

Exhibit 46a

in the case of:

**People of the Republic of Texas
and the
Sovereign Nation of the Republic of Texas**

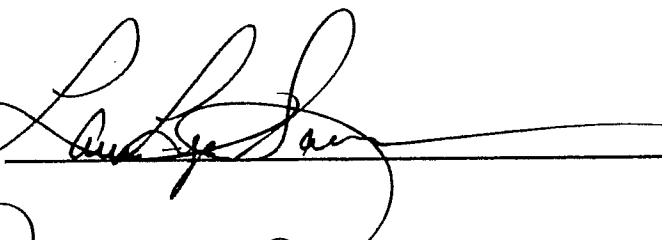
v.

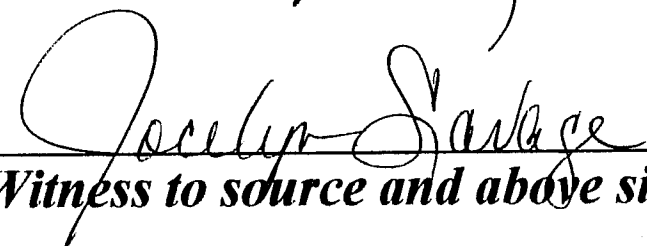
**UNITED NATIONS
(and all it's Political Subdivisions)
and
UNITED STATES
(and all it's Political Subdivisions)**

Under Pains and Penalties of perjury and the laws of the Almighty, and being sworn under a vow and oath, I attest that the attached pages are true and correct reprints of the:

The Texas Band of Cherokee Indians of the Mount Tabor Indian Community, from a Cherokee website.

This attestation is made on August 23, 1998.

Attest: 



Witness to source and above signature



Witness to above signatures



In recent years a number of groups have appeared in the state of Texas claiming to be the successors of the **Cherokee Nation of Texas** which was in part, expelled by the Texas Army from Texas in 1839. While it is true that not all Cherokees left in 1839, only scattered remnants under Chiefs, Wagon Bowles and Chicken Trotter remained after the Christmas day attack of 1839, on Cherokees in San Saba County, under the leadership of **Chief John Bowles**. Cherokees did establish communities near Waco in central Texas, near the Choctaw Nation border in northern Texas and in northern Mexico near San Fernando, Tamaulipas, but the majority of the **Texas Cherokee** peoples returned to the **Cherokee Nation** in Indian Territory.

While we as a group in no way attempt to determine the legitimacy nor dispute the claims of any group or individuals who say they are Cherokee Indians. We do though claim that we are Ridge Party Texas Cherokee descendants with a tribal organization in continued existence, in one form or another, since 1845. It was in that year that **Benjamin Franklin Thompson** a whiteman married to **Annie Martin** the daughter of **Judge John Martin** (*Chief Justice of the Cherokee Nation*), and niece of **Texas Cherokee Chief Richard Fields**, purchased 10,000 acres of land in Texas. . (*This what was part of the Mexican governments land grant to the Texas Cherokees negotiated by Richard Fields in 1822, as well as the 1833 & 1836 treaty area granted by the Consultation of the Republic of Texas.*)

Due to the near civil war state that existed then in the **Cherokee Nation** between the Ross Faction (*those that were part of the "trail of tears"*) and the Ridge or Treaty Party (*those that were signers and supporters of the 1835 Treaty of New Echota*) some fifty Cherokees fled for their lives to Texas. These went to what is now the area where Rusk, Smith, Cherokee and Gregg counties come together in a place coined in the book **Cherokee Cavaliers** as **Mt. Tabor, Texas**, thus the beginning of the **Mount Tabor Indian Community**.

