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CHESAPEAKE NATIONAL
DISTRICT COURT
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vote for any of the other 3 candidates of his choice in said district.

3. Admitted.

4. The Commission is without sufficient information to admit or deny Respondent Scott's public declarations and therefore demands strict proof thereof.

5. Admitted Josephine Haff was enrolled as a Delaware, Respondent is without sufficient information or knowledge to admit or deny whether Don Scott has Cherokee Blood and therefore demands strict proof thereof.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted. However, The Federal Courts and the Cherokee Nation Supreme Court have held such statutory and constitutional requirements invalid in certain circumstances.

10. See Answer to Paragraphs 4, 5 and 9 which are incorporated herein by this reference.

11. Denied. Order in the case of In Re: Effect of Cherokee Nation v. Nash and Zinke Case No SC-17-07, dated September 1, 2017, stated: ". . . Freedman descendants, upon registration as Cherokee Citizens shall have all the rights and duties of any other native cherokee, including the right to run for office." The Court further states that: "Because it violates the Treaty of 1866 between the Cherokee Nation and the United States. The 2007 amendment to the Constitution that purported to limit citizenship

within the Cherokee Nation to Cherokees by blood, Delaware Cherokees and Shawnee Cherokees is held to be void and without effect."

It appears that the Court is applying the same rule for eligibility to run for office to Freedman, Delawares and Shawnees, since arguable to deny the Delawares and Shawnees could be discriminatory and a denial of equal protection. The Delawares are Adopted by the Cherokees, just like the Freedman; they are of Indian Blood and the are accorded the same rights as other Cherokees and Freedman, in light of the Nash Decisions. The White Decision (March 24, 2017) cited by Petitioner was decided before the Nash Decision (September 1, 2017).

In addition, the White Decision explains why the Cherokee Supreme Court intended to to include the Delawares and Shawnees in the Nash Decision as eligible to run for office. The Court in White stated: "The Delawares and Shawnee, like the Freedman, are citizens of the Cherokee Nation by Adoption only." Therefore, logically if the Freedman are adopted and have the right to run for office, the other adopted Citizens of the Tribe should have that right and the Commission felt that such was the Cherokee Nation Supreme Court's holding in the Nash Case. In the White Case, a Cherokee Citizen asserted his right to Contest the eligibility of White, an Adopted Shawnee (as required by the Election Code); a hearing was held before the Commission (as required by the Election Code); and, the decision of the Commission was appealed to the Cherokee Nation

Supreme Court (as provided by the Election Code).

In this case, the Petitioner did not Contest the Eligibility of the Candidate Scott within the time provided by the Election Code, but has gone directly to the Supreme Court; he did not assert or exhaust his required administrative remedies and has waived his right to object.

12. Denied.

13. Denied.

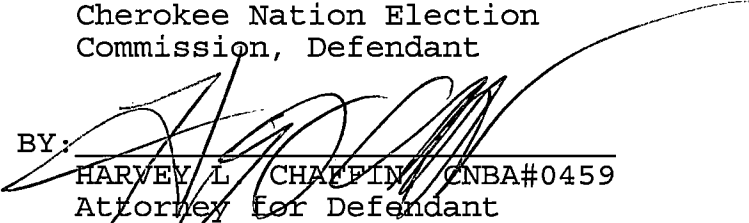
Unnumbered Paragraphs following Paragraph 13. Denied.

Affirmative Defenses: The affirmative defenses to this action of Lack of Jurisdiction, Sovereign Immunity, Failure to Assert and Exhaust Administrative Remedies, and Failure to State a Cause of Action and Waiver and Estoppel are asserted as applicable.

Request for Relief. The Commission denies that Petitioner is entitled to the requests for relief set forth in the Petition.

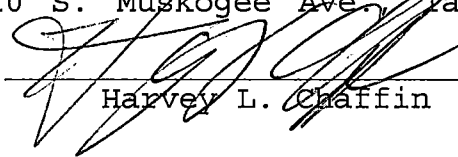
WHEREFORE, the Cherokee Nation Election Commission respectfully request that the Court deny the relief prayed for in the Petition of Petitioner and that the Commission be discharged here from and or such other and further relief to which the Commission may be entitled and which the Court may deem just and equitable.

Cherokee Nation Election
Commission, Defendant

BY: 
HARVEY L. CHAFFIN, CNBA#0459
Attorney for Defendant
215 W. Shawnee
Tahlequah, OK 74464
918/453-2800

CERTIFICATE OF MAILING

I, Harvey L. Chaffin, do hereby certify that on this 29th day of April, 2019, I mailed by first class mail, with postage prepaid thereon, a true and correct copy of the within and foregoing Answer to Deborah A. Reed, 3101 Hemlock Circle, Circle, Broken Arrow, OK 74012 and James L. Cosby, 210 S. Muskogee Ave, Tahlequah, OK 74464.


Harvey L. Chaffin