

*Keeping the family and friends of Poarch informed*

# Poarch Creek News

*Volume 26 \* Issue 12*

*December 2009*



*Freedom Isn't Free, We've Paid A High Price For It*

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# Chairman's Corner November 2009

As the year of 2009 draws to a close, I am amazed at the Tribe's accomplishments. Not only did we open a premier destination casino and hotel but we also opened an awe inspiring spa and cooking studio.

The Poarch Band of Creek Indians has truly come a long way since federal recognition in 1984. Isn't it ironic that we have accomplished so much in the very year that we are celebrating our 25th anniversary of federal recognition? I think that good things truly do come to those who wait, and also to those who dig their heels in and work hard to obtain such an amazing goal.

There is not enough room in my column to name all of our successes of 2009 so I will not even try. Rest assured that we as the Tribal Council along with dedicated staff members will work each and every day of this coming year to advance our Tribe in every way possible.

The holidays are upon us. I hope that each of you enjoy peace and good health through this holiday season and always remember the "Reason for the Season".

Until next year Mvto.



## **Tribal Council Accepting Applications for PCI Gaming Board Vacancy**

The Tribal Council is currently accepting applications for one vacancy on the PCI Gaming Board. Applications are available from the Chairman's Office and on-line at [www.poarchcreekindians-nsn.gov](http://www.poarchcreekindians-nsn.gov). Applications will be accepted from 8:00 a.m. Tuesday, December 1, 2009 through 5:00 p.m. Thursday, December 31, 2009.

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## Thank You

Linda Selzer and her family lost their home and all its contents to fire on Sunday October 18th. Some of the lost items can be replaced, some cannot; we know that she mourns the loss of memorabilia of her late son Punkin (James Selzer, Jr.). As for those and other things that cannot be replaced, we grieve with Linda at their loss.

Linda would like to say thank you so much to all those who have been so kind since the fire. *"We have had people come to us and help us; some have been strangers, some have been neighbors, co-workers, family, and friends, but they all gave us part of our lives back by so freely sharing what they had. It makes my heart swell to know that people, some of them we didn't even know, came out to help us. I won't try to name names, I would forget someone and I would not want to do that. I have never seen such an outpouring of love and help. Selzer and I thank each and every one of you from the bottom of our hearts. We feel that we are part of one big family; a family that looks out for each other and takes care of each other. The words that express our deep gratitude are too hard to come by. We just want you all to know we are thankful and grateful and that we will never forget how everyone came to our aid when we needed it."*

## Special Holidays

We're thinking of you this time of year,  
Wishing you happiness, joy, and cheer.  
May all your days be warm and bright,  
And your nights enhanced by holiday light.

Enjoy your delectable holiday foods,  
As parties and gifts create holiday moods.  
Favorite people play a meaningful part,  
While treasured rituals warm your heart.

You are special to us in many ways,  
So we wish you Happy Holidays!

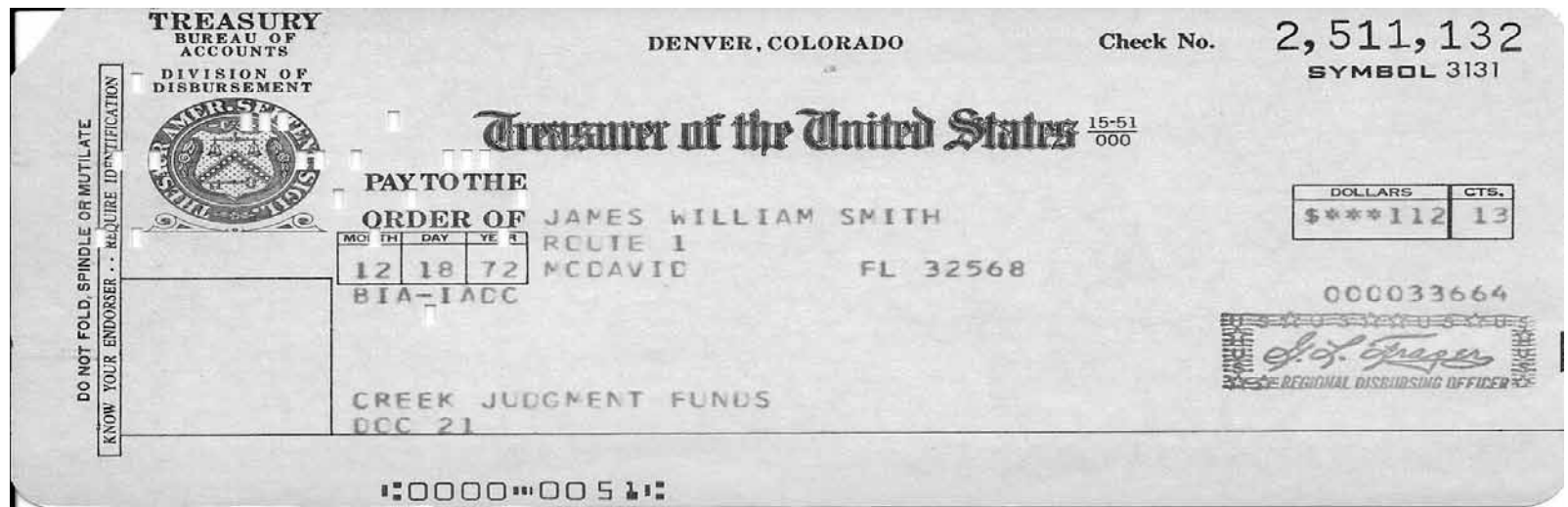
*By Joanna Fuchs*  
[www.poemsource.com](http://www.poemsource.com)

~

*Happy Holidays*  
*From*  
*Poarch Creek News*

# Uncashed Land Claims Check Surfaces

Article and photos by: Deidra Suwanne Dees, Ed.D.



That “Indian money” that had been long sought after and fought for by our leaders such as Chief Calvin McGhee and Ms. Roberta McGhee-Sells ultimately came to pass. In 1972, Creek Indians East of the Mississippi were finally paid for land that had been illegally taken by the United States government under the Treaty of Fort Jackson of 1814 one-hundred and fifty years earlier. As a Tribe, we now hold in our hands one of those checks, a check that has never been cashed! James William (Billy) Smith donated his personal check to the new Poarch Creek Indians museum for all the world to see.

On October 9, 2009, Smith gave the check to Planning Department Director Mr. Kenny Shivers who is administering a grant from the Institute of Museum and Library Services which was written by grant writer Denise McGhee Young. The grant supports the museum’s archival collections for the new museum. “The amount of the check is not much monetarily,” Shivers said. “But what it represents is huge! It helped lead to our federal recognition. This check is part of Chief Calvin McGhee’s legacy and it embodies all that work he did,” Shivers said. “It is especially meaningful because Chief Calvin passed away before the checks were awarded. So it is only fitting that an original check which was never cashed has been preserved and will be a part of the archives of the museum in his honor.”

The day that Smith received this check, he wrote a note on the back of the envelope in which the check was mailed. “Received December 20, 1972, after 22 years of trying to get the government to settle a claim that was valid. Now many people that truly deserved the money are dead and gone

such as my mother Nunnie McGhee who could neither read or write, though of her offspring there were 28 children and grandchildren who received the payment of \$112.13.”

