

To: The Lost Cherokee founders, Oversight Committee and members at large

Address of the Oversight Committee : PO box 3696 Muskogee Ok, 74402

From: The Arkansas Band of Western Cherokee INC.

Address : PO box 71 Sulphur , Springs , Arkansas 7268

RE: Tribal / Indian status, infringements, desists order

To all spoken of herein this letter, in light of your founders actions and the comments made by the oversight committee of the Lost Cherokee of Arkansas and Missouri , we the Arkansas Band Of Western Cherokee, feel a dire need to further explain to you what we feel are very important issues, between us and your organization

**Number one** : Page 1 is a letter from then United States Senator Tim Hutchinson. This letter is dated May 11<sup>th</sup> 1998 and indicates our intent to petition for federal acknowledgement with the B.I.A. We are number 190. This letter also reveals that we were interested in meeting other organizations in Missouri, to form a circle support and continued dialogue with all of those who were claiming that they were of Cherokee heritage. The Lost Cherokee of Arkansas and Missouri [ your organization ] was non existent at this point.

**Number two:** Page two indicates that on Dec. 9<sup>th</sup> in the year 2000 we met in council with the Lost Cherokee. This document [schedule for the Lost Cherokee meeting Dec. 9<sup>th</sup> 2000 ] shows that I Paul T. Vickers [ Tom Vickers ] the founder of the Arkansas Band of Western Cherokee, was selected to research the history for the Lost Cherokee. At this point and time the Lost Cherokee were located at Jonesboro Arkansas and Thayer Missouri and were claiming that they were the Cherokee of the St. Francis River Community [ one that has no officially recorded history and very little or no evidence that "Cherokees" existed there past 1811]. Item number 8 on this document also speaks of a new Constitution for the Lost Cherokee : at this point and time they claimed to us, that they wished to form a multi-lateral Constitution that delegated equal rights for any organization that wished to join this alliance. It was fully understood that all organizations would respect each others separate heritage and not claim and enroll people in each others historical districts; yours was the St. Francis River Cherokee of eastern Arkansas and ours was and is the Arkansas Cherokee of the 1817 treaty or all the territory as defined in this treaty that is Arkansas Cherokees who resided along the Arkansas, White and Buffalo Rivers. We have other documents to prove that in 1999, we met with the Lost Cherokee and conversed about this arrangement, our history, and what was imperative to under go and finalize such an endeavor. **We soon realized, as you state on your webpage, like yourselves, we discovered that Clifford Bishop, Dub Maxwell and Curtis Smith were not sincere about our verbal agreement. We then disassociated ourselves from them.**

**Number three:** On page three you will note that we claimed our heritage in another manner in FEB. 2001, by recording our constitution with Baxter County, in the State of Arkansas within the geographical limits of the historical Arkansas Cherokee Territory, as defined by the treaty of July 8<sup>th</sup> 1817. This fact, along with our intent to petition ,our published News articles in in the OK. Native Times in May and June of 1999 and the Baxter Bulletin in September of 1999 predates the Lost Cherokees claim to this history.This new history reveals that the principal Chiefs of the Cherokee Nation immigrated to Arkansas, ***[This uncharted history could only be found in the official state and federal government records; due to our research and book this is specifically our intellectual property . This original and never before published history that speaks of our historical leaders, Chiefs Glass , Dick Justice,Taka-toka and Tohluntuskee and the other chiefs denouncing any further treaties or exchange of land deals and remaining in the Arkansas Cherokee Territory] .*** Dub Maxwell, Cliff Bishop and Curtis Smith used our knowledge that they gained by our relationship to make the same claim and thence following our

relationship, began to enroll people who live and resided within our geographical limits. These people (you, the 3000 plus members of the Lost Cherokee ) claim to be of our heritage.

**Number four** :seven years later in 2006, in pages three , four and five of this series of documents are pages 1,2 and 16 of the Bureau of Indian Affairs technical review of the Lost Cherokee dated June 19 , 2006 . In contrast to the Lost Cherokees alleged statements as commented in your web page in 2004-05:

“All those applications meeting BIA criteria for membership, some 3,125, are submitted to the Headmen with the understanding that this list will be taken to the attorney, Jeffrey Standing Bear, in Pawhuska, OK for his review. **According to the Headmen, this is the most complete and thorough list of members that he (Standing Bear) has ever seen. There should be no problem with BIA.”**

In reality, when this petition was received in 2006 and reviewed, the B.I.A. states in the number 2 comment “ *That the TA review indicates significant deficiencies at this time with the current petition which challenges the groups meeting the 7 mandatory criteria.*” And in comment 3. “ *This TA review indicates there are significant omissions in the petition in criteria 83.7 ( a ), ( b ), ( c ) and ( e )* then the B.I.A. offers some very thoughtful advice that authorizes the belief that there is no possibility that the Lost Cherokee will be successful in their quest to be recognized as a legitimate Cherokee tribe or entity, by remarking :