The majority of these families if not all had some ties to the late Texas Cherokee Chief, Richard Fields. In fact most were either lineal descendants, cousins, nieces and nephews of the old chief. The main family progenitors that made up the community from 1845-1870 were: **George Washington Adair** and **Martha Martin-Adair** both Cherokees; **Sarah Ann Adair** a Cherokee; **William Penn Adair** a Cherokee; **John Bean** and **Sallie Starr-Bean** both Cherokees; **Thomas Jefferson Bean** and **Susannah Watie-Bean** both Cherokees; **John Bell Sr.** and **Sarah Caroline Harnage-Bell** both Cherokees; **Samuel W. Bell** and **Rachel Martin-Bell** both Cherokees; **Charles Bushyhead**, **Pauline Starr-Bushyhead** and **Sallie McCoy-Bushyhead** all Cherokees; **George Washington Candy** a Cherokee; **Lorenzo Dow Davis** a Cherokee; **Walter Adair Duncun** a Cherokee; **William Dupree** a Cherokee; **Archibald Fields** and **Elizabeth Hicks-Fields** both Cherokees; **Richard Fields** a Cherokee; **Walter Griffith Harnage** a Cherokee; **J.R. Horton** a Choctaw and **Elizabeth Hicks-Horton** a Cherokee; **John Wesley Knowles** and **Sarah B. Starr-Knowles** both Cherokees; **George Lowrey McCoy** and **Lucy Jane-Adair McCoy** both Cherokees; **Clement Vann McNair** and **Susannah Martin-McNair** both Cherokees; **Charles Reece** and **Nellie McCoy-Reece** both Cherokees; **George Harlin Starr** a Cherokee; **William Henry Starr** and **Mahalia Bird-Starr** both Cherokees; **Annie Martin-Thompson** a Cherokee; **Annie Strong-Thompson** a Cheraw; descendants of **Margaret McCoy-Thompson** a Choctaw; **John Alexander Watie** and **Elizabeth Fields-Watie** both Cherokees.

It was these people, their children and other relatives that made up the community until the coming of the American Civil War. Between 1861 and 1865 the community grew as Cherokees fled Federal troops in Indian Territory. In fact the community became exile headquarters of the **Confederate Cherokees** during the war. The most famous Mt. Tabor resident was **Stand Watie** who was the only Indian to reach the rank of Brigadier General in the Confederate Army (*He was elected as the Principal Chief of the of the southern Cherokees in 1863*). This demonstrated the continuing cohesiveness between the **Texas Cherokees** and the **Cherokee Nation** that existed long after the war.

After the death of **John Ross** in 1866 and **Stand Waite** in 1871, much of the community disbanded and returned to the **Cherokee Nation** in Indian Territory. Many there went on to become prominent in the affairs of the **Cherokee Nation** in the latter part of the 19th century. One descendant of **Benjamin Franklin Thompson** (*John Wilson*) became a Councilor of the **Cherokee Nation**, representing the Tahlequah District

In Texas the leadership of the group went from **Stand Watie** to **John Martin Thompson**, **Judge William Clyde Thompson** (*whose family later enrolled with the Choctaw Nation*) and **Martin Luther Thompson**. In the Cherokee Nation, the interests of the **Texas Cherokees** came under the leadership of Mt. Tabor born, **William Penn Adair**. Between these two men the interests of the **Texas Cherokees** were put before the courts in an effort to see the terms of the 1836 Treaty with the **Republic of Texas** fulfilled. Although the **State of Texas** did offer a much larger tract of land to the **Texas Cherokees** in the Texas Panhandle, it was rejected. This claim continued in the 20th century under the leadership of Cherokee attorney, **George Fields** as is reflected in the newspaper accounts of more than 300 **Texas Cherokees** meeting in regards to this on December 22, 1925. It was here that the **Texas Cherokee Executive Committee** was formed to officially govern the affairs of the **Texas Cherokees**.