Smith reflected on the event saying some people had been led to believe the checks would be enormous. There were rumors flying around that Creeks would receive checks for thousands and thousands of dollars. But in reality, the per capita check was not large. “The value of the check was minute,” Smith said. “But because of segregation, it was a dream come true that the government recognized us as Indians.” He went on to say that, “We have been Indians since the beginning of time.” But the value to him personally was the actual acknowledgement of our community’s Creek identity by the government that repeatedly failed to honor its treaties with our nation.



*Billy Smith, with Planning Director Kenny Shivers donates uncashed check and other items to the museum*

Smith said he wanted to donate this check to the museum because he knows the check is a one-of-a-kind. He wants the younger children in our community to see the check and understand what the “Indian money” was all about. “Showing it in a public place will benefit more people than it will sitting in my house,” he said.

Smith and his wife Faye Ledkins-Smith have been active in tribal affairs for more than forty years. In 1978, he said they drove a group of young dancers to pow wows in Oklahoma and visited a stomp dance ceremonial grounds where he first

met Muscogee leader Sam Proctor. He invited Proctor and the stomp dancers to visit our community and they have been attending our annual pow wows ever since. Smith served on the first Tribal Council and today he serves on the Poarch Creek Indians Gaming Authority.

Employed under the grant as the archivist, I (*Deidra Suwanne Dees*) was responsible for archiving Billy Smith's check and the other items he donated and loaned to the museum by cataloguing them and preserving in protective sleeves. As I held the check in my hands, it brought up so many emotions. Tears came to my eyes as I held this piece of history that was so long in the making. It brought back memories of when my father, the late Otis Dees, handed me my own check (from the same docket as Smith's check) when I was a teenager. In my house, it was a joyous event for our six-member family to each receive a check but it was also a somber event. Not daddy, not me—no one in my family thought about preserving the check as Smith had done. We thought only about cashing the check and the grave circumstances it represented—repayment for stolen land, stolen language, stolen culture. My family, struggling to have enough food to eat, knew that the \$112.13-check could not replace all that was stolen, but cashing it would help our family to have a little more than what we had. I remember thinking, "This can't make everything right, but I never thought I would see the U. S. government acknowledge their wrong with money."

Shivers gave the check to Cultural Director Mr. Robert Thrower. Thrower appeared mesmerized as he stared at the thirty-seven year old check. "This is the first time in my life that I have ever seen one of these!" exclaimed in amazement. "This is a part of our history. It's one thing to talk about it, but it's another thing to actually see it."

Thrower said, although the museum will not open until next year, he envisions a research area where visitors can access important photographs and historical documents such as Billy Smith's check. Under the museum grant, the museum acquired a software program called PastPerfect which will provide visitors' access to historical photographs, documents and even video recordings of our tribal elders, many of whom, like Smith's mother, have passed on.



*Planning Director Kenny Shivers gives the check to Cultural Director Robert Thrower.*

However, we are fortunate to have documents, photographs and audio recordings of our elders whose legacy will live on through our museum. The museum will bring the voices of our elders out of the dusty boxes of storage closets and into the sunlight of the new museum for all to see and experience from the rich history they left behind. Visitors will be able to read rare documents and hear the voices of the elders who

possess invaluable knowledge that can be learned from no other source.

Thrower said he envisions an on-line museum in the future so that others can learn about our unique history of how we came from so little to what we have today. When he looks at our prosperity today, he said it reminds him of what his grandmother Ms. Charlene Joiner (Ms. Gail Thrower's mother) taught him, "Remember where you came from." In the same spirit of his grandmother, the museum will reflect where we all came from. There will be no other place on earth that one can learn so much about Poarch Creek history except at our museum. When the on-line museum is established, our rare documents such as

Smith's check and our elders' voices will tell everyone about where we came from. Their voices will be free to dance in the glow of a new generation of Internet users to bear witness of the remarkable and triumphant history of the Poarch Creek Indians.

## **Request for Help With School Project**

*Submitted by Karla Martin*

My name is Karla Martin. I am the daughter of Nathan and Susan Martin. I am a Poarch Creek Indian Tribal Member and I am a student at the University of North Carolina at Chapel Hill. I am collecting stories from Poarch Creek families for a school project. Please contact me if your family has four living generations of Poarch Creek Tribal Members, with the youngest being at least 7 years old and a Tribal Member or 1st generation.

I would love to talk with you and capture some of your stories and memories. You can contact me by phone at 205-792-0761 or by email at [k martin@email.unc.edu](mailto:k martin@email.unc.edu).

Mvto!

Karla Martin

# FREEDOM IS NOT FREE, WE HAVE PAID A HIGH PRICE FOR IT

By Gayle Johnson, as told by Glen Cardwell

I recently sat down with Mr. Glen Cardwell of Semiah Springs, AL and he told me of his experiences during World War II. Mr. Cardwell was drafted at age 18 and spent three years in the Army fighting in campaigns such as D-Day (the Normandy Invasion), as well as in Cicely, Belgium, France, and Czechoslovakia. He received a Purple Heart for wounds received in the breakthrough to Belgium. He was awarded a Silver Star for his heroic actions in Cicely and a Bronze Star for his heroism in the Hurtgen Forest. He also has Good Conduct Metals from France, Belgium, Cicely, and Czechoslovakia, countries he helped liberate. We had a really nice visit and I would like to share his story with you in his own words.

*"I was 18 years old when I was drafted. I had to report to Fort Willie George for basic training; things were so bad over there by then and they needed us so badly that we only finished half of our basic training before we were shipped out from New Port News, VA and went to North Africa, the campaign there was just about over. Once we got over there, I was assigned to the 1st Infantry Division. We were part of the invasion of Cicely. It was rough there, our squad, there were eight of us, got cut off from the rest of our outfit, we went without food for about a week, we thought we were going to starve to death. We were dug-in a foxhole in a gully and were being hit by German 88 artillery shells. It was getting rough so we decided we needed to get out of there, we started moving left down the gully. We were moving slowly, one or two at a time, me and one of my buddies were the last ones in the foxhole. I told him it was time for us to move; he said no, we are safe here. I tried to get him to come with me, but he wouldn't. I moved out to the left, he didn't and was hit by an 88 artillery shell.*

*June 6, 1944 was D-Day, the Normandy Invasion, we were part of the forces that spearheaded this attack. The Arrow Head Metal that I have represents my involvement in the 26th Regiment of the 1st Infantry that spearheaded the invasion on Omaha Beach. People may not know, but it was not just the Americans on the beach that day, English and Canadian troops were also part of this campaign. We could see the cliffs of Dover as our ships came in. There was no cover and there were bobbed wire barricades all along the beach and up the embankments. If not for our planes and ships throwing shells and covering for us, we would never have made it; we were slaughtered as it was.*

*We moved inland, away from the beaches, fighting Germans the whole way. It was getting close to Christmas that year when they pulled us back; green troops, replacements, were coming in. On our way back we had to pass the cemetery, there were acres of crosses where they had buried our boys. It was a really sad sight to see. We were trying to enjoy our Christmas season when we were alerted to pull out on December 23rd; the troops that had replaced us had been destroyed and we had to go back. It was really bad. The Germans had us pinned down and our boys were dying all over the place. Me and a buddy of mine volunteered and went up behind a German Machine Gun Nest and blew it up. I received a Silver Star for that.*



Mr. Cardwell with his metals. The original metals were lost in a house fire in 1963. Mr. Cardwell's son Joe took on the task of having his father's metals replaced. He was able to replace all the metals.

