



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240



MAR 28 2007

The Honorable Chad Smith
Principal Chief, Cherokee Nation
P.O. Box 948
Tahlequah, Oklahoma 74465-0948

Dear Chief Smith:

Thank you for your letter of October 13, 2006, concerning your position on the need for Secretarial approval of the Cherokee Nation's constitutional amendment of May 24, 2003. I apologize for the lateness of this response.

Due to ongoing concerns related to the rights of the Freedmen, the Department of the Interior is studying still the issues in this evolving matter. We are working with the Department of Justice on the *Varro v. Cherokee Nation* case. Until then we want to be clear that: (1) we have not taken any administrative action on the 2003 constitutional amendment; (2) we believe the Department must approve this constitutional amendment, because of the clear language in Article XV, Section 10 of the 1975 Constitution of the Cherokee Nation; and (3) we have not approved the recent referendum removing Freedmen from Cherokee Nation membership. We are evaluating all facets of this case.

Your efforts to continue discussions with the Department on these issues are appreciated.

Sincerely,

A handwritten signature in black ink, appearing to be "D. H. ...", written over a horizontal line.

Assistant Secretary - Indian Affairs