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## Joe Byrd (Cherokee chief)

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(Redirected from [Joe Byrd \(Cherokee Chief\)](#))

**Joe Byrd** (born 1954)<sup>[1]</sup> was the [Principal Chief of the Cherokee Nation](#) from 1995 to 1999. Byrd is [bilingual](#), with an ability to communicate in both [Cherokee](#) and [English](#). He ran for re-election in 1999, but lost to [Chad Smith](#). He ran again in 2003, but again lost to the incumbent Smith.

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### Joe Byrd

**Principal Chief of the Cherokee Nation**

**In office**  
1995–1999

**Preceded by** [Wilma Mankiller](#)

**Succeeded by** [Chad "Corntassel" Smith](#)

### Personal details

**Born**  
1954 (age 56–57)  
[Muldrow, Oklahoma](#)

**Alma mater** [Northeastern State University](#)

## Biography

[[edit](#)]

Byrd was born in [Muldrow, Oklahoma](#) and raised in the rural community of Nicut, Oklahoma. He is the son of Lillian Byrd and Stand Watie Byrd. He is also the father of three children, Joseph Byrd, Candice Byrd, and Julia Byrd.

Joe Byrd attended [Northeastern State University](#) and graduated with a [Bachelor of Science degree](#) in education in 1978 and a [master's](#) in guidance counseling administration in 1979. He subsequently worked in the field of Indian education. During his career prior to becoming Chief of the Cherokee Nation, Joe Byrd served as the education coordinator for the Cross Cultural Education Center, was a field specialist for the Cherokee Nation Education Department and bilingual educator and coach at Bell Community Public School. He also served as a counselor at Stilwell High School.

Joe Byrd has been actively involved in numerous organizations specifically dealing with Native American issues, including the Cherokee Baptist Association, Native American Diabetes Association, National Indian Education Association, Oklahoma Association for Bilingual Education, Drug Free for Youth program and Inter-tribal Council of the [Five Civilized Tribes](#).

Joe Byrd was appointed by [Oklahoma Governor Frank Keating](#) to the Oklahoma Native Culture Board, where he served two terms. He also held an appointment to the Planning Committee of the [National Indian Policy Center](#) in [Washington, D.C.](#) He has served as Vice President of the Cherokee Nation Higher Education Foundation. He is currently on the Board of Directors of the [Native American](#)

[Diabetes Association](#).

## Principal Chief of the Cherokee Nation

[[edit](#)]

In 1995, after his main rival was disqualified, Joe Byrd was elected Principal Chief of the Cherokee Nation, succeeding [Wilma Mankiller](#). Byrd's four year term of office was marked by controversy and conflict. By late 1997, the conflict had escalated into a constitutional crisis for the Cherokee Nation.<sup>[2]</sup><sup>[[citation needed](#)]</sup> Settling the conflict required US government intervention via the Bureau of Indian Affairs.

## Cherokee Nation Industries (CNI) Lawsuit

[[edit](#)]

In January 1996, Byrd supported the hiring of a law firm in which his brother-in-law, Terry Barker, was one of the partners. The law firm was hired on an hourly basis to represent CNI in a dispute with a defense contractor, [Stewart & Stevenson Industries, Inc.](#) (S&S) of Houston, Texas. In May 1996, Barker's law firm filed a federal lawsuit against S&S for Breach of Contract. By October, the law firm had accrued \$54,000.00 in unpaid hourly fees to CNI and \$59,000 in fees to the Cherokee Nation. On October 24, 1996, the CNI leadership signed a contingency agreement with Barker's law firm which granted the law firm 37.5% of any proceeds of the S&S litigation. Later that same evening, the CNI and S&S reached a settlement, with S&S agreeing to pay CNI 1.86 million dollars. Later court filing suggest that Terry Barker, and possibly Joe Byrd, knew about the probable settlement with S&S before CNI signed the contingency agreement.<sup>[3]</sup><sup>[[citation needed](#)]</sup> Despite the agreement limiting Barker's law firm to 37.5% of the settlement, the firm received \$894,000.00, or more than 48% of the total settlement.