“ *If the LCAM decides to continue pursuing federal acknowledgement , it must direct its additional research toward providing the evidence that will demonstrate the group meets the criteria.*” And again in comment number 5, paragraph 6” *The petitioner should define the historical tribe and its members, as well as provide the evidence it relied upon to verify that current members do in fact descend from those historical members.*”

### **Number five : authentication of Arkansas Cherokee ancestry and rights to the heritage and history :**

We the board members of the Arkansas Band of Western Cherokee have the distinction of being both federal and state recognized Indian's, and descendants of the Arkansas Cherokees; this makes us a legitimate American Indian entity. We fully understand that it is not relevant for the Arkansas Cherokee people or those who claim this heritage, to have ancestors on any federal rolls, Yet, to be a legitimate Indian or American Indian **entity** you must have federal or state recognized Indians as board members. This is the law and it is also a standard with all modern tribes in the United States. For those who are not on an Ok. Cherokee roll,we have a standard that must be met in order to be a member of our organization and be associated with our history. As you will witness, page 7 illustrates the founder Paul T. Vickers sworn testimony and photograph of lineal descendants. Sworn testimony with photographic evidence, and birth certificates that are consistent with the affid-davit is the best way to prove your Arkansas Cherokee heritage. Anybody can fill out an affid-davit form with no photographic evidence, this is not a valid way to verify Cherokee blood.

A primary concern for us in regards to the Lost Cherokee are verified by your statements in your public notice before mentioned :

**Quotes from your Oversight Committee's web page :** Q. Are the Lost Cherokee of AR & MO legally a tribe?

“No, not in the legal sense. The present status of the Lost Cherokee is that of a nonprofit corporation, designated 501c-3 by Federal statute”

**Our Response :** This is true!! You have no legal status as “ Indians.”

You are at this point a non profit organization **with no history to associate yourselves with** who are espousing that you may become legitimately Indian. This means that by our

knowledge of you, you are not legally Indian and have no legal right to claim that your organization is an Arkansas Cherokee entity or legal Indian or American Indian entity. And according to the recent TA review by the B.I.A. your chances are less than remote.

" No. If Federal recognition were to be granted to the 731, those people would be the **only ones qualified to receive any benefits through the tribe.**"

**Our response :** We the Arkansas Band of Western Cherokee are all to aware of the Lost Cherokee founders and their way of getting people to enroll as members. Your membership increased during the period when Cliff Bishop and the others mentioned began soliciting memberships from students and faculty from several school districts in Arkansas including ours in the various towns of Marion and Baxter county. This was a ploy to obtain Indian grant money. As you well know, this endeavor was exposed and many schools returned the grant money when it was discovered that the money granted was done so by error, as all or most of the Lost Cherokee members have no legal status as Indians or American Indians. We have been in existence since 1998, and have had an open membership in this area for several years without promising financial and health benefits and have experienced marginal success. It is of great concern to us how so many people would fill out an application and **pay a fee** to this org. under these circumstances. We have little faith in people who would try to claim Cherokee heritage under this type of lure.

"The headquarters for the tribe could be anywhere in the 14 counties of Arkansas as described in the old reservation."

**Our response:** You the members and staff of the Lost Cherokee of Arkansas and Missouri are not yet and more than likely never will be a legitimate Cherokee organization and we feel as though you should desist from promoting yourselves as such. This includes establishing a headquarters and Museum.

**Membership:** pages 8 and 9 are the forms that must be filled along with birth certificates that correspond to the statements sworn to and photographs or photographs attached. They must be signed by a family member who is the oldest living person that is a blood related descendant of the Arkansas Cherokee descendant.

**Our recorded history and intellectual property:** Pages 10 11& 12: also enclosed is the CD version of the book, Chiefs of Nations 2<sup>nd</sup> edition: The Cherokee Nation 1730 to 1839 : 109 Years of Political dialogue and treaties. The 1<sup>st</sup> edition ,was published in Oct 2005 iuniverse ISBN # 0-595-36984-7 and the second edition, ( the CD version )Library of Congress # TX 6-543-490. This book is the only complete history of the Cherokee Nation. The final chapter, Essence of Betrayal : extracted from the official Cherokee records and articulated into a comprehensible narrative, details the Arkansas Cherokee history and is ours exclusively, we do not permit the Lost Cherokee or any other Tribe or Nation or organization to associate this history with themselves, likewise we do not and will not permit organizations to create fraudulent and erroneous and contorted versions, that provides themselves with a history to associate themselves with. We will do all we can to stop this. Finally, we the Arkansas Band of Western Cherokee INC. feel that your claim is an infringement upon our claim and directly causes too much confusion and will serve to confuse the general public to our detriment and success in future projects. We hereby officially demand that you the Lost Cherokee of Arkansas and Missouri desist from your claim as Arkansas Cherokees, who are the Cherokee whos ancestors immigrated to the Arkansas Cherokee Territory by and under the treaty of July 8<sup>th</sup> 1817. If you do not respond by letter in agreement we will then seek legal consultation.

**Signed :**

**Paul T. Vickers CEO/president**  
**Mike E. Hamilton Vice President**