*After that we joined Patton's 7th Army in France. We fared pretty good. The main thing that impressed me so was the reaction of the people when we took a town back from the Germans. It reminded me of winning a championship football game. The people just mobbed us, laughing, hugging and such. They were glad to see us, glad to see the Germans gone. I have to give credit to the Air Force, the guys in the planes that gave us cover to move up, they saved a lot of lives.*

*It was winter time when we had to go through the Hurtgen forest and it was the worst place that we had to endure. It was cold and snowing and everything was frozen. The snowplow had to go ahead of us and plow a road through the snow before we could advance. They were shelling us pretty hard, one of our half track got blown up and it was burning by the side of the road. The half track had our ammo on it so shells were going off all over the place. My buddy got shot with shrapnel in his leg. Our medical aid told us that he didn't have anything to treat him with and that he had to get back to get blood or he would die. He told us that the situation was bad and that he would not ask anyone to go back past the burning half track and through enemy fire. I told them that he was my buddy and that if they would load him into the ambulance I would try to get him back to the aid station. They put him on a stretcher and loaded him into the back of the ambulance. We made it past the half*

*track, but a shell exploded and blew a hole in the ambulance just over his head. We had a flat tire on down the road, but I kept driving. I made it to the aid station with a hole in the ambulance and a flat tire, but my buddy was safe. He lost his leg, but he was alive. Once he got back home to Tennessee, he wrote me a letter and thanked me for saving his life. They gave me the Bronze Star for that.*

*We were on the outskirts of Berlin when Germany surrendered. We were all one then, Generals, Majors, Captains, Corporals (I was a Corporal), we were all the same, jumping, cheering, celebrating the end of the war in Germany. It was one of the greatest scenes I had ever been in. At that time we thought we would soon be sent to the Pacific, but then they dropped the bombs on Japan. Instead of going to Japan, we went home. I was blessed enough to get to go home, marry a beautiful girl and have a wonderful family; too many 18 year olds didn't get to come back. Too many didn't get to come back, no matter how old they were. You'll never forget those that didn't come back, they haunt you.*

*One of my best friends lived up the road from me and went to war with me. His name was N.L. Rackard and he was one of my best buddies. I asked N.L. one time how he got his name. He said that his Mama's name was Nancy and his Daddy's name was Lonnie and they named him N.L. We went from picking cotton and cutting paper wood to fighting Germans and were only 18 years old. We went to war not knowing what we were getting into. N.L. was in the 1st Infantry too, but he was in the 16th regiment. We never fought together, but we were always close and we kept in touch and checked on each other every time we got the chance. I was on the boat on the way home when someone came into my room and it was him. We had a glorious meeting. N.L. said to me "Boy we made it! We are going home!" A couple of weeks after we got home him and his brother came by my house one night in an old paper wood truck and wanted to go out and have some fun. We did, we had lots of fun that night. When he brought me home he said "Let's go back." I told him no, that I didn't want to be regular Army, that was not the life for me. "Why not?" he said. "We've had the bad, let's go now get some of the good, nothing else to happen." We didn't know about Korea then. I could tell he was going back before he left that night, he was some soldier that boy was.*

*What hurts me so is that freedom is not free, the freedom we have today, there was a price paid for it. Young men died for this county, just as they are today, but people just don't seem to know it. This is a wonderful country and I would not want to live anywhere else. I pray every day for our troops; I pray for their leadership; they need a McArthur or an Eisenhower."*

Mr. Cardwell is married to Lois Cardwell and is the father of Joe and Keith Cardwell. The Cardwells have been married for 63 years. Mr. Cardwell has always loved to hunt and fish

and continued to do so until recent health conditions limited his activities.

I would like to say Myto to Lisa Milliken for helping me coordinate this meeting with Mr. Cardwell. She is his cousin and went with me on my visit.



Glen Cardwell shown with his wife Lois



### Uriah's Veteran's Memorial

It was not until we went to the Veteran's Memorial in Uriah, AL and saw the name N.L. Rackard on the Korean War side of the monument that we realized that Mr. Cardwell did not tell us his friend had indeed gone back in the Army and was killed in the Korean War. The monument was dedicated on Veteran's Day this year. Mr. Cardwell attended to honor his dear friend, N.L. Rackard, as well as the other veterans from the Uriah area that have paid the ultimate price for our freedom. A freedom that we should hold dear and not take for granted.

## Poarch Creek Tribal Police Call Report October 2009

*Submitted by Investigator Doyle "Butch" Lee*

Complaint Type/Calls	Complaint Type/Calls
Escort 113	Gas Leak 1
Traffic Stop 55	Communications 1
Assist Motorist 31	House Fire 1
Civil Paper Service 27	Intoxicated Person 1
License Check 27	Mental Person Comp. 1
Assist Other Law 16	Noise Complaint 1
Citizen Complaint 14	Open Door/Building 1
Subdivision Patrol 14	Road Blocked 1
Medical Emergency 10	Robbery 1
Miscellaneous 8	Special Detail 1
Accident 6	Stolen Property 1
Theft/Larceny 6	Stolen Vehicle 1
Breaking & Entering 5	Trespassing 1
Domestic Violence 5	
Assist Medics 4	
FollowUp Investigation 4	
Suspicious Person 4	
Alarm 3	
Assault 3	
Counterfeit Money 3	
Disorderly Conduct 3	
Domestic Disturbance 3	
Investigate Complaint 3	
Prisoner Transport 3	
Private Property Acc. 3	
Suspicious Vehicle 3	
Welfare Check 3	
Assisting Citizens 2	
Escort Domestic 2	
Escort Funeral 2	
Fight 2	
Missing Person 2	
Reckless Driver 2	
Vandalism 2	
Wanted Person 2	
Control Complaint 1	
Assist Casino Officers 1	
Assist Other Agency 1	
Burglary 1	
Check on Probationer 1	
Civil Disturbance 1	
Criminal Mischief 1	
Dead Person 1	
Fire 1	
Fire Alarm 1	
<b>Total Complaints 418</b>	

## PCI Fire Department Response Log

*Submitted by Chief Michael Respress*

The PCI Fire Department responded to the following calls during the month of October, 2009

Medical Emergency	16
Assist Medics	8
Fire	4
Accidents	3
Fire Alarm	2
Gas Leaks	2
HazMat Complaint	2
Assist Other Agencies	1
Assist Other Law	1
Assisting Citizens	1
Citizen Complaint	1
House Fire	1
Mental Person Complaint	1
Miscellaneous	1
Road Blocked	1
Smell Of Smoke	1
Suspicious Vehicle	1
<b>TOTAL</b>	<b>47</b>

## 2009 Christmas Parade

Friday December 4, 2009

Line Up at 4:00 p.m.

