therefore, know little about them.

One thing that I also would like to point out that the term limits does for us as people, whether democratic or not, is that it prevents elected officials from amassing great amounts of power.

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

MR. JOHN KEEN: John Keen, delegate. I rise in favor of the modified term limits. Everybody has raised good points. The younger Mr. Hoskin hit it on the head for his side of the argument. That's an excellent argument.

But I think we have to look at how things have happened in the past. You know, nothing specific, just the nature of the way Cherokees vote. And we need to understand that sometimes a person can be in office and a massive following, and that following may not, as Mr. Cornsilk articulated, they may not be aware of what is going on.

So I think that in this case, I agree there could be a restriction on the democratic process. I think it's very needful within the Cherokee Nation. And once again, the people have spoken on this. The people that we are here to express their voice have spoken that they want term limits. So I think we should accept this amendment.

MR. HANNAH: Thank you, Mr. Keen.
Chapman-Plumb, you are identified.

MS. CHAPMAN-PLUMB: Yes, I rise in support of the proposed amendment. With all respect to Mr. Hoskin's comments, it may be a political question, but I've never seen any office holders that would vote themselves a term limit. All we have to do is look to Washington, D.C., and see how far that would get if we submitted that to the Council.

MR. HANNAH: Kind doctor from Houston is identified.

MR. HOOK: I also speak in support of this amendment. We are about democracy, but we are also about the best government for our people, and many of the people who I know have felt very powerless in many situations to effect change.

And at least in ensuring a transition for a period of time, there's an opportunity for other leadership to be observed, and it is not a limitation for continuation of effective leadership because a person could run for another office or, after a short period, run again for the same office. So I see it as an effective way of improving the possibility of effective leadership.

MR. HANNAH: Delegate Starr-Scott, you are recognized.

MS. STARR-SCOTT: I rise in favor of term limits. It's been my experience in the eight years that I've served the Tribe, I've watched this happen both times as we near an election. Incumbents, it's very expensive to run in our elections anymore. The first time I ran, I think I spent three thousand dollars to run for Council. The last time, it was well over that. And for a new person to get elected, running against an incumbent is very difficult.

I have observed -- and I'm ashamed to say this -- but I've observed Council members use their position and the Tribe's resources to get elected for state office, and I think that is very wrong.

I think we are here to serve the people. And I don't believe anyone should be in office so long that they build up so much power and are willing to use the Tribe's resources to keep them in that position. It takes away power from the people, and I am never for doing that. So I rise in favor of term limits.

MR. HANNAH: The delegate from Dallas is recognized.

MR. GUNTER: Thank you, Mr. Chairman. I am going to be one of those persons, when the public hearing was conducted in Dallas, to make the recommendation that term limits should be imposed. I think it's fair, and I think it's good for the government and for the people.

This does not prevent, if a person is doing a good job, one thing for sure, if they're serving as a Council person, that it gives them an opportunity to learn the system, the mechanics of government, and whatnot. But this also allows, if they're doing a good job and if they're popular, should they run for Deputy Chief and/or Principal Chief, a chance to use their knowledge and their skills and their abilities to run for that office, and also to carry on the effectiveness of themselves in contributing to the overall government. So I rise to support this term limit.

MR. HANNAH: Gentle lady from Tahlequah is recognized.

MS. HAMMONS: Thank you, Mr. Chairman. I rise in opposition to this particular terminology, although I am not opposed to term limits. I don't understand what we mean by "during a single tenure." Perhaps the sponsoring delegate could clear this up for me. Do we mean that you can run -- a Council member can have one term and then have to sit out, and have another term and could have that for the rest of their life, or could they have two terms together and do it and then sit out a term? This is -- maybe I'm just a little slow today. But we need to be clear in the Constitution.

MS. SILVERSMITH: Do you think maybe the wording would be "two consecutive terms" and strike out "during a single tenure?"

MS. HAMMONS: I would propose that as a friendly amendment then, "All Councilors are limited to two consecutive terms

in office," period.

MR. HANNAH: What say you, Ms. Silversmith?

MS. SILVERSMITH: I would approach that as a friendly amendment.

MR. HANNAH: "All Councilors are limited to two consecutive terms in office. Any Councilor must allow one term out of office to pass before running for the same office. Councilors may run for another office without missing a term."

The Chair hearing no objection from the second, the inclusion of the language stands. And, Mr. Keen, you are recognized.

MR. KEEN, JR.: Thank you, Mr. Chairman. Delegate Ralph Keen, Jr. And I stand in support of this amendment. And I would like to address some points brought up, and they're very legitimate points about democracy and freedom to choose.

But I would also remind this convention that this, too, is a democratic process. And when our elected officials fail to carry out our will and our desires as a people, this is the process by which we can override that failure to act.

And so I do not view this at all, in any way, in violating notions of democracy. I, in fact, am saying that this is democracy in action. Thank you.

MR. HANNAH: Sir, you are recognized.

MR. McCREARY: Ken McCreary, Black Mountain, in the southern part. I rise in favor of the motion, and I do echo the sentiments of many of our distinct colleagues, while Mr. Hoskin, Jr., had brought us some valid points.

However, most Council members or any other elected official has known, once they've gone into office, after a couple of terms they get kind of a little bit burned out. Sometimes this gives us a means to be able to step down, regroup, and come back into it. So again, I am in support of this motion.

MR. HANNAH: Thank you, sir. Good doctor, you are recognized.

MR. ROBINSON: Delegate Ricky Robinson. I went back and forth. All of the speakers are so eloquent. After each one of them, I change my mind. I am basically --

MR. HANNAH: Which is another reason why that it is best for us to have some elongated debate here. How stand you on this issue at this moment?

MR. ROBINSON: In favor. Mostly because of the point that it is difficult for a young person to get started, and that is the main reason I'm going with this.

I do want to point out one other thing, and I'm not sure about this. The way I read it, let's say I run for Council, and I am in for two terms, and I then have to drop out for a term. Actually, with the staggered system, the way I read it and understand it, I really may only have to sit out for two years.

Now, that may be dictated according to the district that I'm in. If it's a district with just one Councilor, I would have to

sit out for four. But if it's a district that has two or three Councilors, and one of them, you know, they're on staggered terms, I may only have to sit out for two years.

And I'm saying that I think that is a good idea, that it may only have to be a two-year time. So that's just maybe a point of clarification that we need on this.

MR. HANNAH: Thank you, good doctor. Delegate Smith, you are recognized.

MR. SMITH: Thank you. An observer asked a question, which I would ask the author. Where it says, "limited to two consecutive terms in office," would that preclude perhaps somebody moving at the end of the second term, resigning and moving at the end of the second term, to a different district and running again?

Is the office, the office that they hold or is the office the office of a Council person?

MR. HANNAH: What is the author's intent?

MS. SILVERSMITH: The author's intent is Councilor, if you are a Councilor in office.

MR. SMITH: Perhaps some language would be necessary --

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

MR. CORNSILK: Mr. Dowty has a solution to that.

MS. SILVERSMITH: Thank you, Mr. Cornsilk.

MR. HANNAH: The Chair is pleased to recognize the gentleman with the solution.

MR. DOWTY: Delegate Dowty, formerly of west Peavine. Not everyone knows where that is. I would -- and I did notice that problem and would suggest that we might want to change the language in the fifth line where it reads, at the end of the sentence, "for the same office," and substitute the language "for any Council office" or "any Council position." Would that help the situation or would that be a problem?

MR. HANNAH: Any Councilor.

MR. DOWTY: Council seat.

MR. LITTLEJOHN: Mr. Chairman.

MR. DOWTY: That would be my friendly offer.

MR. HANNAH: Mr. Littlejohn, one moment, please. What say you, Ms. Silversmith?

MS. SILVERSMITH: I think I'd like the word "again" put in there somewhere, running again. Running for any Council seat, they cannot run again for any Council seat. Again. That means they're coming out of two terms or one term. "Again" must come before "running." Is that what you told me?

MR. HANNAH: Mr. Dowty. Our delegate --

MR. DOWTY: Well, "again" has some finality to it. It seems to refer perhaps that they could not run again, even when that's qualification.

MS. SILVERSMITH: I'm open for suggestion on the

wording. I just don't want to lose my motion in all the wording.

MR. HANNAH: Are you accepting the friendly amendment that is raised by the delegate from west Peavine?

MS. SILVERSMITH: Is that the way he wants it?

MR. DOWTY: Formerly of west Peavine.

MR. HANNAH: Formerly of west Peavine. We wouldn't want to somehow put you back there.

MS. SILVERSMITH: Is that what you are proposing, what's up there?

MR. DOWTY: I don't agree with the "again." My proposal was, "running for any Council seat."

MS. SILVERSMITH: I will accept that.

MR. HANNAH: Thank you very much. And the friendly amendment has been accepted, and the language has been included.

Mr. Littlejohn, you are recognized, sir.

MR. LITTLEJOHN: A friendly suggestion or amendment, friendly amendment, is I suggest that we eliminate that sentence we have been playing with, completely. Or, in the alternative, we amend it to state "any Councilor must allow one term out of office to pass before running for a third term."

MS. SILVERSMITH: That's more clear. That really clarifies it. I don't want them in there for a third term. I think the third term does make it more clear that we're talking about two consecutive terms, limited to two consecutive terms. Any Councilor must allow one term out of office to pass before returning for a third term. Does that make sense?

MR. LITTLEJOHN: May I suggest we eliminate the words "to pass"? So it could read, "any Councilor must allow one term out of office before seeking a third term."

MS. HAMMONS: Point of information.

MR. HANNAH: The kind English major from Tahlequah is recognized.

MS. HAMMONS: Mr. Chairman, I don't mean to nit-pick, but if we consider "term" to mean only that seat that you had, if I'm running out of Cherokee County and there are two seats, it seems that I could hold one seat this term and the next seat the next term.

If you're trying to prevent people from staying in office for twenty years, we don't need to do the "term." We need to have "seat." Because I would have a term as Cherokee Council seat one, Cherokee Council seat two, Adair County seat one.

MS. SILVERSMITH: "Seat" is fine. "Seat" is fine.

MR. HANNAH: Ms. Silversmith, do you accept this language? And if so, not hearing an opposition from the second -- objection from the second, it is included. And, Mr. Littlejohn.

MR. LITTLEJOHN: Mr. Chairman, I have one more suggestion.

MR. HANNAH: I will allow you additional time,

sir.

MR. LITTLEJOHN: It's my understanding that what we're talking about here is term limits, as I believe it was Delegate Poteete mentioned, we have a Chief and a Principal Chief that I would assume that would have the same.

MS. SILVERSMITH: I intend to bring that.

MR. LITTLEJOHN: We have an area coming up later for elections, and my suggestion is that we lay this matter on the table until such time as elections come up, and we'll cover them all at the same.

MR. HANNAH: Is that a form of motion, Mr. Littlejohn?

MR. LITTLEJOHN: That was a form of suggestion to the Chair.

MR. HANNAH: The Chair will not accept the suggestion, but will recognize Mr. Baker.

MR. DONN BAKER: Donn Baker, delegate from Park Hill. I stand in opposition and would suggest that basically what we are doing is, if we likened it to a horse race, you're handicapping the race. You are not letting the people choose.

I've always thought that we should be fair, that we came here to be fair. To me, let them run, put their name out. If they're not qualified, you're saying that the electorate is not smart enough to know who they should or should not have, and so we're going to control that.

And I think that the electorate is smart enough to choose who they want. I cannot, for the life of me, understand why if you have a really good Councilor who has the people's interest at heart and has really worked hard, and everybody in that district agrees that he is the best, hard-workingest fellow that we've ever had, that does not make sense to me why we would want to get rid of that person, but yet we would have to. He would have to go out after his two terms.

It takes a long time for these people to get in office, to figure out what is happening, where they can really help the people in their district. And I'm just vehemently opposed to the term limits, and we are handicapping this election. We're messing with an election that I do not think we should.

MR. HANNAH: Thank you, Mr. Baker. The gentle lady from Ramona is recognized.

MS. McINTOSH: Thank you, Mr. Chairman. I rise in opposition to this sentencing. I would like to refer back to the ancient times when leaders were elected and held their positions as long as they were effective, and the people spoke when they decided they were not effective.

And with heritage and such as that in the land of the free and the home of the brave, which was before the European contact, I advocate that this not be approved, and we go ahead and enjoy our term limit system that we have in place now, which will be on May 22nd.

MR. HANNAH: Thank you. There will be order.
Mr. Rutledge is recognized.

MR. RUTLEDGE: I wish to offer a friendly amendment. I believe if we put in the first sentence of her amendment by saying "in the same office," we can eliminate the entire third sentence. So the first sentence will read, "All Councilors are limited to two consecutive terms in the same office."

Basically, that means that once in a different office, they can run again, which is same thing the third sentence says, so we can strike that.

MS. SILVERSMITH: I'm sorry, will you repeat that? What did you say?

MR. RUTLEDGE: I'm suggesting we insert the words "in the same office" and then strike the third sentence, because it says -- provides the same information as you're providing in the third sentence.

MR. HANNAH: So your friendly amendment is that, "All Councilors are limited to two consecutive terms in the same office, period. Any Councilor must allow one term out of office before seeking another Council seat." Striking the sentence, "Councilors may run for another office without missing a term."

What say you, Ms. Silversmith?

MS. SILVERSMITH: I want that to stay in there.

MR. HANNAH: She doesn't accept. And you've taken your seat. Thank you very much. The language remains as it was. And, Mr. Keen, you're identified.

MR. JOHN KEEN: Delegate Keen, calls for previous question.

MR. HANNAH: The question has been called. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. Vote shall be taken. And by voting in the affirmative for this, the language that you see outlined will be included in Section 3.

All of those in favor of the proposal as placed forward by Mr. Silversmith, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed said "no."

THE DELEGATES: No.

MR. HANNAH: The Chair --

DELEGATE: Call for roll call.

MR. HANNAH: Roll call has been called for. Mr. Secretary, will you prepare.

MS. JORDAN: Point of privilege.

MR. HANNAH: Point of privilege.

MS. JORDAN: Could we have about a five-minute break?

MR. HANNAH: Yes, Tina, I think it's an outstanding job. The Chair declares a five-minute recess and we'll return.

MR. JOHN KEEN: Point of order. That's not in order prior to vote.

MR. HANNAH: I've already ruled, and we'll stand in recess.

(off the record discussion)

Sergeant at Arms. I'm directing the deputies to have the delegates brought back into the chamber. Delegates, take your seats. The Chair was in error by allowing a recess to be taken.

Delegates, you will take your seats. And I mean you will do it now. If you can get to them as quickly as you possibly can. The men's room is being cleared. Thank you.

What you may do is take your seat, sir. Delegates will take their seats. Thank you. The Chair's apologies to the delegates for that Chinese fire drill that we just ran through.

Delegate Keen raises an interesting point to the Chair, who was unaware that, in fact, we would be violating our own rules by taking a recess with a vote on the floor. And the Chair stands corrected, and we are all back, and we are seated. We are prepared to take a vote.

The vote that we are taking at this time is with regard to the Silversmith language that was proposed; it has been read.

And, Mr. Secretary, we have a blank screen. And, Mr. Secretary, if you will move to the roll call vote.

MR. HOOK: Can we see it one more time?

MR. HANNAH: Yes, you can. Not a problem. I hope that frightened you as much as it did me, thinking that all of that could somehow be gone.

All right, let's make sure of what we're doing here. The motion is on the floor to include the language in Section 3 that,

"All Councilors are limited to two consecutive terms in office. Any Councilor must allow one term out of office before seeking another Council seat. Councilors may run for another office without missing a term."

And by voting in favor -- or voting for it, this language will be included. Everyone clear?

Mr. Secretary, roll call. The scribe is ready.

MR. UNDERWOOD: Adair.

MR. HANNAH: Ma'am, I will not recognize you. You raised your hand, unless you have a serious point of order.

MS. STROUD: Point of order.

MR. HANNAH: Okay.

MS. STROUD: That last sentence, I was confused about the last sentence that was on there, that was underlined.

MR. HANNAH: The delegate will take her seat. And the scribe -- now, folks, I want you to stay with me for just one second here, okay? Bring the language back to the screen. And all delegates will attend to the screen and to the reading of the language.

"All Councilors are limited to two consecutive terms in office. Any Councilor must allow one term out of office before

seeking another Council seat. Councilors may run for another office without missing a term."

The Chair is under the impression that this is the full scope of the language that we're voting on. Mr. Vice-Chairman, is that correct?

MR. KEEN, JR.: I concur.

MR. HANNAH: You concur. And seeing no other questions at this time --

MS. MASTERS: Point of order. We have some delegates that are not in their seats for their election and not in the delegate's positions.

MR. HANNAH: Delegates will take their seats. Mr. Hathaway, you are recognized.

MR. HATHAWAY: Point of information.

MR. HANNAH: Point of information. Mr. Hathaway, you are recognized.

MR. HATHAWAY: The last sentence which confuses -- the first two sentences seem to be clear to me, but when you add the last one, "Councilors may run for another office without missing a term," how does that add or detract or limit the first two sentences, if at all? Other than confusing it for me, anyway.

MR. JOHN KEEN: Point of order. Debate is closed.

MR. HANNAH: Mr. Keen has raised a point that the debate is closed. Debate is closed. However, point of information is in order, and we will clarify that for you.

Now, folks, let's just hang on here for just a second. Ms. Silversmith, can you -- we have a point of information. Because one thing that you'll remember we all agreed on, Mr. Keen, is that we will know exactly what we are voting on. And you will adhere to that for us, correct?

MR. JOHN KEEN: It's clearly in front of us; it's been debated. I was afraid we were going to open up more debate. I am open to the point of information.

MR. HANNAH: Excellent. And thank you very much, sir, because that's what we're going to be about, is clarifying what we're doing in this convention. And the Chair will assure you, as a reminder of all the delegates, that the point of debate has, in fact, been closed. We will take information.

Now, Mr. Hathaway, you have a question that is concerning the final sentence; is this correct, of the proposal?

Ms. Silversmith, the gentleman asked for clarification of the final sentence.

MS. SILVERSMITH: I wanted it to be stated very clearly, and I didn't know how to make it more clear than to put it into words, that if we have a Councilor -- and this is to reflect on some of the things some of the people have said -- we have great Councilors, of course, and if we have good leaders, we want to utilize those good leaders. And that's what I tried to incorporate

in this, that if they're an excellent Councilor, we don't want to lose them in our government. They can run.

MS. CHAPMAN-PLUMB: On order.

MR. HANNAH: Thank you very much.

MS. SILVERSMITH: So that is why I put that in there.

MR. HANNAH: We had a call for order.

Chapman-plumb, you're recognized.

MS. CHAPMAN-PLUMB: I don't believe that was the clarification; that was an explanation.

MR. HANNAH: The Chair has recognized you, ma'am.

MS. CHAPMAN-PLUMB: We have a lot of confusion going around here. We need to make very sure that the language we get is the best language that we can get. Why are we rushing to this vote, whenever we can table it, caucus, and come up with some really good language that all of the constituency of the Cherokee Nation can live with?

MR. HANNAH: And the Chair would remind the gentle delegate that that is the discretion of the delegates, not the Chair. I am here simply to officiate this meeting. Ms. Stroud, you're recognized.

MS. STROUD: Thank you.

MR. HANNAH: On point of information.

MS. STROUD: Yes. The Councilor may run for another office. I'm reading that as that I can run out of my district; I've done my two consecutive terms, and now I can run to another district to run for a term.

MS. SILVERSMITH: Same Council seat.

MS. STROUD: That was where my confusion was coming in.

MR. HANNAH: And your confusion is gone now?

MS. STROUD: Yes, sir.

MR. HANNAH: Take your seat. Thank you, ma'am. The kind delegate formerly of west Peavine.

MR. DOWTY: Delegate Dowty. I would ask the delegate who asked to call the question, would the delegate consider withdrawing the request? There are still problems here. Either allow us to further debate or table this matter. Who called the question?

MR. HANNAH: Mr. Keen called the question. And if Mr. Keen was inclined to give way to your request, it would be by a motion to table, and that would be in order. Mr. Keen?

MR. JOHN KEEN: I called for the question. We have debated this.

MR. HANNAH: You stand for the question, Mr. Keen?

MR. JOHN KEEN: I stand for the question. We've debated long enough.

MR. HANNAH: Very well. He stands for the

question. Is there any other point of information? Mr. Poteete, you're recognized.

MR. POTEETE: Maybe the parliamentarian can help me. Since we are bogged down in procedure here, that if we go ahead and pass it like it is, and it needs further modification, and we might get around and do that after while, we could pass it just like it is, and we could further modify this in a little while, and that way we'll get around this procedural roadblock that has been thrown in the way.

MR. HANNAH: It's either that, sir, or we would, in fact, go through the process that we could put this on the table and deal with it there. But right now, ladies and gentlemen, you put me into a position of having to play this role. And we're going to play by the rules. And I'll fit you in from outside, and we will all take our seats and we will all be attentive.

And the good delegate has called the question. And aside from any other delegates that would ask for a point of information to clarify what we are about to vote on, the Chair will be moving after this gentleman's comments for us to have a roll call vote. And that is, in fact, the will of the chamber.

MR. HEMBREE: I move to lay this amendment on the table.

MR. HANNAH: There's a motion to lay the amendment on the table. Does the Chair hear a second?

DELEGATE: Second.

MR. HANNAH: There is a second. Mr. Keen, you are recognized.

MR. JOHN KEEN: Point of order. I'd like the Chair to rule if that's in order.

MR. HANNAH: It is in order. Therefore, the motion to -- Tina, you would be recognized.

MS. JORDAN: I would call for a standing vote this time. I don't like this voice vote. I'm not loud enough, I think. Some of them are a little louder. So let's stand up or something. Are we doing a roll call?

MR. HANNAH: No, actually what we have going on right now, just so we all know where we are, folks, we have, and it is in order, that the kind delegate from Stilwell -- Greasy, excuse me -- has placed a motion to put this on the table, which is in order, and it has been seconded. And it would be my inclination to call for a voice vote to put this on the table.

And you would ask to -- that I indulge you for a standing vote, and the Chair would do so, simply because, if nothing else, it would be healthy for us to stand up just one more time.

The motion is before us, and hearing no objection, the motion is before us to put this language, the Silversmith language, on the table.

And there he is, Mr. Secretary, prepare to count. All of those in favor of tabling, please stand.

DELEGATES: (standing)

MR. UNDERWOOD: The count is forty.

MR. HANNAH: All of those voting "no," please stand.

DELEGATES: (standing)

MR. UNDERWOOD: Thirty-one -- thirty-two.

MR. HANNAH: The vote is forty in favor of table; thirty-two opposed. The motion carries, and the Silversmith language is placed on the table.

MR. GUNTER: Mr. Chairman, how many motions do we have on the table at present?

MR. HANNAH: We have two -- excuse me, we have three. The Coates proposal is on the table. The Cornsilk is on the table. And the Silversmith verbiage is now on the table.

MR. CROUCH: Mr. Chairman.

MR. HANNAH: And Smith. Mr. Smith's proposal to postpone is on the table. The Chair will recognize the gentleman from Sacramento.

MR. CROUCH: Delegate Crouch from Sacramento. Thank you. I raise to ask if it's germane to add an additional section to Title 5 concerning the powers of the Legislation.

MR. CORNSILK: Point of personal privilege.

MR. HANNAH: Mr. Cornsilk.

MR. CORNSILK: I ask for a five-minute recess.

MR. HANNAH: Actually, the Chair would rule that all delegates will take their seats at this time. And thank my kind friend from California for yielding.

Ladies and gentlemen, it is six minutes until the hour of three. And we are about the business of the Cherokee people here. And I know that here in the past ten to fifteen to forty-five minutes, we've had some very focused debate. And the Chair is apologetic for his lack of adroitness with regard to procedure and apologizes for running you in and out.

But there's one thing that the Chair is dedicated to, and that is a fair voice will be heard, a fair procedure will be abided by, and if that means we have to run around the building, we will do so. Then we will come back in, because we'll all be together on this.

I raise the issue though that we're going to need to take into consideration what the action of this body is going to be, because it is apparent to the Chair at this point in time that, as originally contemplated in the agenda, that the hour of five o'clock will find us still somewhat short of our total agenda that we have before us.

Would that be a diplomatic way of saying that? And so, therefore, as Mr. Cornsilk, who rises to once again bring our break here, the Chair will instruct all delegates, as a homework assignment, during the break that you will hold informal caucus with regard to discussion when we return of what our course of action is going to be.

And the Chair would give you a hint, in case you're

wondering, number one, it would be that this delegation continue, and that -- beyond five o'clock. And once again, if we're here at ten o'clock or eleven or twelve, that we are still about the work of the Nation.

Number two, that we proceed as long in the days as we are comfortable, and that we are capable of doing so, and that we reconvene here tomorrow morning at eight o'clock.

If that is one of the considerations that we'll raise whenever we come back from the recess, then we'll need to make arrangements with the University. And, Dr. Gourd, I apologize to you because I recognize that we're running a little over on our schedule for notification, but will do so.

There is, of course, the original Cornsilk -- excuse me, sir, the Smith proposal that is out there and on the table that obviously could be brought back, because it is germane to this discussion.

There is yet other suggestions, and I'll not go through fifty-five iterations of such, but it could be that we would, in fact, recess for a period of days and/or weeks and reconvene.

Now, all of those items now, at least established in your mind, and that you know it is four minutes of three o'clock on a Sunday, and that would be your homework assignment during this five-minute recess. And the Chair declares that we are at recess.

MR. GOURD: One just quick comment. We have a large poster on the table -- I mean, a banner on the table that we would like everybody to autograph. We had intended for it to be outside, and they wouldn't let us put it up, so let's just autograph it.

(recess taken)

MR. HANNAH: Thank you all for being prompt from our break and for returning to our chairs for this afternoon's session. Thank you very much.

MR. CLARKE: Mr. Chairman.

MR. HANNAH: You're recognized, sir.

MR. CLARKE: I'm not quite sure how I want to do this, but I think it's kind of a proposal for the delegates to have a potential vote as to whether or not when we do a roll call vote that we get to see the tabulations because I don't recall us getting that opportunity. I believe that was something that the Chair decided on.

MR. HANNAH: That's very true.

MR. CLARKE: For my own personal opinion, I would like to see that. I don't know how the other people feel. So if we could, sir, I'd like to make a motion on the floor, I guess, if that is appropriate.

MR. HANNAH: And your motion would be that during all future roll call votes that the electronic tabulation would be in full view of the delegates.

MR. CLARKE: I will not accept any friendly amendments or anything.

MR. VILES: Second.

MR. HANNAH: And there is a second, and the floor is open for debate. And hearing no opposition, all those in favor please signify by saying, "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed say, "no."

THE DELEGATES: No.

MR. HANNAH: And the "ayes" have it. And the tabulation will be before you.

At any time, obviously, folks, that the Chair rules in a particular direction that the majority of the delegates wish to see another way, your responsibility to bring it to this microphone.

