



ARKANSAS CHEROKEE PHOENIX

Cherokees of Arkansas and Missouri
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The Lost Cherokee of Arkansas and Missouri Tribal Members:

At the regularly scheduled council meeting the nominations for the Headman positions that were made vacant by the continued absence of Cliff Bishop and Curtis Smith and for council positions that were vacated by the continued absence of Don Harness, John Brown, and Morris Chiles. After the nominations, everyone present at the council meeting had the opportunity to vote. The following positions were filled until such time as an election by the qualified census card holders can be held: Headmen: Doug Cotter, Phillip Hubbard and Dub Maxwell. Council position: Dennis Gilmore, Doyle Morris, Kenneth Riggs, Mike Ketcherside. Council/Speaker position: Jim Davis. Council/Treasurer position: Susan Jarrett. All council positions and headman positions have now been filled. These individuals will continue the work on our TA review that will be going to Washington. A new constitution and an election for all positions will be coming up later next year. In our next newsletter we will feature an article that will profile the experience of each person that is on our council and our new corporation as well as group photos.

UPDATE ON COURT ISSUES

The court date for the Omnibus Hearing took place on November 9th. This was a continuation of the action that was filed against The Lost Cherokee of Arkansas and Missouri INC., plus individually named, were Clifford Bishop, Curtis Smith, Don Harness, Morris Chiles, John Brown, W. K. Maxwell, Phillip Hubbard and Jim Davis. Doyle Turner, Leon and Patsy Stockton, James Coker, Bill Roberts, Kay Steele, Glenda Smelly, Diane Van Gelder, and Marianne Binnon Childers brought this court

action. The first order of business was the announcement of a new attorney for the Lost Cherokee INC. (Bishop & Company). Ms. Heimbaugh, replaced Ken Hodges. The suit was brought so as to force the Corporation to provide accountability for all of the monies they deposited into the Corporation's books that were donated to the Lost Cherokee of Arkansas and Missouri (Tribe). As a non-profit corporation they are required by law to present to the public at least once a year, an accounting of all funds received and where they spent those funds.

The attorney for the corporation, Ms. Heimbaugh, tried to tell Judge Clawson that he did not have jurisdiction over the case and she threatened to file a class action lawsuit (against what, was never clearly understood). Judge Clawson let her know that he did have jurisdiction over this case, as this related to an Arkansas non-profit corporation. What Ms. Heimbaugh was trying to establish, was the corporation was an Indian entity and as such did not come under the Arkansas court system. The corporation is not an Indian entity but simply a non-profit Arkansas corporation. Heimbaugh turned in an accounting record for 2004 and 2005 without supporting financial documentation. The plaintiff's attorney, John Aldworth, requested an audit of all the financial records. Judge Clawson ordered an audit for 1999 to 2006 and named an accounting firm in Conway that he felt would do an honest and open audit. No one objected to Judge Clawson's decision or whom he had picked to do the audit. The Oversight Committee was ordered to pay for half of the audit. As a mutual benefit corporation, the records are open and subject to public viewing. The 501 is supposed to be there to serve the people. This is of special interest to anyone who has ever donated to the Tribe. Many times over, everyone has been told that they (Bishop & Smith) never took funds out for their lodging, meals or travel. However, this does not

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appear to be the case. Perhaps they will be able to explain why thousands of dollars, (yes, thousands) were spent on travel, meals and gas. The corporation has a responsibility to report where the money was spent when it is a contribution to the tribe. That is what the Oversight Committee is hoping to establish with an audit. Judge Clawson ordered the 501 to determine if they still intend to sue the Oversight Committee in regard to the use of the Lost Cherokee name and breaking the gag order by speaking to the members. Judge Clawson clarified his meaning by stating the Oversight Committee had the right to speak to the membership. Bishop & Company have until December 15th to make this decision. No additional court date has been set at this time. Not everyone agrees with everything the Oversight Committee has done but most everyone agrees with the end result, which should be accountability for all funds received and spent. Phillip Hubbard and Jim Davis were removed as defendants from the lawsuit. As soon as the audit is finished and made public, we will publish the results in our newsletter.

The second court date was November 8th, for probate court to address the money and land that was left to the Lost Cherokee of Arkansas and Missouri by a kind and elderly tribal member in Heber Springs. The corporation feels the money and land belong to them, as their name INC. was on the third page of the second will. The Tribe feels that the money and land was left to our Native American People, which is our Tribe. The Native Americans are mentioned on the fourth page which appears to be a codicil to the will. Where there is a conflict between a will and codicil, the codicil controls. The funds that are at stake here are in the hundreds of thousands of dollars. Judge Weaver, who is the Circuit Court Probate Judge, set a new court date of January 3rd 2007. This gave our Tribe an opportunity to find an attorney, file an entrance of appearance and briefs. Since there is a large amount of money at stake, the Indians have come out of the woodwork. The Cherokee Nation from Oklahoma, and another Indian organization headed up by David Lowe in Little Rock has also filed an entrance of appearance for the money. In the recent

newsletter that came out from Conway, there was no mention of the probate court and the money that was at stake. The corporation thought that it would just simply walk into court and waltz out with over \$200,000. At least we will have the opportunity to be heard before any decision is handed down. All of the people have a right to know about the money and how the funds will be spent.

