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BEFORE THE CHEROKEE NATION
CONSTITUTION CONVENTION COMMISSION

OCTOBER 25, 1998

CONNORS STATE COLLEGE

LEARNING CENTER

WARNER, OKLAHOMA

* * * * *
A P P E A R A N C E S

COMMISSIONERS: Paul Thomas
Jay Hannah
George Wickliffe
Luella Coone

* * * * *
I N D E X

SPEAKERS

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1 Thereupon, the following proceedings were had:

2

3 CURTIS LOCUST, JR.

4 MR. LOCUST: Mr. Curtis Locust, Jr.

5 L-O-C-U-S-T.

6 What good is the Constitution if the people in
7 the Administration don't go by the rule of law? That's
8 one question. What good if we make these changes and
9 they are not enforced by the rule of law?

10 If we let the people in Administration rule
11 and not the People, the Tribal Members, if they don't get
12 to rule, I think we ought to go by the rule of law.
13 Always go by the rule of law. We can't get around that.

14 If we don't go by the rule of law, they're
15 going to have nothing but chaos. We're going to have
16 dissension. We're going to break apart. There's going
17 to be hard feelings. All of that. And quarrels among
18 the people, arguments. And the rule of law should come
19 first. The rule of law.

20 MR. THOMAS: Mr. Locust, are you
21 suggesting that there should be a mechanism in the
22 Constitution to take care of violations that you feel
23 that have occurred, I'll say recently or in the past, and
24 that have been detected, but nothing done about it?

25 MR. LOCUST: Yes, I think it should

1 be.

2 MR. THOMAS: If you would care to,
3 it's your prerogative, make suggestions to us what you
4 want put in there, and it will be recorded that you
5 wanted a mechanism in there for impeachment or whatever
6 you want to call it.

7 I can't put words in your mouth, but we would
8 appreciate it if you would just say what you want us to
9 try to get put on the ballot that the people will vote
10 on. You're on the right track, sir.

11 MR. LOCUST: Well, I suppose it would
12 be a clause or maybe whatever to the Constitution that
13 the rule of law should come first and not the rule of the
14 Administration. I'm talking about the people in
15 Administration. In Administration headquarters.

16 MR. HANNAH: Sir, do you think our
17 current form of elected representation is serving us
18 well? Currently we have fifteen Tribal Council members
19 that represent districts. In some cases, primarily based
20 on population, we have two representatives from some
21 districts, one from another.

22 This concept of a Tribal Council, fifteen
23 members, do you believe that that form of government is
24 serving us well? I couch that with the suggestion -- not
25 with the suggestion, but with the comment that we've

1 heard other individuals talk about the importance that,
2 are we looking at our form of government prior to
3 statehood when we had a bicameral or two-house structure.

4 What are your comments with regard to our form
5 of government as it is now? Does it serve our needs?

6 MR. LOCUST: I think the form of
7 government is pretty good. I also think that we're being
8 well represented by our Tribal Councilors, but seems like
9 we can't get nobody to listen in Administration. That's
10 what it appears to me.

11 MR. WICKLIFFE: Are you saying maybe
12 we need to overhaul our court system, which would be that
13 if we had a good District Court -- the problem began, the
14 crisis that we have right now was the charge of
15 obstruction of justice or whatever that was.

16 If it was filed down in District Court, if the
17 District Court is not located in the same building as it
18 was then, in the same building at Tahlequah, if it's
19 filed say in Muskogee or at Pryor, and then the judges
20 there review it, and if it's then certified, a warrant to
21 be issued would be issued to whoever it's intended for.
22 In this case it would have been the Chief.

23 Then the Marshals would go and make the arrest
24 and bring them in and charge them, instead of it going
25 right straight to the Judicial branch which was all

1 located in the same building like it did, which was
2 probably the main weakness.

3 The weakness is showing even today right now.
4 We have two courts. We have that one branch, our higher
5 court, right there at Tahlequah. Well, they're both at
6 Tahlequah, but one is at the Cherokee Nation and one at
7 our building there in Tahlequah.

8 Like I said awhile ago, I saw a headline,
9 "Birdwell has no authority over the small court." I
10 think what you're talking about is a overhaul of our
11 court system where it will work.

12 MR. LOCUST: Enforcement of the law.
13 That's what I'm talking about. The rule of law. That's
14 what I'm talking about. You've got to go by the rule of
15 law or everything else is nothing.