Mr. Hembree you are recognized.

MR. HEMBREE: Thank you, Mr. Chairman. Delegate Hembree. Based on your homework assignment, what I would like to do is just to poll the body to see, number one, whether they want to continue or not, and for how long today and into tomorrow. If they want to stay here and complete the job, if they're not so inclined

--

I guess I would like to move that we take a vote on that issue, and if that fails, then at that time we'll start talking about some dates to come back.

MR. HANNAH: Very well. Will you clarify your motion, please?

MR. HEMBREE: I'll try. I'll state it, is it the will of the body to continue here from time to time until such time that we have completed a revised Constitution, consecutive days; keep on going until it's finished? Let's find out if you want to do that.

DELEGATE: What time are you talking about?

MR. HEMBREE: Go until we're finished.

DELEGATE: Eight, nine days?

MR. HEMBREE: To go until we're completely --

MR. HANNAH: And while you are, sir, formulating and finalizing your amendment -- Doctor Gourd, you're recognized.

MR. GOURD: Thank you, Mr. Chairman. I would just note that in our letter to the delegates we asked them to accept or decline, given the dates of the 26th, 27th, 28th, or until the work is completed.

MR. HANNAH: Thank you, Mr. Gourd. Mr. Hembree, what say you?

MR. HEMBREE: I ask the body if they want to continue with that agenda.

MR. HANNAH: The motion is on the floor to follow the protocol that was described in the charge to the delegates. Is that your motion, sir?

MR. HEMBREE: Yes, sir.

MR. HANNAH: And is there a second?

DELEGATE: Second.

MR. HANNAH: And there is a second. And the

floor is open for debate.

Mr. Poteete, you are recognized.

MR. POTEETE: It's going to be my intention to move for a recess until April 2nd, which is about three weeks or a month away, to give people time to contemplate the work they have done, to refine the language when they come back and know what kind of a setting we're going to be in and so forth.

I'd urge that we vote down this proposal that Todd has made. Looking forward to a motion where we would vote to reconvene ourselves April 2nd, Friday, April 2nd. At that time, we would have --

Is that Easter weekend? Then the motion would be for the weekend after that, and that we could start on Friday rather than have academics, and it would give us three days. In that length of time, people can prepare better. They know what to expect, and hopefully they won't come up with new ways to thwart the gaining of a consensus of a body so that we might move expeditiously through the work to be done.

MR. HANNAH: Thank you, sir. It gives us sort of a coming attractions motion there.

The good lady from Tahlequah is recognized.

MS. HAGERSTRAND: Marion Hagerstrand. Mr. Chairman, I think when we accepted this assignment, we accepted it as was, and we should fulfill our obligation or we should not have said we will come and be a delegate. Because it said "until we are finished." Right?

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

MR. CORNSILK: Mr. Chairman, I don't think that in our charge that it is intended for us to beat ourselves to death, and that if we stay here until midnight tonight, if we're going to start getting giddy and skiddish and yucky with all of this stuff and trying to get through it as quick as we can.

And I really do believe in my interpretation of what that meant -- and I'm sure some of you might share my views on that -- that until the job is done, like the Council does, and like anybody does that is gathered like this, that you would recess at a reasonable hour, that you would return at another time, and work to get the work done in an appropriate and good manner, not just stay here and get something done.

MR. HANNAH: Thank you, Mr. Cornsilk.

Kind gentleman is recognized.

MR. CLARKE: Mr. Chair, I stand in favor of Mr. Hembree's motion because I, too, read that. And it's pretty well stated "until the work is finished," and that's something that I agreed to do, and I discussed it with family and whatnot, that I may be there longer than three days, and I did make those plans.

And I would hope the other people would have had the foresight also to recognize that we maybe would have to go on further than three days.

MR. HANNAH: Thank you very much, sir. Mr.

Mullon, you are recognized.

MR. MULLON: Thank you, Mr. Chairman. I think there are a lot of people in here who have commitments that will have to take them away from this body tomorrow. And I do not think that this charge was all that clear, that we come here bound to stay here until we have finished the job. I think it's written in such a way that would contemplate a recess.

And on top of that, I think that if it were done that way, and the people who had to go home or go somewhere else, take care of their business, it's going to be perceived as being extremely unfair. And it would take away the legitimacy of this process.

If this is reconvened, I suppose at the administration building or wherever, it would really take away from the legitimacy of the work of this convention.

MR. HANNAH: Mr. Keen. I'm sorry, Doctor Hook, you're recognized.

MR. HOOK: Jonathan Hook, Houston. I strongly disagree that this is unclear in the information that we were sent. I quote, it says: "As you're aware, the convention will be held in Tahlequah, Oklahoma, January 26th, 27th, 28th, 1999, or until the work is complete."

I see no ambiguity there. Our commission, our charge is to come here and finish this work. I agree that we should work in the evening only until we become too exhausted and then agree at the time we retire and recess, but there's no ambiguity in this.

We agreed to come here until this is complete; I think that's our charge, and I think we should discharge our duties effectively.

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

MR. JOHN KEEN: John Keen, delegate. I agree with Doctor Hook. With respect to Mr. Mullon, I disagree with that statement. There is nothing ambiguous about that. For myself, I have traveled many hundreds of miles to be here, forgone other obligations I have, and am willing to forego others.

I think I implore the local delegates to recognize that fact that those of us that have traveled many, many, many miles, many states to be here and serve, and are prepared to be through with this, I believe that your obligations here can be put aside to the greater obligation of this convention, just as we have done.

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

MR. RUTLEDGE: Although I have no problem staying through tomorrow, beyond that point may present hardships for certain members of the delegation, as well.

I know, for instance, I am starting a new job on Tuesday, but it's going to be a little hard to call my boss and tell him I can't make it.

If it's the will of the body, I would stay and try to finish, but that would put me in a hardship. I'm assuming other people have the same or similar problems with jobs.

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

MR. SMITH: I think everybody here is demonstrating an utmost dedication to this project. I personally, my faith in the Cherokee Nation has been renewed by the comradery and production that we see here.

But we need to make our decisions based on good information. One of the things we need to know is really how many people it will create a tremendous hardship for working tomorrow and possibly Tuesday because we still need to be a body of consensus.

And if it does create such a tremendous hardship in a significant number, we need to consider that and whether to file through or reconvene.

I can work until the product is done. Perhaps we could ask by show of hands as to what delegates it would create a hardship on being here all day tomorrow, then perhaps we can revisit the issue one more time tomorrow.

MR. HANNAH: Thank you, sir. Good doctor, you're recognized.

MR. ROBERTSON: Ricky Robertson, delegate. Personally, for myself, it would not be much of a problem, but I am also thinking about the delegates that are far off that have plane reservations and other items that it may be a problem for them.

I also have the same ideal that eventually we are going to get wore down, and if we continue this process, we could get wore down.

And I need to point out, we have a total of eighteen articles, and we're going to be lucky if we get Article V done today. And if you look at Article VI, I think that's a complete weekend or three days. Article VII is a complete weekend or three days.

I don't think that there's any possibility of us getting this done Monday or Tuesday. I think we're going at a good pace, but I think we're going and making sure that it's the way that we really feel as a majority as we go on, and this has worked well.

If we try to complete this, I really anticipate this taking another six to nine days, like today. So I think it would be very difficult for anybody to be able to stay away from their families for, you know, almost ten straight days. There are mothers here and other individuals. Thank you.

MR. HANNAH: Delegate Keen, you're recognized.

MR. KEEN, JR.: I would respond to those comments in saying it would be indeed very difficult to forecast how long this process will take. And I think trying to decide a number to it is pure speculation. We just do not know until we proceed through this.

We've been on a very dense, difficult section here, and it won't be the last difficult section we deal with. But many of the other sections in the Constitution will, I'm predicting, will

have very little change attached to them. So let's try to reframe from predicting exactly how long it's going to take.

MR. HANNAH: Thank you, Mr. Keen. Delegate Meredith, you are recognized.

MS. MEREDITH: I think one of the things that's happening here, and one of the reasons it's taking us so long is the necessity to stop and caucus and think and work through the sections.

And it seems to me that our time would be more productively spent if we went away and we used the electronic and telephonic means of communication and worked on that for two or three weeks, and then if we can come back together with a lot of these things ironed out, that it would not take so long, and we could get through the whole thing in a weekend.

MR. HANNAH: Doctor Hook, you are recognized.

MR. HOOK: I respectfully disagree with that. I think much of the process has been successful here because we are able to interact with each other face-to-face. We're able to see modifications as they are presented. We are able to evaluate them immediately with the help of our friend from Germany.

And I think that this is critical. I also strongly object to statements like, I'm starting a job or other things. Others of us are starting new jobs, but we have held this to be the most important activity we can undertake in our lives at this moment. I think that's something we have agreed to.

MR. HANNAH: Delegate from Greasy is recognized.

MR. HEMBREE: I move previous question and request a roll call vote.

MR. HANNAH: Previous question has been moved. Is there a second?

MR. JOHN KEEN: Second.

MR. HANNAH: There is a second, and the roll call vote --

MR. CROUCH: Point of information.

MR. HANNAH: Point of information.

MR. CROUCH: Do we indeed have this facility Monday, Tuesday, Wednesday?

MR. HANNAH: That, sir, is yet to be determined.

We believe that if we were to remain on Monday, we would have this facility; is that correct, Doctor Gourd?

MR. GOURD: Yes, that's why we brought the issue up now, so we can call. I checked with them, and the schedule is clear for Monday and Tuesday without a problem, unless somebody jumps up.

But the other concern I have in the most recent communication with the delegates, it was just this month that we received a supplemental appropriation from the Council to get everybody here. I feel an additional request for a supplemental appropriation request for a special meeting of the Council, if in fact we disband and have to come together again, because it's going

to require a whole another round of scheduling and all of that, and expenses involved.

MR. HANNAH: Thank you, Doctor Gourd, for the clarification.

So the motion that is before us is to -- help me, Mr. Hembree. To continue our work until completed; is that correct?

MR. HEMBREE: Well stated, yes. In consecutive days.

MR. HANNAH: In consecutive days. It has been seconded. It's been called for roll call vote. The screen is here for you to see.

And the Secretary will call the roll.

MS. HAVENS: Mr. Chairman, Edna Havens. Would you repeat for us what the "yes" vote means?

MR. HANNAH: The "yes" vote -- fortunately the Chairman is okay.

The "yes" vote means that we will in fact agree to remain here until our work is complete in consecutive series. In other words, we'll stay here for the remainder of the afternoon into the evening to a reasonable hour, which we will retire.

And it will be the Chair's suggestion that if this vote is accepted that we return here at eight o'clock tomorrow morning, and we go about the process on Monday. If in fact we have not finished our work by Monday evening, that we would return again here on Tuesday morning at eight o'clock.

And I assume that Mr. Hembree's motion -- I shouldn't assume. Mr. Hembree's motion is that if Wednesday morning we were still about the process, that we will be here to continue the work.

And the Chair looks about the delegation to make sure everyone understands what we're about to vote on.

Mr. Secretary, call the roll.

MR. UNDERWOOD: Adair.

MS. ADAIR: No.

MR. UNDERWOOD: Alberty.

MR. ALBERTY: No.

MR. UNDERWOOD: Bill Baker.

MR. BILL BAKER: Yes.

MR. UNDERWOOD: Donn Baker.

MR. DONN BAKER: No.

MR. UNDERWOOD: Jack Baker.

MR. JACK BAKER: No.

MR. UNDERWOOD: Berry.

MS. BERRY: Yes.

MR. UNDERWOOD: Birmingham.

MS. BIRMINGHAM: Yes.

MR. UNDERWOOD: Burnett

MS. BURNETT: Yes.

MR. UNDERWOOD: Center.

MR. CENTER: Yes.

MR. UNDERWOOD: Chilson.

MS. CHILSON: Yes.
MR. UNDERWOOD: Clarke.
MR. CLARKE: Yes.
MR. UNDERWOOD: Colson.
MS. COLSON: Yes.
MR. UNDERWOOD: Coon.
MS. COON: Yes.
MR. UNDERWOOD: Cornsilk.
MR. CORNSILK: No.
MR. UNDERWOOD: Crawford.
MS. CRAWFORD: Yes.
MR. UNDERWOOD: Crittenden, D.
MR. DON CRITTENDEN: Yes.
MR. UNDERWOOD: H. Crittenden.
MR. H. CRITTENDEN: Yes.
MR. UNDERWOOD: Crouch.
MR. CROUCH: No.
MR. UNDERWOOD: Bill Davis.
MR. BILL DAVIS: No.
MR. UNDERWOOD: Earl Davis. Bryce Downing.

Carl Downing.

MR. CARL DOWNING: Yes.
MR. UNDERWOOD: Dowty.
MR. DOWTY: Yes.
MR. UNDERWOOD: Foster.
MS. FOSTER: No.
MR. UNDERWOOD: Gourd.
MR. GOURD: Yes.
MR. UNDERWOOD: Gunter.
MR. GUNTER: Yes.
MR. UNDERWOOD: Hagerstrand.
MS. HAGERSTRAND: Yes.
MR. UNDERWOOD: Hammons.
MS. HAMMONS: No.
MR. UNDERWOOD: Hannah.
MR. HANNAH: Abstain.
MR. UNDERWOOD: Herod.
MR. HEROD: Yes.
MR. UNDERWOOD: Hathaway. Havens.
MS. HAVENS: Yes.
MR. UNDERWOOD: Hembree.
MR. HEMBREE: Yes.
DELEGATE: Point of order. Hathaway did not

vote.

MR. HANNAH: One moment. Scribner's error.
Thank you for watching. And probably another good reason why we are watching.

Delegate Viles, down in front. We'll ask the Secretary to suspend the vote momentarily.

All right. The Secretary will conclude the roll call

vote with Havens.

MR. UNDERWOOD: I'll call a couple of names a second time. Havens.

MS. HAVENS: Yes.

MR. UNDERWOOD: Hembree.

MR. HEMBREE: Yes.

MR. UNDERWOOD: Hook.

MR. HOOK: Yes.

MR. UNDERWOOD: C. Hoskin, Jr.

MR. HANNAH: Chair declares that the electronic ballot is contaminated. Therefore, we will strike the vote and the Secretary will take a hand ballot by roll call. Sorry, George.

MR. UNDERWOOD: Hathaway. Is Hathaway here? Havens.

MS. HAVENS: Yes.

MR. UNDERWOOD: Hembree.

MR. HEMBREE: Yes.

MR. UNDERWOOD: Hook.

MR. HOOK: Yes.

MR. UNDERWOOD: C. Hoskin, Jr.

MR. HOSKIN, JR.: No.

MR. UNDERWOOD: C. Hoskin, Sr.

MR. HOSKIN, SR.: Yes.

MR. UNDERWOOD: Johnson. Johnson. Jordan.

MS. JORDAN: No.

MR. UNDERWOOD: J. Keen.

MR. JOHN KEEN: Yes.

MR. UNDERWOOD: Ralph Keen, Jr.

MR. KEEN, JR.: Yes.

MR. UNDERWOOD: Ralph Keen, Sr.

MR. KEEN, SR.: Yes.

MR. UNDERWOOD: Lay.

MR. LAY: Yes.

MR. UNDERWOOD: Littlejohn.

MR. LITTLEJOHN: No.

MR. UNDERWOOD: Linnenkohl.

MS. LINNENKOHL: Yes.

MR. UNDERWOOD: Masters.

MS. MASTERS: Yes.

MR. UNDERWOOD: McDaniel.

MR. McDANIEL: Yes.

MR. UNDERWOOD: McIntosh.

MS. McINTOSH: Yes.

MR. UNDERWOOD: McCreary.

MR. McCREARY: Yes.

MR. UNDERWOOD: MacLemore.

MR. MacLEMORE: No.

MR. UNDERWOOD: Melton. Meredith.

MS. MEREDITH: No.

MR. UNDERWOOD: Miller.

MS. MILLER: Yes.
MR. UNDERWOOD: Moore.
MR. MOORE: Yes.
MR. UNDERWOOD: Mullon.
MR. MULLON: No.
MR. UNDERWOOD: Peacock.
MR. PEACOCK: Yes.
MR. UNDERWOOD: Phillips.
MR. PHILLIPS: No.
MR. UNDERWOOD: Pitts.
MS. PITTS: No.
MR. UNDERWOOD: Plumb.
MS. CHAPMAN-PLUMB: Yes.
MR. UNDERWOOD: Poteete.
MR. POTEETE: No.
MR. UNDERWOOD: Raper.
MR. RAPER: No.
MR. UNDERWOOD: Rider.
MR. RIDER: Yes.
MR. UNDERWOOD: Robinson.
MR. ROBINSON: No.
MR. UNDERWOOD: Rutledge.
MR. RUTLEDGE: No.
MR. UNDERWOOD: Sanders. Barbara Scott.
MS. STARR-SCOTT: Abstain.
MR. UNDERWOOD: D. Scott.
MS. SCOTT: Yes.
MR. UNDERWOOD: Owen Scott.
MR. SCOTT: Yes.
MR. UNDERWOOD: M. Silversmith.
MS. SILVERSMITH: Yes.
MR. UNDERWOOD: R. Silversmith.
MR. SILVERSMITH: Abstain.
MR. UNDERWOOD: Smith.
MR. SMITH: Yes.
MR. UNDERWOOD: Spencer.
MR. SPENCER: Yes.
MR. UNDERWOOD: Starr.
MR. STARR: No.
MR. UNDERWOOD: Stopp. Stroud.
MS. STROUD: Yes.
MR. UNDERWOOD: Twining.
MS. TWINING: Yes.
MR. UNDERWOOD: Underwood, yes.

Viles.

MR. VILES, JR.: No.
MR. UNDERWOOD: Wheeler.
MR. WHEELER: Yes.
MR. UNDERWOOD: Whitfield.
MR. WHITFIELD: No.

MR. UNDERWOOD: Wilson.

MR. WILSON: Yes.

MR. HANNAH: While our Secretary is tabulating results of that vote, I'd like to once again remind our visitors here today that we would ask the very best of decorum from you, and to please restrain from carrying on a conversation. Or if you feel if need to discuss items, please step to the anteroom to do so.

We would like to keep the attention of the delegates to the business at hand as much as possible. If you will do that for us, it would be very appreciative. Thank you.

MR. McDANIEL: Could I ask you a question?

MR. HANNAH: Sure.

MR. McDANIEL: Why do people abstain from voting or pass? What is the reason behind that?

MR. HANNAH: Calvin, that would require the Chair to once again drive off down that county road called "speculation." I don't think I'm going to go down there. I don't know.

I can tell you from my own abstention is that I feel that since you all have chosen me to chair this event that I should be here as an impartial facilitator, presider of this convention.

MR. McDANIEL: Anybody that goes to the trouble of getting here and driving here should vote. What is the reason for coming here if you're not going to vote?

MR. HANNAH: Thank you, Calvin. Calvin, that was probably one of most astute observations that I heard during the entire convention.

MR. McDANIEL: I wasn't directing it to you personally.

MR. HANNAH: I understand that, sir, you, being my good friend from Muskogee. But those of the rest of you who drove all the way here just to abstain, Calvin may want to speak with you after this event is over just to make sure he understands exactly what you were thinking.

My good friend, Starr-Scott.

MS. STARR-SCOTT: Point of information. I wish to clarify this for this gentleman. It doesn't inconvenience me one way or the other, and I'm willing to go with whatever the delegation works out as to how many days we stay or how many days we go. And that was the reason I abstained. Thank you.

MR. HANNAH: Thank you for that clarification. And the Secretary is here with the balloting.

MR. UNDERWOOD: The count forty-eight yes; twenty-four no.

MR. HANNAH: Motion carries and the convention continues.

MR. CROUCH: Mr. Chairman, may we open for business on Section 5 again -- excuse me, on Title 5?

MR. HANNAH: Article V, Section 3, we are open for business and the gentleman from Sacramento is recognized.

MR. CROUCH: Thank you, Mr. Chair. Gentleman from Sacramento who is proud to say he's a registered voter in Delaware district.

I would like to propose a new section for Article V, and numbering of which I'm not ready to -- contains generally two ideas.

I have some draft language that I'll turn in to our scribe to help her with this. I'll read it first from the floor.

Both of these are powers of the legislative branch. I actually believe they can have the authority to do both of these things already. I think that should this language be elevated to the Constitution, it would give them the political cover they need to professionalize the work that they do on behalf of all of us, regardless of where we live and vote.

First paragraph would read:

"The Tribal Council should have the authority to establish the position of legislative counsel for the purpose of assisting Council and the drafting of legislation and to provide advice on issues of law and procedure.

The position shall be filled by a person who is licensed to practice law in the state in which they reside. Legislative counsel shall be selected and served at the pleasure of the Council."

Second paragraph:

"In order to facilitate communications with, and services to the citizens of the Cherokee Nation, each member of the Council shall be provided the opportunity to establish in a district office."

Thank you. I move that, and I'm seeking a second.

MR. HANNAH: Is there a second?

DELEGATE: Second.

MR. HANNAH: Chair hears a second, and we are open for debate as the gentleman will submit his motion for inclusion on the screen.

Mr. Smith, how rise you, sir?

MR. SMITH: I stand in opposition. It is good legislation, but it is not permissive legislation, should not come to the status and encumber our Constitution.

The Council has that authority. They've had that authority for months and years now. Provided funding for legislative counsel, and, in fact, for an accountant, and chose not to exercise it. That shouldn't be in our Constitution. We should go on to other things.

MR. HANNAH: Thank you, Mr. Smith. Mr. Mullon, you are recognized, sir.

MR. MULLON: Thank you, Mr. Chair. I rise in opposition to it. This isn't business of legislation. The Council has the authority right now. It's a matter of exercising that authority.

I don't think we need to put a constitutional provision in there that the Council has got to have a lawyer. Let them make

that decision. They have the power to do it if they want to. They can appropriate the funds for the district offices if they see fit.

MR. HANNAH: Mr. Keen, you're recognized on point of order.

MR. KEEN, JR.: Apparently, I misunderstood what you were proposing initially, and I want to clarify this. You are in fact proposing that we create a new section within Article V; Is that correct?

MR. CROUCH: Yes, if that is the appropriate way to amend this to this legislation. I thought it was. If I'm incorrect, I stand corrected.

MR. KEEN, JR.: Well, that is the correct way, but the question before the floor is the language contained in Section 3, so it may be out of time. So if you will --

MR. HANNAH: Would the kind delegate withdraw his motion and hold it for an appropriate moment?

MR. KEEN, JR.: Well, Mr. Chairman, a motion has already been made and seconded.

MR. HANNAH: I understand that, but perhaps the second would also -- he would have the ability to withdraw it, Mr. Keen.

MR. CROUCH: I will withdraw it until some later time.

MR. HANNAH: And without objection by the second? Thank you very much.

Doctor Hook, you are recognized, sir.

MR. HOOK: I move that we untable the Silversmith proposal.

MR. HANNAH: There's a motion to bring the Silversmith proposal off the table. Do I hear a second?

DELEGATE: Second.

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

THE DELEGATES: Aye.

MR. HANNAH: Those Opposed, "no."

THE DELEGATES: No.

MR. HANNAH: And the Silversmith proposal is off the table and before us.

MR. KEEN, JR.: Point of information.

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

MR. KEEN JR.: Perhaps we need to ask the author to step forward and explain the language. There has been some language change since we've last visited this.

MR. HANNAH: While it was on the table. This is just to assure all the delegates that while these things go on the table, things happen to them out there.

MS. SILVERSMITH: Our intention is to draw up a Constitution that all of our people can read and understand. So we do need help with the verbiage, help with the English, help where things should go so they can understand.

So with the help of some of the members here, we came up with this revised proposal, and worked:

"All Council members shall be limited to two consecutive limited terms on the Council."

Now, the elected terms, can I explain why we did this?

MR. HANNAH: That's why you are here, ma'am. Please, move on with your explanation so we can move on with debate.

MS. SILVERSMITH: Does anyone have a question about the, if a Council person is appointed, would that delete them from having two consecutive terms, or would it limit them to a half of a term or a third of a term, or three-day term or whatever, no? That's why we injected "elected."

They had to be elected. If they aren't elected, then, of course, they can run two terms, two elected terms. Okay.

"All Council members having served two consecutive terms may sit on one term before seeking any seat on the Council."

That is what I am proposing, what you see on the screen.

MR. HANNAH: Thank you very much. The floor is open for debate.

Mr. Poteete, you are recognized. How rise, you?

MR. POTEETE: I move to consider the question. We've had debate previously. All we've done is refine the language to reflect the intent of the parties before we go --

MR. HANNAH: The question has been moved. Is there a second?

DELEGATE: Second.

MR. HANNAH: And there is a second. And hearing no opposition, we move for the vote. And the vote taken, voting in the affirmative would include the language that you see, listed as "Silversmith proposal," that:

"All Council members shall be limited to two consecutive elected terms on the Council. All Council members having served two consecutive terms must sit out one term before seeking any seat on the Council."

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

THE DELEGATES: Aye.

MR. HANNAH: Those opposed, "no."

THE DELEGATES: No.

DELEGATE: Roll call vote.

MR. HANNAH: Roll call is called for. Mr. Secretary. We apparently still have a convoluted system there. Mr. Vice-Chairman, will you assist the Secretary in tellering a manual roll call?

MR. LITTLEJOHN: Point of information.

MR. HANNAH: Mr. Littlejohn, you're recognized on point of information.

MR. LITTLEJOHN: Would this apply to the present Council members seated, or will it begin with the next elected?

MR. HANNAH: A most astute question. Mr. Smith.

MR. SMITH: I anticipate that we will certainly include the ex-post facto provision, so this will be prospective rather than retroactive. So, yes, it would add two more terms.

MR. KEEN JR.: I would agree with that. This requirement can only come into effect prospectively, not retroactively.

MR. HANNAH: Mr. Littlejohn, you are clarified. Let's bring order here in the chamber.

And, Mr. Secretary, are you prepared for the vote?

Will the delegates take their seats for the vote, please?

I believe it would be proper and in order for the delegates to take their seats for the vote. And thank you, gentlemen.

MR. UNDERWOOD: Adair.

MS. ADAIR: No.

MR. UNDERWOOD: Alberty.

MR. ALBERTY: Yes.

MR. UNDERWOOD: Bill Baker.

MR. BILL BAKER: No.

MR. UNDERWOOD: Donn Baker.

MR. DONN BAKER: No.

MR. UNDERWOOD: Jack Baker. Berry.

MS. BERRY: Yes.

MR. UNDERWOOD: Birmingham.

MS. BIRMINGHAM: Yes.

MR. UNDERWOOD: Burnett

MS. BURNETT: Yes.

MR. UNDERWOOD: Center.

MR. CENTER: No.

MR. UNDERWOOD: Chilson.

MS. CHILSON: Yes.

MR. UNDERWOOD: Clarke.

MR. CLARKE: No.

MR. UNDERWOOD: Colson.

MS. COLSON: Yes.

MR. UNDERWOOD: Coon.

MS. COON: Yes.

