

August 5, 2003

RE: Cherokee Election: Principal Chief and Cherokee Freedman

FAX DELIVERY

Honorable Ms. Aurene Martin
Interim Assisted Secretary, U.S.D.O.I.
1849 C. Northwest
Washington D.C. 20240

Dear Honorable Ms. Aurene Martin,

As interested members of the Cherokee Nation and as elected officials we issue this demand letter to raise very serious legal issues and request specific action of the Bureau of Indian Affairs regarding the election of our principal chief, the constitutional amendment, and the voting rights of the Cherokee Freedman.

At the core of this matter is the violation of the Principal Chiefs Act of 1970. As stated by the BIA, in correspondence we received through the Freedom of Information Act, the procedures for election of the Principal Chief has never been approved by the Secretary. If the Department chooses to approve these procedures at this time, they will be approving an unconstitutional act which discriminates Cherokee Freedman from voting by containing the words "by blood". Chad Smith was not lawfully elected as chief on May 24, 2003 because Cherokee Freedman were not allowed to vote or file for office if they were not Cherokee by blood, yet the Shawnee and Delaware members are allowed to vote by law.

Had the Secretary approved the election procedures we could possibly have election laws that do not foster low voter eligibility, but foster at least a 30% participation of entitled members to vote. Chad Smith was elected by only 3.61% of our members entitled to vote. Registration numbers obtain 7/23/03 from our registration department show 191,032 citizens over age 18, which are entitled to vote. The constitutional amendment passed by only 11,214 citizens casting a vote which is a devastating low percent of 5.87%. With an annual budget of \$335 million the trust responsibility is so enormous that lawfully elected officials should be recognized for the protection of the Cherokee people.

We are prepared to take breach of trust action, voting rights action, and administrative procedures claim because the Freedman and Cherokee citizens have been denied their right and opportunity to participate in our government. An injunction will be filed today and a press conference is scheduled to follow.

We request the Department recognize the hold-over officials, chief, deputy, and council (as it did in the Seminole case) until the Freedman have their rights to vote restored and a new election is called. We request the Department appoint a trustee for the Freedman as it did in 1902 to ensure their civil rights. We request the Department immediately issue a letter not recognizing the amendment to remove federal approval from our constitution. If the Department recognizes a new tribal government, then you have recognized an unlawful election and disenfranchised the freedman and the citizens of the Cherokee Nation.

Sincerely,

Hastings Shade
Stephanie Wickliffe-Shepherd

Hastings Shade, Deputy Chief Cherokee Nation
Stephanie Wickliffe-Shepherd, Tribal Council Cherokee Nation

cc: Honorable Gayle Norton
Scott Keep, Esq.
U.S. Senate Committee on Indian Affairs