16 MR. WICKLIFFE: The authority of who
17 has the authority over our Marshals probably should not
18 be at the Executive branch like it is now. It should be
19 maybe at one of the district branches or two district
20 branches, or three, which you might establish three. You
21 have fourteen counties, don't you?

22 MR. LOCUST: I agree with that
23 statement.

24 MR. WICKLIFFE: I believe that's what
25 you're really talking about, don't you?

1 MR. LOCUST: I'm talking about
2 enforcement. Yes, enforcement. If somebody does wrong,
3 he should be brought to justice, and if he could prove
4 guilt or proved innocent, if he's proved innocent, that's
5 it. That's the end of it, you know.

6 MR. HANNAH: Mr. Locust, do you have
7 any other suggestions for us?

8 MR. LOCUST: I think there ought to
9 be more openings in it. Also I think that
10 accountability, we're talking about handling money of the
11 Cherokee funds. It should be open books for every Tribal
12 member. They can go to our complex and the books should
13 be opened. Every penny should be accounted for in that
14 book, with every penny we took.

15 And then if some Tribal member comes up and
16 says, "Oh, our member over here is getting more money
17 than I'm getting," there wouldn't be no conflict. Open
18 the books and show him where it is, where the money is.
19 There wouldn't be no conflict if that book was open and
20 could see it.

21 Actually, like here in Muskogee County, they
22 send out a statement every so often printed in the
23 newspaper of all the moneys that comes into the County,
24 you know, Muskogee County. And it's all down there in
25 black and white where it all went. It's right there.

1 Everything is right in there.

2 If you've got open books, then there can't be
3 no conflict because it's there in black and white. It's
4 down there in numbers. Of course, numbers can be made to
5 lie, but that's where you hear, we've got to have
6 somebody that's in there.

7 I really think that we should have an outside
8 accountant that has no interest whatsoever in the
9 Cherokee Nation, to do a good accounting. A good
10 accountant. Pay them good. We ought to get one and pay
11 him well. I think we ought to pay him, and pay him good,
12 competitive wages to what other accountants get here in
13 Oklahoma.

14 And also I've got another problem with a
15 Cherokee Chief. A Cherokee Chief, I think he's got too
16 much responsibility the way it is now. He seems to think
17 that there's too much responsibility. He seems to think
18 he has a lot of responsibility.

19 I noticed on some of the -- on the medical
20 appointments that his name -- he signs his name to it. I
21 don't think he should have to sign that. I don't think
22 he should have to. I don't think he should have to sign
23 checks. I don't think he should have to sign those
24 medical appointments. I don't think he should have to
25 put his name on that.

1 I think a Chief should, he should be a Chief
2 of the people. We should pay him a salary and pay him
3 good, but his only function would be to pull the Cherokee
4 Nation together. Go around and talk to each Tribal
5 member. Visit with each Tribal member, and talk to them
6 and say, "Hey, let's pull together; let's be friends with
7 our neighbors; let's don't have any more fighting; let's
8 don't fight with our Tribal members over something."

9 And if it's Tahlequah, we can go up there and
10 show them in the books that everything is all right.
11 It's all over money, all the fighting. All the fighting
12 right now is over money. That's caused a lot of
13 problems. Everything is not accounted for, completely
14 accounted for in black and white.

15 He should be paid an allowance to travel
16 among, around the states, talk to all the Tribes,
17 encourage them to be friends with one another, and
18 encourage them to pull together. And to encourage them
19 to do good things, be honest, and a person of good
20 integrity. Try to be the best you can when it comes to
21 that. Be honest when you deal with your neighbor, with
22 your friends, your Tribal members.

23 I also think that he should be a person of
24 good character. And, of course, that's up to the people.
25 I understand we all elect the Chief. But I think he -- I

1 don't know where he gets this idea where he's got too
2 much responsibility put on him. He shouldn't have all of
3 that responsibility put on him. He shouldn't have it.

4 I'm not saying I think he's got to vote just
5 like everybody else. He's got a right to his opinions.
6 He has a right to opinions like everybody else. But I
7 don't think he should push opinions so hard that they
8 divide the Tribe on something. That shouldn't be allowed
9 to happen.

10 MR. THOMAS: You're thinking that he
11 should have a staff of trusted employees in high places
12 to take care of the everyday occurrences that are taking
13 his time, and you think that he should be out, maybe?