MR. UNDERWOOD: Cornsilk.

MR. CORNSILK: Yes.

MR. UNDERWOOD: Crawford.

MS. CRAWFORD: No.

MR. UNDERWOOD: Crittenden, Don Crittenden.

MR. DON CRITTENDEN: No.

MR. UNDERWOOD: H. Crittenden.

MR. H. CRITTENDEN: Yes.

MR. UNDERWOOD: Crouch.

MR. CROUCH: No.

MR. UNDERWOOD: Bill Davis. Earl Davis. Bryce

Downing. Carl Downing.

MR. CARL DOWNING: Yes.

MR. UNDERWOOD: Dowty.

MR. DOWTY: No.
MR. UNDERWOOD: Foster.
MS. FOSTER: Yes.
MR. UNDERWOOD: Gourd.
MR. GOURD: No.
MR. UNDERWOOD: Gunter.
MR. GUNTER: Yes.
MR. UNDERWOOD: Hagerstrand.
MS. HAGERSTRAND: Yes.
MR. UNDERWOOD: Hammons.
MS. HAMMONS: Yes.
MR. UNDERWOOD: Hannah.
MR. HANNAH: Abstain.
MR. UNDERWOOD: Herod.
MR. HEROD: Yes.
MR. UNDERWOOD: Hathaway. Havens.
MS. HAVENS: No.
MR. UNDERWOOD: Hembree.
MR. HEMBREE: No.
MR. UNDERWOOD: Hook.
MR. HOOK: Yes.
MR. UNDERWOOD: C. Hoskin, Jr.
MR. HOSKIN, JR.: No.
MR. UNDERWOOD: C. Hoskin, Sr.
MR. HOSKIN, SR.: No.
MR. UNDERWOOD: Johnson. Jordan. J. Keen.

Ralph Keen, Jr.

MR. KEEN, JR.: Yes.
MR. UNDERWOOD: Ralph Keen, Sr.
MR. KEEN, SR.: Yes.
MR. UNDERWOOD: Lay.
MR. LAY: Yes.
MR. UNDERWOOD: Littlejohn.
MR. LITTLEJOHN: No.
MR. UNDERWOOD: Linnenkohl.
MS. LINNENKOHL: Yes.
MR. UNDERWOOD: Masters.
MS. MASTERS: Yes.
MR. UNDERWOOD: McDaniel.
MR. McDANIEL: Yes.
MR. UNDERWOOD: McIntosh.
MS. McIntosh: No.
MR. UNDERWOOD: McCreary.
MR. McCREARY: Yes.
MR. UNDERWOOD: MacLemore.
MR. MacLEMORE: Yes.
MR. UNDERWOOD: Melton. Meredith.
MS. MEREDITH: No.
MR. UNDERWOOD: Miller.
MS. MILLER: No.

MR. UNDERWOOD: Moore.
MR. MOORE: Yes.
MR. UNDERWOOD: Mullon.
MR. MULLON: Yes.
MR. UNDERWOOD: Peacock.
MR. PEACOCK: Yes.
MR. UNDERWOOD: Phillips.
MR. PHILLIPS: No.
MR. UNDERWOOD: Pitts.
MS. PITTS: No.
MR. UNDERWOOD: Plumb. Poteete.
MR. POTEETE: Yes.
MR. UNDERWOOD: Raper.
MR. RAPER: Yes.
MR. UNDERWOOD: Rider.
MR. RIDER: No.
MR. UNDERWOOD: Robinson.
MR. ROBINSON: Yes.
MR. UNDERWOOD: Rutledge.
MR. RUTLEDGE: Yes.
MR. UNDERWOOD: Sanders. Barbara Scott.
MS. STARR-SCOTT: Yes.
MR. UNDERWOOD: D. Scott.
MS. SCOTT: Yes.
MR. UNDERWOOD: Owen Scott.
MR. SCOTT: Yes.
MR. UNDERWOOD: M. Silversmith.
MS. SILVERSMITH: Yes.
MR. UNDERWOOD: R. Silversmith.
MR. SILVERSMITH: Yes.
MR. UNDERWOOD: Smith.
MR. SMITH: Yes.
MR. UNDERWOOD: Spencer.
MR. SPENCER: Yes.
MR. UNDERWOOD: Starr.
MR. STARR: No.
MR. UNDERWOOD: Stopp. Stroud.
MS. STROUD: Yes.
MR. UNDERWOOD: Twining.
MS. TWINING: Yes.
MR. UNDERWOOD: Underwood, yes.

Viles.

MR. VILES, JR.: Yes.
MR. UNDERWOOD: Wheeler.
MR. WHEELER: Yes.
MR. UNDERWOOD: Whitfield.
MR. WHITFIELD: No.
MR. UNDERWOOD: Wilson.
MR. WILSON: Yes.
MR. HANNAH: Mr. Secretary, has the vote been

tallied?

MR. UNDERWOOD: The vote has been tallied.

MR. HANNAH: And the results are?

MR. UNDERWOOD: Forty-four yes; twenty-three no.

MR. HANNAH: Number of abstentions, Mr.

Secretary?

MR. UNDERWOOD: One.

MR. HANNAH: One abstention. That would be the Chair, who drove here to do that. And Calvin wasn't here to hear it. What can I say?

We are on Article V, Section 3. Stay together here, folks. You are recognized, sir.

MR. CLARKE: William Clarke, delegate from Muskogee. I make a motion that we untable Mr. Cornsilk's proposal.

MR. HANNAH: Motion on the floor to bring Mr. Cornsilk's proposal on the floor. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. And hearing no objection, all of those in favor of the motion, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed, "no."

THE DELEGATES: No.

MR. HANNAH: The proposal comes off the table, Mr. Cornsilk.

Mr. Cornsilk's proposal is, and the floor is open for debate to qualify, "Non-resident voters shall vote at-large and the qualified resident voters shall vote in their district."

And who rises -- well, of course, Mr. Cornsilk does for clarification or for supporting language. Good to see you, sir.

MR. CORNSILK: That's correct. Delegate Cornsilk. I would invite a friendly amendment.

MR. HANNAH: Mr. Hathaway, you found another part of the room.

MR. HATHAWAY: I did.

MR. CORNSILK: Mr. Chairman.

MR. HANNAH: Mr. Cornsilk.

MR. CORNSILK: Mr. Keen has offered an amendment to mine to change "qualified voters" to "registered voters" to continue with consistency in the Constitution, and I accept that.

MR. HANNAH: Very well. Is that the extent of your changes?

And, Mr. Hathaway, you are recognized.

MR. HATHAWAY: Mr. Chairman, I offer a friendly amendment in substitution for the Cornsilk proposal as friendly amended, to read as follows:

"All citizens" -- would you like to have one to look from?

MR. HANNAH: Of that length, yes. Why don't you do us a favor; if you would first of all, if you would read it,

we'll see if Mr. Cornsilk is in fact willing to accept it before it is typed. And if he does, then we'll bring it on the screen; is that fair?

MR. HATHAWAY: Fine.

"All citizens residing outside the historical boundary of the Cherokee Nation may, at the time of the first election to fill at-large Council seats, choose to continue to be registered to vote in the district in which they were previously registered. In the absence of making that choice, they shall be registered to vote at-large.

Notwithstanding the above, citizens under the age of twenty-five who are residing outside the historical boundary of the Cherokee Nation and who have not previously registered to vote may similarly make a single choice to register to vote in the district of their choice at the time of their first registration, failing which, their registration shall be to voting at-large.

Citizens residing outside the historical boundary who relocate to reside within a district shall be subject to the requirement to vote in that district."

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

MR. CORNSILK: Mr. Chairman, I would accept that amendment with a couple of cosmetic corrections, if I may. Correct me if I'm wrong in the legality of this. In the first sentence, you have "all citizens." I would recommend "all registered voters" because all citizens include babies.

MR. HATHAWAY: Yes, they would have to be continuing to be registered to vote, so later on that would be consistent. The reason I said "continue to be registered to vote" is, as this first provision would apply to currently registered voters. But I'm not enough of an expert to know whether we re-register.

If that's a proper term, that's fine. It's your amendment.

MR. CORNSILK: I would be more comfortable if it said "all registered voters" as opposed to "all citizens."

MR. HATHAWAY: Okay.

MR. ALBERTY: Point of information.

MR. HANNAH: Yes, sir.

MR. ALBERTY: Dewey Alberty, delegate. What he's saying, in effect, if I understand, I'm affected by this ruling since I'm in District 8, which previously was county, Tulsa County, Washington, you know, and then we're cutting out me and a lot of others.

But when you're reading, I'm saying, we're still in the district as we previously were?

MR. HATHAWAY: Correct. You have that option to stay there.

MR. ALBERTY: I was kind of confused because county wasn't mentioned, but that's good.

MR. HATHAWAY: Right.

MR. HANNAH: Thank you, Mr. Alberty, for raising that.

MR. CORNSILK: Mr. Chairman, I would also question the necessity of the word "similarly" about midway down on the right-hand side.

MR. HATHAWAY: I put that in solely to test Mr. Cornsilk's legal ability, and he has passed the test. Thank you.

MR. HANNAH: Mr. Cornsilk, for the scribe, will you please indicate which word will be stricken?

MR. CORNSILK: "Similarly." It is twelve sentences down on the right-hand side.

MR. HATHAWAY: It's one thumb width up from the bottom.

MR. CORNSILK: Are you going to take it off the screen?

With those changes, I would accept that amendment.

MR. HANNAH: Very well. The motion has been brought back from the table. It has had a small friendly amendment. And the floor is open for debate.

Doctor Gourd, you are recognized.

MR. GOURD: Thank you, Mr. Chairman.

MR. HANNAH: How rise you? In favor of or in opposition?

MR. GOURD: If you would take the barbs off that fence, I'll stand right on top of it. I'm in favor of the majority of the amendment with the exception, which is being placed on the screen as I speak, that says: "Notwithstanding the above citizens under the age of twenty-five who are residing outside the historical boundary."

They would also be given that choice if the intent of this motion is to grandfather those who are currently registered in the district who want to retain that district identity; I have no problem with that.

It's the future registration of voters who live outside the boundaries I don't think should have that choice. Those who currently are registered and want to retain it, grandfather those in, but the ones who are subsequent to registration if they live outside the boundaries are automatically at-large.

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

MR. CORNSILK: I would accept striking from this motion beginning with "notwithstanding," and ending with "at-large" as a friendly amendment.

MR. HANNAH: Thank you, Mr. Cornsilk. Kind lady from Oklahoma City is recognized.

MS. MEREDITH: I would like language inserted -- or this would be a friendly amendment for David, that those persons living outside of the area should they change residents from one place to another, would then have the option of re-registering or re-registering in a different district or at-large if they chose.

MR. CORNSILK: Mr. Chairman, may I address that?

MR. HANNAH: Yes, you may, Mr. Cornsilk.

MR. CORNSILK: In the last four lines of this amendment is says:

"Citizens residing outside the historical boundary will relocate to reside within a district shall be subject to the requirement to vote in that district."

That changes their voter registration.

MS. MEREDITH: What I want to know, people who live outside and move somewhere else outside. In other words, you may register in your home district because there is strong community organization; you may move to a whole other state where there is one, and you may want to vote at-large to be a part of that community organization. And it seems to me if you gave people that option only when they change their residency.

MR. CORNSILK: Are you suggesting then that we would add language that could say that a person who lives as a non-resident of the Cherokee Nation, and if they are registered in a district, jump to being an at-large voter?

MS. MEREDITH: No, I'm saying that an at-large voter may change their registration if they change their residency.

MR. CORNSILK: We're trying to get away from district hopping.

MS. MEREDITH: Nobody, I don't think, is going to move from one state to another or one house to another just to be able to vote. And the people who are able to do that are very few.

MR. CORNSILK: It sounds like you're making a complicated issue of the people who live outside the Cherokee Nation. They're simply non-residents. They're California non-residents, New Mexico non-residents, but they're all non-residents.

They're either going to register with a district because they have some home affiliation there, or they're going to register with the at-large because they have some belief that that person is going to represent them better. And I don't understand the importance of --

MS. MEREDITH: Well, people who move inside get to change their districts, right, when they move from one place to another? I'm saying people who live outside should have the same privilege.

You shouldn't have to decide, I'm going to go for that district or I'm going to vote at-large, and be stuck with it for the rest of your life, whether you move or not.

MR. CORNSILK: Mr. Chairman, I would suggest that that's a reason for to vote for or against this motion. I object to it.

MR. HANNAH: Thank you, Mr. Cornsilk. And thank you, kind lady, for yielding the microphone.

Our delegate formerly of west Peavine.

MR. DOWTY: Presently of Tahlequah, Delegate Dowty. As a point of inquiry, did we not adopt in this article the

qualification for a delegate or a Councilor living within the historical boundary, that they must be domiciled within that district?

MR. HANNAH: Chair recalls that language.

MR. DOWTY: Then I suggest to the Chair that we, by referring and making reference to residency in the remainder and in the amendments, we are creating a conflict in terms of language. And I would simply caution the delegates and the author that that needs to be addressed.

MR. HANNAH: Point taken.

Mr. Cornsilk, it has been raised, and Chair declares rightfully so that we create conflict and ambiguity in language due to the original designation word "domicile," herein using the word "residency." The Chair thanks the delegates for being patient.

MR. KEEN, JR.: I will be just a moment.

MR. HANNAH: Thank you, Mr. Keen.

MR. CORNSILK: Mr. Chairman.

MR. HANNAH: Mr. Cornsilk.

MR. CORNSILK: Once again I accept a friendly amendment to correct and reconcile the word "residing" and change that to "domicile".

MR. HANNAH: Thank you, Mr. Cornsilk.

Mr. Keen, you are recognized.

MR. JOHN KEEN: Could I have a copy of the written original version? Thank you.

I would like to tentatively introduce a motion to amend the sentence that we struck was "notwithstanding the above." I believe that's where it began.

"Notwithstanding the above citizens under the age of twenty-five who are residing outside the historical boundary of the Cherokee Nation and who may not have previously registered to vote a similarly -- choose to register to vote in the district of their choice at the time of their first registration, failing in which the registration shall be to vote at-large."

Did we strike all of that?

MR. CORNSILK: Yes.

MR. HANNAH: Yes, it was stricken.

MR. JOHN KEEN: I would like to reintroduce that as a motion to amend, but before anybody seconds, if they were going to second, I'd like to give my reason why.

As I understood it, that was a piece written in there to give the younger voters, as they became of age, basically time to mature and realize the responsibility of their voting, and declare a district.

So that was one of the pieces I liked about this when I first read it. I understand there may be other implications of that, but I don't think it is a grandfather clause. I think it's the author's intent in writing it was good.

So I guess I will offer that as a motion to amend.

MR. HANNAH: Motion to amend is on the floor for

re-inclusion of the previous stricken language; is that correct, Mr. Keen?

MR. JOHN KEEN: Yes.

MR. HANNAH: Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. Hearing no opposition, all those in favor -- I'm sorry. The floor is open for debate.

Who rises in opposition to Mr. Keen's motion to amend and reintroduce the language that was previously stricken from the Cornsilk proposal?

MR. CORNSILK: Mr. Chairman.

MR. HANNAH: Mr. Cornsilk.

MR. CORNSILK: I rise in opposition to that, and, again, my reasoning is that this is a compromise. This is an effort by persons who live outside the Cherokee Nation and inside to try to come to some meeting of minds that would allow for the people who live in the district to vote for their representative, and the people who live outside the Cherokee Nation to vote for their representative, and that eventually the between shall not meet.

MR. HANNAH: Thank you, Mr. Cornsilk.

MR. JOHN KEEN: I'd like to ask the author a point of clarification to share his intent on that, just as a point of clarification.

MR. HANNAH: Thank you very much, sir. Mr. Hathaway, are you the --

MR. HATHAWAY: I moved to the right again.

MR. HANNAH: Thank you very much. It keeps the Chair honest.

MR. HATHAWAY: What was discussed, and there was a substantial sentiment among some of the delegates who feel very strongly, that they should be able to retain their normal community connection, possibly with their family farm or something, to vote in the district in which they have always voted in. And there was a strong sentiment that their children should have that option as well.

We discussed trying to do language of saying children, so and so forth, should be able to maintain, and it became a drafting nightmare that we couldn't surmount. We then discussed whether we should limit it to them at the time they came first of the age of registration to give them this choice.

And having had a child just pass through that period of time, I was sympathetic to the idea that a post-college, post-army, post-growing-up period of a year or two to make that decision of where one's voting district would be, would be appropriate.

So we simply chose, not for some scientific reason, that before they reach the age of twenty-five, they would have to do it.

And the positive part of that we thought was that it might be an incentive to get young people to register in the first place if they had a decision to make about it.

There was some sentiment that we could limit it without

this at all, and all new registrants would be at-large. But there was a good degree of sympathy for the idea that family should be able to continue, and from generation to generation if their family farm is in Welling, even if they aren't able to live on it and make a living there, that they might still want to be able to vote for a representative from Welling.

And that was the only reason. As my learned colleague, Keen, the younger, stated, that's what we were trying to do. Thank you.

MR. HANNAH: Thank you for the clarification, Mr. Hathaway. You, sir, are recognized.

MR. CROUCH: Delegate Crouch from Sacramento. I rise in support of this amendment. I would thank Mr. Keen for re-inserting it.

I believe that this is a family-friendly amendment. I believe that the Tribe is indeed a collection of clans and families, and that not having this provision creates a discontinuity between those families that have, in great stress, maintained a relationship with a unique part of the Cherokee Nation, and forces them forever more to be something other.

I think it is also important that we think about those family people who have lost that connection, and yet seek some relationship to the Tribe and are eligible to vote, and that they have a unique place for their voice to be heard. And, therefore, I rise in favor of this.

And, finally, not by way of threat, but by way of issue, I would suggest that if we do not allow people to continue to choose to be part of a district inside of the fourteen-county area, then we are exposing ourselves to some extent as a Tribe, I believe, to the thought that we are not providing equal representation for all of our citizens. And that, some day might be adjudicated in the Supreme Court of our Nation.

And by allowing for that continued relationship and this family-friendly amendment, you lessen the need for that kind of thing. And it will keep families together, attached to the community from which they came.

MR. HANNAH: Delegate MacLemore is recognized.

MR. MacLEMORE: I rise opposed to this. As a matter of fact, I oppose the entirety of it. Unless I don't understand English well enough, my reason for it is, if you look at the previous paragraph up at the top to the right, it says:

"Registered voters residing outside of the historical boundaries of the Cherokee Nation may either register and vote for at-large seats or register and vote in the district of their choice."

My impression of that is that takes care of all the things we're trying to do with the Cornsilk-Hathaway proposal. So I oppose this.

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

MR. MULLON: Thank you, Mr. Chairman. Delegate David Mullon. I don't really, myself, have much feeling one way or another about whether it should read as it has now or whether it should have the provision for the twenty-five-year-old age limit language.

Although, I guess I would tend to favor that giving the young children as a they come of age the opportunity to choose. But I don't feel strongly about it one way or the other.

What I do feel, though, I see -- I'm wondering if we left a hole in this language here. And in that regard, the first sentence addresses it's only to all registered voters domiciled outside the historical boundaries.

And the second sentence addresses what happens in the event that those registered voters domiciled outside and not make that choice. What happens to the persons who are not registered to vote and are domiciled outside the historical boundary?

I don't believe that's addressed, and as it reads right now, I don't think they would be able to vote one way or the other. They wouldn't even be able to vote at-large.

I think maybe that might be a reason that Mr. Cornsilk might support, but I think we don't intend to be leaving that out.

MR. HANNAH: Thank you, sir.

MR. CORNSILK: Mr. Chairman.

MR. HANNAH: Mr. Cornsilk.

MR. CORNSILK: May I respond to that snide remark he just made? I am not attempting to disenfranchise the Cherokee citizens from their vote.

MR. MULLON: Mr. Chairman.

MR. HANNAH: Mr. Mullon.

MR. MULLON: I apologize. I did not mean for that to be a snide remark. What I meant to really say is that leaving it the way it is, is very limiting, and I assumed that was the position that you were taking. And I did not intend it to be a snide remark. But I do feel like it is a hole in the proposal.

MR. HANNAH: Chair appreciates the decorum that is displayed by both delegates there.

Sir, you are recognized.

MR. WHEELER: Delegate George Wheeler. I rise to speak against the amendment.

As the delegate from Oklahoma City mentioned, this problem is taken care of in the current language above. This would limit people moving in and out of the district. It would limit anyone who would move in and out of the historical boundaries of the Cherokee Nation, which many of us have done.

Currently, I live outside the boundaries of the Cherokee Nation, but I hope to move back soon. I have moved in and out of those boundaries over the period of years. By this, if I would move out of the boundary, I would lose my right to be registered within the boundaries of the Cherokee Nation if for some reason my registration lapsed. It's much too restrictive. Thank you.

MR. HANNAH: Good doctor, you are recognized.

MR. ROBINSON: Delegate Ricky Robinson. I respectfully have exception to the last gentleman and Mr. MacLemore. I think I am in favor of this. I think the reason behind some of this is once again the concern that out-of-state -- out-of-boundary, I should say, registered Cherokees, if we did not have something to this effect, they could change their district registration every election.

One election they could vote for the Trail of Tears District, and the next election, they could vote for the Oolagah District; the next election, two years later, they could vote for at-large. So I am in favor of this amendment.

MR. HOOK: Point of information.

MR. HANNAH: Point of information, Doctor Hook.

MR. HOOK: Are we not now debating the proposed restoration of the earlier deleted --

MR. HANNAH: Yes, sir, we are.

MR. HOOK: Is there some way we could see that visually because we don't have copies of that. See it visually.

MR. HANNAH: We will bring that for you. Give us one moment to bring it back to the screen.

MR. HATHAWAY: Mr. Chairman.

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

MR. HATHAWAY: I don't want to interrupt the work of the text, or slow this down, but as you're doing that, I thought I would like to respond, at least of the intention of one of the drafters of the paragraph.

My purpose here was not in any way to try to restrict those who live outside the districts from their choice to vote in the district in which they are currently voting, nor was it my intention to limit someone registered in a district now who subsequently moved, to lose that.

What I was attempting to do, and I believe it does, but if it doesn't, it's a question for the Style Committee to fix or for us to fix later. The purpose of this is, the purpose of this amendment is to eliminate the concern for possible abuse that some have expressed and feel quite strongly about.

They do not want to have the Constitution when presented to the people of the Cherokee Nation to be subject to a charge that any block of voters living outside their community might control how their community selects its representative.

I have no illusion that anyone in this room would have that intention, nor, to paraphrase Will Rogers who once was asked if he was a member of an organized political party, he said, "No, I'm a Democrat."

I'm not sure we're organized enough to do that, but it is a fear, and it is something that I think might be a hot-button issue.

And that's the reason I put the effort into trying to find something that would accommodate that concern without

undercutting the interest of residents outside of their choice to keep voting in their home in the district where they vote. The reason I wanted to have the possibility for their children to do that as well, for new registrants, but not, not to have any possibility of this being used to manipulate the local choice of the local representative.

So if you want to stay in your local community, if you want to keep voting out with all of your old family and friends in Welling, you can do that. If you want to vote at-large, you could do that.

The purpose of the language, it would -- Delegate MacLemore, you're quite correct -- it would change what we have agreed to do, which is to have an unlimited choice and an unlimited number of times. There was a concern raised about that.

The purpose of this amendment is not to eliminate the legitimate choice, but to insulate this provision and provision of additional delegates to serve out non-resident citizens, to prevent that from having the complaint that there might be an undue influence on a community's choice with a representative.

And that's the only reason for this. I repeat, it doesn't, it should not be read, and I don't believe it is, it certainly isn't the intent, for it to disenfranchise somebody out of a district who subsequently moves.

MR. HOOK: Point of information.

MR. HANNAH: Point of information, Doctor Hook.

MR. HOOK: Are you then also asking that a part of the previous paragraph be deleted? If so, which part would that be?

MR. HATHAWAY: I believe, upon looking at it -- we were doing it outside and didn't have the benefit of seeing all the other text -- but I believe the sentence that gives the choice of either would be replaced by this language.

And I think that was the original intention of the much broader provision that Delegate Cornsilk had proposed, which was tabled. But my effort is to take that existing highlighted provision and make it satisfy the legitimate concerns of both sides of this argument. So that those who wanted to be able to stay in their home district for voting would be able to do so, like Doctor Masters and others, but that that choice wouldn't be subject to any possibility of manipulation.

And that really, that's the only purpose. So I believe that -- am I correct, Mr. Mullon? I believe this sentence would be replaced by the new language to confirm. That wasn't part of the original amendment, but that's what would have had to have happened.

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

MR. SCOTT: Scott, delegate. I believe the black highlighted part there already covers it. I understand the intent there, but I think all of this extra stuff we're trying to get into here is just like splitting open a hollow log to make another "slop trough" for lawyers, and I think that is --

MR. HANNAH: We'll bring order back to the chamber.

MR. SCOTT: I'm in favor of the sentiment, but I think it's already taken care of in what we have already.

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

MR. JOHN KEEN: Motion to call the previous question.

DELEGATE: Second.

MR. HANNAH: Motion to call the question, and it has been seconded.

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

THE DELEGATES: Aye.

MR. HANNAH: Opposed, "no."

DELEGATE: What are we voting on?

MR. HANNAH: We are voting to call the question on the amendment to the amendment. And I will assure every delegate that before we cast our vote, we'll know exactly what it is that we're voting on.

It is the Chair's declaration that we are moving to the question. And the question before us is, what we are about to vote on is Mr. Keen's amendment to bring previously stricken language back to the table or back to the language, the amendment:

"Notwithstanding the above, citizens under the age of twenty-five who are residing outside the historical boundaries of the Cherokee Nation and who have not previously registered to vote may make a single choice to register to vote in the district of their choice at the time of their first registration, failing which their registration shall be to vote at-large."

And that is this motion that is before us. All those in favor signify by saying, "aye."

THE DELEGATES: Aye.

MR. HANNAH: Opposed, "no."

THE DELEGATES: No.

MR. HANNAH: And the Chair unable to discern the direction of the vote, turns to the Secretary and asks for a standing vote to be called.

Are you prepared, Mr. Underwood?

All of those in favor of the motion before us, please stand.

THE DELEGATES: (Standing)

MR. UNDERWOOD: Count is thirty-eight.

MR. HANNAH: All of those opposed, please stand.

THE DELEGATES: (Standing)

MR. UNDERWOOD: Count is twenty-nine.

MR. HANNAH: Count is twenty-nine. Thirty-eight for the proposal. The language stands, and is reincluded, which brings us back to Mr. Cornsilk.

MR. CORNSILK: Mr. Chairman.

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

MR. CORNSILK: I believe I have another friendly amendment that we would like to include.

MR. HANNAH: Mr. Mullon, I assume you're assisting.

MR. MULLON: Yes.

MR. HANNAH: And you are recognized.

MR. MULLON: Thank you, Mr. Chairman.