## Tribal Council probe of Byrd's activities

[[edit](#)]

The unusual activities and business dealings of Byrd disturbed many tribal council members. Throughout the summer of 1996, Byrd repeatedly ignored requests and directives from the Tribal Council for financial statements and documents. Also in the summer of 1996, Pat Ragsdale, Director of the Cherokee Nation Marshal service, was directed to investigate allegations of corruption against Joel Thompson, Byrd's friend, confidant, and manager of Byrd's election campaign. Several other members of Byrd's administration also came under investigation. The allegations included illegal wiretap activities on Cherokee Nation premises, diversion of tribal funds, and illegal campaign funding.<sup>[4]</sup><sup>[5]</sup><sup>[[citation needed](#)]</sup>

Tensions between Byrd and the Tribal Council increased over Byrd's continuing refusal to comply with directives to disclose critical contracts and documents related to the Cherokee Nation funds. In August 1996, The Tribal Council petitioned the Cherokee Nation Justice Appeals Tribunal (JAT) for access to the requested materials from Byrd. The JAT ruled that all of Byrd's documents detailing any Cherokee Nation dealings were subject to review by the Tribal Council and to any Cherokee Nation citizen in accordance with the Cherokee Nation Constitution.<sup>[6]</sup><sup>[[citation needed](#)]</sup> Despite this ruling, Byrd refused to produce the requested documents.

Faced with Byrd's refusal to cooperate, Tribal Prosecutor Diane Blalock requested and received a search warrant for Byrd's headquarters. On Feb 25, 1997, the Tribal Marshals conducted a raid of Byrd's headquarters in which they seized and made copies of a number of documents. In retaliation for the seizure, Byrd fired Director Pat Ragsdale and Sharon Wright of the Cherokee Nation Marshals Service. One hour after they were fired, Cherokee Nation Justice Dwight Birdwell ordered their immediate reinstatement. Justice Birdwell also issued a standing order which stated any subsequent firings by Byrd would be considered contempt of court and obstruction of justice. Byrd then fired Ragsdale, Wright, and the entire Cherokee Nation Marshal Service. He later fired Prosecutor Blalock, who had, by then, filed obstruction of justice and misappropriation of funds charges against Byrd.<sup>[7]</sup><sup>[[citation needed](#)]</sup> As a replacement for the now "fired" marshals, Byrd requested that the Bureau

of Indian Affairs (BIA) assume all law-enforcement duties for the Cherokee Nation. He also established a new security force made up of individuals who had signified their loyalty to him.<sup>[8]</sup><sup>[*citation needed*]</sup>

## Wiretapping and FBI investigation [\[edit\]](#)

Byrd announced that he had requested an FBI investigation of Cherokee Nation Tribal Council Members, Marshals, and Justices on the grounds that they were plotting to "overthrow his administration".<sup>[9]</sup><sup>[*citation needed*]</sup> He also hired criminal defense attorneys who filed appeal briefs with the Cherokee Nation Courts. The briefs sought a stay of the warrants and stated that the Tribal Council was "plundering and pilfering" the evidence seized in the search warrants. Byrd also directed his criminal defense attorneys to file motions demanding suppression of Byrd's financial dealings, which had been seized as evidence. Byrd stated to the Justice Court that he and his associates had been conducting wiretaps of Cherokee Nation employees, government officials, and the Cherokee Nation Justice Courts. He claimed to have discovered, and turned over to the FBI, concrete evidence of the Cherokee Nation Justices' plots.

The Cherokee Nation Justice Court found Byrd in contempt and cautioned him against attempting to fire the Cherokee Nation Marshals during an ongoing investigation. Byrd responded by attempting to shutoff power, water, and electricity to the Cherokee Nation Marshals Complex, but was stopped by an order of Justice Birdwell.