Wellness & Activities Center

Parade begins at 5:00 p.m.

Parade Route:

Floats will line up at the Gym,  
Turn left on to Lynn McGhee Drive,  
Turn right on to Green Road,  
Turn left on to Martin Road,  
Turn right through Tribal Complex behind Fire Station,  
Turn right on to Calvin McGhee Drive,  
Circle right through Willow Creek Subdivision and  
Turn left back into Building 300 parking lot.

Please do not park in Building 300 parking lot, this area must remain clear for floats.

The theme for this year's parade is "Christmas on Broadway". Each float will be a different Broadway play. There are sixteen floats this year, some of the floats you will see this year include Mary Poppins, Fame, Babes In Toyland, Footloose, Beauty & the Beast, Chitty Chitty Bang Bang, Grease, and many more.

## Source Water Assessment for East Well

The Poarch Band of Creek Indians is in the process of constructing and permitting a new water well to provide water to the area from Tullis Manor along County Road 14 to the new Elevated Water Storage Tank at I-65. The water well will be classified as a community water supply well; therefore the Alabama Department of Environmental Management (ADEM) required a "Source Water Assessment" to determine sources of possible contamination of the groundwater and to analyze whether the groundwater is susceptible to contamination. The purpose of this letter is to inform you of the general findings of the assessment and to notify you that a copy of the "Source Water Assessment" is available for you to review at the Utilities Board office located at 165 Vickery Street.

The Poarch Creek East Well was installed in May 2009 and the treatment facility will be completed in the next few weeks. The well withdraws water from the Miocene-Pliocene aquifer from a depth of 270 to 310 feet below ground surface. A more detailed description of the well and the aquifer it draws water from is in the assessment; however, it should be noted that most of the wells in the surrounding communities withdraw water from this aquifer.

The main purpose of the assessment is to determine if there are sources of contamination in the area of the well and how susceptible the aquifer (and the well) is to that possible source of contamination. In this case the Source Water Assessment Area was considered to be a 400' radius around the well. At present only the well facilities and several residential properties exist within this radius. There were no identifiable sources of potential contamination found at the time of the report.

The regulations also require that the well be evaluated as to the susceptibility of the aquifer/well from contamination from a surface source. The Miocene-Pliocene aquifer is generally classified as highly vulnerable to contamination from surface sources; however, on this site there is a 90' thick clay layer present (from 120 to 210 feet below ground surface). Because the well is located in a rural area, has no known contaminant sources and is protected by a 90' thick layer of clay it is considered to not be susceptible to contamination from surface sources of contamination.

Another element of the Source Water Assessment Program is to perform an aquifer test to determine if the design rate of water withdrawal can be supported by the aquifer. In summary, it was determined that the design withdrawal rate of 700 gallons per minute could be sustained by the aquifer.

Chemical tests were also made of the water from the well

and are included in the assessment. These tests indicate that the well is a good source of water that requires a minimal amount of treatment before use.

Based upon the findings of the "Source Water Assessment" the Poarch Creek East Well should be a good, safe source of water for the community.

Respectfully,  
Josh Thomas  
Utilities Executive Director  
Poarch Band of Creek  
Indians



## Be Ready Camp

Submitted by Christyn Sells

On September 15th-19th, 2009, four 6th grade PCI students participated in "Be Ready" Camp. This is a disaster preparedness and response camp for Alabama 6th graders and was created by the Governor's office of Faith based and Community Initiatives and the Alabama Department of Homeland Security. Camp is held at the U.S. Space and Rocket Center in Huntsville, AL. During the week of September 15-19, Breanna Hall, Tyler Sells, Reese McNairn and Troy Ross, learned about topics that ranged from fire safety to light search and rescue and culminated at the end of the week with a mock disaster. The campers worked side by side with 1st responders to respond to a simulated plane crash. Also, while there, the campers learned about medical triage, and prioritizing disaster victims. At the end of the week the campers graduated on "Be Ready" Day.

For any questions about "Be Ready" Camp 2010, please contact Christyn Sells @ (251)368-9136 ext. 2244 or email: [csells@pci-nsn.gov](mailto:csells@pci-nsn.gov).



*Be Ready Camp participants Reese McNairn, Breanna Hall, Tyler Sells, and Troy Ross are shown with Jim Walker, Director of the Alabama Department of Homeland Security, and Sydney Hoffman, Director of the Governor's Office of Faith Based and Community Initiatives.*

# 2010 Will Bring Changes to *Poarch Creek News*

By Gayle Johnson

As we referenced in last month's issue, there are some major changes in store for the 2010 *Poarch Creek News*. Upcoming changes are described below:

As of January 1, 2010, the *Poarch Creek News* will become a bi-monthly publication. Issues are scheduled for publication the first of January, March, May, July, September, and November. The newsletter will once again be printed in full color and on glossy paper.

Deadlines have changed and will be strictly adhered to. **Effective December 1, 2009, the deadline for submission for information to be published in the *Poarch Creek News*, including birthdays and anniversaries, has changed to the 10th of month prior to the first month of the upcoming issue.**

All submissions must be in writing and will be published as submitted unless editing is authorized.

January/February	Deadline	December 10, 2009
March/April	Deadline	February 10, 2010
May/June	Deadline	April 12, 2010
July/August	Deadline	June 10, 2010
September/October	Deadline	August 10, 2010
November/December	Deadline	October 11, 2010

With the new deadlines and publication dates, birthday/anniversary wishes will now have to be submitted prior to the actual birthday/anniversary. Deadlines for submissions are the same as listed above; if submitted after the deadline outlined above, publication cannot be guaranteed.

Birth and wedding announcements will be published as long as the announcement is submitted by the last working day of the month immediately following the birth/wedding.

Publication of regularly featured articles will remain the same with the exception of the Ethics Corner, which will be published on a quarterly basis.

The *Poarch Creek News* will be happy to feature special events in the newsletter. We often see articles in a magazine or the local newspapers of accomplishments of Tribal Members. We will be glad to share this information in the *Poarch Creek News* as long as we are made aware of the event. Please contact the *Poarch Creek News* and we will contact the magazine/newspaper for permission to reprint the story in the newsletter. For example, a Tribal Member participates in National Rodeo and is featured in the local newspaper, or a Tribal Member is recognized by employer or organization for accomplishments and is featured in industry magazine.

The *Poarch Creek News* will be happy to cover any special

events sponsored by the Tribe, Tribal Departments, or Tribal Enterprises as long as we are made aware of the event in time to make the necessary scheduling arrangements. For example, a Tribal Department is hosting a Community Day; a Tribal Enterprise is receiving a special award; sports tournaments; senior citizen youth activities and other accomplishments.

The *Poarch Creek News* will publish appropriate news related to Tribal Members if the information is submitted by the appropriate deadline. The *Poarch Creek News* is not responsible for publication of events without proper notification. For example: graduation, scholarships/internships, obituaries, music/dance recitals, retirement, and civil or judicial appointments.

To help offset publication costs, in the near future, the *Poarch Creek News* will begin accepting advertising and establishing annual subscription fees to be charged to non-Tribal Members wanting to receive the *Poarch Creek News*. Widows/widowers of Tribal Members wanting to continue to receive the newsletter will not be charged an annual subscription fee.