It would be following the sentence that was just added or the provision that was just added to the effect -- I'm sorry. It would actually go -- the amendment would be -- well, I guess that's as good a place as any.

It would say: "All citizens age twenty-five or older domiciled outside of the historical boundary of the Cherokee Nation, not registered to vote at the time of the first election to fill at-large Council seats may only register to vote at-large."

MR. JOHN KEEN: Point of order, Mr. Chairman.

MR. MULLON: That would be it.

MR. HANNAH: Thank you very much. And you're accepting that, Mr. Cornsilk?

MR. JOHN KEEN: Point of order.

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

MR. JOHN KEEN: I believe that I would have to accept that as a friendly amendment, as that is my amendment that they're changing.

MR. HANNAH: Actually, I think your amendment was to reintroduce language that was presented by Mr. Cornsilk, and it was reintroduced by your work, and it is now back in the section.

And Mr. Cornsilk is leading us through the remainder of his proposal that was taken off the table earlier.

MR. JOHN KEEN: Appeal the Chair's ruling to the extent that he would consult the parliamentarian.

MR. CORNSILK: Mr. Chairman, may I make a statement to that effect?

MR. HANNAH: One moment, please.

Thank you, Mr. Keen, for your point. Parliamentarian -- or the Chair rules with the assistance of the parliamentarian that it will not be accepted as a friendly amendment to Mr. Cornsilk's piece, but Chair would accept it as a separate amendment. Is it so made, Mr. Mullon?

MR. MULLON: I would move it as an amendment, yes.

MR. HANNAH: Very well, is there a second?

MR. CORNSILK: Second.

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

MR. HATHAWAY: Mr. Chairman.

MR. HANNAH: Mr. Hathaway.

MR. HATHAWAY: I think this covers the other side of the same coin to fill the loophole, and it does not. After reading it, I was anticipating something maybe more, you know, something that would have a substantive effect.

But I do not believe that this language does anything other than make it absolutely clear that if you haven't made your choice by the time you turn twenty-five, you have lost it. You will be registered outside, if you are outside.

MR. HANNAH: Mr. Alberty.

MR. ALBERTY: Mr. Chairman, it's just the understanding I have, when you're suddenly increasing the at-large voters, the numbers, which, you know, there are a few thousand just in Tulsa County, now it's district. Would those at-large increased numbers be equally; would that be in harmony with an apportionment of representation?

MR. HANNAH: Question of clarification. Would someone rise from the author to clarify for the kind gentleman? Mr. Cornsilk.

MR. CORNSILK: Mr. Chairman, point of order. I don't believe that his question is germane to the issue.

MR. HANNAH: Very well. And the Chair will rule such. And Mr. Hook, you are recognized.

MR. HOOK: I would like a clarification as well. Point of information. As stated up there, it says:

"All registered voters domiciled outside the historical boundary of the Cherokee Nation made at the time of first election to fill an at-large Council seat choose to continue to be registered."

I would just like to know how many people who daily apply for Tribal membership and receive that membership who are domiciled outside the historical boundary. Will they also be accorded at that time in their first election after becoming members or citizens of the Nation, will they be given the opportunity to choose, or will they automatically become at-large? Is that addressed in the language with this?

MR. HANNAH: Mr. Cornsilk.

MR. CORNSILK: Mr. Hook, I believe it is addressed, and those persons who are applying for voter registration or Tribal membership and then subsequently voter registration would be listed as at-large voters.

MR. HANNAH: Is the good gentleman satisfied?
You are recognized.

MR. McCREARY: Ken McCreary, Black Gum.

MR. HANNAH: I'm sorry. I recognized you by not recognizing you.

MR. McCREARY: I'm glad you didn't recognize me.

However, point of information. Are we, on this proposal, on the Cornsilk proposal, to replace the sentence:

"Registered voters residing outside the historical of the Cherokee Nation by either register and vote for at-large seat or register and vote in the district of their choice"?

Are we going to replace that in the previous paragraph, or are we being redundant?

MR. HANNAH: Mr. Mullon, will you clarify?

MR. MULLON: Mr. Chairman, that would be, all of this would be in the nature of a substitution of that sentence in the paragraph that appears above this that reads: "Registered voters residing outside the historical boundaries."

MR. McCREARY: I also might ask, are we not getting into the realm of the Election Commission's job?

MR. MULLON: I think that whenever we -- Mr. Chairman, may I respond to that?

MR. HANNAH: I'm very sorry, Mr. Mullon, please, respond.

MR. MULLON: I would say that whenever you put the business about voting in a Constitution, then you're getting into the business about voting.

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

MR. WHEELER: Thank you, Mr. Chairman. George Wheeler, delegate.

I repeat my same argument. We're talking about apples and oranges again. What we are going at here is to replace the language that we've already agreed to in the paragraph above with this language or some form of it.

We are now amending the amendments -- so that everybody understands what is going on -- we are amending the amendments to this Cornsilk-Hathaway proposal in order to replace what we've already agreed to.

That is more restrictive, and I will say that each time. We haven't given it to the amendment to do that. Thank you.

MR. HANNAH: Thank you, sir. Kind lady from the west is recognized.

MS. FOSTER: Thank you. Julia Foster, delegate from Albuquerque.

I am speaking in favor of the language of this paragraph.

I do not feel that it replaces the language, the sentence in the previous paragraph. I think it is not restrictive. It makes the language of the previous paragraph more specific, not restrictive, just specific.

And in that regard, it addresses the interests of a number of different communities who are showing concern over the language in the previous paragraph, and the ambiguity of it to address the specific needs of particular communities.

I feel this is a good compromise that has been worked out between people who are feeling a lot of discomfort with the earlier language, and I stand in strong support of this paragraph.

MR. HANNAH: Madam Delegate, you are recognized.

MS. HAMMONS: Thank you, sir. Diane Hammons, Tahlequah. Point of clarification. We discussed earlier possibly a friendly amendment of substitution. After hearing the previous delegate's comments, I would propose a friendly amendment to the sentence in the first paragraph that reads:

"Registered voters residing outside of the historical boundaries of the Cherokee Nation may either register to vote for

at-large seats or register to vote in the district of their choice" -- this is my friendly amendment -- comma, "pursuant to the subsequent section."

MR. WHEELER: Point of order. That's not germane to the discussion, which is the amendment to the amendment.

MR. HANNAH: Point is well taken. We are on the amendment that has been introduced by Mr. Mullon.

MS. HAMMONS: Thank you.

MR. CORNSILK: I would challenge that.

MR. HANNAH: Very well, Mr. Cornsilk.

MR. CORNSILK: I believe that the language that we have before us here needs to be tied into the Constitution in some way, and getting it tied into the Constitution is most certainly germane to this debate.

MR. HANNAH: All right, folks.

MS. CHAPMAN-PLUMB: Point of order.

MR. HANNAH: One moment. Now, let's not lose where we are here. Let's all take a deep breath.

And what we have is Mr. Cornsilk's original proposal, which was brought off the table. Mr. Keen reintroduced the language that had been struck. Mr. Mullon has now brought an amendment, which is on the floor and is being debated.

And once again, we have this issue of overlapping language from one paragraph to another. And we're going to have to work through a solution, being able to refer to this, because I do not wish to be caught up in an elongated argument about the relevancy of one discussion after another. Because what we are about here is hammering out the language.

Chapman-Plumb, you are recognized.

MS. CHAPMAN-PLUMB: I would just like for the author or the authors of the amendment to please clarify if the language in the paragraph above is to be struck out as a result of the new language, then we need to show that.

MR. HANNAH: Is that the intent, Mr. Mullon?

MR. MULLON: The friendly amendment that I was intending to make, but did not articulate very clearly, that I will now, would be in the nature of a constitution of that sentence beginning:

"Registered voters residing outside of the historical boundaries of the Cherokee Nation," et cetera. That would be stricken and replaced with the language as amended in a friendly manner.

MR. HANNAH: Mr. Mullon, I'd ask for you to come to the scribe's table, please, and assist us in identifying exactly what language that you're in reference of.

MR. HEMBREE: Mr. Chairman.

MR. HANNAH: Mr. Hembree.

MR. HEMBREE: Seeing that we are sort of bogged down on particular language, and noticing the hour of the day, fifteen till five, I would move that we recess for the dinner break

at this time and let the language get cleared out, and come back and hopefully quickly dispose of this section.

MR. HANNAH: Motion has been made to recess for the dinner hour and to take up these issues upon reconvening. Is there a second?

MS. HAMMONS: Point of order.

MR. HANNAH: Point of order. You are recognized.

MS. HAMMONS: I'm just trying to help. If my proposed friendly amendment would bog this down, or even if it weren't, I would withdraw that at this time.

MR. HANNAH: Kind lady, we thank you for the spirit in which you are attempting to assist us with. I'm somewhat fearful that we have gone through such a cavalcade of amendments here, that I know that the Chair is just barely hanging on mentally to the concept of where we are.

I'm that hopeful there are delegates that know exactly where we are. But I'm, oh, so fearful here for just a moment.

Mr. Hathaway, you are recognized. Mr. Hathaway has been standing here for a moment, and then I'm going to come back to the scribe and see exactly where we are. Mr. Hathaway.

MR. HATHAWAY: Mr. Chairman, I apologize for being out of order, and you may stop me if you like.

MR. HANNAH: I may just do that.

MR. HATHAWAY: I would like to express my sincere apologies to my fellow delegates that I have -- I have to go back to Washington D.C. tonight. I'm going on the latest flight I can get. It honestly breaks my heart not to see the end of this.

If you do adjourn to another time, please, don't not finish the work, but if you do, I will make every effort in guarantee that I will come back.

I apologize to those who put me on here, my friend, Charles Gourd and others, to be a delegate. And I am truly sad that I won't be here to celebrate when this document is done, and I'm confident that it will be.

I am honored to have participated in this coming together of concerned Cherokees to work on a revision to the Constitution, that is revising in some ways a Constitution that one of my ancestors worked on in 1939, and I know many of you are in the same situation.

But by not being back after the dinner break, please, accept my humble apologies. And if there's anything I can do by conference call or long distance or fax machines in the wee hours of your continued deliberations, please, let me know. Thank you for that indulgence, Mr. Chairman.

MR. HANNAH: The only addition the Chair would have made would have been to have received exactly what you have received, and that is applause for your participation in this deliberation, and for that, sir, we thank you very much.

We have a motion to recess that's still before us at this

time. I will say before I seek a second that Mr. Mullon has clarified where we are, and I guess it really will be a decision of the delegates to take this up after dinner, or do we want to be about this business at this time?

MR. GUNTER: What time will dinner be?

MR. HANNAH: That would be most interesting, and I'm not sure that the Commission has in fact made provisions for dinner. We may eat cheese and crackers right here.

MR. HEMBREE: If we're close, I'll withdraw my motion.

MR. HANNAH: I understand. And right now, the Chair is sort of marking time, and he would have absolutely no repulsion between just asking you, sir, to withdraw that. Thank you very much for the assistance.

Doctor Gourd, logistically, the Chair would ask, do we in fact have another meal waiting for us here this evening, or will we be on our own, or can we in fact go over and by coup de main take over the cafeteria?

MR. GOURD: I'll find out. I'll be the scout.

MR. HATHAWAY: Mr. Chairman.

MR. HANNAH: Mr. Hathaway.

MR. HATHAWAY: I'm not sure the supply is adequate, but my brother, Bob, has promised to meet me at my mom's house at 128 North Street to eat his homemade Bar B-Q to eat on the way to the airport, and I'll be happy to share it with any of you that can get there within ten minutes.

MR. GOURD: I make the motion that in Mr. Hathaway's absence he leaves his credit card.

MR. JOHN KEEN: Second.

MR. HANNAH: What we're going to do, the kind gentleman from Greasy is going to withdraw his motion for recess. We are somewhat clarified to exactly where we are, and we'll move to be about the business.

Mr. Vice-Chairman, what say you as far as the language that we're seeing here? Mr. Mullon's, piece is:

"All citizens age twenty-five or older, domiciled outside the historic boundaries of the Cherokee Nation not registered to vote at the time of the first election to fill at-large Council seats may have been registered to vote at-large."

So we have that as a motion on the floor. It has been seconded, and the floor is open for debate. And the Chair would entertain Mr. Keen.

MR. JOHN KEEN: I'm not quite clear on Mr. Mullon's clarification. Not that it was unclear, I just wasn't paying enough attention. What I would like to do is call the previous question, if that would be in order.

MR. HANNAH: Wait a minute, Mr. Keen. I may well want to avail you of that motion.

The question has been called. And is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. And those in favor of calling the question, please, signify by saying "aye".

THE DELEGATES: Aye.

MR. HANNAH: Opposed, "no." And so the question is before us. And the question before us is in fact the language in the bolded print.

"All citizens age twenty-five or older domiciled outside the historic boundary of the Cherokee Nation not registered to vote at the time of the first election to fill at-large Council seats may only register to vote at-large."

Voting for this, of course, will bring this language into inclusion.

All those in favor of the motion before us, please, signify --

MS. MASTERS: Point of clarification.

MR. HANNAH: Point of clarification.

MS. MASTERS: When it says at the end of the sentence there, Delegate Mullon, possibly, "may only register to vote at-large," is that for life?

I think the intention there is that's for life, right?

MR. MULLON: As long as they are residing outside the historical boundaries, right. Everything here is, once the choices have been made in this paragraph, unless you are moving back into the district, you're stuck with whatever you've got.

That is, if you choose to remain as -- if you're living outside the boundary, and you are at that time, at the time of that election registered to vote in a district, you can choose. Choose to stay in that district, or you can choose to vote at-large.

If you don't make a choice, you can just fail to make a choice, and you're going to be deemed to be a vote for delegates at-large, or candidates at-large.

Even the people who are twenty-five years or less than twenty-five years old, their choices that they're making in that paragraph were permanent as well. And then, finally, persons who are twenty-five or older who do not, have never made a choice at the time of this first election are going to be at-large voters.

MS. MASTERS: We understand, by just now because of our conversation and the discussion going on here, that unless they move back in the traditional boundaries, but that clause isn't there.

MR. MULLON: What clause isn't there?

MS. MASTERS: Unless they move back within the traditional boundaries.

MR. MULLON: It's the very next line.

MR. HANNAH: "Citizens domiciled outside the historic boundary who relocate or reside within a district shall be subject to the requirements to vote in that district."

Does that help to clarify, Madam Delegate?

MS. MASTERS: Yes. We do still have what was up there previously somewhere, don't we? Before we insert it into the

middle of that paragraph?

MR. WHEELER: Point of information.

The section that is being replaced is no longer there. If we can put that section back in so we could see what this Cornsilk-Hathaway proposal replaces.

MR. JOHN KEEN: Point of order. We're voting on one sentence there.

MR. HANNAH: Actually, we're not voting on anything at this time, just yet. I was entertaining a point of information.

All right, delegates, now we're seeing the previous language, and we see the language that we are about to vote on, which is:

"All citizens age twenty-five or older domiciled outside the historic boundary of the Cherokee Nation not registered to vote at the time of the first election to fill at-large Council seats may only register to vote at-large."

MR. WHEELER: Point of order. That's not the language that is missing. I do not believe that's the language that's missing.

MR. HANNAH: Bear with us then. And what we're attempting to do --

MR. WHEELER: It's there now.

MR. HANNAH: It's there now, thank you. There you go. That is there by way of reference; is that correct, Delegate? And you are satisfied for clarification purposes?

MR. WHEELER: I am pleased, thank you.

MR. HANNAH: Excellent. We want everyone to be pleased here.

I return to the question, which is:

"All citizens age twenty-five or older domiciled outside the historic boundaries of the Cherokee Nation not registered to vote at the time of the first election to fill at-large Council seats may only register to vote at-large."

By voting yes, this language will be included; by voting no, it would not appear thereon.

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

THE DELEGATES: Aye.

MR. HANNAH: Those opposed say, "no."

THE DELEGATES: No.

MR. HANNAH: And the Chair uncertain, calls the Secretary to do a standing count vote. All of those in favor of the motion, please, stand. Delegates will take their seats. One moment, Mr. Secretary. We're going to let everyone find their seat.

Mr. Hathaway, are you still with us?

MR. HATHAWAY: I'm coming.

MR. HANNAH: All of those in favor, please, stand. Mr. Secretary.

THE DELEGATES: (standing)

MR. UNDERWOOD: Fifty-four is the count.

MR. HANNAH: Fifty-four is the count in favor.
All of those opposed, please, stand.

THE DELEGATES: (standing)

MR. HANNAH: The count in opposition?

MR. UNDERWOOD: Nine.

MR. HANNAH: It would appear, the Chair would
declare, that the motion is carried, and the language is included.

Mr. Hembree, you are recognized.

MR. HEMBREE: Sir, I would re-entertain my
motion to break for dinner at this time.

MR. HANNAH: Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. And what we
would do, ladies and gentlemen, is that we would break for dinner.
Dinner is being provided for us over in our usual digs over there,
right at this time. So

we are going to make a speedy sort of gallop in that direction.

Now, just a moment. The thing that I would like to
determine at this time is, shall we take an hour for the evening
meal, or would you prefer to have an hour-and-a-half?

THE DELEGATES: One hour.

MR. HANNAH: Therefore, we will reconvene at six
o'clock. And all in favor said --

THE DELEGATES: Aye.

MR. HANNAH: And we are out of here.

(recess taken)

MR. HANNAH: Delegates, take your seats.

MR. SMITH: The Sergeant of Arms is out looking
for our Chairman, sir.

MR. HANNAH: Our Chairman, Mr. Smith, was in
heavy negotiations, keeping this delegation from being thrown out of
this room, which I thought maybe the delegates would appreciate.

The Chair will remind you not to be too overjoyous until
you've heard the results of my negotiation. University reminds us,
after a long and interesting phone call, that I believe that we have
secured this facility through five o'clock tomorrow.

They seem to want to know if we were going to be here,
what services that we would need for Tuesday and Wednesday, of
which, I once again reminded that individual that the Chair is not
clairvoyant.

But I do think logistically, we'll be in pretty
reasonable shape for being able to, A, stay in this room, and, B,
reconvene here in the morning at eight o'clock. But it will be
eight o'clock, not before, and there will be no coffee and amenities
of that nature available for us.

So we'll either have to caucus by the Commission as
organizers of this convention and see what we can do, Mr. Keen, to
accommodate our delegates, and as well as also taking a look at if,
in fact, this facility is not available to us after five o'clock.

But those are items that are best spent for discussion

elsewhere. And I guess I bring this up for the delegates, and I ask you all to be very patient. Very patient, because we are now sort of out here on our own as we're trying to put some things together.

And other people seem to think that they have other agendas and other lives going on, and they're not going to yield the road to our immediate needs automatically. So we will endeavor to make sure that we have an adequate space for us to be a part of it.

Chair recognizes Mr. Smith.

MR. SMITH: I'm just waiting for this to start.

MR. HANNAH: In that case, we should start just that. Am I correct in assuming what we have is language here in the Cornsilk-Hathaway proposal? This language is now in place, and that the floor is open for debate.

MS. MASTERS: I would like to put a motion on the floor that we adjourn this evening at seven-thirty.

MR. HANNAH: There's a motion on the floor to adjourn at seven-thirty.

DELEGATE: Second.

MR. HANNAH: And there is a second. Thank you very much. All of those in favor signify by saying "aye".

THE DELEGATES: Aye.

MR. HANNAH: Opposed, "no."

THE DELEGATES: No.

MR. HANNAH: And the Chair is in question. Would you all be satisfied with a standing vote? Let me ask -- just one moment, young lady. Those of you that --

MS. SCOTT: Can we have some discussion about why we're making that decision now, since we just found out we have to leave for sure tomorrow at five?

MR. HANNAH: I apologize for making that statement. The University official I had an opportunity to speak with, was at first adamant that we had to be out of here by five, and then the question was, "Are you going to be there after five," and my answer was, "I don't know." Then it was, "Well, we'll see."

So the delegates should not make a decision about this evening based on tomorrow. The Chair will work with this Commission to ensure that the chambers are secured, so do not make a decision about this evening based on what is going to happen tomorrow.

We need to make a decision based on -- action tonight based on your durability, your interest, and your energy level. Those are three things that need to come into play here.

The Chair, over the evening meal, thought that he would in fact step forward and suggest that we might want to conclude around eight o'clock this evening to allow everyone an opportunity to do something novel, like go home and go to sleep and get some rest.

Now, folks, we have a phenomenal success story on our hands here as a convention. And I realize I say that in view of the fact that we do not have a document yet, that we have not completed our work. But we have four articles, the Vice-Chair informs, and

those are four articles that we don't have to look back on with any regret because they took good time and good debate and there was good thought there.

The Chair believes that we have made good speed, and we have a success just in the very nature of the attitude of all the delegates that have worked here.

I would not embarrass the delegate by raising this statement, and I hope the kind delegate will forgive me for even making dilution, but this morning I had an opportunity over a cup of coffee during one of our caucusing breaks. A delegate approached me and said, "I have been in conversation with two or three individuals that I have not spoken to in two years."

And so there are individuals here that obviously represent a wide variety of political interests within our Tribe. And as we all know, we're not here to talk about those issues, but simply there has been a great deal of challenge among our people over the ensuing years.

I believe that you delegates have in fact come together with the very best interest of the Cherokee Nation. And that is one of the greatest success stories that we have in these chambers over the past few days. I do not wish to see us lose that spirit. That spirit will in fact move us through the completion of our work.

No matter what our final outcome is, and no matter in what array of time factor that that outcome is, what we have right now, and as we move forward, hour by hour, ladies and gentlemen, the spirit that we have captured here over the previous, now going on three days, will in fact carry us through, and it must not be lost.

Mr. Keen, you are recognized.

MR. JOHN KEEN: Call previous question.

MR. HANNAH: Previous question is before us that we would recess at seven-thirty this evening and has been seconded.

There was a vote. Chair unable to identify the nature of the question.

So, Mr. Secretary, will you take the standing count? All of those in favor of recessing at seven-thirty this evening, please, stand.

THE DELEGATES: (standing)

MR. UNDERWOOD: Twenty-five.

MR. HANNAH: Twenty-five in favor. Please be seated. And all of those who are against the motion, please, rise.

THE DELEGATES: (standing)

MR. UNDERWOOD: Thirty-five.

MR. HANNAH: Count is thirty-five in favor of no. And so the motion does not pass, and we will continue until either there is further instruction from the delegates or we give out.

Doctor Hook, you are recognized.

MR. HOOK: I move previous question.

MR. HANNAH: Previous question has been moved.

MR. SMITH: Mr. Chairman, he beat me to the

punch, but I think I'd advise the Chair that that was the intent, wanting to speak against this amendment.

MR. HANNAH: Doctor Hook, I would ask that you would hold your motion. Would you do that?

MR. HOOK: Yes.

MR. HANNAH: And the Chair thanks you for that, sir. I want to ensure the Vice-Chairman that we are exactly where we are, which we believe is in a debate period with regard to the language that is underlined.

MR. KEEN, JR.: That is my belief.

Delegate Cornsilk.

MR. CORNSILK: Yes, sir.

MR. KEEN, JR.: Is it your understanding that the proposal that is underlined on the screen is still on the floor, that we have not taken a vote on that proposal yet?

MR. CORNSILK: We have not taken a vote on it, to my knowledge.

MR. HANNAH: So, therefore, the Chair would declare that the floor is open for debate. And Mr. Smith, you are recognized, sir.

MR. SMITH: Thank you. Constitutions are supposed to be simple. I ask you, is that simple? It's very complicated, and once we start to evaluate why we come up with these complicated rules, we need to go to the premise.

We've got three classes of voters that we're going to accommodate. One is resident voters within the fourteen counties.

Two, are those voters outside the Cherokee Nation, but are contiguous in the counties of Muskogee, Tulsa, Fort Smith, Coffeerville.

Then you have the last class of voters who are truly out of state that are at far distances, Dallas, the west coast.

To accommodate the very legitimate concern brought by Troy Poteete, is that we should give those who are in the contiguous counties the option to give response of representation by electing to vote in those within the Cherokee Nation.

The fears I anticipate or understood was that people, out-of-staters or non-residents, could change their registration from district to district, which would give them additional political power.

Well, they've always had that for the last ten or fifteen years, and it hasn't been a problem. Has there been a rolling mass of gypsy Cherokees go from district to district to district wielding to undo political power to corrupt our electoral process? Well, I don't think so.

And I don't mean to make light of that. But I'm just saying that in balance, if there's not a problem, why fix it? And in this instance, it's a bit of overkill because the provisions that were there gives those three classes of people a legitimate chance to vote.

And contrary to the argument that it gives non-residents

privileges that somebody else has, I don't think that's borne out in reality, and there's not a problem to be fixed.

We must have something that we can understand, that our children can understand, that our elders can understand, and that our courts can understand. I submit if a problem occurs, it can be remedied through legislation or a constitutional amendment.

We've had this whole afternoon to debate these issues, and the real problem has not surfaced to the extent that it deserves that kind of print.

MR. HANNAH: Thank you, Mr. Smith. Floor will entertain other delegates who wish to speak in favor or opposition to the language before us at this time.

Mary Ellen Meredith from Oklahoma City, you are recognized.

MS. MEREDITH: I'd like to have you ask David Cornsilk a question, and that would be what is it -- are the people who live within the old Cherokee Nation, what is it they think the people who live outside the Nation are going to do when they take over from district to district, which they haven't done? What is it that you all think that we want?

MR. HANNAH: Mr. Cornsilk.

MR. CORNSILK: Mr. Chairman, Delegate Cornsilk.

It wasn't me who talked about gypsy-hopping absentee voters; it was Donn Baker. So I might defer to him to see if he would answer that question.

But to give my own perspective on it, I would just simply like to say that my concern -- because I fear no Cherokee person; I really don't. My concern is that the people who live in the districts get the kind of representation they deserve that are concerned for their issues, and the people who live outside the Cherokee Nation get the kind of representation they deserve, their concern for their issues. And that's all I want.

MR. HANNAH: Thank you, Mr. Cornsilk. Mr. Baker, you are recognized, sir.

MR. DONN BAKER: Donn Baker, delegate from Park Hill. First of all, Mr. Smith brought up gypsies. I did not refer to any Cherokee as a gypsy.

My concern, and if you all will just stop and think for a minute, wherever you vote and in whatever kind of an election it is, it is based upon where you live. I know of no other place where they allow you to decide, "I will either be an at-large, or I will be in this district." That bothers me. We have not had that in the past. When he says it hasn't been a problem in the past, I agree. It hasn't been a problem in the past because we've never had at-large positions.

To me, we have come together in a spirit. We know that there are Cherokees outside of the Nation. You now have two seats. You have at-large seats. To me, that is where you should vote. That's where you live, and that's where your representative ought to be.

I brought up that, yes, in Cherokee County, we now have staggered terms. It would be possible for you to come to Cherokee County, and if you decided that you wanted to register in Cherokee County, you could do that. And I have a problem with that.

I'm not saying it's going to happen, but if in the two years down the road, you wanted to register in Adair County and get rid of some person there, that is a possibility. Probably not very probable.