Following **George Fields**, **W.W. Keeler** (*a descendant of Texas Cherokee Chief, Richard Fields*) became Chairman of the **Texas Cherokee Executive Committee**. He continued to push for the land claim of 1.5 million acres as guaranteed by the 1836 Treaty. The **Texas Cherokees** under Keeler pushed the case to the United States Supreme Court. In the courts decision, the treaty was said to be a valid treaty with the **Republic of Texas**, but did not apply to the **State of Texas**. Keelers fight with **Texas Governor John Connally** was well known and was only smoothed over by the relationship of **Judge Charles C. Thompson**, a descendant of the group, and his personal friendship with **Lyndon Baines Johnson**.

During this time, it should be noted that most **Texas Cherokees**, still in Texas, retained close ties to the **Cherokee Nation in Oklahoma**. In fact most viewed the group as a band of the Cherokee Nation. This though changed in 1975 with the adoption of the constitution for the **Cherokee Nation of Oklahoma**. Prior to this, in 1972, W.W. Keeler resigned as Chairman of the **Texas Cherokee Executive Committee** to continue full time as the **Principal Chief of the Cherokee Nation of Oklahoma** a position he had earlier been appointed to by **United States President Harry S. Truman**. With the adoption of that constitution which allowed only the descendants of Dawes Commission enrollees to gain membership in the **Cherokee Nation**, the **Texas Cherokees** were thereby cutoff and completely separated.

Texas Cherokees who remained in Texas did not qualify for enrollment based upon the fact that they were not citizens of the **Cherokee Nation** in Indian Territory during the enrollment period. Although more than seventy appeared on the Guion Miller roll this was to do them little good towards their descendants maintaining ties with the Cherokee Nation. With the loss of **W.W. Keeler** as Chairman, **Judge Foster Bean** (*himself an original enrollee on the Guion Miller roll*) along with **Mack Starr**, stepped up to take the lead in the affairs of the **Texas Cherokees**.

In 1989, the group at a meeting in Kilgore, Gregg County, Texas, chose to change the name officially from the **Texas Cherokees and Associated Bands** to the **Texas Band of Cherokee Indians**. In 1990 to further clarify the group, with so many

others claiming the title "**Texas Cherokee**", the words "**of the Mt. Tabor Indian Community**" was added.

During this same period a constitution was adopted by the **Texas Cherokee Executive Committee** made up of **Jerry Charles Thompson** as Chairman; **Saunders Gregg** as Co-Chairman and Legal Council; **Billy Bob Crim** as Secretary; **Roy Nicholas (Nick) Hearn** as Committee Member and Second Legal Council; **Cecil Lee Vincent** as Committee Member and Genealogist. **Judge Foster T. Bean** throughout this period continued to give advise and support to the committee even with declining health. It was also during this period that the band began to think of petitioning the Bureau of Indian Affairs for Federal Acknowledgment. After consultations with former **Cherokee Nation of Oklahoma** Principal Chief, **Ross Swimmer**, it was decided to proceed.

However with what appeared to be opposition of all non-recognized Cherokee groups by the **Cherokee Nation** administration of that time as well as negative responses from representatives of the BIA's Federal Acknowledgment Project, the band decided to postpone seeking acknowledgment until a more favorable time. Now with the perceived change in policies of the Bureau of Indian Affairs and a change in government of the **Cherokee Nation of Oklahoma**, now it appears would be the time to start the project again.

The reasons then for this web page, are to clarify who are the **Texas Cherokees** from historical times to present. Which families are considered to be progenitors who resided at the Mt. Tabor community in an area near present day Kilgore, Overton, Troup, and Laird Hill in east Texas. **Further we want to inform all descendants or those who believe they may have provable ties to the community, that the membership rolls closed on May 30, 1991 will be reopened as of September 15, 1997, in order to prepare for the possibility of a Texas Cherokee Federal Acknowledgment Project. Anyone who believes they are descended from this group are encouraged to apply. This includes all Fields descendants who are on or descended from those listed on the 1948 Fields heirs list compiled by Fred M. Carr.**

**Information & applications may be requested
after September 1, 1997 by writing:**

Texas Cherokee Acknowledgment & Claims Project

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