As we said, there are a lot of changes coming in 2010; these changes will be an adjustment for newsletter staff as well as Tribal Members. Let's be patient with each other while we become adjusted to these changes.

## Holiday Schedule For Tribal Administrative Offices

Friday, December 18, 2009

Tribal Offices Will Close At 12:00 Noon  
For Employee Christmas Party

Thursday, December 24, 2009

Tribal Offices Closed For Christmas Eve

Friday, December 25, 2009

Tribal Offices Closed For Christmas Day

Friday, January 1, 2010

Tribal Offices Closed for New Year's Day

# Tribal 911 Up And Running

By Gayle Johnson

After many technical difficulties, the E911 System is finally functional and fully operating as of 3:30 p.m. on Wednesday, October 28th. From this point forward, all emergency calls within the Tribe's jurisdiction will be handled through Tribal Dispatch. All fire and medical calls within the Tribe's fire district will also be handled through tribal dispatch. This area includes I-65 from mile marker 48 to mile marker 62 and from Jack Springs Road to Three Mile Road and from Three Mile Road to the Baldwin County Line. All other calls will be processed as usual.



*Pictured above are four happy people once they realized that the system was up and running! Sitting are Tribal Dispatcher Hayden Glass and AT&T Technician Harold McGhee. Standing are Janie Hamrick, Escambia County 911 Director, and Investigator Butch Lee.*



*Pictured above, Tribal Dispatcher Hayden Glass answers first "test" 911 call.*

It has been a long process to get the system up and

running, but once the first 911 call is made and Poarch responds to the call to the assist a caller in need, it will all be worth the time and effort it took. It took the combined efforts of the Tribal Police Department, spearheaded by Investigator Doyle "Butch" Lee, the Escambia County 911 Office, Frontier and AT&T phone companies to get the 'wrinkles' all ironed out, but dedication and determination finally brought the system on line.



Richard and Emma Walker Reunion at Magnolia Branch Wildlife Reserve Sunday, October 26, 2009.

## Natural Resources Conservation Service (NRCS) 2009 American Indian Heritage Poster

*Submitted by David Elliott, NRCS Tribal Liaison*

Each year the Natural Resources Conservation Service (NRCS) recognizes and celebrates the many different cultures to which we have the opportunity to offer our services and programs to; including American Indians. November has been designated as American Indian Heritage Month. This provides an opportunity to make people aware of the history of American Indians and their contributions to the world.

One of the ways NRCS nationally celebrates American Indian Heritage Month is by distributing a poster created by an American Indian artist. Each year artists from selected states have the opportunity to exhibit his/her talents and heritage on a national level. For 2009, the West Region was chosen to produce the poster; with NRCS Alaska the lead state to oversee the poster contest.

NRCS chose artwork by Andrew Abyo for the NRCS 2009 American Indian/Alaska Native Heritage Month Poster. Born in Anchorage, Alaska and raised in the Bristol Bay village of Pilot Point, Andrew Abyo is an Aleut/Alutiiq artist and carver who seeks to learn and pass on his cultural traditions. Andrew wants everyone, especially his four children, to have a greater understanding of the Alutiiq culture and its rich history. "My goal is to bring out different things that you normally don't get to see, other than in a museum."

The theme for this year's poster is entitled *Our Land, Our Animals, Our People, We Are One*. Andrew Abyo's artwork, *"We Are All Connected,"* depicts the relationship between land, animals, and people. Abyo described his piece this way: "We are connected by touch and feel in spirit. Our ties to land and animals help us survive and connect to our ancestors. We are all connected."

All programs and services of the Natural Resources Conservation Service are provided in a nondiscriminatory



manner. The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information,

political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

If you would like a copy of the poster, or more information about NRCS, please contact David Elliott, NRCS Tribal Liaison, at (251) 368-0826 or stop by the NRCS office at Perido River Farms.

## Rolin Wins 10 Metals at Senior Olympics

Harold Rolin captured ten metals at this year's Senior Olympics held in Florence, AL October 5-8, 2009. This is Harold's first year to compete in the Senior Olympics and was surprised to do so well. "They told me that a man has never won this many metals at one time!" he said.



<u>Gold</u>	<u>Silver</u>	<u>Bronze</u>
Checkers	Dominoes (Single)	Billiards
Softball Throw	Nerfball	
Table Tennis	Basketball Freethrow	
Frisbee		
Shuffleboard		
Horseshoes (30 ft)		

# Birthday Wishes

## **Barbara Stephens, October 8, 2009**

Just look at her, she's 29 with stars in her eyes; Oops! Make that 53 and bags under her eyes!! Sorry, my mistake guys! Joking aside, Barb, God gave you so much to give. You're loved by so many and you touch even more lives by the gentle loving soul you are. Barbara Ann McGhee Stephens celebrated her 53rd birthday on 10-08-09. Congratulations, your family loves you. Keep on keepin' on!



## **Logan Boatwright, October 20, 2009**

Logan Boatwright, son of Melanie and Dewayne Boatwright, celebrated his 16th birthday on October 20, 2009. His sister Madelyn and other family members joined him at the SAIL Center to celebrate this special birthday. Logan is the grandson of Myrtis and Dave Kinman and Shirley and Rayford Boatwright. Happy Birthday Logan, we love you!



## **Willie Faye Thomas, October 28, 2009**

Willie Faye Thomas celebrated her birthday on October 28, 2009. Happy Belated Birthday, we love you. Robert, family and friends.



## **Connie Vickery, October 29, 2009**

Connie Vickery celebrated her birthday on October 29, 2009. Connie is the daughter of the late Wilbert and Larnicle Vickery. Happy Belated Birthday from your cousin Rose.



## **Hunter Scott Colbert, November 6, 2009**

Hunter Scott Colbert!  
Officially Legal!  
Happy 18th Birthday, Hunter Bunter! YOU ROCK! We love you and we are proud of you! Mom, Logan, Chloe' and Sophia



## **Rachel Woolley, November 9, 2009**

Rachel Woolley, who is taking a break from her studies in Connecticut, will celebrate her 20th birthday on November 9, 2009. Happy Birthday Rachel!



## **Thornton Sells, November 16, 2009**

Thorton Sells turns nine years old on November 16, 2009!!!! It has been wonderful seeing you grow up. May all your birthday wishes come true!!! We love you, Momma, Daddy, Teresa, and Toot-Toot.



## **Bryson Ivy, November 28, 2009**

Bryson Ivy will celebrate his second birthday on November 28, 2009. He is the son of James Ivy and Jessica Bible. Happy Birthday from Grandmaw Rose.



## **Shelia Lowe, November 28, 2009**

Joe Lowe wishes his wife, Shelia Lowe, a Happy Birthday on November 28, 2009. Happy Bithday! We love you!

# Obituaries

## **Billy Joe Knoll 1964-2009**

Billy Joe Knoll, 45, of Pensacola, FL passed away on Friday, October 9, 2009.