The problem is, why are you so afraid of voting in the at-large district? What would be wrong with that? Well, they brought to my attention that we have roots here. We have -- I live in California, but I have a home in Jay, and that's where my roots are. We've made a provision for that.

Wherein, a grandfather type deal, it would be a compromise. I see absolutely nothing wrong with what we've got. It was done in a spirit of cooperation, and I don't understand why at the late hour Mr. Smith has now voiced such an objection to all of this that we did not hear earlier when we were working through all of this stuff.

That's what I based it on. I can't think of any other kind of an election where you get to choose, and you can change your mind from election to election, and that bothers me.

MR. HANNAH: Thank you, Mr. Baker. Mr. Mullon, you are recognized, sir.

MR. MULLON: Thank you. Delegate David Mullon.

It is true that there is a lot of language up there, but there is a reason that there's a lot of language up there, and that is to make it clear. When you read through it, you can understand what you have.

We could have bundled it all up in about twenty-five words and thrown it together and slopped it up on the screen, but it wouldn't have been clear.

The reason there are so many words is that it is carefully providing, by accommodating the other interests of people remaining that have no choice.

I want to say one other thing about it, though. Right now, the way the law is right now, there is an imbalance. There is an imbalance, and it's perceived very much by the people back here at home. And that imbalance is, if they want to change their district, they have to sell their house, and go buy a house in another district if they want to vote in another district.

If you live in California, or if you live in Tulsa, south Tulsa like I do, all I have to do if I want to change my district is get a piece of paper and put a check in a different box, and this corrects that imbalance.

MR. HANNAH: Thank you, Mr. Mullon. Delegate Chapman-Plumb, you are recognized.

MS. CHAPMAN-PLUMB: I rise in opposition to the motion. I'm going to take off my lawyer hat and I'm going to put on my hat that I use when I talk with my four kids. If it's probably

not going to happen, if what we fear is probably not going to happen, then we probably don't need that in our Constitution, the amendment.

Second thing. With regard to these boundaries that we keep referring to, we do not have territorial boundaries. We are a Nation that exists without territorial boundaries. This is important because the boundaries that we have drawn, the boundaries that we use are historical boundaries that mark electoral districts.

We are not -- we don't have territorial boundaries in the sense of the United States or the country of Germany or France, and that's why you don't hear of anything like this anywhere else because there isn't anything like this anywhere else. Probably shouldn't put it in there if it's probably not going to hurt us.

MR. HANNAH: Thank you, ma'am. Mr. Mullon, you're recognized once again.

MR. MULLON: I want to make one point -- two points. First, given the fact that we have now adopted staggered terms, I think that what Mr. Baker is bringing up becomes a very real possibility.

The other point I would make is, I strenuously disagree that we do not have territorial boundaries. I very much contend that the boundaries of the Cherokee Nation still exist. It has not been disestablished, and we definitely do have boundaries. Until some court tells me that the boundaries have been disestablished, we've got boundaries here.

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

MS. STROUD: I like the first proposal that Mr. Cornsilk put out on the table for us, and that was if you lived outside the jurisdiction, you voted outside the jurisdiction at-large; if you voted and you were in your district in the territory, then you voted in the district.

That was really concise, clear, plain. We have a hard enough time getting our people to get out and register to vote and to get to the vote, and now we have all of this. We've got to make them read now. It's a lot of language there to go through and read, and they're just voting no.

And so, I know we did a lot of work, and I applaud all of you for all of your intelligence. And I apologize for me getting up now and opposing this amendment that you worked so hard on, but I didn't know when to get up and when to oppose.

And I feel really uncomfortable just jumping up and not being able to go, is this right? I think there are a lot of us are feeling that way. If I'm out of order, then I'll learn. I'm a quick learner. Thank you.

MR. HANNAH: Thank you, ma'am. Mr. Smith, you're recognized.

MR. SMITH: I concur with Mr. Mullon about the proposition territory. It's unquestionable that we still have territories which is known as the Cherokee Nation Proper.

Just as a footnote, to the good divorce lawyer from Park

Hill, I moved to table Mr. Cornsilk's proposal early in the process in objection, so it's not a late objection.

MR. CORNSILK: Mr. Chairman.

MR. HANNAH: Mr. Cornsilk.

MR. CORNSILK: It's not my purpose to create dissension and confusion in our Constitution or in the process. You know, I sincerely believe that the people who live in the Cherokee Nation have a completely different set of issues, perspectives and needs than the people who live outside the Cherokee Nation.

Over the course of the last two days, I've come to understand the need of absentee people, to appreciate their need for representation, and I changed my mind. And I think all of you can say I did do that.

This is an effort, I think, by good-hearted people to make a difficult situation palatable for everybody. And it is long; it's rather complex, but nobody says that it has to be simple. Constitutions should be simple, but that doesn't mean they have to be. And this is a complex issue. And it's an issue that touches all of us.

I have relatives who live in California. I certainly don't want to disfranchise them. And you all have relatives who live in Tahlequah, and you don't want to cause them to have representatives that are uncaring and unfeeling for them.

So I just simply would ask that you all think carefully about your fellow Cherokees when you decide to vote on this because that's what this is all about.

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

MR. JOHN KEEN: Call the previous question.

MR. HANNAH: The question has been called. Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second. Chair, hearing no objections, the question is before us then would be the Cornsilk-Hathaway proposal, the language that you see in underline.

"All registered voters domiciled outside the historical boundaries of the Cherokee Nation may at the time of the first election to fill at-large Council seats choose to continue to be registered to vote in the district in which they were previously registered.

In the absence of making that choice, they shall be registered to vote at-large, notwithstanding the above citizens under the age of twenty-five who are residing outside the historical boundaries of the Cherokee Nation and who have not previously registered to vote may make a single choice to register to vote in the district of their choice at the time of their first registration, failing which their registration shall be to vote at-large.

All citizens age twenty-five or older domiciled outside the historical boundaries of the Cherokee Nation, not registered to

vote at the time of the first election to fill at-large Council seats may only register to vote at-large.

Citizens domiciled outside the historical boundaries who relocate to reside within the district shall be subject to the requirements to vote in that district."

All those in favor of the proposition before you, please signify by saying, "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed, "no."

THE DELEGATES: No.

MR. HANNAH: Chair is unable to distinguish the outcome of the vote.

MR. CORNSILK: Mr. Chairman, I call for a roll call vote.

MR. HANNAH: A roll call vote has been called for.

MR. SCOTT: Point of information.

MR. HANNAH: Yes, Mr. Scott.

MR. SCOTT: There is a replacement for the previous shorter version; is that correct?

MR. HANNAH: One moment, Mr. Scott. We will answer your question. The short answer is yes. It obviously has been amended somewhat, and by proper action on this floor.

Are we prepared to conduct a roll call on the computer? I assume we are also still under the blinding rule that we voted on earlier. The Chair looks at the delegates and says -- I need some nods out there. If we are in fact still under the roll call vote -- under the technology roll call, we're still under the blinding process, under the blank screen.

MR. HEMBREE: We decided the opposite.

MR. HANNAH: We decided the opposite. The Chair has remained confused on that issue for some time, but is now clear. And, therefore, are you ready, Mr. Secretary?

MR. UNDERWOOD: Ready.

MR. HANNAH: Call the roll.

MR. UNDERWOOD: Roll call. Adair.

MS. ADAIR: Yes.

MR. UNDERWOOD: Alberty.

MR. ALBERTY: Yes.

MR. UNDERWOOD: Bill Baker.

MR. BILL BAKER: Yes.

MR. UNDERWOOD: Donn Baker.

MR. DONN BAKER: Yes.

MR. UNDERWOOD: Jack Baker.

MR. JACK BAKER: Yes.

MR. UNDERWOOD: Berry.

MS. BERRY: Yes.

MR. UNDERWOOD: Birmingham.

MS. BIRMINGHAM: Yes.

MR. UNDERWOOD: Burnett

MS. BURNETT: Yes.
MR. UNDERWOOD: Center.
MR. CENTER: Yes.
MR. UNDERWOOD: Chilson.
MS. CHILSON: No.
MR. UNDERWOOD: Clarke.
MR. CLARKE: No.
MR. UNDERWOOD: Colson.
MS. COLSON: Yes.
MR. UNDERWOOD: Coon.
MS. COON: Yes.
MR. UNDERWOOD: Cornsilk.
MR. CORNSILK: Yes.
MR. UNDERWOOD: Crawford.
MS. CRAWFORD: Yes.
MR. UNDERWOOD: Crittenden, Don.
MR. DON CRITTENDEN: Yes.
MR. UNDERWOOD: H. Crittenden.
MR. H. CRITTENDEN: Yes.
MR. UNDERWOOD: Crouch.
MR. CROUCH: Yes.
MR. UNDERWOOD: Bill Davis.
MR. BILL DAVIS: No.
MR. UNDERWOOD: Earl Davis. Bryce Downing.

Carl Downing.

MR. CARL DOWNING: No.
MR. UNDERWOOD: Dowty.
MR. DOWTY: No.
MR. UNDERWOOD: Foster.
MS. FOSTER: Yes.
MR. UNDERWOOD: Gourd.
MR. GOURD: Yes.
MR. UNDERWOOD: Gunter.
MR. GUNTER: Yes.
MR. UNDERWOOD: Hagerstrand.
MS. HAGERSTRAND: Yes.
MR. UNDERWOOD: Hammons. Hammons. Hannah.
MR. HANNAH: Abstain.
MR. UNDERWOOD: Herod.
MR. HEROD: Yes.
MR. UNDERWOOD: Hathaway. Havens.
MS. HAVENS: Yes.
MR. UNDERWOOD: Hembree.
MR. HEMBREE: Yes.
MR. UNDERWOOD: Hook.
MR. HOOK: Yes.
MR. UNDERWOOD: C. Hoskin, Jr.
MR. HOSKIN, JR.: Yes.
MR. UNDERWOOD: C. Hoskin, Sr.
MR. HOSKIN, SR.: Yes.

MR. UNDERWOOD: Johnson. Jordan.
MS. JORDAN: Yes.
MR. UNDERWOOD: J. Keen.
MR. JOHN KEEN: Yes.
MR. UNDERWOOD: Ralph Keen, Jr.
MR. KEEN, JR.: Yes.
MR. UNDERWOOD: Ralph Keen, Sr. Lay.
MR. LAY: Yes.
MR. UNDERWOOD: Littlejohn.
MR. LITTLEJOHN: Yes.
MR. UNDERWOOD: Linnenkohl.
MS. LINNENKOHL: Yes.
MR. UNDERWOOD: Masters.
MS. MASTERS: Yes.
MR. UNDERWOOD: McDaniel.
MR. McDANIEL: Yes.
MR. UNDERWOOD: McIntosh.
MS. McINTOSH: Yes.
MR. UNDERWOOD: McCreary.
MR. McCREARY: Yes.
MR. UNDERWOOD: MacLemore. Melton. Meredith.
MS. MEREDITH: Yes.
MR. UNDERWOOD: Miller.
MS. MILLER: Yes.
MR. UNDERWOOD: Moore.
MR. MOORE: Yes.
MR. UNDERWOOD: Mullon.
MR. MULLON: Yes.
MR. UNDERWOOD: Peacock.
MR. PEACOCK: Yes.
MR. UNDERWOOD: Phillips.
MR. PHILLIPS: Yes.
MR. UNDERWOOD: Pitts. Plumb.
MS. CHAPMAN-PLUMB: Abstain.
MR. UNDERWOOD: Poteete.
MR. POTEETE: Yes.
MR. UNDERWOOD: Raper.
MR. RAPER: Yes.
MR. UNDERWOOD: Rider.
MR. RIDER: Yes.
MR. UNDERWOOD: Robinson.
MR. ROBINSON: Yes.
MR. UNDERWOOD: Rutledge.
MR. RUTLEDGE: Abstain.
MR. UNDERWOOD: Sanders. Barbara Scott.
MS. STARR-SCOTT: Yes.
MR. UNDERWOOD: D. Scott.
MS. SCOTT: Yes.
MR. UNDERWOOD: Owen Scott.
MR. SCOTT: No.

MR. UNDERWOOD: M. Silversmith.
MS. SILVERSMITH: Abstain.
MR. UNDERWOOD: R. Silversmith.
MR. SILVERSMITH: Abstain.
MR. UNDERWOOD: Smith.
MR. SMITH: No.
MR. UNDERWOOD: Spencer.
MR. SPENCER: No.
MR. UNDERWOOD: Starr. Stopp. Stroud.
MS. STROUD: No.
MR. UNDERWOOD: Twining.
MS. TWINING: Yes.
MR. UNDERWOOD: Underwood, yes.

Viles.

MR. VILES, JR.: No.
MR. UNDERWOOD: Wheeler.
MR. WHEELER: No.
MR. UNDERWOOD: Whitfield.
MR. WHITFIELD: Yes.
MR. UNDERWOOD: Wilson.
MR. WILSON: No.

MR. HANNAH: The tabulation is before us. Yes to the question, fifty; no, twelve; abstentions, five. The motion passes, and the language is included.

And the Chair recognizes Mr. Keen. I think we're still on Article V, Mr. Keen.

MR. KEEN, JR.: Mr. Chairman, as it stands, Section 3, through extensive amendment and debate, we've approved three separate paragraphs. And the questions regarding our issue relating to Section 3 are still on the table. So if anyone has any amendments relating to this section, now is the time to bring them forth.

MR. HANNAH: You are recognized.

MR. DOWTY: Delegate Dowty. The second long paragraph that was just approved contains two subject matters. First, relating to councilors, and the second relating to voters.

I think that those should be separated into separate paragraphs in the interest of simplicity to the extent this can be simple.

DELEGATE: Consent.

MR. HANNAH: Question to the Vice-Chair; should we actually take time for that bifurcation at this point, or should we be about leaving that to the Style Committee?

MR. KEEN, JR.: My recommendation would be to leave that to the Style.

MR. HANNAH: Kind sir, we will make a note of that referring to the Style Committee to make sure that those two unrelated items are separated in separate paragraphs.

The kind man from Adair County is recognized.

MR. HEMBREE: Mr. Chairman, I believe it's in

order to call the question on Article V, Section 3 and vote to approve it in toto.

DELEGATE: Second.

MS. FOSTER: Point of order.

MR. HANNAH: Point of order, yes, ma'am.

MS. FOSTER: As a housekeeping matter, I believe that I still have a motion on the table from last evening, and I would like to bring that to the table and withdraw the motion.

MR. HANNAH: There is nothing I have to hide from any of you folks. Clarifying with our parliamentarian exactly what we need to do in the process. We have a motion on the floor to call the question. It's obviously been seconded.

We have a young lady over here, our delegate from the west who reminds us that she has on the table, that we placed there, her Article V, and it remains on the table, and she is attempting to make a motion to bring that off the table. Which of these do I need to --

MR. KEEN, JR.: Mr. Chair, she's in fact offered to withdraw that motion altogether.

MR. HANNAH: Did the Chair totally misunderstand, young lady?

MR. KEEN, JR.: She's offered to put it on the table and withdraw it.

MR. HANNAH: I did not hear the withdraw part. Thank you so much. That's why it's important that we speak up as much as possible.

With that, I assume we still need to move on this piece by way of mechanics, where we need to bring that off of the table to have it withdrawn? No, it simply is withdrawn.

MR. KEEN, JR.: I believe so.

MR. HANNAH: In that case, then, there's a clean-up faction for us, and young lady, thank you very much.

We have a motion to call the question, and it has been seconded. Floor hearing no objections, then we will move to the question. And the question is -- Article V, Section 3. Now, folks, because it's well and proper to do so, we're about to read this. I want you all to stay with me. Section 3:

"The Council shall consist of seventeen members who are citizens by vote of the Cherokee Nation. Each Council member shall be elected in a general election for a term of four years until his or her successor is duly elected and installed.

All Council members shall be limited to two consecutive elected terms on the Council. All Council members having served two consecutive terms must sit out one term before seeking any seat on the Council.

The Council shall establish a representative direct, which shall be within the historical boundaries of the Cherokee Nation. Fifteen of these seats shall be apportioned to afford a reasonably equal division of tribal citizenship among the districts, and the remaining two shall be elected at-large by those registered

voters presiding outside of the historical boundaries of the Cherokee Nation voting at-large in accordance with this section.

All registered voters domiciling outside of the historical boundaries of the Cherokee Nation may at the time of the first election to fill at-large Council seats choose to continue to be registered is to vote in the district in which they were previously registered.

And the absence of making that choice, they shall be registered to vote at-large, notwithstanding the vote, citizens under the age of twenty-five who are residing outside the historical boundaries of the Cherokee Nation, and who have not previously registered to vote, may make a single choice to vote in the district of their choice at the time of their first registration, failing which the registration shall be to vote at-large.

All citizens age twenty-five or older domiciled outside the historical boundaries of the Cherokee Nation not registered to vote at the time of the first election to fill at-large Council seats may only register to vote at-large. Citizens domiciled outside the historical boundaries who relocate to reside within a district shall be subject to the requirements to vote in that district.

Those residing within the historical boundaries must vote within the district of their residence. The Councilors representing districts within the historical boundaries must be domiciled within their district.

The Council shall within sixty days of this Constitution taking effect select the two at-large councilors to serve until the next regularly scheduled election. The Council shall within one year of this Constitution taking effect establish a system of staggered terms for all seats on the Council to be organized and elections every two years."

MR. KEEN, JR.: For the record, I think we should go ahead and conduct a vote.

MR. HANNAH: And for the record --

All those in favor --

MR. McDANIEL: Mr. Chairman, before you do that, I've got a couple of questions.

MR. HANNAH: Calvin, I'm prepared to entertain them. What would be question number one?

MR. McDANIEL: This is just a minor one here. It says "historical boundaries," one, and anyway I saw two different versions of this historical boundaries.

MR. HANNAH: Calvin, I think I know what your question is with regard to historical boundaries. We also have language peppered throughout the paragraphs that at the time Mr. Smith rose earlier today to point out to us that we were using mixed terminology.

Are we talking about Council member and Councilors? And we have taken note that we will in fact refer that to the Styles Committee for clean-up.

MR. McDANIEL: Well, it's just minor here, but you've got historical boundaries in one place and historical boundary in another.

MR. HANNAH: Thank you for pointing that out, Calvin. We'll make a note of that, and I assure you, sir, the Style Committee will be responsible for setting this in proper form.

MR. McDANIEL: I've got another question, if you've got time.

MR. HANNAH: I've only got time for one more question, Calvin.

MR. McDANIEL: Do you think it will be too late --

MR. HANNAH: Yes, I do.

MR. McDANIEL: I'm talking about when the Councilors select two at-large candidates, Councilors, has this process gone too far along to do anything about that?

MR. HANNAH: Yes, I believe it has, Calvin. We're getting ready to call the question. We're going to vote on this.

MS. SCOTT: I have a question.

MR. HANNAH: Questions will always be answered before we do this.

MR. SCOTT: Up there where it talks about the twenty-five-year-old, first election.

MR. HANNAH: "Citizens under the age of twenty-five who are residing outside the historical boundaries of the Cherokee Nation" --

Do you mean here? "All citizens age twenty-five or older domiciled outside the historical boundaries."

Is that your question?

MR. SCOTT: Yes. Where it says, "At the time of the first election," first elections from what?

MR. HANNAH: We'll read through and complete the sentence. "At the time of the first election to fill at-large Council seats."

MR. SCOTT: I was wondering if that was the first election after they turn twenty-five.

MR. HANNAH: Does that clarify, Mr. Scott?

MR. SCOTT: Yes.

MR. HANNAH: Excellent. Thank you for being patient with us.

All of those in favor of the proposed language that is before you, please signify by saying, "aye."

THE DELEGATES: Aye.

MR. HANNAH: Those opposed, "no." The vote passes. Thank you all. Thank you very much.

Mr. Keen, you are recognized. The older or the younger -- not the older, but the younger is recognized.

MR. JOHN KEEN: Would you show on the record that we had a unanimous vote on that?

MR. HANNAH: I believe that it will be reflected in the record that there was a unanimous vote.

Mr. Keen, the elder, you are recognized.

MR. KEEN, JR.: Delegate Ralph Keen, Jr., and I move that the convention approve the language appearing in Section 4 of Article V, at least for consideration. Let me preface this motion with, this will put the issue before the convention. Obviously, this terminology is now obsolete because of changes made.

MR. HANNAH: Once again, your motion is to what, sir?

MR. KEEN JR.: The motion is for this body to consider this language appearing in Section 4.

MR. HANNAH: Very well. There is a motion. Is there a second?

DELEGATE: Second.

MR. HANNAH: And there's a second. And you are recognized, sir.

MR. WHEELER: Delegate George Wheeler. Again, I make the friendly amendment to the --

MR. KEEN, JR.: Before you proceed, let me state --

MR. HANNAH: Make it clear, Mr. Keen.

MR. KEEN, JR.: In reference to friendly amendments, the rationale that the Commission had with respect to the majority quorum was largely based on a Council of twenty-four members. With that number having changed, then this rationale does not hold, and so therefore, I don't feel comfortable accepting any friendly amendments at this point on this section on behalf of the Commission.

MR. HANNAH: Did you say you do or you don't?

MR. KEEN, JR.: I do not. If you have proposals, I would suggest you raise them in the form of --

MR. DONN BAKER: Point of order.

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

MR. DONN BAKER: Instead of Mr. Keen to hold on it, should it be the Commission? I mean, he said -- I know we don't have twenty-four, and thirteen is a lot more than that. We all could go down tonight, and I think it ought to be the Commission to decide whether or not they accept it.

MR. HANNAH: I see your point Mr. Baker, and it is one that is certainly of question of conformity that has been a process of this Commission before.

MR. KEEN, JR.: I have no objection to that. Personally, I'm opposed to accepting any friendly amendments, but I would like to poll the Commission on that.

MR. HANNAH: Mr. Keen.

MR. WHEELER: May I withdraw my motion?

MS. LANGLEY: She has changed the second to the last line to reflect the seventeen rather than twenty-four. She has changed that.

MR. WHEELER: That was going to be my amendment, and if it would have been in order, I would have made that for the entire -- all of the sections of that particular document, but I would withdraw my motion.

MR. HANNAH: We have a motion on the floor; it's been seconded. We're looking at --

MR. WHEELER: No, sir, I have withdrawn my motion.

MR. HANNAH: Your motion is withdrawn. I believe that Mr. Keen has one up for consideration on Section 4.

And Mr. Hoskin, you're recognized, sir.

MR. HOSKIN, JR.: Thank you, Mr. Chairman, I would like to make a --

MR. HANNAH: Forgive me for just a moment. Mr. Baker, I apologize to you, sir. We had a straw caucus, and I did not come back, and I don't think that we've reported back to you. The Commission's straw poll was that we would not accept a friendly amendment.

Mr. Hoskin, you are recognized.

MR. HOSKIN, JR.: Thank you, Mr. Chairman, Charles Hoskin, Jr. from Vinita. I would like to amend the proposed Section 4. I would like to strike language in the second sentence of that section, beginning with the word "provided." I would like to strike that language and replace the number thirteen in parenthesis with the number nine, which I think would be taken care of, as you mentioned anyway, to coincide with the word "majority."

But the substance of my amendment is to strike the language beginning with, "provided, however, that two-thirds quorum shall be required until the large Council of twenty-four is seated."

MR. HANNAH: Mr. Hoskin, is that your amendment?

MR. HOSKIN, JR.: Yes.

MR. HANNAH: Is there a second?

DELEGATE: Second.

MR. HANNAH: There is a second; floor is open for debate.

Mr. Hoskin, would you wish to --

MR. HOSKIN, JR.: Yes, I'll speak briefly on it.

It's my feeling, and the feeling of some folks I've talked to back home and around the Cherokee Nation, that the current quorum requirements place too much of a burden on the body, and that if a majority of even the fifteen Council members or the fifteen seats that are currently there, if a majority is set as the quorum requirement, that that will be sufficient to have enough members there to have a good deliver to the process, and that it would even make Section 4 more simple to just start with the majority and continue with the majority as a quorum requirement after they appoint the, what I believe are the two additional Council members pursuant to Section 3. Thank you, Mr. Chair.

MR. HANNAH: Thank you, Mr. Hoskin.

Mr. Poteete, you are recognized. How do you rise?

MR. POTEETE: I rise to question Mr. Keen, the middle, on, it seems that there is language here that is no longer applicable to the statutory scheme under which we operate. We don't have one regular session; we have meetings monthly. Having a regular session a calendar year doesn't coincide with practice, and we've been outside that for a long time.

Also, the session may not exceed the maximum of thirty days calendar year for pay purposes, is not in keeping with the statutory scheme under which Council members are compensated.

MR. HANNAH: Mr. Poteete, forgive me, sir, for interrupting you, but the Chair would declare that your discussion is not germane to the motion that we have, which is put forward by Mr. Hoskin to amend.

The strike-over language you see is what in fact we will take debate on at this time.

MR. POTEETE: I had a motion that we might lay the whole thing on the table and rewrite something with continuity and not have to write it from the floor.

MR. HANNAH: I understand, sir, and if we can accomplish that, if we can accomplish that in some way that will be acceptable to this delegation, the Chair will certainly yield to common sense. But in lieu of that, unfortunately, I'll be forced to move us through the process that we've laid down.

MR. POTEETE: I would like to say to the Chair that if we could work out the discussion about whether or not we're going to have a simple majority or a quorum first, and then proceed to the rest of it, would be the best way.

MR. HANNAH: Mr. Poteete, would you afford a motion to lay on the table?

MR. POTEETE: I think not until after we have a discussion about the quorum requirement, as opposed to a majority. At that time I will step forward and move to lay on the table while somebody drafts it up.

MR. HANNAH: You are a gentleman and thank you, Mr. Poteete.

Mr. Smith, you are recognized, sir.

MR. SMITH: Thank you, Mr. Council. The delegate from the north beat me to the podium, so we are really here at the substance of this discussion, is whether there should be a majority or two thirds.

We're departing from the wisdom of our predecessors, which require in our current Constitution that, "No business shall be conducted by the Council unless at least two-thirds member thereof regularly elected and qualified shall be in attendance, which number shall constitute a quorum."

There's a wisdom behind that, that wisdom is encouraged consensus, not by simple majority, but try to bring in all people together. There has been controversy this last year, but the wisdom of the former framers of '75 Constitution becomes apparent.

If we are to merge as a Tribe, consensus building is

critical. To just settle for anything less than that, brings it into a power play that is not conducive to the consensus building or sound decision-making.

I oppose it, and I oppose it very strongly. And this is where we get down to political plays. And two-thirds means that we come together as a people; simple majority means, who gets to race to the courthouse first.

MR. HANNAH: Thank you, Mr. Smith.

Mr. Hoskin, sir.

MR. HOSKIN, JR.: On information. I would just like to -- maybe clarification actually.

MR. HANNAH: Okay.

