

# Exhibit B



CHEROKEE NATION  
P.O. Box 948 • Tahlequah, OK 74465-0948 • (918) 453-5000

001189  
CHIEF  
Chad "Montassel" Smith  
Principal Chief  
JLOD J0h0  
Joe Grayson, Jr.  
Deputy Principal Chief

October 13, 2006.

James Cason, Acting Assistant Secretary  
Department of the Interior  
1849 "C" Street, NW  
Washington, DC 20202

RE: Constitutional Amendment

RECEIVED  
2006 OCT 25 PM 3:18  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

I received your letter of August 30, 2006 by facsimile on September 6, 2006, whereby you acknowledge my letter of June 9, 2006.

My primary Constitutional responsibility is to "...cause the laws of the Cherokee Nation to be faithfully executed..." (Article VII, Section 9, Constitution of the Cherokee Nation). The Cherokee people and the Courts have spoken -- and I cannot act contrary to Nation law. Our Judicial Appeals Tribunal, now the Cherokee Nation Supreme Court has ruled in JAT 05-04 that the "...people of the Cherokee Nation by their inherent sovereign power had the right to remove the self-imposed requirement of Article XV, Section Ten (10) of the Cherokee Nation Constitution of 1975." The Court further ruled that the Cherokee Nation Constitution of 1999 "...became the organic law of the Cherokee Nation on July 26, 2003..." The Cherokee people and the court have withdrawn the self-imposed requirement for approval.

Regardless, thank you for the courtesy of extending another opportunity for review.

We disagree with your assertion that BIA approval of our Constitution is required, however if you believe some duty exists you may review the Constitution without our invitation or consent.

Also in your letter of August 30, 2006, you suggest that *Allen v. Cherokee Nation Tribal Council*, JAT-04-09, indicates that the 2003 election required a vote from eligible Freedmen. It does not. The decision JAT 05-04, which followed the *Allen* decision, stated that the Constitutional amendment, and later the proposed 1999 new Constitution were properly submitted to the Cherokee people and adopted. The Court further ruled that the results of both elections held on May 24 and July 26 were "...properly certified by the Cherokee Nation Election Commission..." The BIA Eastern Oklahoma Regional Director, Ms. Jeannette Hanna, reviewed the procedures and processes of the election conducted on May 24, 2003 and recommended approval of the Constitutional amendment to BIA Headquarters on July 15, 2004.

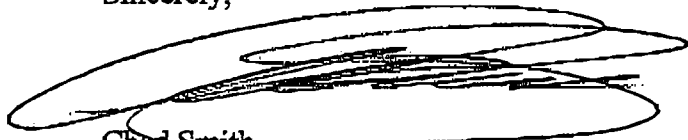
Even if the *Allen* case did require a vote by Freedmen, which it does not, the number of votes cast by Freedmen would have not been sufficient to change the outcome of the election on the Constitutional amendment. Since the Court's ruling in *Allen*, the Nation has registered to vote

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approximately 572 persons with ancestors on the Freedmen rolls. The vote on May 24, 2003 was 6,996 to remove Federal approval; 4,218 to keep Federal approval. The outcome would still have resulted in removing the BIA approval from the Cherokee Nation Constitution, even if all of these votes were against the amendment.

I trust this information may be helpful. Please contact Paula Ragsdale in the Cherokee Nation Washington D.C. office at (202) 393-7007 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Smith", is written over a large, irregular scribble of overlapping lines.

Chad Smith  
Principal Chief