

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO 1437 Bannock Street Denver, Colorado 80202</p>	
<p>Plaintiff:</p> <p>WARD CHURCHILL, an individual</p> <p>Defendants:</p> <p>UNIVERSITY OF COLORADO; THE REGENTS OF THE UNIVERSITY OF COLORADO, a body corporate;</p> <p>Patrick T. O'Rourke, #26195 Office of University Counsel 1800 Grant Street, Suite 700 Denver, Colorado 80203 (303) 860-5691 Patrick.orourke@cu.edu</p>	<p>Case Number:</p> <p>2006 CV 11473</p> <p>Division 6</p>
<p style="text-align: center;">AFFIDAVIT OF CHADWICK "CORNTASSEL" SMITH, PRINCIPAL CHIEF OF THE CHEROKEE NATION</p>	

The Affiant, Chadwick "Corntassel" Smith, deposes and states:

1. I am over 18 years of age and understand the obligations of oath when I provide a sworn affidavit.

2. I have personal knowledge of the matters I will describe in this affidavit. Patrick T. O'Rourke of the Office of University Counsel assisted me in preparing the form of the affidavit, but it expresses my opinions, not the University of Colorado's opinions. I have not been compensated in any way for providing my affidavit.

3. I hold the position of Principal Chief of the Cherokee Nation, the highest elected office within the Nation. I hold a master's degree in business administration from the University of Wisconsin and a juris doctorate from the University of Tulsa. I am a licensed member of the Oklahoma Bar Association. I am deeply motivated to maintain the integrity of scholarship related to indigenous people.

4. The Cherokee Nation is the second largest Indian tribe in the United States, with our principal headquarters in Tahlequah, Oklahoma. The Cherokee Nation is a sovereign nation, and has a sovereign governmental right to determine its citizenship, as recognized by federal law. *See Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978).

5. I submit this statement opposing the reinstatement of Ward Leroy Churchill to his previous position as a professor of Ethnic Studies at the University of Colorado. I believe that over the years, Churchill has created a harmful image of American Indians through his writings, teachings, and public speeches. While he is entitled to his opinions, I find it objectionable when he publicly and falsely casts those opinions to an impressionable audience under the guise of being a Cherokee American Indian professor. Churchill is noted for provocative political statements while standing on a platform of an appropriated American Indian identity. As leader of the Cherokee Nation, I find this very objectionable.

6. To be entitled to be a citizen of the Cherokee Nation, one must produce documented evidence of direct lineal descent from a Cherokee ancestor listed on the Dawes Commission Rolls, which were compiled pursuant to federal legislation culminating in the Curtis Act of 1898. The Dawes Commission is well known in the history of American Indians. The initial enrollment of Cherokee citizens was completed in 1906. For Ward Churchill to become a citizen of the Cherokee Nation, he would have to provide documented evidence of a direct lineal ancestor on the Dawes Rolls. The Cherokee Nation accepts for citizenship anyone who meets that standard, regardless of degree of Indian blood. Churchill has never produced such documented evidence, and is therefore not entitled to citizenship within the Cherokee Nation.

7. In 1984, the Cherokee Nation contracted with the Bureau of Indian Affairs to process Certificate of Degree of Indian Blood (CDIB) applications for all Cherokees. One must have a CDIB before one can apply to become a citizen of the Cherokee Nation or a member of the United Keetoowah Band of Cherokee Indians. To become a member of the United Keetoowah Band of Cherokee Indians, an individual must be at least one-fourth degree of Cherokee Indian blood. Ward Churchill has no CDIB, nor has he produced the required evidence establishing an ancestor on the Dawes Roll. Churchill therefore is not entitled to be a citizen of the Cherokee Nation, nor is he entitled to be an enrolled member of the United Keetoowah Band of Cherokee Indians.

8. Churchill's reinstatement to his previous position would allow this travesty of misrepresentation -- in the name of the University of Colorado -- to continue. Churchill's reinstatement would harm the Cherokee Nation, other American Indian tribes, Native scholars and academics, and the students whom he would be teaching. Ward Churchill already has done inestimable harm to American Indians. As the Principal Chief of the Cherokee Nation, I respectfully request that this Honorable Court not allow Churchill to continue harming Indian tribes and Native people from the academic post he has wrongly occupied for far too long at the University of Colorado.