He is survived by his father and mother, Billy and Cathy Knoll; his wife, Tina Knoll, two sons, Billy Knoll and his wife Crystal, and Justin Knoll; three daughters, Rachel McNaughton, and her husband Walter, Ashley Knoll and Tina Knoll; one brother, Tommy Knoll; one sister, Sharon Loftin and her husband Sam; grandchildren Baylen and Alyssa Knoll and Hunter Adams, Jr.; and niece Sawana, and nephew Samuel.

The family extends a special thank you to Curtis and Missy Mallon and their family for being such great friends to Billy. He is interned at Eastern Gate Memorial Gardens.

*Submitted by Billy & Cathy Knoll*

## **Vester Byrd October 2, 2009**

Mr. Vester Byrd, age 88, passed away Friday, October 2, 2009, at his home in Atmore, AL.

Vester is a long time member of the Poarch Creek SAIL Center and actively participated in their programs such as the Hew Haw Show. He will be greatly missed at the SAIL Center.



Mr. Byrd is survived by his wife, Sadie Byrd, of Atmore; son Chester Byrd and wife Earline of Atmore; stepson Ed Catrett and wife Merrill of Camden, AL; sister, Velma Carver of Atmore; granddaughter, Angie Byrd Davis and husband Blevin of Milton, FL; grandsons Doug Byrd and wife Kulua of Atmore, and Michael Byrd and wife Tiffany; great-grandchildren James Dalton Davis, Harley Byrd, Alysia C. Byrd Chong, Samatha L. Byrd, Heather N. Byrd, and Taylor L. Byrd; great-great-grandchildren Arienne H. Chong and Treagan M. Chong; step-grandchildren Edward Catrett and Tommy Davidson; and step-great grandson Josh Ward.

He is interned at McCullough Cemetery.

*Submitted by Kay Archer and his friends from the SAIL Center*

# Anniversary Wishes

## **Dave & Rose Conlon, October, 2009**

Dave M. Conlon and Rose M. McGhee Conlon (Little Rose) celebrated 32 years of marriage this October. Sometimes it's been up and sometimes it's been down. Sometimes they have even been out of town. But one thing has been constant that is their promise. When they said "I Do", they decided they would; until death they do part.

Congratulations from the family that loves you and thinks of you always, Kay & Ray, Bobby & Sharon, Linda, and Barb & Dan.



## **Joe & Shelia Lowe November 24, 2009**

Joe and Shelia Lowe will celebrate their anniversary on November 24, 2009.

*If you have an upcoming anniversary and would like to have it featured in the Poarch Creek News, please submit your information by the established deadline and we will be happy to publish it.*

# Birth Announcement

## **Kyla McKenzie Ford**

Timothy and Heidi Ford would like to welcome to the world their daughter, Kyla McKenzie Ford. Kyla was born September 28, 2009 in Slidell, LA. She weighed 6 lbs. 12 ozs. and was 19 inches long. Kyla was welcomed home by big brother Gavin Maxwell Ford. Grandparents are Mark and Vicki Johnson of Atmore, and Norbet and Gale Rink of Thibodaux, LA.



*"A baby will make love stronger, days shorter, nights longer, bankroll smaller, home happier, clothes shabbier, the past forgotten, and the future worth living for"*

*Author Unknown*  
[www.thinkexist.com](http://www.thinkexist.com)

## Beautiful Maids, All In A Row!



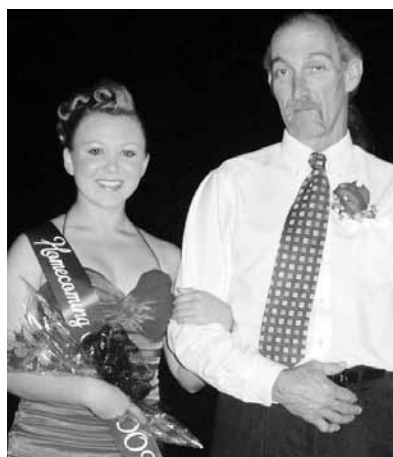
**Chelsey Ramer, shown to the left with her father,** was chosen to represent the Freshman class of Escambia County High School during Homecoming activities on October 2, 2009.

Chelsea is First Generation Indian Descent and is the daughter of Debra and Jamie Ramer



**Taylor Reed shown to the left,** was crowned Homecoming Queen for the Blacksher Bulldogs Youth Football. Homecoming was held on October 3, 2009.

Taylor is First Generation Indian Descent and is the daughter of Kendall & Brande Reed of Uriah.



**Tribal Member LaRose Powell, shown to the left with her uncle, Billy Powell,** was chosen to represent the Sophomore Class of Escambia County High School during Homecoming activities on October 2, 2009.

LaRose is the daughter of Rosemary Powell and the late Wayne Powell.



**Tribal Member Cassidy Murphy, shown to the right,** won 1st runner up in the Junior Division of the 2009 Pre-Teen Alabama Scholarship & Recognition Program. Alabama's best and brightest top female honor roll students, age 7-12, competed for over \$5,000 in educational bonds, prizes, and awards.

Participants competed

in seven evaluation categories; academic achievement, volunteer service to community, school honors and activities, development of personal skills and abilities, general knowledge assessment, communicative ability, and on stage acknowledgement of accomplishments. Cassidy also won the Best Achievement in the Arts. Cassidy and her family will travel to Baton Rouge, LA in July of 2010 to compete in the National Competition. Cassidy is the daughter of Ginger and Doug Murphy.



**Tribal Member Kimberly Rolin, shown to the left with her father,** was chosen to represent the Senior Class of Escambia County High School during Homecoming activities on October 2, 2009.

Kimberly is the daughter of Norma Jean and Rayford Rolin.



**Tribal Member Brooke Tullis, shown to the left with her father,** was chosen to represent the Junior Class at Northview High School's homecoming on October 2nd.

Brooke is the daughter of Emily and Bodie Tullis.

### Student of the Week

Haylee Jackson, 4th grader at Wetumpka Elementary, was recently named "Student Of The Week".

Haylee is the daughter of Scott and Tammy Jackson of Wetumpka and the granddaughter of Ronnie Ray Jackson and Eva Nell Burkett. Good Job Haylee!!!!

# Domestic Violence Awareness Month

By Gayle Johnson



October was Domestic Violence Awareness Month. As part of this month long awareness program the Family Services Department and the Tribal Domestic Violence Task Force held its annual Domestic Violence Vigil on Thursday, October 8, 2009. After a welcome from Tribal Chairman Buford L. Rolin,

Carolyn White, Family Services Executive Director, opened the ceremony by welcoming everyone and turned the podium over to Amanda Montgomery, Victim's Advocacy Coordinator. Amanda and other special guests from the Penelope House, The Lighthouse, the Alabama Coalition Against Domestic Violence, and the Escambia County Domestic Violence Task Force, shared statistics with those present and emphasized that domestic violence affects everyone and that it is 100% preventable. Robbie McGhee was also a guest speaker and his presentation focused mainly on the affects of domestic violence in Indian County. With his permission, I share the following portion of his presentation.