14 MR. LOCUST: Right. Right.

15 MR. THOMAS: Seeing how the other
16 half is getting along?

17 MR. LOCUST: That's what I'm trying
18 to say.

19 MR. THOMAS: Mr. Locust, if I had my
20 eyes shut, I would think that was me standing there for
21 the last thirty years. I've been preaching togetherness,
22 family, friends, honesty, integrity. And somehow, in
23 thirty years, I haven't made a dent anywhere. I'm not
24 going to give up.

25 I think you are saying what the mainstream,

1 maybe, Cherokee people would like to have happen, that we
2 be a big, happy family. And you said it right. The only
3 thing that's keeping us from being a big, happy family is
4 M-O-N-E-Y, money.

5 MR. LOCUST: Fighting over money all
6 the time. Money don't buy happiness. We've got a lot of
7 benefits on the Cherokee Nation and things, you know.
8 We've got medical, and there are a lot of good benefits,
9 you know. But I'm saying it should be accounted for, and
10 there wouldn't be all of this conflict over it.

11 MR. HANNAH: Mr. Locust, the
12 Constitution of the United States requires the President
13 to come before a joint meeting of Congress to give a
14 State of the Union Address, where he reviews not only the
15 position of his Administration, but the position of the
16 government.

17 Do I hear that, along with the fiscal
18 reporting or financial reporting, that you would look to
19 the Constitution to mandate that the Principal Chief come
20 on some regular basis, whether it be annually or
21 semiannually to give an open forum public address with
22 regard to the financial position, or the government
23 position of the Tribe? Very much like a State of the
24 Tribe Address?

25 MR. LOCUST: Well, I haven't really

1 thought about that very much.

2 MR. THOMAS: If I might, September
3 the 5th, Joe Byrd, the Chief, gave the State of the Union
4 message. I heard it. And it was mentioned eighty-eight
5 thousand dollars was misspent. The government audit come
6 in two days later. That eighty-eight thousand that was
7 mentioned, plus millions they can't find. So a machine
8 that you operate is just as good as the operator that's
9 running it.

10 A man that gives us a report on what's
11 happening, that report is just as good as the person that
12 perpetuates that report.

13 MR. LOCUST: No, I think that should
14 be independent. I don't think the Chief should have to
15 report on the finance. I think the financial report
16 should be by a CPA, a public accountant.

17 MR. THOMAS: Like to have the
18 Inspector General from Washington DC issue a report
19 yearly on the status quo of the Cherokee government?
20 That would answer your question. That would solve, maybe
21 that Inspector General from Washington. That's the
22 report we got here last week from the Inspector General.
23 It was down to the line, everything. It's going to take
24 a lot of fixing.

25 MR. LOCUST: I think Cherokee Nation

1 ought to fix itself. They got theirselves in the mess;
2 they should be fixed by the Cherokee, in their
3 government.

4 MR. THOMAS: I mean to get the report
5 on what's wrong.

6 MR. LOCUST: I understand where
7 you're coming from.

8 MR. THOMAS: And then have the
9 Cherokee people fix it.

10 MR. HANNAH: Any other comments for
11 us, Mr. Locust?

12 MR. LOCUST: Well, I've got some
13 more, but maybe I've said too much already. I've done
14 said more than my five minute's worth.

15 MR. HANNAH: That's quite all right.
16 With your focus --

17 MR. LOCUST: But somehow or other,
18 we've got to get enforcement. Enforcement. We've got to
19 get enforcement of the law. We've got to go by the rule
20 of law, not by the rule of people in the Administration.
21 Thank you.

22

23 (PROCEEDINGS CONCLUDED)

24

25

1 STATE OF OKLAHOMA)
) ss
2 COUNTY OF MUSKOGEE)

3

4 I, Marla J. Cullison, a Certified
5 Shorthand Reporter, in and for the State of Oklahoma, DO
6 HEREBY CERTIFY that the said Transcript of Proceedings
7 was taken by me in stenograph on the 25th day of October,
8 1998, and that the foregoing Proceedings was later
9 reduced to computer-aided transcription form under my
10 supervision, and that the same is a full, true, correct,
11 and complete transcript of said Proceedings.

12 I FURTHER CERTIFY, that I am not an
13 attorney for, nor relative of any of the parties involved
14 in this action.

15 WITNESS MY HAND AND SEAL this day
16 of November, 1998.

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