CEREMONY CANCELLED

The ceremony that was scheduled for the first weekend in December was cancelled due to the weather. The area received approximately 6" of rain plus below freezing temperatures.

TRIBAL BOARD MEETING

The corporate board meeting was held on December 9th. The treasurer's report for the corporation was read and copies were available for review. Fundraiser events were discussed and approved both by the board and tribal council. Everyone is encouraged to come to the meetings. It is at these meetings that any questions you may have will be answered if possible.

We appreciate everyone who came and took part in the meetings. Your input is very important.

The women served a buffet style lunch.

The women reported that we helped several families for Thanksgiving. Money and food was collected for the food bank. We continue to help other families that are in need. The tribal council voted to have Nancy Howard take over the Food Bank Program. Nancy has been doing a great job in finding resources for our food bank.

We also want to thank the Lodge at Atkins for their donations to our food bank. It is our hope to be able to partner with the Lodges in the future on our food bank program.

FUND RAISERS

The yard sale in November was a great success. The Cherokee Women's Association raised in excess of \$500.00 In addition; clothing was given to several families and to the Mission at Russellville. The women have challenged the men of the tribe to raise as much if not more. Out of the funds that the women raised they purchased class two base for

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the ceremonial grounds and a special event will be planned that will benefit all of the women of the Tribe.

The next Cherokee Women's Association meeting will be January 20th, 2007. We invite all women to come and enjoy the fellowship and to help us plan for a new and exciting New Year.

There will be a fund raiser in Newton County sometime in January or February. Larry Richardson and Dennis Gilmore plan on having a chili supper. There will be a question and answer session to bring everyone up to date.

An additional fund raiser will be taking place early next year. It will be a two day seminar for law enforcement and hospital personnel, on drugs, youth, gangs, and violence. Doyle Turner will be our guest speaker. Phillip Hubbard will be assisting Doyle Turner during this two-day event. We are currently looking for accommodations and will set a final date for the seminar after the first of the year. Everyone is very excited about the seminar and the benefit to our state and local community. In our next issue we will highlight Doyle Turner's experience in this field.

HAVE YOUR FILES COPIED

Everyone is encouraged to go to Conway and get a copy of your file and bring it to the Dover Tribal Office. We appreciate the hundreds of people that have remade their files and brought them to the office.

If you or any members of your family have moved or changed your phone number, please call the office at 479-331-0322 and give us the new information. We continue to encourage everyone to check to see if your file needs to be updated.

CLOSED FOR HOLIDAYS

The office will be closed from December 18th, 2006 to January 2nd, 2007. Messages will be checked in case there is an emergency. This will allow all of our volunteers to have time to prepare for Christmas and the coming New Year.

HEALTH QUESTIONNAIRE

Please fill out the enclosed health questionnaire and mail it back to us. With this information

we will be able to apply for grants to help our people.

LANGUAGE CLASSES

Language classes will resume on January 6th, 2007. Everyone is encouraged to learn our language and heritage.

CHRISTMAS LUNCH

A Christmas lunch was held in our office on December 13th. This lunch was a get together for all of the ladies who volunteer at the Dover Tribal Headquarters. The ladies were presented with a holiday bath towel set and a candle. These ladies efforts are greatly appreciated. They are always here to answer the phones and continue to update files. We wish to say a special Thank You! A lot of hard work has gone into monitoring our office since the theft occurred in July.

Merry Christmas to everyone! May you use this time to reflect on the first gift of Christmas, Our Savior and his amazing love for all of us. May God Bless each of you, not only for Christmas, but for the coming year.

DONATIONS

As you have read earlier in this newsletter, we have had to hire attorneys to represent us in the Probate Court. Your help is needed to assist us with these costs. Contributions are TAX DEDUCTIBLE and will be greatly appreciated. We also need contributions to assist in the expense of keeping our office open. All donations are documented and spent according to what you designate.

The Arkansas Cherokee Phoenix is the official newsletter of our Tribe (Lost Cherokee of Arkansas & Missouri) located at Dover, Arkansas. If you would like to know the truth about what is going on, then you should subscribe to our newsletter. The cost is twenty (\$20) dollars per year.