*Domestic violence encompasses all acts of violence against women within the context of family or intimate relationships. It is an issue of increasing concern because it has a negative effect on all family members, especially children. Domestic violence is not confined to any one socioeconomic, ethnic, religious, racial, or age group.*

*American Indians, in general, experience per capita rates of violence that are much higher than those of the general population. In particular, the rate of aggravated assault among American Indians and Alaska Natives is roughly twice that of the country as a whole. According to the statistics of the Department of Justice, 70% of American Indians who are the victims of violent crimes are victimized by someone of a different race, usually African American or white. As a result of these high rates of violence, American Indian women are at high risk of domestic violence.*

*The term violence against women applies to domestic violence, sexual assault, stalking, whether by an intimate partner, family member or a stranger. Violence against women is a major problem for Native women wherever they are, including on reservations or Indian communities. One*

*out of three American Indian and Alaskan Native women are raped in their lifetime, compared with about one out of five women in the overall national statistic.*

*Why are these statistics so astounding and what are the problems that we face in Indian Country to address these issues?*

- (1) Lack of jurisdiction over some of the major crimes related to violence against women (sexual assault including rape, other assault) towards Indians and non-Indians;*
- (2) Lack of jurisdiction over non-Indians for most matters, including misdemeanors, which include violation of protective orders;*
- (3) Lack of civil jurisdiction over non-Indians, when some of the protection orders are civil in nature.*

*The problems of enforcement by federal agencies are also evident, and at least partly created by the division of jurisdiction and the priorities of each agency. Congress needs to develop legislation that will support tribal authority to address crimes against Native women. Additionally, we all need to support amendments to the Violence Against Women Act to increase the Federal response to violence against American Indian and Alaska Native women such as increasing the sentencing authority of tribes in cases of domestic violence and sexual assault cases beyond one year and \$5,000; increasing criminal authority of Indian tribes to prosecute non-Indian rapists and batterers; increasing Federal support to tribes to enhance their response to violence against American Indian and Alaska Native women. (See Kiss A Cop article on the next page for advancements in this area.)*

*Accordingly, legislation needs to be developed to cope with this serious social problem. One possibility is to expand tribal jurisdiction over all matters related to violence against women. It is reasonable to assume that if full territorial jurisdiction over violence against women cases was resumed to tribes, it will create better enforcement. Tribes will be more committed to the problem as a whole if they are the sole authority responsible for the well being of women within their reservation boundaries or territory. The confusion over the jurisdiction will be eliminated, thus streamlining the procedures for treating VAW cases and giving tribes the ability handle cases in a complete manner.*

*Expanding jurisdiction over non-Indian offenders, especially in domestic violence cases, is justified by the close voluntary link established by a non-Indian who marries an Indian woman. By marrying a tribal member and living in the tribal*

*community they give their consent to be part of the tribal community and therefore should be subject to tribal laws if they abuse their spouse, partner or children. Voluntary marriage is a kind of implied consent to the tribal court's jurisdiction. This argument can be made, also with greater difficulty, for non-Indians who had a relationship with a tribal member that resulted in a protection order. If they come onto a reservation and violate the protection order, they have impliedly consented to tribal power over their conduct as part of their relationship with the tribal member.*

*Another factor that could be used to support the argument for expansion of jurisdiction is the limited sentencing powers of tribal courts, which now stands on \$5000 fine or one year imprisonment. Consequently, there is no danger of tribal judges or juries handing out disproportionately harsh sentences. Additionally, the Supreme Court made it clear in Santa Clara v. Martinez that the civil rights of persons subject to tribal criminal jurisdiction are protected by habeas corpus -- they can always appeal to the federal courts to ensure that their rights were not violated, thereby supporting increasing the maximum fine and penalties a tribe can give.*

*In order for us to begin to address this critical issue from a legislative perspective Tribes must unite and lobby Congress to develop legislation that will lift the impediments that exists for law enforcement to protect our abused women and to let everyone know that if you commit domestic violence against one of our tribal women you will be prosecuted to the fullest extent of the law.*



The vigil ended with the release of balloons in honor and memory of the many victims of domestic violence; it hits closer to home than many people know. Members of the Pow Wow Club are shown above distributing balloons to be released.

## **KISS A COP**

Don't let the title mislead you, no one actually kissed a cop! Kiss A Cop, sponsored by the Family Services Department and the Tribe's Domestic Violence Task Force, is a recognition program for our Tribal Police Department in acknowledgment of the services they provide to Tribal Members and the local community. This year the Domestic Violence Task Force recognized this service and thanked our local patrol officers by a random drawing for prizes donated by Creek Family Restaurant/Weatherford's Sports Bar & Grill, Creek Smoke Shop, and Wind Creek Casino & Hotel. The winners of the random drawings were Tribal Police Officer Roger Ivey, who won a gift certificate for dinner for two at Weatherford's and Tribal Police Officer Ray Skipper, and Lieutenant Darrel Ledkins, who each won a \$20 gift certificate from the Creek Smoke Shop.

Investigator Doyle "Butch" Lee was presented with a \$160 gift certificate from Wind Creek for his work in the area of prosecution of non-Indian perpetrators of domestic violence against Tribal Members on the Reservation. In the past there was no due process for a Tribal Member who was a victim of domestic violence at the hands of a non-Indian on the Reservation. There was no resolution through Tribal Court because the Tribe has no jurisdiction over non-Indians and could not prosecute and the State has no jurisdiction over crimes committed on Reservation. Federal Court does have jurisdiction, but did not prosecute domestic violence since it is considered a misdemeanor.

Butch worked closely with Tribal Court, the Legal Department, and the US Attorney's Office in Mobile to try to resolve this issue. The result of their combined efforts is that the gate to change has been opened. The U.S. Attorney's Office of the Southern District of Alabama has appointed a special prosecutor, Darrell Atchison, to handle the domestic violence crimes committed on the Reservation. Darrell has already successfully prosecuted one case and is currently doing intake on a current case.

"The gate has been opened." Butch said. "With this small step we hope we can address other issues related to crimes in Indian Country. We want to make sure that our Tribal Members have the same due process as all other citizens. Tribal Court can assist with immediate relief through civil actions such as protection orders. We want Tribal Members to know that domestic violence is a crime that is 100% preventable and that we are here for them at all times."

# Ethics Corner

By: Carrie Martin, Ethics Chair



As we go into the holiday season there will be parties and gifts galore. With this in mind, I would like to reiterate the ethics code: GIFTS.

No Tribal Official or key employee shall solicit or accept any gift from any single sources having a market value of more than \$150.00 at any one time from:

1. A person or organization that is seeking official or professional action or preferential treatment from the Tribal Council or a key employee.
2. A person or organization that is seeking a contract, financial, or any other type of business with the Tribe.

However, there are some exceptions to these rules. The following items do not apply:

1. Gifts for social or traditional events.
2. Complimentary gifts offered to members of public at large, promotional items, gifts related to mass advertising mailing, or attendance at conference or a convention.
3. Gifts a person receives on behalf of the Tribe during course of diplomatic relations with other Tribal, State, or Federal governments.
4. Public service awards or honors.
5. Food and beverages at banquets, receptions, business dinners, conferences, or similar events.
6. Political contributions that are made according to election laws.

With this in mind, the Ethics Board wishes each and everyone a very Merry Christmas and Happy New Year. As always, we are willing to address any question or concern that you may have regarding the Ethics Code.

Advisory opinions and complaint forms may be obtained from the Chairman's Office, Tribal Court, or the Legal Department.