MR. HOSKIN, JR.: My amendment did not put two-thirds on line three, and I don't know if that was changed or to reflect what I said. It should still -- I think it should still say a majority. I didn't have that struck. The only thing I struck --

MR. HANNAH: You did not have that struck? It was under my impression that it was not struck.

MR. KEEN, JR.: That's correct, and I would ask the scribe to return it to the original language.

MR. HANNAH: The scribe will return it to the original language. Are we back where we were?

MR. KEEN, JR.: We are, and of course, that was a correction of the number thirteen, nine, but other than that, we are back to the original language.

MR. HANNAH: Mr. Hoskin, are you satisfied, sir?

MR. HOSKIN, JR.: Yes, I just didn't want to cause confusion.

MR. HANNAH: Thank you for clarifying. The good lady from Tahlequah is recognized.

MS. CHAPMAN-PLUMB: Thank you. I would just like the record to reflect that I abstained from the vote on Article V, Section 3. And I think our intentions are very good and honorable, and I think we have the right idea, but I believe that we are jeopardizing the approval of the whole Constitution whenever you begin to have passages that are so lengthy and unwieldy, that the public will not be able to read and understand. I just wanted the record to reflect that.

MR. HANNAH: The good lady is speaking to the previous vote; is this correct?

MS. CHAPMAN-PLUMB: Yes. Nature called, and I went and wasn't able to express myself.

MR. HANNAH: That's all right. The convention is willing to wait for such calls. We will do so. The Chair may wish to evoke one before this is over.

Mr. Cornsilk you are recognized.

MR. CORNSILK: Mr. Chairman, Delegate Cornsilk.

I rise in opposition to this amendment. My reasoning being that the forefathers of this Constitution that we have currently today did not contemplate the kind of controversy we have faced the last

two of three years in this Nation. They did not put in place the kinds of activity Council members can do to protect minority interests in the Cherokee Nation, like filibusters and those sorts of things.

And quorum is a method by which a minority may protect the interests of the people who might be trampled upon by a simple majority. I think that fifty-one percent of a body that represents two hundred thousand people is just simply not enough, not enough people to do the business of the Cherokee Nation.

I understand that it has been difficult for the Cherokee Nation to carry out its programs and to carry out its needs for the people with the six Council members boycotting, but quorum is simply a way for us to protect the interests of a minority in the Tribe who would otherwise be stamped by a simple majority.

MR. HANNAH: Thank you, Mr. Cornsilk. Good doctor, you are recognized.

MR. ROBINSON: Ricky Robinson, delegate from Tahlequah. I am standing in favor of this change simply because it is difficult to conduct business in the Nation under the quorum of two-thirds. But more in respect to, many of my family and my in-laws that have been greatly concerned with the situation, and many of them feel that a simple majority would be better, and that the business would be done. And I just want to give that to the convention, and thank you.

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

MR. MULLON: Thank you, Mr. Chairman. David Mullon, delegate. I make this statement without reference whatsoever to the current controversies that have been going on in the Cherokee Nation.

I rise against this amendment for the simple reason that I do not feel like five people should be determining the business of the Cherokee Nation. Because if we go to a majority of the Council members, that is nine. In order to do business or to cause something to occur, all it would take is five votes in order to do the business of Cherokee Nation. I do not feel like that is a good idea.

MR. HANNAH: Thank you, Mr. Mullon. Mary Ellen.

MS. MEREDITH: He's got the microphone. He got up first.

MR. HANNAH: If he stands first. Possession is apparently nine-tenths, sir.

MR. HOSKIN, JR.: I'll be brief.

It's been said we should respect the wisdom of the founders of the 1975 Constitution. They were wise men and women, and I have great respect for them.

We are here today to try to look at the document that they wrote and think about what our people need, what the departments of government need to function correctly, and we should use history as guide because we live in the real world, and we must make this document reflect the world problems to the extent that you

should use the Constitution to do that. As I expressed before, there are limits to what you should use the Constitution for.

But the founders did what they thought was right in 1975.

Let us do what we think is right in 1999. And I believe that a majority quorum requirement is sufficient for good deliberation, and I think the minority and the majority interests must be balanced. But showing up to Council meetings is one way to pressure interest and staying away from Council meetings is another way.

But I think a quorum requirement is reasonable if we set it at a majority. Thank you, Mr. Chairman.

MR. HANNAH: Thank you, sir. Mary Ellen Meredith, you are recognized.

MS. MEREDITH: First of all, I have a question.

Do we have our amendment limit on the table -- or not on the table, but on the screen?

MR. HANNAH: I beg your pardon?

MS. MEREDITH: To simplify this, may I move to amend the language that we are now amending?

MR. HANNAH: Yes, you do.

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

MR. HANNAH: Mr. Keen.

MR. KEEN, JR.: Before we go too far down this road, as I understand, the question before the floor is whether or not to strike the language that we see up here. How can you amend a motion to strike?

MR. HANNAH: She can move not to strike, Mr. Keen.

MR. KEEN, JR.: Okay.

MS. MEREDITH: It's not a matter of moving not to strike, but I also have substitute language.

MR. HANNAH: Mary Ellen.

MS. MEREDITH: May I substitute language?

MR. HANNAH: Mary Ellen, take fifteen seconds for just a moment, okay?

MR. HOSKIN, JR.: Mr. Chairman, point of order.

MR. HANNAH: Ms. Meredith, chair no longer recognizes you.

MR. KEEN, JR.: We have a point of order.

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

MR. HOSKIN, JR.: I want to make it clear that what I said reflected in that sentence was amended. I'm not clear if there was a difference of posing an amendment or asking to strike the language. If it's better for me to make an amendment, I'll say strike the whole thing and I'll rewrite it --

MR. HANNAH: We cannot hear the delegate, and I think we deserve to hear the delegate with his logic.

MR. HOSKIN, JR.: I apologize to the delegates.

MR. HANNAH: You have very intelligent remarks, and we deserve to hear those.

MR. HOSKIN, JR.: My point of order that I want

to make clear is that what I had struck was actually an amendment, as opposed to a motion to strike. Which I'm not well versed in this, but I suspect there's a difference between the two. But my intention was that it was to be an amendment.

MR. HANNAH: Mr. Hoskin, I'd help you by way of the fact that since your amendment is not bringing any language to the lines, that we have identified specific words in lines, that it has been presented, the Chair was under the impression that you wish to have those items struck from the language.

MR. HOSKIN, JR.: And perhaps a better way for me to have made an amendment was to strike the whole thing, and just rewrite it as it appears up there, without the struck language. I thought the simpler way for us to do it was just to take away that language, that way it can reflect --

MR. RUTLEDGE: Point of information.

MR. HOSKIN, JR.: I also put new language in there that --

MR. HANNAH: Thank you for that, and thank you for the clarification. So you are with an amendment by way of --

MR. KEEN, JR.: That would be a motion to strike and substitute, would it not?

MR. HANNAH: Yes.

MR. HOSKIN, JR.: Mr. Chairman, I yield back to the Chair.

MR. HANNAH: Thank you very much, sir. I appreciate the patience of the young delegate.

The good man from Westville is recognized.

MR. PHILLIPS: Mr. Chairman, Harold Phillips, delegate, Adair County. I rise in opposition to this amendment. My fear is, and my thinking is that we are reacting to a situation that has come before us during the past few months in which we have had problems obtaining a quorum to do business.

I don't feel that we should change our Constitution, which has worked very well for us for twenty years, in which our forefathers saw fit to establish a number of two-thirds to do business. Normally we will not have a problem of obtaining ten members, twelve members, whatever it is that's two-thirds of seventeen, to come to Council meetings.

So I feel that we're kind of jumping and reacting here as a knee-jerk reaction because of the fact that we have had the situation in the past few months where some members of the Council have chosen to boycott. I don't feel that this will be a problem in the future. I feel that the Cherokee people are going to elect people that are going to come to Council meetings, that are going to be conscientious enough to come and do the business at the Cherokee Nation.

I don't believe that we need to change the Constitution in order to get a quorum at our Council meetings. What I think we need to do is elect some Council people who are conscientious enough and care enough about the Cherokee people and the Cherokee Nation to

attend Council meetings and to do the business of the Cherokee people. Thank you, Mr. Chairman.

MR. HANNAH: Thank you. Mr. Phillips.

Doctor Hook, you are recognized, sir.

MR. HOOK: Mr. Chairman, in the consultation with Mr. Hoskin, we have an amendment, a friendly amendment which will considerably alter his amendment. I move to return, to reinstate all of the suggested deletion and add the following statement:

"Should a Council member miss a Council meeting for any reason deemed unacceptable by a majority of the Council members, that members monthly remuneration shall be forfeited. If a member is absent for three consecutive monthly meetings for reasons being unacceptable, they shall forfeit their Council seat."

MR. HANNAH: One more time, Doctor Hook.

MR. HOOK: All the deleted language should be reinstated with the following statement:

"Should a Council member miss a Council meeting for any reason deemed unacceptable by a majority of the Council members, that member's monthly remuneration shall be forfeited. If a member is absent for three consecutive monthly meetings for reasons being unacceptable, they shall forfeit their Council seat."

MR. JOHN KEEN: Point of order.

MR. HANNAH: One moment, Mr. Keen.

MR. JOHN KEEN: My point of order would effect this to rule on before we go through the work there.

MR. HANNAH: And the work is complete, but I will recognize you, Mr. Keen.

MR. JOHN KEEN: Not germane.

MR. HANNAH: What are you stating is not germane, sir?

MR. JOHN KEEN: With respect to the last delegate, his -- I'm not sure what it was -- a friendly amendment or a motion.

MR. HANNAH: It was a friendly amendment that was presented to Mr. Hoskin, and I guess we probably should ask Mr. Hoskin how he stands.

MR. HOSKIN, JR.: Thank you, Mr. Chairman. Charles Hoskin, Vinita. I accept the friendly amendment, for among other reasons, that it is consistent with the spirit of Section 4, so it is germane.

MR. JOHN KEEN: Point of order. A friendly amendment can't substantively change the content of the amendment.

MR. DONN BAKER: That's what a friendly amendment is.

MR. HANNAH: Thank you, Mr. Baker.

MR. JOHN KEEN: Thank you, Mr. Baker. I tried, Mr. Baker.

MR. SCOTT: Point of order.

MR. HANNAH: Yes, Mr. Scott. Take the

microphone, Mr. Scott. I'm always interested in my good friend and what he has to say. Thank you, sir.

MR. SCOTT: I guess it's a point of order. But the subject is not germane to this section because there's another section coming up on removal of office.

MR. HANNAH: Thank you, Mr. Scott, for those words.

MR. HOSKIN, JR.: Mr. Chairman, point of clarification.

MR. HANNAH: Yes, sir.

MR. HOSKIN, JR.: She may be in the process of doing it, and I apologize if she is. But I think the struck language is reinstated under the friendly amendment.

MR. HANNAH: Friendly amendment, the struck language was to be reinstated. Mr. Hoskin, you can stop me at any time, sir, if I do not replicate your wishes.

MR. HOSKIN, JR.: I think that should do it.

MR. HANNAH: Struck language is reinstated, and there has been material that has been accepted by Mr. Hoskin. The floor is open for debate. The Chair will not recognize the challenge of non-germane language.

MR. HOSKIN, JR.: Mr. Chairman, do I still have the floor, I'm sorry?

MR. HANNAH: Yes, sir, you do.

MR. HOSKIN, JR.: It should read above the underlined language it says, "conducted by the Council unless the majority" -- no, that's correct. That's correct.

MR. HANNAH: It's been reinstated, sir.

MR. HOSKIN, JR.: No, that's correct.

MR. HANNAH: You yield the floor?

MR. HOSKIN, JR.: I yield the floor.

MR. HANNAH: Doctor Masters, I believe I would recognize you.

MS. MASTERS: Well, thank you, Mr. Chair. Billie Masters, delegate.

I would rise in opposition to this. The Council members that are voted on and seated by the people should not be able to be overridden by a Council member. I think that the vote of the people should be the highest voice within the Cherokee Nation. And no one should be able to tamper with that, especially when they are using the political process to protect the interest of the people.

And the use of the quorum is a part of our political process, just the same as a filibuster or any other procedure that is outlined in our workings. But I would strongly oppose any type of language that would override the vote of the people.

MR. HANNAH: Thank you very much. The kind man from formerly of west Peavine is recognized.

MR. DOWTY: Thank you. Delegate Dowty. It's amazing, by the time you get up here, when you stand, the condition has changed completely.

But I rise for a point of information from the Commission. Could the Commission give us the benefit of the public input on the question of a quorum, whether two-thirds or a majority was favored by the public input to the procedures.

MR. HANNAH: Forgive the Chair. I would ask that all delegates remove to the first three rows of the room, and I would ask that all visitors remove themselves a minimum of four rows behind, and we'll do that right now.

Just a moment. Just a moment. What is your question, Miss? You are the timekeeper, and you will stay in place. I am speaking of the audience here.

MR. BILL BAKER: Can we stay four rows?

MR. HANNAH: Bill, you are so lazy. Four rows will be fine.

MR. KEEN, JR.: Mr. Chairman, a question has been raised regarding the Commission's findings through our public hearings. Should we entertain that question?

MR. HANNAH: Just a moment here. We're going to bring this chamber in order right now, folks. Let's all take a seat here. The Chair will remind you that we are about the business of this convention, so we're all going to refocus here for just a moment.

Mr. Keen, you are recognized.

MR. KEEN, JR.: Yes, Mr. Chair. Delegate Dowty has raised a question as a point of information, and he would like to know some feedback from the Commission about the concerns that were raised through the public hearings with respect to a quorum. Now, have I stated that properly, sir?

MR. DOWTY: You have. Thank you.

MR. KEEN, JR.: And then I, of course, would address that according to my recollection, but I also hope that my fellow commissioners would address it as well.

We did have a number of people who addressed the problem of boycotting, no doubt about it. Through some of that discussion, the quorum requirement was brought up on several occasions. I can't say exactly how many, and there was specific, I believe, as I recall, there was at least one or two specific requests for a majority quorum. But most of the comment that we received was really more focused on this issue of either compelling attendance or requiring attendance. That would be my comments.

MR. HANNAH: And also we would hear from any other commissioners. I believe that would be the recollection. George, do you have any comments? George Underwood is recognized.

MR. UNDERWOOD: I promoted six public hearings, and in three of them, we had definite feelings and expressions about having a simple majority; they were in favor of a simple majority.

MR. HANNAH: Thank you, George.

Mary Ellen Meredith, from Oklahoma City, you are recognized.

MS. MEREDITH: Thank you. I would like to say

that I was the only person who showed up to be interviewed or to testify in Oklahoma City. And I also sent in a written statement. In both of those, I suggested, and still suggest, that the way to deal with the problem of having one number for a quorum and then another number as a majority to conduct business, was to equal it out.

And rather than making it a simple majority -- or a plain majority to be a quorum, and a plain majority to conduct business, I had suggested that it should be a two-thirds majority to pass any legislation, as well as a two-thirds majority for quorum.

And I think over the past months we have seen that no matter how heated the debate is, that our Council has done business by a two-thirds majority. Because the Councilors who don't show up will, if it is something that is so important to all of them that they can agree on it. So it wouldn't be something totally new.

And I think however you do it, that you need to equalize the quorum and the majority, and then you would see the Councilors showing up to do their job, rather than having to stay away to do what they consider their job.

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

MR. SMITH: Thank you, Mr. Chair. Our Constitution as it is written now in Section 7 provides that: "The Council shall have the power to establish laws which it shall deem necessary and good for the Nation." The proposed amendment trivializes our Constitution.

That power lies with our Council now -- as statute, that power lies with our Council now in terms of decorum rules, and to suggest that a majority of the Council can sanction another Councilman in our Constitution, really brings our Constitution down to a level that our forefathers never anticipated.

It's subverts the power of the people for the whim of the political majority. This amendment is unnecessary and the suggestion that a Councilman would forfeit a seat violates the most fundamental principles of representation.

MR. HANNAH: Thank you, Mr. Smith. Mr. Hembree, you are recognized, sir.

MR. HEMBREE: Thank you, Mr. Chairman. Delegate Hembree from Greasy.

Ladies and gentlemen, I'm not going to try to be curt or mean, but remember that long, Article V, Section 3 that we just passed? Remember how all that language got all balled up, and how, you know, we claimed that it was so lengthy. We are starting down that slope again, ladies and gentlemen. We really are.

This is a section on quorum. We should decide what the quorum is going to be. Now, in the Constitution that we are revising, I mean, if we got a vote on language like that, it most definitely would be more appropriate in Article XI, Removal From Office. I'm not trying to squelch the idea, mind you, but our Article XI would be much more appropriate than this section which

deals with quorum.

So I implore you, let's not get down and start balling this section, which should be very short, because all we're supposed to do is decide a quorum here in this section. Let's not get into the canutchee ball of language that we saw in that section. We all know how canutchee tastes.

MR. HANNAH: Chair will not allow the delegates to defame the flavor of canutchee.

MR. HEMBREE: I didn't say one way or the other.

MR. HANNAH: The Chair felt there was a non-verbal leaning toward --

MR. HEMBREE: In all seriousness, this is a section quorum. Let's pass what a quorum is, all right? And if there is a time to deal with this, it's going to be in Article XI. Thank you very much.

MR. HANNAH: Thank you, sir. The kind delegate from the west is recognized.

MR. CROUCH: Delegate Crouch would like to rise in opposition to the language that is being offered. I am very impressed with the idea that we are trying to deal with a quorum. I would like to quote two people that are famous that I think of a lot because I think we're getting into that situation, and it's like the comments made earlier.

Mark Twain once said that, "To a little boy with a new hammer, everything is a nail." And that's what is happening with us, I think, as a convention. We have the right to do this language, and so we are doing it, and doing it, and doing it, and overdoing it.

And secondly, Marshall McLuhan who says that, "Man is forever cursed to be fighting the previous war or to be driving his car by looking in the rearview mirror."

Changing the quorum requirement in response is to what is going on in the last six months has not only -- it makes a statement about your perspective on what is going on right now, for starters, one way or the other.

And, secondly, it is taking off the table the tool that may be useful later on for somebody else, and you'll have denied it to them because you felt the way it was used, maybe in this case.

So I would urge us to stick with the two-thirds majority for that quorum. Leave that tool there equally for the next generations of legislators as they are elected, and to be restrained in our approach to this language today, tomorrow, and over the weeks ahead.

MR. HANNAH: Mr. Baker, the younger, you are offered the microphone.

MR. BILL BAKER: Mr. Chairman, I do come to speak to this Section 4. I am not here to speak about anything that has taken place in the last eighteen months. I believe that politics was to stay away from this convention, and we are not

talking about the past.

But my colleague, Mr. Smith, mentioned the past, and he is a very learned historian; he will tell you that in the 1839 Constitution, a quorum was a simple majority, and that they did not allow people to stay away and stay on the Council.

So if we're going to go back to our Elders and what they believe was right, and what worked, then let's go a little further back than 1975, folks. Let's go back to our history. This body worked long and hard and deliberated to bring us a document that they believed was right and fair.

Folks, you read it with me. It says, "There shall be at least one regular meeting at the Council," and they said that didn't make any difference. Let's go on to the body of it. They came and said, "No business shall be conducted by the Council unless a majority" -- and they had written in thirteen; that was figured on twenty-four.

Now that's what they brought to us and what was right and fair and what came out of these meetings was thirteen of twenty-four. They put a caveat that it will stay two-thirds for a quorum until that enlarged Council is seated.

Now, if you take the math into it, the number is nine with seventeen, whether there is seventeen associated or there is fifteen seated. So why on God's earth would it not be nine if we're going to follow their reasoning of what they thought was fair, what is fair for this Nation and what would be good? Thank you.

MR. HANNAH: Chatman-Plumb, you're recognized.

MS. CHAPMAN-PLUMB: I have a suggestion. Probably out of order, but I'll just make it real quick.

MR. HANNAH: Let me tell you, that's quite all right. If it gets too far out of order, I'll come back and ask you to retire.

MS. CHAPMAN-PLUMB: We need to address specifically whether or not, or what the number is, without blanking, what the number is going to be for the quorum. Because -- and then I might suggest that we appoint a -- after we fight that battle, then we need to appoint a committee made up of people who might even disagree with the vote that just was taken, to get the language drafted, table it, bring it back, present it, and see if it's not acceptable to everyone instead of every person in the room drafting. We're taking a lot longer than we have to take to come up with these ideas.

Okay. That said. I have this straight from a framer of the 1975-'76 Constitution. They did not ever envision the day when people would call non-attendance partition in government. You know, if you don't show up to a basketball game, and you don't have your team there, you forfeit the game. They don't call the game a draw because the team doesn't show up. That's the most ridiculous thing I ever heard. We need to lower the quorum.

The same people who are not showing up are elected by a

minority of the registered voters. That's the democratic process. It's just offensive to me that somebody who's selected to represent me would tell me that non-attendance is how they're going to represent me.

MR. KEEN, JR.: Mr. Chairman.

MR. HANNAH: Mr. Keen.

MR. KEEN, JR.: Delegate Ralph Keen, Jr. I move for a division of the question in the following manner: That beginning with the word "should" -- hold that second a second. Beginning with the word "should," continuing to the remainder of the paragraph, that that be considered as a separate question from the remaining language. Yes, that sentence right there.

I move for a division of the question, and that that sentence be considered after we've address the issue of the quorum.

MR. HEMBREE: Second.

MR. HANNAH: Motion for a division of the question. There is a second.

MR. SMITH: Call for the question.

MR. HANNAH: There has been a call for the question. All of those in favor, please signify by saying "aye".

THE DELEGATES: Aye.

MR. HANNAH: And those opposed said "no." And the Chair declares that we have a division.

MS. JORDAN: Point of order.

MR. HANNAH: Point of order. Tina.

MS. JORDAN: Shouldn't that come back as a friendly amendment, or am I wrong there? It's treated differently? Okay.

MR. HANNAH: We are still about the debate of the amendment that Mr. Hoskin has on the floor. It is simply bifurcated at this time; is that correct? On the nine. And, obviously, we're taking these up in serial fashion, correct? And we will still take action on the second part that has now been bifurcated, correct?

Very well. So the floor continues in debate.

MR. HEMBREE: On information or clarification.

MR. HANNAH: Yes, sir.

MR. HEMBREE: During debate, are you still going to recognize speakers on both issues or just --

MR. HANNAH: I will recognize speakers in serial fashion. In other words, we will continue debate -- I was about to finish my sentence. We will continue debate based on the first question, which is, in fact, the top underline of, "provided, however, the two-thirds quorum shall be required until the enlarged Council of seventeen is seated."

I'm sorry, a majority of nine. Thank you very much for pointing that out.

MR. ROBINSON: Point of information.

MR. HANNAH: Yes, sir.

MR. ROBINSON: I know this is not maybe very

important, but wasn't it originally "unless a majority of nine," instead of "a majority nine of"? I just don't want to pass this and somebody call on the vote. Maybe that is Style Committee; I don't know.

MR. HANNAH: Thank you, Ricky. The scribe has made the correction, and we appreciate your adherence to the words.

Now, once again, where we are at this point, Mr. Hoskin has a amendment on the floor; it has been bifurcated by this body. The Chair will accept debate on the first serial of bifurcation of the question, which is the item --

MR. DONN BAKER: Point of clarification.

MR. HANNAH: Yes, sir.

MR. DONN BAKER: I think we just messed up when you moved that. The way I read it, "unless a majority," and then it tells us what that majority is now, nine. Otherwise, the way it's written now, "a majority of nine."

MR. HANNAH: Help us here, Donn.

MR. DONN BAKER: The parenthesis of nine is telling the number, what is the majority. It was thirteen when we had twenty-four. Now it should be nine, and that's what the parenthesis mean; it's just telling us what a majority is. "Nine" goes in front of the "of."

MR. KEEN, JR.: Yes, it does.

MR. GUNTER: Shouldn't seventeen be in there, a majority, nine, of seventeen members? That's the way it's supposed to read?

MR. KEEN, JR.: Who has the floor at this point?

MR. HANNAH: You do, Mr. Keen. The Chair apologizes to Mr. Keen for allowing this body to drift for a movement. We're going to get right back up to where we were.

Mr. Keen, you are recognized.

MR. KEEN, JR.: We're attempting to return this to the language as submitted by the Commission, and the language should read as amended:

"No business shall be conducted by the Council unless a majority," and then in parentheses the number nine, "(9) of members thereof would be elected and qualified." So the language is correct.

MR. HANNAH: Thank you, Mr. Keen. The floor is now open for debate on the first serial that has been divided.

And Poteete, you are recognized, sir. How do you rise; in favor or again this motion?

MR. POTEETE: Against the motion. I think that I have to take exception with my Councilmate, Mr. Jiggs' characterization that we need to elect some Council members who are conscientious enough to show up at a meeting.

I can assure you folks that it would have been a great deal easier to show up at the meetings, particularly inasmuch as that is a very small action with what a Council member does.

MR. BILL BAKER: Point of order.

MR. POTEETE: I've already passed the part of which you object, Bill John.

MR. HANNAH: Mr. Poteete.

MR. POTEETE: We're asking you now --

MR. HANNAH: Mr. Poteete, one moment, please, sir. Thank you. Thank you very much. And what was your point, Mr. Baker?

MR. BILL BAKER: Debate on the issue at hand.

MR. HANNAH: Mr. Poteete, you are still recognized, and we are on debate either for or against this question.

MR. POTEETE: I'm attempting to share with the people an incite into the particulars of Council service. I think, and as I said, it is a good deal easier to be at meetings than not be at them. They are very small fraction of what it takes to fulfill the duties in the Council.

Now, the current situation should not cause us to change the two-thirds requirement. What you are setting in motion if you adopt the number nine is that five people out of the seventeen can come together and can direct and effect and do the business of the Cherokee people.

You can get nine together; five of them can vote as they please and move forward. That's not healthy government. I submit to you that if it is dreadfully wrong for a Council member to miss meetings, the thing not to do is to tinker with the time-honored wisdom requiring political bodies to have two-thirds majority. The thing to do is to let the elector decide.

I can assure you that in my case I had extremely strong support, and continue to have strong support for the stance that was taken. The elector consistently encouraged that we do what had to be done. They felt that this was something that was left, that was a protection, and we exercised that protection.

I urge you not to give that protection away. And some of you need to consider what would have been the disposition of the Cherokee Nation and what would have been the disposition of our court and the dismantling of our government without a two-thirds majority. Think very carefully.

MR. HANNAH: Thank you, Mr. Poteete.

MR. POTEETE: I object to the calling the question. People are still wishing to speak.

MR. HANNAH: The floor recognizes Mr. Smith.

MR. SMITH: We talk about the people speaking, and the people have spoken. They spoke in 1975 when they said in referendum, we want two-thirds. So there's got to be a tremendous, overwhelming rationale to overcome the will of the people.

The only thing that we have heard now that it's political posturing that can't manipulate a two-thirds majority. We must yield to the very clear message of the '75 Constitution. It's valid then and it's valid now. It's just like the admonishings of Crouch

said from Sacramento, just because we have the hammer, everything is not a nailing.