On Thursday, March 7, 1997, US Attorney John Raley, in conjunction with the FBI, announced an investigation into Byrd's activities and of the events which had occurred at the Cherokee Nation Tribal Complex. The FBI seized the tapes that were produced as the result of Byrd's illegal wiretaps.<sup>[10]</sup><sup>[*citation needed*]</sup> After reviewing the tapes and interviewing numerous Cherokee Nation members who worked at the tribal complex, the FBI investigators concluded that Byrd's allegations were without merit; they then closed the investigation he had filed. The matter of Byrd's diversion of funds was turned over to the Cherokee Nation Justice Courts for resolution. However, the United States Attorneys office, in concert with the BIA, continued their investigation into Byrd's activities.<sup>[11]</sup><sup>[*citation needed*]</sup>

## Standoff with the Cherokee Nation Justices, BIA law enforcement intervention [\[edit\]](#)

On April 15, 1997, after Byrd was indicted by the Cherokee Nation Justice Courts for obstruction of justice and misuse of funds, he drafted articles of impeachment of the Cherokee Nation Court Justices.<sup>[12]</sup><sup>[*citation needed*]</sup> Byrd then proceeded to the Tribal Council chambers, where eight of the total fifteen council members were assembled. Despite the fact that the Council was without a quorum, Byrd ordered the councilors to approve the impeachment of the Cherokee Nation Courts Justices. He also ordered the councilors to vote for ratification and relinquishment of sovereign authority to the BIA for law enforcement within the Cherokee Nation.<sup>[13]</sup><sup>[*citation needed*]</sup> On April 24, 1997 the BIA ordered BIA Law enforcement personnel to assume control of Law Enforcement responsibilities within the Cherokee Nation.

On May 21, 1997, Byrd shut off power and utilities to the Cherokee Nation Justice Complex, fired the Justices, and ordered his security forces to board up the Courthouse. In response, the Cherokee Nation Justices issued warrants for his arrest. The Cherokee Nation petitioned the Federal Courts for BIA officers to confiscate the weapons of Byrd's security force. The federal judge declined to rule on the grounds that the Cherokee Nation would be required to relinquish total sovereignty before federal troops could be sent into the Nation to confiscate weapons. Byrd subsequently ordered the shutdown of the Cherokee Nation Courts. His security forces, along with those of the BIA, forcibly evicted the Justices from the Courthouse, then had the Courthouse boarded up and padlocked.<sup>[14]</sup><sup>[15]</sup><sup>[*citation needed*]</sup>

During the Cherokee National Holiday (Labor Day weekend) in 1997, Oklahoma SWAT teams with high powered rifles and BIA helicopters patrolled tribal lands. These actions were later characterized by Joe Byrd's administration in Court filings to be necessary to quell an "uprising" of the Cherokee People.

## Restoration of Order

[[edit](#)]

In August 1997, Byrd was summoned to [Washington D.C.](#) where he met with Attorney General [Janet Reno](#) and Secretary of the Interior [Bruce Babbitt](#). After several days of negotiations, Byrd signed an agreement that required that he relinquish control of the Cherokee Nation law enforcement system to the Bureau of Indian Affairs. By late September, the Cherokee Nation Courts were reopened and the Cherokee Nation Marshal service was reinstated.

## Aftermath

[[edit](#)]

The remaining years of Byrd's term were marked with intense scrutiny by the BIA. By late 1998, there were 11 active cases against Byrd, including two criminal charges regarding diversion of Federal funds.<sup>[13]</sup><sup>[*citation needed*]</sup> In what some see as an attempt to influence the outcome of the obstruction of justice cases against him, in early 1998 Byrd moved the district court out of the Tribal Courthouse. In reaction, six members of the Tribal Council began boycotting scheduled Council meetings, thus leaving the Council without a quorum and therefore unable to act. After a year of stand-off, Byrd capitulated and moved the district court back to the Courthouse.

Byrd's 1996-1997 actions also had a major impact on the Cherokee Nation's 1999 Constitutional Convention. During public hearings, there were, among other items, a strong push for procedures allowing for the recall of elected officials, a call for open financial records of the Nation's government, and a desire to strengthen the power and independence of the Judiciary.

In 1999, Byrd was defeated by [Chief Chad Smith](#) in the Cherokee Nation elections. After the election, more than four years of transition were required to restore the Cherokee Nation government and remove BIA intervention from the affairs of the Cherokee Nation.

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[[edit](#)]

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Phoenix 

Preceded by <b>Wilma Mankiller</b>	<b>Principal Chief of the Cherokee Nation</b> 1995–1999	Succeeded by <b>Chad "Corntassel" Smith</b>
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