# Legal Update

Submitted by Venus McGhee Prince, Attorney General

I wanted to take this opportunity to update you on several legal matters affecting your interests as tribal members. If you have any questions regarding any of these matters, please feel free to contact any of your Tribal Council members at (251) 446-1140 or me at (251) 368-9136 Ext. 2525.

## RECENT TRIBAL LEGISLATION

### *Enrollment Ordinance*

The Tribal Council made the following changes to the Enrollment Ordinance in October that potentially affect you:

- Because the tribal roll closed on December 31, 2008, which has reduced the number of membership applications, the Tribal Council has restructured and placed the duties previously performed by the Enrollment Department under the Tribal Member Benefits Department.
- The Tribal Council has amended the appeals process to allow the submission of additional evidence that was not included in the completed enrollment application.

A full copy of the Enrollment Ordinance is available upon request.

## SIGNIFICANT COURT CASES

### *Community Recovery Services, Inc. v. PCI Gaming v. Eddie L. Tullis*

On March 14, 2006, Community Recovery Services, Inc. ("CRS") filed a complaint against PCI Gaming in Poarch Band of Creek Indians Tribal Court. CRS asserts, among other things, that PCI Gaming breached its contract with CRS with respect to improvements at Riverside Entertainment Center by refusing to pay in full or at all certain invoices and demands over \$2.1 million in damages. A preliminary audit initiated by PCI Gaming showed lack of basis for CRS' claim. PCI Gaming answered the complaint, denying CRS' claim and asserted counterclaims against CRS for the overcharges of CRS for the excessive payments made by PCI Gaming to CRS. On May 11, 2006, PCI Gaming filed a third party complaint against Eddie L. Tullis for approving and directing excessive and unreasonable payments to CRS.

The trial was held from June 22-25, 2009, and the evidence has now been submitted. The parties completed post-trial briefing on November 3, 2009. The parties are now awaiting a ruling from Tribal Court.

**Estate of Jewel Terry v. Escambia County, Escambia County Commission, and Poarch Band of Creek Indians**

In October 2008, the Estate of Jewel Terry (the “Terry’s”) sued Escambia County, the Escambia County Commission, and the Tribe in federal court claiming that the County’s action in vacating County Road 14 adjacent to the Wind Creek Casino and Hotel was void and in violation of state law and that both the Tribe and the County have since trespassed on its property. The County and Tribe filed motions to dismiss the Terry’s claims, and the federal court granted their motions. The Terry’s then filed a complaint in the Circuit Court of Escambia County essentially asserting the same claims made in the previous federal case. Once again, the County and Tribe filed motions to dismiss. The motions were granted. The Terry’s then moved to alter or vacate the judgment in the Tribe’s favor based on sovereign immunity and attempted to file several amended complaints, which makes additional claims for conspiracy and an action to determine ownership of the property and seeks to add Tribal Council members as defendants individually. At an August 11, 2009 hearing, the court granted the Tribe’s motion to strike the amended complaints.

The Terry’s appealed this ruling to the Court of Civil Appeals. The parties were ordered to appellate mediation and were preparing for mediation when the Terry’s unexpectedly withdrew their appeal. During this same time period, however, the Terry’s alleged that the Tribe’s Wind Creek property encroached on the Terry’s property in several respects and demanded that the alleged encroachments be removed within 72 hours. The Terry’s threatened to seek help from the Escambia County Sheriff or if the Sheriff is unwilling, to resort to self-help. The Tribe has not responded to these threats.

**T.J. Johnson Holdings, Inc. v. Poarch Band of Creek Indians, PCI Gaming, and CIE**

In April 2009, T.J. Johnson Holdings, Inc. (“Johnson”) sued the Tribe, PCI Gaming and CIE in federal court, claiming that the parking deck in Wetumpka that serves Riverside Entertainment Center encroaches onto Johnson’s portion of River Oaks Drive, which runs in front of the parking garage. The Tribe has filed a motion to dismiss based on sovereign immunity and lack of subject matter jurisdiction. On September 17, 2009, the federal court granted the Tribe’s motion to dismiss. On October 22, 2009, the plaintiff filed a similar complaint in state court. The Tribe will be filing a motion to dismiss this state complaint as well.

**Amy Bryan v. PBCI Election Board**

As previously reported, Amy Bryan filed a Notice of Appeal from the Election Board’s decision to overrule the grounds for her challenge to the 2009 election in Tribal Court. The Tribal Court held a status hearing on the Notice of Appeal on August 24, 2009. At the August 24 hearing, it was decided that

the parties will be submitting briefs in support of their positions. The briefing was completed by September 18, 2009, and Ms. Bryan also filed a request for a jury trial on September 17, 2009. On October 16, 2009, the Election Board filed a motion to strike the request for a jury trial and a motion for sanctions against Ms. Bryan’s attorney John D. Rivers. The parties are now waiting for the court to set a date for the hearing on the merits of the appeal as well as the Election Board’s motions.

**2009**  
***Tribal Kid’s Christmas Party***



Date: Tuesday, December 8, 2009

Time: 6:00 p.m. ‘til 8:00 p.m.

Location: Wellness & Activities Center

Tribal Christmas Party for Tribal Members and First Generation Indian Descent children age birth to 12 years old.

The Christmas Party will include:

A visit with Santa and photo session

Games & Crafts

Yummy food

Presents for ages birth - 12 years

# December 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
29 Nov. Tribal Council accepting applications for one vacancy on the PCI Gaming Board December 1-31, 2009	30	1 Tribal Council Meeting 4:00 p.m. Weight Watchers 5:00 p.m. Well & Act Center	2 Housing Authority Meeting 3:00 p.m.	3	4 CIEDA Authority Meeting 8:00 a.m.  Christmas Parade 5:00 p.m.	5
6	7	8 Tribal Kids Christmas Party 6:00-8:00 p.m. At The Gym	9	10 <i>Deadline To Submit Information For Jan/Feb Newsletter 5:00 p.m.</i>	11 Last Day To Submit Applications For Fall Basketball	12
13	14 Tribal Court 9:00 a.m. Well & Activities Authority Meeting 4:00 p.m. 4-H Club 6:00 p.m.	15 Tribal Council Meeting 4:00 p.m. Weight Watchers 5:00 p.m. Well & Act Center	16 Housing Authority Meeting 3:00 p.m.	17	18 CIEDA Authority Meeting 8:00 a.m. Tribal Offices Close At 12 Noon	19
20	21	22 Weight Watchers 5:00 p.m. Well & Act Center	23	24 Christmas Holidays Tribal Offices Closed	25	26
27	28 Tribal Court 9:00 a.m. Well & Activities Authority Meeting 4:00 p.m.	29 Weight Watchers 5:00 p.m. Well & Act Center	30	31 Last Day to Submit Application for PCI Gaming Board 5:00 p.m.	1 Jan. New Years Day Tribal Offices Closed	2

## Notes:

Please visit the Tribe's official web site at [www.porchcreekindians-nsn.gov](http://www.porchcreekindians-nsn.gov) for updated information as it becomes available.

### Newsletter Contact Information

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**Porch Creek Indians**  
5811 Jack Springs Road  
Atmore, AL 36502

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