We must have complete deference, tremendous deference to the Constitution that the people did vote and ratify twenty years ago.

MR. HANNAH: Starr-Scott, you are recognized.

MS. STARR-SCOTT: Mr. Chairman, I rise to speak against this and would caution this body to remember the voice of the people. The two-thirds was put in there for a very good reason. You may be in the minority, but you still have rights. You do not have to be railroaded. And that's what has happened.

When eight Council members can meet in the home of another Council member and decide to impeach the court simply because they don't like the way the court does business, there is something wrong. It cost our Nation a quarter of a million dollars for that impeachment. Think of how many people this would have helped.

I do not stay home just to stay home. It would be much easier on me if I could come. It bothers me. But I have had a lot of support in doing what I have done. You may have had, Mr. Underwood, three people that brought that up, but I can assure you, there's a lot more people in Delaware County that support me than there is that opposes me in doing this.

What I have done, I have done to save our Nation. That is the only reason. I have not done this to be contrary. Any time a special Council meeting is called, and it only takes ten days to call one, and there are things that our Tribe needs, we are there. If they have legislation on there to dismantle the court or to pay seven hundred million dollars to attorneys and we don't know what it's for, then we have a right to protect our Nation.

MR. LITTLEJOHN: Point of order.

MR. HANNAH: Point of order. Will the kind lady yield the floor?

MS. STARR-SCOTT: And I ask you to please consider this.

MR. HANNAH: Will the kind lady yield the floor?
Thank you very much. Mr. Littlejohn, you are recognized.

MR. LITTLEJOHN: I rise in support of amendment, and I would like to take issue with my other delegates, Mr. Smith I believe it was, and Mr. Mullon, concerning their mathematics or their history lessons as to the number of people that it takes to run the business of the Cherokee Nation.

The last time I looked at the Constitution there were fifteen Council members. I would expect that fifteen Council members would run the business of this Nation. Under the proposed changes that we have made here, there are seventeen, and I would anticipate that seventeen Council members would run the business of this Nation, not the five that they talk about by hearing majority of the nine.

In my own particular case, I feel quite fortunate in that

both of my Council members that represent the Trail of Tears District have been attending business. But the history that we have had in recent times where we cannot get two-thirds majority to come together and meet, although they have been elected by others, it's important that we as a body of seventy-nine delegates to come here to talk about a Constitution, change that Constitution and reduce the quorum number so that people can come together and conduct business.

One of our speakers mentioned that -- I believe it was the lower house in England that had over five hundred members and their quorum to conduct business was three. I would suggest that if this should fail that we would reduce our necessary quorum to perhaps three. Then if we have Council members who have been elected by their representatives come and take care of the business of the Cherokee Nation, when a meeting is called, they ought to be there and take care of their business.

MR. HOSKIN, JR.: I call the question.

MR. HANNAH: Mr. Hoskin has called the question.

Is there a second?

DELEGATE: Second.

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

THE DELEGATES: Aye.

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

THE DELEGATES: No.

MR. HANNAH: The Chair is in doubt. Mr. Secretary, will you conduct a standing vote? All of those in favor of calling the question --

MR. HEMBREE: I didn't understand.

MR. HANNAH: Then the Chair will capture everyone's attention here. Madam Parliamentarian, am I correct in taking the vote on the call of the question? I kind of said it funny to start with. Well, thank you. Thank you very much.

DELEGATE: Mr. Chair, point of information.

MR. HANNAH: Yes, sir.

DELEGATE: Am I correct in assuming that it takes two-thirds majority to stop debate?

MR. HANNAH: Yes. Two-thirds is required to stop debate. We are taking a vote to call the question, which effectively is to stop debate, which is actually the proper way to say it, correct?

MS. MEREDITH: Mr. Chair.

MR. HANNAH: Mary Ellen Meredith.

MS. MEREDITH: May I have a point of information? Is there anybody besides Billy who still wants to talk about this?

MR. HANNAH: Well, now, that's an overly practical way.

MS. MEREDITH: She was just standing up at the podium. Do we just let her talk and carry on?

MR. HANNAH: Unfortunately, ma'am, when the question is called of that nature, I have to put that into play. Correct, Madam Parliamentarian? Without the recognition. This body will decide whether we are going to call the question or not. Obviously, if it does not pass, then debate will continue. If it does pass, then we're going to call the question. And those are the rules that we've all agreed to live by.

And whether the Chair carries them out in an eloquent way, he apologizes for perhaps his rather rule approach, but I assure you folks, we will all arrive at the same place at the same time, and we'll do it together.

So with that, there is in fact a motion on floor, and it has been accepted and it has been seconded, to call the question. And there has been a vote, and the Chair was unable to determine the outcome of the vote and instructs the Secretary to prepare to take a standing vote.

And all of those in favor of calling the question, please stand.

THE DELEGATES: (standing)

MR. UNDERWOOD: The count is thirty-eight,
Chairman.

MR. HANNAH: Those opposed, please stand.

THE DELEGATES: (standing)

MR. UNDERWOOD: The count is twenty.

MR. HANNAH: Two-thirds is not reached. The debate continues. The Chair will entertain those delegates that wish to speak to the issue.

And Delegate Masters is recognized.

MS. MASTERS: Thank you, Mr. Chair. Billie Masters, delegate. I would like for us to consider that what has happened in the last eighteen months was not a breakdown of our Council procedure; it was a breakdown in our Executive decision more than in our Council decision.

We yet have to get to the section which actually deals with our Executive branch of government, and some enabling clauses of accountability. I think that there is a check and a balance that we need to look at between the Executive branch and the Councilors, the Legislative branch, in order to solve the problems that we faced in the last eighteen months.

So rather than place all of the burden in the Legislative branch, I think we need to look closely at both branches and see how we can put those checks and balance in place, while still maintaining the quorum to do business in our Legislative branch.

And I speak in opposition of this and hope that we can deal with it effectively in the Executive branch.

MR. HANNAH: Thank you, ma'am. Kind lady is recognized.

MS. CHILSON: Delegate Chilson from Tahlequah. I speak in opposition to this. I was at all of the Council meetings when our Councilors were boycotting, and my three Councilors were

there. It is naive to think, ladies and gentlemen, that just because your Councilors are there, they're representing you.

I have found that was not the case. Thank you.

MR. KEEN, JR.: Mr. Chairman.

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

MR. KEEN, JR.: Delegate Ralph Keen, Jr., speaking in opposition to the amendment. And I know much of this has already been stated in a way of numbers, but I just want to reiterate the point, I believe it was Delegate Mullon raised. That understand the old system we had fifteen Council members, ten required for a quorum. Six -- and I'm assuming the worst-case scenario. I understand Mr. Littlejohn is very optimistic that each and every one will attend, and usually you will have good attendance, but in a worst-case scenario is what you have to think about as well.

Worst-case scenario under the old system, you could have six individuals conducting the business of the Nation. Under these numbers, and a simple quorum, you can have five individuals. So we would be reducing that representation by one member. So I want you to think about that.

I also want you to consider, in your minds, are you thinking about changing this, removing this protection for the wrong reason? Is there, in fact, another way to address your concerns, which may fall under part two of the question as divided.

In other words, can we retain a two-thirds quorum, but yet still ensure that our representatives appear to do their job? I believe the answer to that is yes, in one form or another. Thank you.

MR. HANNAH: Thank you, Mr. Keen. The Chair declares a seven-minute recess, and has taken note that Mr. Phillips, Mr. Mullon, Mr. Keen, and now Mr. Baker, the elder --

MR. DONN BAKER: Point of order.

MR. HANNAH: Forgive me Donn. Let's get back in here in seven minutes, and those of you who would like to speak, you would be heard.

(recess taken)

MR. HANNAH: The delegates will pay close attention to the debate that is on the floor. And the Chair recognizes the good man from Westville.

MR. PHILLIPS: Mr. Chairman, Harold Phillips, Adair County. I would just like to, first of all, let me apologize if I offended my good friend and colleague, Troy. It certainly wasn't my intent, nor was it my intent to offend any member of this Tribal Council.

My point was, I feel that if we do have a Tribal Council, and I think that we will have and do have, that's conscientious about our duties, we don't have to force them to attend our meetings by amending our Constitution.

I'd like to say again that I feel that we are reacting to a particular problem and purporting to amend the Constitution that

has served us well for twenty years. This problem hasn't arisen before. It may not arise again for another twenty years.

I don't feel like that we can face the problems that arise, one by one, by amending the Constitution. I feel like that if we need some ways to force our people to come to the Council meetings, it shouldn't be by establishment of a lower quorum; it should be in another part, which has been mentioned and probably will be taken care of in another part.

Again, in opposition to this amendment, I don't believe it would serve us well; I don't believe it would serve our children well in the future. Thank you.

MR. HANNAH: Thank you, Mr. Phillips. Notes of the Chair, right before the recess that Mr. Mullon is recognized.

MR. MULLON: Mr. Chairman, I would defer to this gentleman. I've been up to the mike more often than he has.

MR. HANNAH: You are a very kind man. And the Chair recognized the gentlemen. Please step forward.

MR. RAPER: I'm Mark Raper, a delegate. I am opposed because of all the years I have been around, we never had problems until now. But to take away this quorum is not a solution. This is taking away a safeguard for both areas.

And somebody mentioned that we could get by, by three. That is a committee. Someone just said that for example, but I say that is wrong. And we are a people of honesty. In growing up, you saw something valuable, you didn't bother to pick it up or you just took it back where it belongs to. Can we do that today?

We're not courteous of our ancestors. They're the ones that wrote this down. They stayed maybe months trying to write this, and they completed it. And it's going to take awhile again on this one. And we are a people of tradition. We should stay with that even though our writings are changed for modern reasons, but we should still have traditional values in it for our people, are still tradition. Not necessarily us, but the ones outside, the ones that are back home. I hope they would consider to oppose this. Thank you.

MR. HANNAH: Thank you very much.

Mr. Baker from Park Hill, I believe.

MR. DONN BAKER: Donn Baker. I think before we vote that it seems simple to me, and maybe I've missed the boat somewhere. I believe in a democracy, and I can't help but think that everybody in this room believes in a democracy. A democracy, the majority rules. That's what a democracy is. Whether we like it or whether we don't, the majority rules.

What has happened, when we allow the six people, the seven or whatever it is, to boycott, they have shut down the government. It has not operated. You have got the minority ruling.

Counselor Smith has indicated or Delegate Smith has indicated that in his statement that only with this can we prevent the whim of the majority. Well, I thought that's what we were doing was the majority.

The other thing that I would remind you is, I don't understand the difference how the Commission -- and I address specifically Mr. Ralph Keen, Jr. It was my understanding that you all supported this. When it was twenty-four, you thought that the majority was correct. And I thought that was based upon your community meetings and things of that nature.

I do not understand how the majority, because which voted to go from twenty-four to seventeen, how you rationalize the reason that you now cannot support this. As Mr. Underwood indicated, probably, and I've heard several say this, that we had the community meetings; we listened to the people, and overwhelmingly, the people indicated that they wanted a majority. They wanted the Councilors there; they wanted them doing the Tribe's business. And I think we owe it to them, and I think we need to look long and hard about this before we vote.

MR. HANNAH: Thank you, Mr. Baker. Mr. Keen, you are recognized. Are you simply questioning, sir, or do you have a point?

MR. KEEN, JR.: I was going to respond to his comments.

MR. HANNAH: That was my supposition, and I recognize you, sir.

MR. KEEN, JR.: Mr. Baker, everything that we said about the public hearings is correct and accurate. The voice of the Commission as a whole, which was seven people, was as presented in our recommendations, and I endorse that as a member of Commission under those circumstances, of an increased size of Council.

Now, what you are suggesting to me is I'm not entitled to have an opinion separate from my fellow Commissioners, and I am. And my opinion has changed because the number has been reduced from twenty-four to seventeen, and the simple mathematics is, we could have effectively five people making business decisions which involve millions of dollars, and I am opposed to that. And that is the reason I'm opposed to it.

MR. HANNAH: Thank you, Mr. Keen. Mr. Mullon, and thank you, sir, for being patient. The Chair is mindful that we have had a number of speakers that repeat to the podium. It's not my intent to allow any favoritism here, and I see new speakers that are arising, and the Chair is appreciative for such.

The Chair is also mindful that there is good quality debate that is taking place here on a capital issue that we have before us.

Mr. Mullon, you are recognized.

MR. MULLON: Thank you. I didn't mind waiting. I'm kind of getting spaced out here.

I want to reiterate a bit of what I said before, but in a slightly different way. We have people here who are openly or that is directly or indirectly, arguing a change or against a change in the number of people needed to establish a quorum of our Tribal

Council based on the most recent controversy. That is definitely right in the middle of this discussion.

However, however good those arguments may be, the time will come when this controversy is over. I don't know when that's going to be, but the time will come that it will be over. This is not going to be with us forever.

And I say, that if you reduce the majority to nine, the day will come when the controversy is gone, that we will regret it when there will be a quorum established at nine people and very important legislation will come before the Tribal Council and five people will decide it, and it will have nothing to do with this controversy. And that is the danger. There is a future problem by reducing it to nine people. Five people will decide the business of the Cherokee Nation, and it won't have anything to do with this controversy. Thank you.

MR. HANNAH: Thank you, sir. This kind gentlemen here is recognized.

MR. H. CRITTENDEN: My name is Hoover Crittenden. And I just been sitting here for two days now trying to hear some of this stuff, things that I've heard today, yesterday, last night, and I come to the point where I wonder -- I begin to wonder if I really have someone representing me as a Cherokee.

For the simple reasons I say this -- I said this for this reason; our government, Cherokee government don't even exist today as far as I'm concerned. And we heard that awhile ago that decisions were made upon interviewing the public. I would question how many people was asked their needs or what they expected their representatives to do for them.

There's a lady over here awhile ago I heard say -- I will try to repeat her words. She said she had gone to one of the Council meetings and she had three of her representatives down there and neither of the three actually represented her.

Hey, we want people to represent the Cherokee Nation, not selfs. This is how -- again, forgive me, I'm no spokesman, but this is -- I have come to see how the government is operating. This is a great experience for me. This is the first time I've been here. I've been to a few of the meetings.

Now, I don't know if I'm getting my point over or not, but I'm going to leave it at this. If I put a person in there, and we've got a bunch of people -- this is election time; we know that.

And here we are, last night somebody mentioned, we should be voting. Okay. To me, someone tells me, I've got to vote whether I know that individual or not or what he stands for. There's people here that are strangers to me. They may know me, but I don't know twenty percent of you people here.

But what I said was, simply this; if I'm going to vote for someone to represent me, I want him to stand for the few things that I may ask him, or ask him what things that he's represented me with. I have come to the point, I've been to these meetings like I said, I don't want to turn this into a political speech, but let's

represent the people who put us there.

This is all I've got to say. I'm back in this form of business here. I think two-thirds would be, when the time comes to vote, that's at least what I'll be voting for, I'll put it that way.

Thank you.

MR. HANNAH: Thank you, sir, for you comments. The good doctor from Texas is recognized.

MR. JOHN KEEN: Mr. Chairman, I've been waiting since before the recess.

MR. HANNAH: I realize that, Mr. Keen. The Chair will stand corrected; you have been patient, and your name was taken before the recess. Good doctor, you will yield the floor. Mr. Keen, you'll you recognized.

MR. JOHN KEEN: I've waited so long, I've forgotten the contents of what I was going to say.

MR. HANNAH: Mr. Keen, the Chair doubts that very seriously.

MR. JOHN KEEN: It sounded good though, didn't it?

MR. HANNAH: Yeah, it did.

MR. JOHN KEEN: I rise in opposition to this. It's hard to say anything that hasn't been said before in opposition of this. But I would like to rebut some of Delegate Bill John Baker's comments. And in doing this, I don't want anybody to think that I would not be respectful of my elders. I was raised -- I mean, my ancient elders, because they go way up there. They extend further than this room.

But Bill John referenced the 1839 Constitution. And to paraphrase someone else, it is a great document. There's a lot of good thought put into that, but it needs to be kept in the context of its time. It was a long time ago, a time when we owned slaves, a time when we would not allow half the people in this room to even be here. With respect to women in here, they would not be allowed to be in here.

So I submit that even though there were some great men in that era, that shouldn't be taken in today's form of government.

I'd also like to say that I have talked since the recess with some of the members, non-members of the Cherokee Nation in here that are not delegates, and they have stressed their will. They've reiterated to me that it is the will of the people to have a two-thirds quorum. You look at the numbers, if we go through with a majority of nine, you have a quorum of nine, five people making decisions; look at that, that's forty thousand people each that they would be deciding for. I don't accept that number. I don't accept that at all. I really think that two-thirds quorum is the minimum that we need. Thank you.

MR. HANNAH: Thank you, Mr. Keen. Doctor Hook, you are recognized.

MR. HOOK: This may be somewhat unorthodox, but I stand in opposition to this first section, and let me explain why.

I'm on a number of committees; I'm sure everyone here is. Different boards, I'm working with the Police Chief in Houston; I'm working with a number of educational boards. And all of these non-Indian boards require a simple majority, fifty-one percent.

But the elders that I know, the ones that I've worked with, they're still very similar, I believe, to our people. The Pow Wow Committees I've been on, the different things I've worked on the reservation, they're all similar in one way, and that is that we sit down and work something out until we have a consensus.

My understanding of our tradition is that originally, or how many thousand years, I don't know. But we had a commonly selected Chief; we had a Council that provided wisdom to that Chief; we had clan Elders who provided wisdom, and in all of these, some decision was reached by consensus.

And I believe that our greatest possibility of approaching that concept is with two-thirds majority, two thirds quorum. And so for those reasons, and also because when I offer a friendly amendment to this, it was my understanding that the two-thirds would be retained, or it would be a two-thirds, then I stand in opposition.

MR. HANNAH: Thank you, Doctor Hook. The good lady from Tahlequah is recognized.

MS. HAGERSTRAND: Marion Brown Hagerstrand. And I guess I shouldn't be speaking quite so much, but I need to point out to you that our government is a democracy. When you have a democracy, you need to have checks and balances. Each of the divisions has to have a check.

The only way the checks have worked is by some of our great Councilors exercising their right to not go. Because they were thinking of the Tribe. They were thinking of the people who need things and need to have the money spent for their care.

Now, I'm going to eat regularly, but there are a lot of my friends, my dear friends that I've known for years, who need to be able to have the medicines that they sometimes can't get at the Indian hospital because there's just not that money. They need to have eyeglasses and dentures, and then we don't want that money thrown away.

And that's what our dear, boycotting, brave Councilors did; they made sure that that money couldn't be spent, although they found a way to just write checks anyway.

So I would urge two-thirds, and even more, because that is one of the checks we have on another Executive branch. And I will tell you, that for a while, some of our elected officials didn't even know that two-thirds of fifteen is ten. And they had meetings. They had meetings, and they tried to throw out one of the branches of our government. I'm up for two-thirds, believe me.

MR. HANNAH: Kind gentleman is recognized.

MR. McCREARY: Mr. Chairman, Ken McCreary, Black Gum Mountain. I've been listening to a lot of the comments made by our esteemed delegates, but I'd like to at this time point out a

couple of things that's kind of on my mind.

When we, as a delegate, come to this room to debate and vote on issues, we do not always have that choice or opportunity to pick and choose those things that we vote on, but we vote on them, and we debate on them.

By the same token - and I will address this to the past issues that has been brought up all consistently within the last number of people, is, the form of government and Council meeting, the Council members are voted upon to represent their people. Their opinions are not of record if they're not in a Council meeting. If they do not attend the Council meeting and voice those opinions, they're not voicing opinions of their constituents or of the Cherokee people.

Secondly, I'm standing in favor of the simple majority of nine, due to the fact I think our people are just as intelligent as those of any Councilor of say New York City, Chicago, Tulsa, San Francisco. Most of them have simple majority, and they run multi-multi-million dollar businesses with millions of people. Why can't we, as a simple two hundred thousand people in just a multi-million dollar deal, run our business? Thank you.

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

MR. CORNSILK: Mr. Chairman, Delegate Cornsilk.

I would like to address about three items, one of them being Mr. Baker's attempt to draw from the 1839 Constitution and compare it to today's circumstances. I think we can safely say that in 1839, the Cherokee Nation encompassed millions and millions of acres of land covering five states, and a simple majority at that time was necessary in order for them to get a quorum because you had Council members coming in from almost a thousand miles away. So that doesn't even apply to today.

The second thing I would like to point out is that what we're talking about here is the number of people required to be present to do the business of the Cherokee Nation. It frightens me to no end to think that five people could do the business of the Cherokee Nation and represent two hundred thousand people.

Another thing I'd like to point out is that a lot of the rhetoric that we heard today is about boycotting. That is a decision to be made by the elector when they cast their ballots. There are six people who have been boycotting, and those people who go to the polls will decide whether that's been appropriate or not.

That is not and does not have anything to do with whether we should have two-thirds majority for a quorum.

Also I would like to address the rhetoric that has been thrown out about democracy and it's a democratic process. I'm not comparing our situation to the rise and fall of the Third Reich. There's a big difference between what happened there. But what I'd also like to point out is that what might have happened if the minority -- and we know from the records that there was a minority in the parliament of Germany had they boycotted. Keep that in mind.

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

gentlemen from Greasy is recognized.

MR. HEMBREE: Thank you, Mr. Chairman. Delegate Hembree. I would agree with Chairman's earlier statement, this is some of the best debate that we've had throughout this convention. However, we have had a lot of speakers and not wanting to squelch free speech, but --

MR. HANNAH: Move your point, Mr. Hembree.

MR. HEMBREE: I do move to call the question.

MR. HANNAH: Move to your point. The question had been called. Is there a second?

DELEGATE: Second.

MR. HANNAH: And hearing no opposition, those in favor of calling the question, please signify by saying "aye."

THE DELEGATES: Aye.

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

THE DELEGATES: No.

MR. HANNAH: And the Chair declares that the question has been called. And the item before us is from Article V, Section 4. Just wanted to make sure I was in the right room.

Article V, Section 4, remembering this is the first of a serial item that I believe began with the younger Mr. Hoskin. And it in fact is in regard to the language of, "a majority (9) of, and provided, however, that a two-thirds quorum shall be required until the enlarged Council of seventeen is seated."

Voting in the affirmative will maintain this language. All of those in favor, please signify by saying --

DELEGATE: Would you repeat the question?

MR. HANNAH: Yes. The question on the vote is the underlined language that we're seeing in Section 4, "of the majority (9) of, provided, however, that a two-thirds quorum shall be required until the enlarged Council of seventeen is seated."

And the Chair would be clarified if this is in fact the language that the question is called on. And you verify that is fact?

MR. KEEN, JR.: Yes.

MR. HANNAH: Very well. All of those in favor

--

MR. HEMBREE: Mr. Chairman, I would request a roll call vote. I predict it's going to be close.

MR. HANNAH: The good delegate from Greasy has now become clairvoyant. Roll call vote has been requested.

MR. HOOK: Point of order.

MR. HANNAH: Point of order.

MR. HOOK: Our question, could you please clarify for us so we know exactly what a yes or no vote means?

MR. HANNAH: I will do my utmost and very best, sir.

MR. HEMBREE: And on privilege, sir.

MR. HANNAH: On privilege.

MR. HEMBREE: If you could also explain what we

talked about --

MR. HANNAH: Thank you very much for the reminder, delegate from Greasy. I will be about that first. Earlier in the day on roll call vote, you will note that your Chairman has voted with the word "abstain." And therefore, if it is your intent to abstain from the vote, then the Chair would request that you call abstain and no other phrases be uttered. You will vote yes; you will vote no; you will vote abstain.

And the question that we have before us.

MR. HEMBREE: On order.

MR. HANNAH: My delegate from Greasy, are you going to raise the other issue?

Now the Chair and the delegate from Greasy are being clairvoyant at the same time. We don't even have to ask another question. We are sitting on this debate, knowing exactly what one another is going to say.

MR. HEMBREE: Can you explain the word "pass"?

MR. HANNAH: That's exactly what I was going to do, knowing that you would arise.

The Chair believes that some delegates may be under the erroneous assumption that the word "pass" and the word "abstain" are in fact the same. And they are not. If you, in fact, are inclined to pass, then we will need to take note and the Secretary will before closing the ballot, will once again ensure that you are prepared to cast a vote, a vote that would be either "yes," "no" or "abstain."

Obviously, the Chair would prefer that if we take a roll call vote that we are all here in this chamber, and that we would know what our mind would be and save ourselves of the C-SPAN version of the roll call vote.

Now, back to the question at hand.

MR. KEEN, JR.: Mr. Chairman.

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

MR. KEEN, JR.: I think we all want to be absolutely clear on what we're voting for, and without going through the technicalities of the present motion and everything, I think I can paraphrase it accurately by stating, if you vote yes, you will be endorsing a simple majority, if you vote no, you will not be endorsing a simple majority quorum.

Now, I'll stand corrected if I have not stated that accurately. So, yes if you like a majority quorum; no, if you don't like a majority quorum.

MR. HANNAH: Anyone wish to raise question? Mr. Littlejohn, I assume you rise on point of information, and you are recognized.

MR. LITTLEJOHN: Thank you, Mr. Chairman. My question is, when we talk about a majority of nine, what would be the situation in the event that we have a body of fifteen and two, unfortunately, died?

MR. CORNSILK: On order.

MR. LITTLEJOHN: I'm trying to understand, what this question, what we're voting on means. And do we have an explanation, or do we not?

MR. HANNAH: Just a moment, delegates. Mr. Littlejohn, that question is in fact provided for in a later section.

MR. LITTLEJOHN: Thank you, Mr. Chairman.

MR. HANNAH: And I would not attempt at this late hour to propose what would happen if two Councilors were killed. We'll bring order once again back here, and thank you, delegates, for sharing with the Chair that you still have the ability to laugh. Very healthy part of our culture.

Mr. Keen has made a clarification of exactly the position you will take, should you vote, "yes" or "no" with regard to the motion that is before us. It is highlighted on the screen at this time.

The Chair would entertain anyone who would have a point of information. The Chair would entertain anyone who would have a point of information or clarification.

MR. PHILLIPS: I might just add that if you vote no, you're voting for continuation of requirement of two-thirds for a quorum.

MR. HANNAH: Thank you, Mr. Phillips, please be seated.

MR. ROBINSON: Point of clarification. I don't agree with that.

MR. HANNAH: I tell you what, good doctor, you will take your seat right now because the Chair is not going to entertain any further clarification from the floor, which has a tendency to somehow bring up a series of debate.

And the Chair is very pleased with the delegation. You all will be attentive for a second. The Chair is very pleased with the delegation on the quality of debate that we've had here.

The question is before us at this time. And the Chair believes that it is clear in the minds of all the delegates what their vote will bring. And we'll have electronic voting. It will be revealed to the delegates. And the Secretary will call the roll.

MR. UNDERWOOD: Roll call. Adair.

MS. ADAIR: Yes.

MR. UNDERWOOD: Alberty. Bill Baker.

MR. BILL BAKER: Yes.

MR. UNDERWOOD: Donn Baker.

MR. DONN BAKER: Yes.

MR. UNDERWOOD: Jack Baker.

MR. JACK BAKER: No.

MR. UNDERWOOD: Berry.

MS. BERRY: No.

MR. UNDERWOOD: Birmingham.

MS. BIRMINGHAM: Abstain.

MR. UNDERWOOD: Burnett.
MS. BURNETT: No.
MR. UNDERWOOD: Center.
MR. CENTER: Yes.
MR. UNDERWOOD: Chilson.
MS. CHILSON: No.
MR. UNDERWOOD: Clarke.
MR. CLARKE: No.
MR. UNDERWOOD: Colson.
MS. COLSON: No.
MR. UNDERWOOD: Coon.
MS. COON: I'm going to abstain.
MR. UNDERWOOD: Cornsilk.
MR. CORNSILK: No.
MR. UNDERWOOD: Crawford.
MS. CRAWFORD: Yes.
MR. UNDERWOOD: Crittenden, Don.
MR. DON CRITTENDEN: Yes.
MR. UNDERWOOD: Crittenden, H.
MR. H. CRITTENDEN: No.
MR. UNDERWOOD: Crouch.
MR. CROUCH: No.
MR. UNDERWOOD: Bill Davis.
MR. BILL DAVIS: Yes.
MR. UNDERWOOD: Earl Davis. Bryce Downing.

Carl Downing.

MR. DOWNING: No.
MR. UNDERWOOD: Dowty.
MR. DOWTY: Yes.
MR. UNDERWOOD: Foster.
MR. HANNAH: The Chair thanks the delegates for
being mindful of the scribe. One moment.
MR. KEEN, JR.: Dowty, please.
MR. UNDERWOOD: Dowty was yes.
MR. KEEN, JR.: Continue.
MR. UNDERWOOD: Foster.
MS. FOSTER: No.
MR. UNDERWOOD: Gourd. Gunter. Hagerstrand.
MS. HAGERSTRAND: No.
MR. UNDERWOOD: Hammons. Hannah.
MR. HANNAH: Abstain.
MR. UNDERWOOD: Herod.
MR. HEROD: No.
MR. UNDERWOOD: Hathaway. Havens.
MS. HAVENS: No.
MR. UNDERWOOD: Hembree.
MR. HEMBREE: No.
MR. UNDERWOOD: Hook.
MR. HOOK: No.
MR. UNDERWOOD: Hoskin, C., Jr.

MR. HOSKIN, JR.: Yes.
MR. UNDERWOOD: Hoskin, C., Sr.
MR. HOSKIN, SR.: Yes.
MR. UNDERWOOD: Johnson. Jordan.
MS. JORDAN: Yes.
MR. UNDERWOOD: J. Keen.
MR. JOHN KEEN: No.
MR. UNDERWOOD: Ralph Keen, Jr.
MR. KEEN, JR.: No.
MR. UNDERWOOD: Lay.
MR. LAY: No.
MR. HANNAH: Mr. Secretary, you skipped a name.

Start the roll with Littlejohn.

MR. UNDERWOOD: Littlejohn.
MR. LITTLEJOHN: Yes.
MR. UNDERWOOD: Linnenkohl.
MS. LINNENKOHL: No.
MR. UNDERWOOD: Masters.
MS. MASTERS: No.
MR. UNDERWOOD: McDaniel.
MR. McDANIEL: No.
MR. UNDERWOOD: McIntosh.
MS. McINTOSH: Yes.
MR. UNDERWOOD: McCreary.
MR. McCREARY: Yes.
MR. UNDERWOOD: MacLemore. Melton. Meredith.
MS. MEREDITH: No.
MR. UNDERWOOD: Miller.
MS. MILLER: Yes.
MR. UNDERWOOD: Moore.
MR. MOORE: Yes.
MR. UNDERWOOD: Mullon.
MR. MULLON: No.
MR. UNDERWOOD: Peacock.
MR. PEACOCK: No.
MR. UNDERWOOD: Phillips.
MR. PHILLIPS: No.
MR. UNDERWOOD: Pitts. Plumb.
MS. CHAPMAN-PLUMB: Yes.
MR. UNDERWOOD: Poteete.
MR. POTEETE: No.
MR. UNDERWOOD: Raper.
MR. RAPER: No.
MR. UNDERWOOD: Rider.
MR. RIDER: No.
MR. UNDERWOOD: Robinson.
MR. ROBINSON: Yes.
MR. UNDERWOOD: Rutledge.
MR. RUTLEDGE: Yes.
MR. UNDERWOOD: Sanders. Barbara Scott.

MS. STARR-SCOTT: No.
MR. UNDERWOOD: D. Scott.
MS. SCOTT: No.
MR. UNDERWOOD: Owen Scott.
MR. SCOTT: No.
MR. UNDERWOOD: M. Silversmith.
MS. SILVERSMITH: No.
MR. UNDERWOOD: R. Silversmith.
MR. SILVERSMITH: No.
MR. UNDERWOOD: Smith.
MR. SMITH: No.
MR. UNDERWOOD: Spencer.
MR. SPENCER: No.
MR. UNDERWOOD: Starr. Stopp. Stroud.
MS. STROUD: No.
MR. UNDERWOOD: Twining.
MS. TWINING: No.
MR. UNDERWOOD: Underwood, no. Viles. Wheeler.
MR. WHEELER: No.
MR. UNDERWOOD: Whitfield.
MR. WHITFIELD: Yes.
MR. UNDERWOOD: Wilson.
MR. WILSON: No.
MR. HANNAH: Yes, twenty; no forty-one;

abstentions three; motion does not carry, and the language is not added.

Mr. Keen, you are recognized.

MR. JOHN KEEN: Was Mr. Poteete going to head to the --

MR. HANNAH: There is no telling what Mr. Poteete is going to do. Once again, you ask the Chair to be clairvoyant. He can't do this at this late hour. And you are recognized. Are you waiving to Mr. Poteete who has made his way here?

MR. POTEETE: My intent was to make a motion to implement the two-thirds into the legislation. If you have that written and ready, then I'll defer to you.

MR. JOHN KEEN: I would like to second you. I didn't get a chance to do that.

MR. HANNAH: Do you gentlemen want to -- I feel like I'm in a --

MR. SMITH: May I respond?

MR. POTEETE: I yield to Mr. Smith.

MR. HANNAH: Mr. Smith.

MR. SMITH: This is the Commission's proposed language. We don't have to do anything to retain the present Constitution, so no action is necessary at this time. Aren't I correct?

MR. HANNAH: Mr. Keen is recognized, the elder.

MR. KEEN, JR.: I agree with you in theory, but

because we are going through the document seriatim, I think the proper procedure would be to move for a substitution of language in the document that we're going through with the original language.

MR. POTEETE: I move then, Mr. Chairman, that we substitute the original Constitution as it now stands for the language presented by the Commission. That would be the language on the bottom of the page, and I move that we adopt that.

DELEGATE: Second.

MR. HANNAH: Motion is on the floor to substitute language from the 1975 Constitution, which you see on the screen. And there has been a second.

MR. CORNSILK: Mr. Chairman.

MR. HANNAH: Mr. Cornsilk.

MR. CORNSILK: We've had plenty of debate on this. I call for the question.

MR. HANNAH: Question is called. And is there a second?

DELEGATE: Second.

MR. HANNAH: Question is called and there is a second. Hearing no opposition, the Chair will move to call the question of the language that is before us. The language reads, point of clarification you see in highlight -- I'm sorry, bottom.

"Section 4. There shall be at least one regular session of the Council in the calendar year which shall convene on the second Monday in each January or at such other date as the Council shall determine. 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. The session may not exceed a maximum of thirty calendar days for pay purposes."

This is the question that is before us now.

MR. HOSKIN, JR.: Point of information.

MR. HANNAH: Mr. Hoskin.

MR. HOSKIN, JR.: Let me understand this correctly. We have divided the section; is that correct?

MR. HANNAH: The delegate needs to be heard. Please approach the microphone.

MR. HOSKIN, JR.: Sorry. Once again, Mr. Chairman, Charles Hoskin from Vinita. I want to be clear, point of information, that we have divided Section 4, and we are, in fact, not adopting the Section 4 for the 1975 Constitution or substituting that language because we still have part of the division to talk about that is still up for debate and consideration.

MR. HANNAH: One moment, Mr. Hoskin.

MR. POTEETE: Mr. Chairman.

MR. HANNAH: One moment, sir.

Mr. Poteete, you're recognized.

MR. POTEETE: My motion is to deal with this section -- this is the entirety of the section. I move that we adopt this language as Section 4. I do not find the last sentence

under the underlying section necessary or practical, and so my motion is that we adopt Section 4 altogether as the whole Section 4, which would overcome these matters below. I think there's a consensus that we should move in this direction.

MR. HANNAH: Mr. Poteete, the Chair will remind, and will stand corrected if need be, that we moved to separate these issues earlier, that Mr. Hoskin stood originally with these joined together, that this group decided that those would be bifurcated, that we would, in fact, debate those and serial.

And the debate that has taken place here has been on the first section, which would, in fact, leave section before the body.

We would still need to take up under mechanics the second section. Parliamentary, is that correct?

Unless "he" who? Mr. Keen is the man who moved to bifurcate, and unfortunately, he's not going to unmove, and besides that, to put it back, under Mr. Hoskin would have somehow jeopardize the entire debate that we have had. We are not going down that road, ladies and gentlemen unless you all want to take the Chair down that road, but the Chair is not going to drive us there.

Let's pay attention here. We're about to get hung on a mechanical issue, and at the same time, I understand exactly what we're attempting to look at. So as the Chair sees at this point, unless corrected, there is still the second serial of Mr. Hoskin's piece that will need to be brought to debate.

MR. KEEN, JR.: Point of order.

MR. HANNAH: Yes, sir.

MR. KEEN, JR.: As I understand it, we bifurcated the question so we could debate the issue of a quorum requirement.

MR. HANNAH: This is true.

MR. KEEN, JR.: And I feel like even though we've struck down his proposed amendment, we need to complete that debate. Now, Mr. Poteete's motion is in furtherance of that debate that the now obsolete language of the Commission be substituted with the original language.

So I feel we're still within the scope of that original debate. And then once that debate is complete and voted on, we move to partake his question. That would be my understanding of it, or my interpretation of it.

MR. POTEETE: Mr. Cornsilk has moved the question.

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

MR. POTEETE: If that would make it easier on the Chair not to get hung up, then let us proceed with the question that has been moved on the second that has been fully debated and adopted, and we've reached consensus on that. Deal with that, and then we'll take up Mr. Hoskin's section.

If that would make things much simpler, let's don't stumble over procedure here.

MR. KEEN, JR.: That's what I would recommend, yes. Try to finalize language on the quorum, and then move ahead.

MR. HANNAH: So as the Chair has earlier indicated, we have the second serial of Mr. Hoskin's piece, which is still on the screen. We now have a motion before us by Mr. Poteete, which relates to the quorum question, and it has been seconded. And we would be prepared to vote on that motion.

MR. KEEN, JR.: That would be correct, if there is no debate to be heard, yes.

MR. HANNAH: We're about to find out.

DELEGATE: Call the question.

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

MR. HEMBREE: Second.

MR. HANNAH: It is seconded. Hearing no objection, the --

MR. HOSKIN, JR.: Mr. Chairman, I want to be clear on this. Point of clarification, I guess. The second paragraph that was divided is still alive; is that correct? We still must debate?

MR. HANNAH: That is the Chair's understanding until I am corrected.

MR. HOSKIN, JR.: And this question that we are calling is the substituted language for the first part of this section; is that correct?

MR. HANNAH: That is correct, sir.

MR. HOSKIN, JR.: Thanks for indulging me. I just wanted to be clear.

MR. HANNAH: Mr. Hoskin, no thanks are needed, my friend. Very appreciate for you in helping us to see our way through this and for the indulgence of the delegates.

Once again, the language of -- Mr. Keen, Section 4, correct?

MR. KEEN, JR.: Yes.

MR. HANNAH: "There shall be at least one regular session of the Council in the calendar year which shall convene on the second Monday in each January or at such other date as Council shall determine. 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 numbers shall constitute a quorum. Session may not exceed a maximum of thirty calendar days for pay purposes."

Those in favor of the motion, please signify by saying "aye."

THE DELEGATES: Aye.

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

THE DELEGATES: No.

MR. HANNAH: And the Chair declares that motion carries, and the language is added. We are to Mr. Hoskin's second serial at this time.

MR. POTEETE: Mr. Chairman.

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

MR. POTEETE: Because of what I had seen of the vote, what I think is the sentiment of the people, because this relates so very closely to that, I am going to move that we lay this on the table, rather than string out the debate, and hopefully we can accomplish this, and we can move on to something else.

MR. HANNAH: And I assume, sir, that when you make a motion to lay on the table, you're in reference to the second serial of the Hoskin proposal?

MR. POTEETE: Yes, sir.

MR. HANNAH: Is there a second?

DELEGATE: Second.

MR. HANNAH: It has been moved and seconded that we will lay the second serial of the Hoskin's piece on the table. Hearing no objections, 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 item is laid on the table.

Mr. Keen, you are recognized.

MR. KEEN, JR.: Mr. Chairman, it is now nine o'clock in the evening. I think this may be a wise place to end our work for the day.

MR. POTEETE: Mr. Keen, would you please yield to me? I have one piece of housekeeping.

MR. KEEN, JR.: I would.

MR. POTEETE: I would like to move that we adopt Section 4 in toto as it has been amended. And put it to bed and that section be done before we adjourn this evening. I move so.

MR. HANNAH: Just one moment, here. I'm not sure I understand the kind gentleman's motion of adopting in toto.

MR. KEEN, JR.: I think the problem we're having is the phrase "in toto."

MR. HANNAH: Let's have some order here in the chamber, folks.

Mr. Hoskin on point of order. Thank you, sir.

MR. HOSKIN, JR.: I think this is still on the table so I don't see how we can accept it.

MR. POTEETE: Address the parliamentarian.

MR. HANNAH: Just a moment. Just one moment. I see the delegates preparing as though the session has been called to recess, and it has not been. And the Chair, of course, is at the service of the delegates. If somebody would wish to bring something before the Chair.

MR. KEEN, JR.: Mr. Chairman, obviously, we've had a point of parliamentary law be called into question here, and I would ask our parliamentarian to give us some guidance on that.

MR. POTEETE: Mr. Chairman.

MR. HANNAH: One moment, sir. We are in deliberation on this motion that you brought to us.

MR. POTEETE: Would Chair like to have a five-minute recess?

MR. HANNAH: No, the Chair would not trust any of the delegates outside of the chambers.

MR. POTEETE: Thank you for your vote of confidence. Can I take this opportunity to clear something up? Having nothing to do with this; strictly housekeeping.

MR. HANNAH: Having nothing to do with this?

MR. POTEETE: Absolutely nothing.

MR. HANNAH: Then the Chair will indulge you, Mr. Poteete, for a moment or two.

MR. POTEETE: Yesterday at a moment of labor, during the discussion I sought to illustrate to my Cherokee brother in connection with how many people we should have in the Council, and perhaps I used our Creek brethren as a bad example. But I would like to -- the Chair in a moment of levity characterized my example of the Creeks, a continuing slur against the Creeks, and we buried the hatchet with them sometime soon after the Battle of Horseshoe Bin, where they shot Sequoyah in the leg, I might add.

MR. HANNAH: The kind delegate is not making his case well stated. I believe the kind delegate is about to apologize to the Muscogee Nation, and this is a left-handed way.

MR. POTEETE: I have a great many friends among the Creeks, and they are wonderful and great people who have chosen because of their traditions, which are distinctly different from ours, their history and so forth, to approve their approach in a different way. And by using their problems as an example, I, in no manner, suggest any disrespect to them.

I merely meant to learn from them. And they are different, and they did adopt their form of government for different reasons. And they are a wonderful and great people who I greatly admire. Thank you.

MR. HANNAH: Thank you, Mr. Poteete, for that clarification. The good man from California is recognized during this --

MR. CROUCH: I'd just like to say, I'm not sure yet whether I'll be able to be here tomorrow. I have family issues that I have to go home to deal with. I'm still on the phone negotiating that.

I just want to tell everyone how much I've really learned from this process and appreciate the honest endeavor that each and every one of you have brought to this. I'm sure my voting pattern has not matched anyone's in the room, and I hope you love me no less ever for that, and I certainly love you all the more for standing up for the things that you believe, and saying them out loud. And I trust you will continue in that good Cherokee tradition, whether or not I'm around to hate you or not. Thank you.

MR. HANNAH: Kind delegate is recognized during this moment of research.

MR. McCREARY: Just a little bit of

housekeeping. I've been sitting here the last couple of days, and I've noticed that our kind court reporter over here has been working her poor little fingers half to death for the last three days without any breaks, other than the ones that we have called. I'd like for the house to give her a applaud of appreciate.

MR. HANNAH: Thank you. A standing ovation was given. Marla is a citizen of the Cherokee Nation, and it's been a pleasure to have her in our service.

Mr. Keen, you are recognized.

MR. KEEN, JR.: Mr. Chairman, we've had a question arise as to parliamentary procedure that we have not been able to resolve after a brief conference, and instead of moving forward in a manner that would be in error, I recommend that this body take this opportunity to recess for the night and allow our parliamentarian to gather her thoughts and come up with a strong answer for us.

MR. HANNAH: Let's satisfy Delegate Poteete at this time, since he brought that motion before us. Mr. Poteete, and I'm not sure that yours had a second.

MR. POTEETE: Yes, it had several.

MR. HANNAH: It had several.

MR. POTEETE: And I would like to dispose of this item of business somehow this evening, and perhaps if we can't come up with some determination, maybe we should deal with these matters on the table.

I submit to all of you that I think that it would be a distinct mistake not to adjourn to a time certain some weeks hence, in order that we digest what we've done here.

We are losing delegates by the minute. And the dynamic of this body who has made so much progress is going to change radically. And some of you folks who have traveled a great distance are probably not going to be very satisfied with the work product that comes out of a very sparsely populated convention on the morrow. And I wish that you would consider very carefully the gravity of the proceedings that we're doing here.

MR. KEEN, JR.: Point of order.

MR. HANNAH: Point of order. Mr. Poteete, please yield the microphone. Mr. Keen.

MR. KEEN, JR.: This commentarian involves an issue which this body has already debated and voted on. It's not germane to the question on the floor.

MR. HANNAH: So at this time the Chair recognizes that we have a motion of uncertainty, not by its content, but by its parliamentary structure, which is being researched at this time, and it has a second.

The kind delegates that are preparing to leave the room, I would ask that you indulge the Chair for just a few more minutes, and I am thanking you very much for that.

MR. CORNSILK: Mr. Chairman.

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

MR. CORNSILK: Delegate Cornsilk. I would move to take the Hoskin's amendment off the table.

DELEGATE: Second.

MR. HANNAH: There is a motion to bring the second serial of the Hoskin amendment off the table. It has been seconded. Those in favor, please signify by saying "aye".

THE DELEGATES: Aye.

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

THE DELEGATES: No.

MR. HANNAH: Chair is unable to determine the vote. The Secretary will take a row-by-row count, and those in favor of taking the Hoskin's second serial off of the table, please stand.

THE DELEGATES: (standing)

MR. UNDERWOOD: The vote is forty-one.

MR. HANNAH: Those who would stand in opposition, please stand.

THE DELEGATES: (standing)

MR. UNDERWOOD: Seventeen.

MR. HANNAH: Seventeen. Motion carries, and the second series of the Hoskin's piece is off the table and before us, and the Chair will entertain debate.

MR. POTEETE: Mr. Chairman, I move that we move to vote on this immediately.

MR. HANNAH: Do you call the question?

MR. POTEETE: I call the question.

MR. JOHN KEEN: Second.

MR. HANNAH: The question has been called and it is seconded. Chair hearing no opposition --

MR. LITTLEJOHN: I object to the Chair.

MR. HANNAH: Yes, Mr. Littlejohn

MR. LITTLEJOHN: I have debate. I'd like to offer a friendly amendment.

MR. JOHN KEEN: Point of order.

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

MR. JOHN KEEN: Not debatable.

MR. HANNAH: Not debatable.

(discussion with the parliamentarian)

MR. HANNAH: We voted to bring it off the table.

The Chair is quite fragile with keeping this in his mind, and would remind the delegates to assist him in not swerving into a mistake. So we have voted to bring this off of the table. It is on the table. And it is open for debate and Mr. Littlejohn -- I'm sorry. Mr. Poteete has --

MR. POTEETE: I think we need to vote on the question to see if two-thirds agree to --

MR. HANNAH: You called the question. And is there a second?

DELEGATE: Yes.

MR. HANNAH: And the Chair asking for opposition

--

MR. LITTLEJOHN: I object.

MR. HANNAH: And you object. And now we need to go through the vote, correct? Good.

MR. HOOK: Asking for a point of clarification.

I have no idea what the answer to this is. Can someone withdraw a friendly amendment which was accepted?

MR. SMITH: Mr. Chairman, could we beseige Robert Rules's of Order and move to Cherokee common sense, and may we ask Mr. Hoskin, because of the lateness of the hour if he would voluntarily withdraw his motion with the understanding that we'll address it subsequent to these proceedings.

MR. HANNAH: Mr. Hoskin, what say you?

MR. HOSKIN, JR.: Mr. Chairman, I would like to vote on it.

MR. HANNAH: So the vote that we are about to take is whether or not we are going to end debate.

MS. SCOTT: Point of information. When we were doing the simple housekeeping while we were getting ready to adjourn, to suddenly we're calling something that has been tabled, and then we're now having a debate. I mean, seems like we have steamrolled into this as everyone is getting ready to adjourn. So I don't understand what the dynamics around some of this has been.

MR. HANNAH: The Chair understands the concern of the kind lady, but would --

MR. DONN BAKER: Point of clarification.

MR. HANNAH: Just a moment, Mr. Baker. Chair has not finished addressing the young lady from California whom we are giving attention to at this time.

There is no steamrolling that is going on here. It is simply the mechanics of this parliamentary process. And I realize, I'll be the first to admit that they have moved at a very rapid pace. And Mr. Baker. Mr. Hoskin, on point of order? Point of order, Mr. Baker?

MR. DONN BAKER: Point of clarification.

MR. HANNAH: Point of clarification.

MR. DONN BAKER: Mr. Poteete thinks he has the vote, and he wants to get it while he's got the vote. It's a process. That's what we're doing. That's the process.

MR. JOHN KEEN: Point of order. We need to vote on whether or not we're going to debate or not.

MR. HANNAH: Just a moment. Just one moment. You will indulge the Chair.

MR. HOSKIN, JR.: Point of personal privilege. At this time I would be prepared to remove that portion of the language and reserve the right to bring that language back up on any other section that we might deal with.

MR. HANNAH: Mr. Hoskin, thank you very much. You are a gentleman, and the Chair will accept your offer to remove the language.

Which brings us back to the fact that here we are, and we have had a motion of parliamentary concern, which is still under research, correct?

Moot at this point. Excellent. Thank you.

And the kind gentleman from Greasy is recognized.

MR. HEMBREE: Thank you, Mr. Chairman. I believe we're at a point of the day where we should end, but I would move that we adopt Article V, Section 4 in toto by consent.

MR. KEEN, JR.: We've got a problem with the language before we do. We've got duplicative language here we need to clean up. And I go back to the author of the amendment, which was Mr. Poteete, I believe. Correct? If he has no objections to that duplicative language being stricken.

MR. POTEETE: And thank you. It serves no purpose.

MR. HANNAH: Very well. This is cool. Restate your motion, sir.

MR. HEMBREE: We would move adoption of Article V, Section 4, as it reads.

MR. HANNAH: The Chair will correct the delegate; you will move to approve, not to adopt.

MR. HEMBREE: Excuse me. Pardon me. Approve.

DELEGATE: Second.

MR. RUTLEDGE: Call the question.

MS. BIRMINGHAM: Object.

MR. HANNAH: And there is an objection. Debate is open. I'm sorry. We need to vote on whether we're going to debate or not.

All of those in favor, please signify by saying --

MS. MASTERS: Point of clarification. Takes two-thirds vote to close debate.

MR. HANNAH: Yes.

MS. MASTERS: Then vote accordingly.

MR. HANNAH: We're voting to close debate. We're voting to close debate, and it will be a two-thirds required vote, which means there's no sense in us going through anything except to prepare for a roll call. Do you think we can do a standing count? Okay. This is fine.

Mr. Keen, I instruct you to assist the Secretary.

MR. KEEN, JR.: Yes, sir.

MR. HANNAH: And all of those in favor of any debate, please stand.

THE DELEGATES: (standing)

MR. HANNAH: The Chair will instruct the delegates to either take their seats or -- I'll think of something really bad. Those opposed to ending debate, please stand.

(no delegates stand)

I'd say it's pretty much two-thirds majority. Motion passes to end debate. We are once again before us a motion to

accept language of Section 4. Correct, Mr. Keen?

MR. KEEN, JR.: That's correct.

MR. HANNAH: Language of Section 4 at the top of the screen. Therefore it shall read that:

"There shall be at least one regular session of the Council in the calendar year which shall convene on the second Monday in each January or at such other date as the Council shall determine. No business shall be conducted by the Council unless at least two-thirds of the members thereof regularly elected and qualified shall be in attendance, which number shall constitute a quorum. The session may not exceed a maximum of thirty calendar days for pay purposes."

Motion is before you. All of those in favor, please signify by saying "aye".

THE DELEGATES: Aye.

MR. HANNAH: And those opposed say "no". And the motion passes, and the language stands.

MR. KEEN, JR.: Mr. Chairman.

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

MR. KEEN, JR.: I would move that this body recess for the evening.

MR. HANNAH: There's a motion. We came in orderly; we're going to go out that way. There's a motion on the floor to recess until -- Mr. Keen, what was the rest of your motion, sir?

MR. KEEN, JR.: Until eight a.m. Tomorrow morning.

MR. HANNAH: In these chambers. Is there a second?

DELEGATE: Second.

MR. HANNAH: And there is a second. All of those in favor, please signify by saying "aye."

THE DELEGATES: Aye.

MR. HANNAH: And those opposed "no."

Any delegate that is preparing to leave and not return, if you are planning to leave and not return, I need for you to check in with the Credentials Committee. Do we still have one out there? We have a Secretary, George.

And please, delegates, police the area. Remember, we're not supposed to have anything in here, and I'm already hanging out for this. Police the area. Thank you very much.

(PROCEEDINGS ADJOURNED)

C E R T I F I C A T E

STATE OF OKLAHOMA)
) ss
COUNTY OF MUSKOGEE)

I, Marla J. Cullison, a Certified Shorthand Reporter, in and for the State of Oklahoma, DO HEREBY CERTIFY that the said Transcript of Proceedings was taken by me in stenograph on the 28th day of February, 1999, at Northeastern State University, Net Building, 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 August, 1999.
